

COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF RECREATION AND SPORTS

AMENDMENTS TO THE BYLAWS TO RULE THE PROCEDURES
FOR THE COMMITTEE OF SPORTS ARBITRATION

PURPOSE

To amend the Bylaws to Rule the Procedures for the Committee of Sports Arbitration to adjust them to the provisions of Act No. 170 approved on August 12, 1988, as amended, and add sections 1.A, 1.B, and 1.D to Article XI.

ARTICLE I - LEGAL BASIS

These Bylaws are amended by virtue of the provisions of Act No. 126 of June 13, 1980, Article II, 13 L.P.R.A. Sec. 442(j) and 442(k), as amended, and according to the provisions of Act No. 170 of August 12, 1988, as amended.

ARTICLE II - AMENDMENTS

We proceed to amend Article XI, Section 1 and add Sections 1.A, 1.B, 1.C and 1.D., amend Sections 3 and 4 of the same and to amend Articles XX, XXI, and XXIII of the Bylaws to Rule the Procedures of the Committee of Sports Arbitration to the effect that they be read as follows:

ARTICLE XI - PROCEDURE TO SUBMIT CONTROVERSIES TO ARBITRATION

Section 1 - Form

Any person interested in submitting a controversy for arbitration under the provisions of these Bylaws, shall submit a written document at the office of the Secretary, with copy to the Committee of Arbitration, specifying the facts and other pertinent details according to the form provided for this purpose and which

is made part of these Bylaws.

Every person with a legitimate interest in an arbitration proceeding may submit a written and duly documented application that shall permit him/her to intervene or participate in said proceeding. The Committee may, at its discretion, grant or refuse the application taking into consideration, among others, the following factors:

- a) That the interest of the petitioner may be adversely affected by the arbitration proceeding.
- b) That there exist no other means under the law so that the petitioner may adequately protect his/her interest.
- c) That the interest of the petitioner is already adequately represented by the parties in the proceeding.
- d) That the participation of the petitioner may reasonably help to prepare a more complete file of the proceeding.
- e) That the participation of the petitioner may excessively extend or delay the proceeding.
- f) That the petitioner represents or is speaker for other groups or entities in the community.
- g) That the petitioner may contribute information, expertise, specialized knowledge or technical counseling that would not be available otherwise at the proceeding.

The Committee may request that additional evidence be submitted, should it be necessary, in order to issue its determination with respect to the request for intervention in the arbitration proceedings.

Should the Committee opt to deny a request for intervention in an arbitration proceeding, it shall immediately notify the petitioner in writing indicating the basis of its decision and the available recourse for review.

SECTION 1.A - Conference Before the Hearing

The Committee may determine if it is necessary to hold a conference before the hearing, be it on its own initiative or by request from any of the parties, with the purpose of reaching a definite agreement, or simplifying matters or the evidence to be taken into consideration at the hearing. Stipulations between the parties may be accepted to solve the controversies as long as the Committee determines that it serves the best public interest.

SECTION 1.B - Notification of the Hearing

The Committee shall notify, in writing, all the parties or authorized representatives or interveners the date, time and place the arbitration hearing shall be held. Such notification shall be made by mail or personally no less than fifteen (15) days prior to the date of the hearing, except that for just cause, stated in the notification, it is necessary to shorten said period, and shall contain the following information:

- a. Date, time and place where the hearing shall be held, as well as its nature and purpose.
- b. Notice that the parties may appear assisted by lawyers even if they are not obligated to be so represented.
- c. Quotation of the legal or regulatory provision that authorizes the celebration of said hearing.
- d. Reference to the legal or regulatory provision allegedly infringed if an infraction to the same is imputed and the constitutive facts of said infraction.
- e. Warning of the measures the Committee may take if one of the parties does not appear at the hearing.
- f. Warning that the hearing may not be delayed.

SECTION 1.C - Application for a Private Hearing

The hearing before the Committee shall be public unless one

of the parties requests and duly establishes the basis for it to be private and the Committee so authorizes it if it understands it may cause irreparable damage to the petitioner.

SECTION 1.D - Stay of Proceedings

The Committee may not delay the hearing unless one of the parties requests it in writing expressing the causes which justify said delay. The application shall be submitted five days (5) prior to the date of the hearing. The petitioner shall send copy to the other parties and interveners in the proceeding within those five (5) days.

SECTION 3 - Serving of Notice

The Committee shall serve copy of the complaint to the other party, by certified mail or personally within fifteen (15) days following the date it is filed and stating in it the date, time and place the administrative hearing shall be held.

SECTION 4 - Term to Answer the Notice

The party or parties so notified shall have twenty (20) days from receipt of said notice to file a reply or reply brief to the document under which arbitration is requested.

If an answer is not received at the office of the Secretary within the term of twenty (20) days, it shall be understood that the complaint is accepted, but the Secretary may, at his entire discretion, accept the reply of said party or parties outside of the established term if the delay does not adversely affect substantial rights of the party that has requested the arbitration.

ARTICLE XX - RECONSIDERATION

The part adversely affected by the decision of the Committee of Arbitration may, according to the provisions of Act No. 170 approved on August 12, 1988, as amended, request a reconsideration from the Secretary within twenty (20) days counted from the date of notification of the decision. The Secretary shall have fifteen (15) days to decide with respect to the requested reconsideration, past which if he has not issued a decision it shall be understood that it has been flatly denied.

ARTICLE XXI

Section 1:

Any party adversely affected by a Secretary's decision in reconsideration may request judicial review of said decision before the Superior Court corresponding to the place of residency of the injured party through a recourse issued by the Court at its discretion. The appeal for review shall be filed before the Superior Court within a term of thirty (30) days counted from the date a copy of the notification of the order has been filed in records, the final resolution of the Agency or the expiration of the fifteen (15) days term of the reconsideration. The party shall notify the presentation of this appeal for review to the Agency and all other parties within the term to file for review. The notification may be done by mail.

ARTICLE XXIII - PENALTIES

The Secretary shall be empowered to impose fines up to a maximum of five thousand dollars (\$5,000.00) for violations to the provisions of these Bylaws and orders issued under it.

ARTICLE III - ENFORCEMENT

These amendments shall be in force thirty (30) days from their filing at the Department of State.

In San Juan, Puerto Rico, on May 9, 1990.

A handwritten signature in dark ink, appearing to read 'L. Gonzalez Rivera', with a circular flourish around the middle of the name.

LEONARDO GONZALEZ RIVERA
Secretary