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**TITLE 10 OFFICE OF ATTORNEY GENERAL  
FOR THE STATE**

**Proposed Rule**  
LSA Document #01-264

**DIGEST**

Adds 10 IAC 4 concerning the regulation of athlete agents provided for in IC 25-5.2 (Senate Enrolled Act 171). Adds 10 IAC 4-3 establishing fees for an application for registration or renewal of registration of athlete agents. Adds 10 IAC 4-4 placing within the consumer protection division of the office of the attorney general the responsibility of the regulation of athlete agents, including the granting, denying, renewing, refusing to renew, suspending, revoking, and restricting of certificates of registration of athlete agents and investigation of athlete agents. Adds 10 IAC 4-5 establishing procedures for petitioning for administrative review under IC 4-21.5-3 and petition for the stay of effectiveness arising from the denial, suspension, revocation, restriction, or refusal to renew certificates of registration for athlete agents, and providing that the attorney general or his designee from outside the consumer protection division of the office of the attorney general may serve as administrative law judge in administrative proceedings under IC 4-21.5-3 arising from the denial, suspension, revocation, restriction, or refusal to renew certificates of registration for athlete agents. Effective 30 days after filing with the secretary of state.

**10 IAC 4**

SECTION 1. 10 IAC 4 IS ADDED TO READ AS FOLLOWS:

**ARTICLE 4. ATHLETE AGENTS**

**Rule 1. Authority and Applicability**

**10 IAC 4-1-1 Authority**

**Authority:** IC 4-6-2-1.3

**Affected:** IC 25-5.2

**Sec. 1. This article is adopted under the authority granted to the attorney general by the uniform athlete agent act (IC 25-5.2).** (*Office of Attorney General for the State; 10 IAC 4-1-1*)

**10 IAC 4-1-2 Applicability**

**Authority:** IC 4-6-2-1.3

**Affected:** IC 25-5.2

**Sec. 2. The definitions in the uniform athlete agent act and in this rule apply throughout this article.** (*Office of Attorney General for the State; 10 IAC 4-1-2*)

**Rule 2. Definitions**

**10 IAC 4-2-1 “Administrative law judge” defined**

**Authority:** IC 4-21.5-3-4

**Affected:** IC 4-21.5-1-1; IC 25-5.2

**Sec. 1. “Administrative law judge” shall have the meaning set forth in IC 4-21.5-1-2.** (*Office of Attorney General for the State; 10 IAC 4-2-1*)

### **10 IAC 4-2-2 “Division” defined**

Authority: IC 4-21.5-3-4

Affected: IC 25-5.2

**Sec. 2. “Division” means the consumer protection division of the office of attorney general for the state.** (*Office of Attorney General for the State; 10 IAC 4-2-2*)

### **Rule 3. Fees**

#### **10 IAC 4-3-1 Fee for registration as an athlete agent**

Authority: IC 4-21.5-3-4; IC 25-1-8-2; IC 25-5.2-2-7

Affected: IC 25-5.2

**Sec. 1. The fee for a two (2) year application for registration or renewal of registration is seven hundred dollars (\$700). The seven hundred dollar (\$700) fee shall be deposited in the consumer fund.** (*Office of Attorney General for the State; 10 IAC 4-3-1*)

### **Rule 4. Enforcement**

#### **10 IAC 4-4-1 Powers of regulation by the division**

Authority: IC 4-21.5-3-4

Affected: IC 25-5.2

**Sec. 1. The division shall have the responsibility for the regulation of athlete agents, including the:**

- (1) granting;**
- (2) denial;**
- (3) renewal;**
- (4) refusal to renew;**
- (5) suspension;**
- (6) revocation; and**
- (7) restriction;**

**of certificates of registration of athlete agents.** (*Office of Attorney General for the State; 10 IAC 4-4-1*)

#### **10 IAC 4-4-2 Powers of investigation by the division**

Authority: IC 4-21.5-3-4

Affected: IC 25-5.2

**Sec. 2. The division may investigate any athlete agent matter for which investigative authority is granted to the attorney general by IC 25-5.2.** (*Office of Attorney General for the State; 10 IAC 4-4-2*)

### **Rule 5. Administrative Proceedings**

#### **10 IAC 4-5-1 Administrative proceedings**

Authority: IC 4-21.5-3-4

Affected: IC 25-5.2

**Sec. 1. Any agency action by the division shall be governed by the rules under the administrative orders and procedures act (IC 4-21.5 et seq.).** (*Office of Attorney General for the State; 10 IAC 4-5-1*)

#### **10 IAC 4-5-2 Administrative hearings**

Authority: IC 4-21.5-3-4

Affected: IC 25-5.2

**Sec. 2. The attorney general shall set an administrative hearing date within twenty-one (21) days following receipt of the petition for review.** (*Office of Attorney General for the State; 10 IAC 4-5-2*)

**10 IAC 4-5-3 Administrative law judge to be chosen from outside the division**

Authority: IC 4-21.5-3-4

Affected: IC 25-5.2

**Sec. 3. For the administrative hearing described in 10 IAC 4-4-4, the attorney general or his designee shall act as administrative law judge. Should the attorney general choose to designate an administrative law judge, the administrative law judge for this hearing shall be selected from outside the division.** (*Office of Attorney General for the State; 10 IAC 4-5-3*)

**Rule 6. Agency Contract Notice Provision**

**10 IAC 4-6-1 Format for notice on agency contract**

Authority: IC 4-21.5-3-4

Affected: IC 25-5.2-2-8

**Sec. 1. For the purposes of IC 25-5.2-2-8, the notice required in IC 25-5.2-2-8(c) shall be considered adequate if the notice is in 14-point boldface type in capital letters within two (2) inches of the signature of the student athlete on the same page as the signature of the student athlete.** (*Office of Attorney General for the State; 10 IAC 4-6-1*)

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on October 22, 2001 at 11:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Training Room 8, Indianapolis, Indiana the office of attorney general for the state will hold a public hearing on proposed new rules to implement IC 25-5.2 concerning registration of athlete agents. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Fifth Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Allen K. Pope  
Director, Consumer Protection Division  
Office of Attorney General for the State