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OFFICES OF THE  
**ATTORNEY GENERAL OF MISSOURI**  
JEFFERSON CITY

May 20, 1975

OPINION LETTER NO. 56

Mr. Alfred C. Sikes, Director  
Department of Consumer Affairs,  
Regulation and Licensing  
505 Missouri Boulevard  
Jefferson City, Missouri 65101

Dear Mr. Sikes:

This is in response to your request for an opinion on the following question:

"Does the Office of Athletics have the responsibility and authority to enforce its rules and regulations, to collect license and permit fees, and to assess the percentage tax on the proceeds of wrestling exhibitions conducted for the purpose of television filming when the audience does not pay an admission fee? And, were no audience permitted, would the same responsibility and authority prevail?"

By virtue of the Reorganization Act, the functions previously performed by the State Athletic Commission are now vested in the Office of Athletics, Division of Professional Registration, Department of Consumer Affairs, Regulation and Licensing. Pursuant to Section 317.020, the Office of Athletics has general charge of supervision of all wrestling exhibitions held in the state of Missouri.

Section 317.050 makes it a misdemeanor to conduct a public wrestling exhibition without a license. We are enclosing Opinion No. 19 rendered June 11, 1953, to Bert Cooper and Opinion No. 71 rendered September 16, 1959, to Charles W. Pian, which hold that what is now the Office of Athletics has authority over wrestling matches only where the wrestlers are paid and where there is an admission charge. These opinions are still applicable to wrestling matches which are not televised.

Mr. Alfred C. Sikes

However, it is our view that wrestling matches which are televised are "public" as such term is used in Section 317.050, RSMo, which provides that it shall be a misdemeanor to engage in a public boxing, sparring, or wrestling match unless a license has been granted by the Office of Athletics, and is an "exhibition" as such term is used in Section 317.020, RSMo, which requires that a license be obtained before a boxing, sparring, or wrestling exhibition is conducted. Subsection 4 of Section 317.020 provides for a license fee of ten dollars and provides that five percent of the gross receipts derived from the sale of television rights or privileges of boxing, sparring, or wrestling matches shall be paid by the license holder.

It is our view that wrestling matches which are televised are "public" matches and are "exhibitions" because of the fact that through television they are available for viewing by the entire television audience. Since the fact that the wrestling matches are televised makes them "public" and "exhibitions," it is immaterial whether or not there are spectators actually physically present at the televised wrestling matches.

Yours very truly,



JOHN C. DANFORTH  
Attorney General

Enclosures: Op. No. 19  
6-11-53, Cooper

Op. No. 71  
9-16-59, Pian