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BEFORE THE NEVADA STATE ATHLETIC COMMISSION

IN THE MATTER OF:

NICK DIAZ

**EXECUTIVE DIRECTOR'S OPPOSITION TO DIAZ'S MOTION TO QUASH SUBPOENA,
EXCLUDE FROM INQUIRY AND LIMIT PRODUCTION**

ROBERT BENNETT, Executive Director of the Nevada State Athletic Commission (the "Commission"), through legal counsel CHRISTOPHER ECCLES, Deputy Attorney General with the Nevada Attorney General's Office, hereby responds to NICK DIAZ'S (DIAZ'S) above-captioned Motion.

MEMORANDUM OF POINTS AND AUTHORITIES

I. PROCEDURAL HISTORY

DIAZ is licensed by the Commission and he competed in a professional mixed martial arts contest in Las Vegas on January 31, 2015 (the "Contest"). Executive Director Bennett filed the Complaint for Disciplinary Action (Complaint) against DIAZ on February 6, 2015 alleging that he violated the Commission's anti-doping regulations¹ and that he failed to

¹ Complaint, page 2, lines 10-16, attached hereto as Exhibit 1.

1 disclose his use of Marijuana on his Pre-Fight Medical Questionnaire.² The Commission
2 placed DIAZ on temporary suspension during the February 17, 2015 agenda. The matter has
3 been continued at DIAZ'S request to the Commission's September 14, 2015 agenda.

4 **II. STATEMENT OF FACTS REGARDING THE SUBPOENA**

5 On August 3, 2015, Francisco Aguilar, the Chairman of the Commission, subpoenaed
6 DIAZ (August 3, 2015 Subpoena) commanding his production of chain-of-custody and
7 urinalysis results for DIAZ'S urine specimens from the dates of January 13, 2015 through and
8 including January 28, 2015.³ DIAZ was ordered to produce the documents by August 13,
9 2015, which was the date set for the disciplinary hearing.

10 At DIAZ's request the matter was again continued to the Commission's September 14,
11 2015 agenda. The Chairman then issued an Order Regarding the August 3, 2015 Subpoena,
12 whereby he gave DIAZ more time—until August 28, 2015—to produce the documents.⁴

13 DIAZ filed this Motion today to evade production of relevant, non-confidential
14 documents. Director Bennett respectfully asks the Commission to summarily deny the Motion
15 based upon the arguments below.

16 **III. ARGUMENT**

17 **A. DIAZ'S URINALYSES RESULTS BEFORE THE CONTEST ARE RELEVANT 18 TO THE ALLEGATIONS IN THE COMPLAINT.**

19 DIAZ argues that his urinalyses results before the Contest are not relevant. He ignores
20 the fact that the Complaint alleges that he failed to disclose his use of Marijuana on his Pre-
21 Fight Medical Questionnaire.⁵ The Questionnaire asks if the fighter has used any drug or
22 medication within the prior 30 days. DIAZ answered "No" to these questions.⁶ The urinalyses
23 results before the Contest are relevant to whether DIAZ he provided false information on his
24 Pre-Fight Medical Questionnaire about his Marijuana use within the prior 30 days.

25 ² DIAZ'S 2015 Pre-Fight Medical Questionnaire, attached hereto as Exhibit 2.

26 ³ August 3, 2015 Subpoena, attached hereto as Exhibit 3.

27 ⁴ Order re August 3, 2015 Subpoena, attached hereto as Exhibit 4.

28 ⁵ Complaint, page 2, lines 12-13, attached hereto as Exhibit 1.

⁶ Exhibit 2, attached hereto.

1 Moreover, Lloyd Pierson (Pierson), DIAZ's manager, on or about January 23, 2015,
2 told the undersigned that DIAZ had problems obtaining a negative test result.⁷ This fact
3 disproves DIAZ's argument that his tests before the Contest are confidential.

4 **B. DIAZ'S URINALYSES RESULTS BEFORE THE CONTEST WERE**
5 **DISCLOSED BY HIS REPRESENTATIVE AND THEY ARE NOT**
6 **CONFIDENTIAL.**

7 Due to his 2012 Marijuana doping violation, the Commission ordered DIAZ to provide a
8 negative urine test result before reapplying in Nevada.⁸ DIAZ did not file his application until
9 January 28, 2015—only three days before the Contest.⁹ Why did he wait so long to apply for
10 a license for the biggest fight of his life? The answer is simple: Because he could not pass
11 the required urine test.

12 Thus, the week before the Contest, his manager reached out to the undersigned in
13 order to resolve the issue. It was Pierson who disclosed that DIAZ had to take multiple tests
14 in order to possibly obtain a negative result in the few remaining days before the Contest. In
15 fact, Pierson raised the issue of DIAZ applying for a Therapeutic Use Exemption (TUE) due to
16 his Marijuana use.¹⁰

17 And now, DIAZ blithely argues that these results are confidential. He even asserts a
18 commercial interest in preserving the confidentiality of failed urine tests disclosed by his own
19 manager as part of the Commission's application process. In fact, DIAZ was desperate to get
20 licensed for the biggest of his life. But he waited and waited until the eleventh hour to apply
21 because he could not obtain the required clean drug test result and he even sought a TUE for
22 his use of Marijuana.

23 ...

24 ...

25 ...

26 ⁷ E-mail to Lloyd Pierson, dated January 23, 2015, attached hereto as Exhibit 5.

27 ⁸ Commission's Order re DIAZ'S 2012 Marijuana doping case, page 15, lines 20-22, attached hereto as Exhibit 6.

28 ⁹ DIAZ'S 2015 Application, attached hereto as Exhibit 7.

¹⁰ Exhibit 5, attached hereto.

1 **C. THE FACTS AND LAW SUPPORT DISCLOSURE OF THE DOCUMENTS AND**
2 **DIAZ'S MOTION SHOULD BE SUMMARILY DENIED.**

3 All relevant evidence is admissible, but the Commission need not strictly follow the
4 rules of evidence that a court must follow.¹¹ But, the fact that the requested documents are
5 relevant is already demonstrated by the allegations in the Complaint.

6 And finally, the purpose of the disciplinary hearing is for the Commission to address
7 evidentiary issues and make finding of fact.¹² DIAZ should not be allowed to evade
8 production of relevant and non-confidential documents because they may or may not be
9 admitted into evidence at the disciplinary hearing.

10 **IV. CONCLUSION**

11 The Executive Director respectfully requests that DIAZ'S Motion be summarily denied.
12 Further, the Executive Director respectfully requests that the Commission proceed to a
13 disciplinary hearing.

14 DATED this 4th day of September, 2015.

15
16 ADAM PAUL LAXALT
17 Attorney General

18 By: 
19 CHRISTOPHER ECCLES
20 Deputy Attorney General

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23
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25
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27 ¹¹ Nevada Administrative Code (NAC) 467.936(4), attached hereto as Exhibit 8.

28 ¹² Id.; NAC 467.956, attached hereto as Exhibit 8.

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of September 2015, I served the foregoing
EXECUTIVE DIRECTOR'S OPPOSITION TO DIAZ'S MOTION TO QUASH SUBPOENA,
EXCLUDE FROM INQUIRY AND LIMIT PRODUCTION, by depositing a copy of the same in
the regular United States mail, postage prepaid, and E-Mail addressed as follows:

Lucas K. Middlebrook, Esq.
Seham, Seham, Meltz & Petersen, LLP
445 Hamilton Avenue, Suite 1204
White Plains, NY 10601
Lmiddlebrook@ssmplaw.com

And to:

Alicia R. Ashcraft, Esq.
2300 West Sahara Ave., Ste. 800
Las Vegas, NV 89102
ashcrafta@ashcraftbarr.com

And to: Melanie Hill, Esq. at: hillm@ashcraftbarr.com


An Employee of the Nevada Attorney General's Office

EXHIBIT 1

- 1 5. Immediately after the Contest, on the same date, DIAZ voluntarily submitted to a
- 2 urinalysis (the "Urinalysis") and provided an in-competition urine specimen for testing.
- 3 6. The Urinalysis reflected the presence of Marijuana Metabolites. The results of the
- 4 Urinalysis are reflected in the Drug Detail Reports, and the reported quantitative value
- 5 of Marijuana Metabolites in DIAZ'S specimen is > 300 ng / mL. **Exhibit 3**, attached
- 6 hereto.
- 7 7. Marijuana is a prohibited drug. **Exhibit 4**, attached hereto: World Anti-Doping Agency
- 8 2015 Prohibited List, Substances and Methods Prohibited In-Competition, S8.
- 9 Cannabinoids.
- 10 8. DIAZ's positive result for Marijuana Metabolites indicates that he administered or used
- 11 a prohibited substance before the Contest.
- 12 9. On his Pre-Fight Medical Questionnaire, sworn to under penalty of perjury, DIAZ failed
- 13 to disclose his use of Cannabinoids. **Exhibit 5**, attached hereto.
- 14 10. The administration of or use of any drug that has not been approved by the
- 15 Commission by a Nevada licensed mixed martial artist is prohibited by the regulations
- 16 of the Commission.

ALLEGED VIOLATIONS

- 18 11. Based upon and incorporating by reference the foregoing Factual Allegations, the
- 19 Executive Director alleges that DIAZ violated NAC 467.850. NAC 467.850(1), (2), (5)
- 20 and (6) provide in full as follows:
 - 21 1. The administration of or use of any:
 - 22 (a) Alcohol;
 - 23 (b) Stimulant; or
 - 24 (c) Drug or injection that has not been approved by the
 - 25 commission, including, but not limited to, the drugs or
 - 26 injections listed in subsection 2,
 - 27 in any part of the body, either before or during a contest or
 - 28 exhibition, to or by any unarmed combatant, is prohibited.
 2. The following types of drugs, injections or stimulants are prohibited pursuant to subsection 1:
 - ... (f) Any drug identified on the most current edition of the
 - Prohibited List* published by the World Anti-Doping Agency,
 - which is hereby adopted by reference. The most current

EXHIBIT 2

PRE-FIGHT MEDICAL QUESTIONNAIRE

Contestant's Name NICK DIAZ Age 31

Yes () No (X) Have you had an MRI/MRA or CT scan of the head for any reason other than state licensing? If yes, explain _____

Yes () No (X) Have you ever had any eye problems, surgery (Lasik, PRK), or special examinations? If yes, explain _____

Yes () No (X) Have you had any eye problems or eye issues since your annual exam was done? If yes, explain _____

Yes () No (X) Do you have any serious medical illnesses, diseases, conditions, or allergies of any kind? If yes, explain _____

Yes () No (X) Have you had any broken bones in last 6 months? If yes, explain _____

Yes () No (X) Have you had any injury to your shoulders, elbows, or hands that needed evaluation or examination? If yes, explain _____

Yes () No (X) Have you had any injury to your knees, ankles, or feet that needed evaluation or examination? If yes, explain _____

Yes () No (X) Have you had any lacerations or cuts that required sutures or glue in the last 3 months? If yes, explain _____

Yes () No (X) Have you had any surgeries? If yes, explain _____

Yes () No (X) Have you taken or received any medication, drug, cream, inhalant, or injection, whether prescription, over-the-counter, from anyone or anyplace, in the last month? If yes, explain _____

Yes () No (X) Have you taken or received any nutritional supplement or vitamin in the last month? If yes, explain _____

Yes () No (X) Have you taken or received any medication, drug, supplement, cream, inhalant, or pill to help you lose weight or cut water for this bout? If yes, explain _____

Yes () No (X) Have you suffered a KO, TKO, or any kind of loss of consciousness in the last 6 months during a bout, sparring, or any other activity? If yes, explain _____

What was your weight 2 weeks ago? 197 What was your weight 1 week ago? 195

When was your last bout, and what was the result of that bout? _____

I hereby swear, under penalty of perjury, that the above information is true and correct to the best of my knowledge.

Contestant's signature _____

Second's signature and name _____

NSAC Physician conducting this Evaluation: [Signature] on Jan 30, 2015

EXHIBIT 3

1 ADAM PAUL LAXALT
Nevada Attorney General
2 CHRISTOPHER ECCLES
Deputy Attorney General
3 Nevada Bar No. 9798
555 East Washington Avenue, Suite 3900
4 Las Vegas, Nevada 89101
Telephone: (702) 486-3105
5 Facsimile: (702) 486-3416
6 E-mail: ceccles@ag.nv.gov

7 BEFORE THE NEVADA STATE ATHLETIC COMMISSION

8 IN THE MATTER OF:) SUBPOENA TO NICK DIAZ
9) COMPELLING PERSONAL
NICK DIAZ) APPEARANCE AND PRODUCTION OF
10) DOCUMENTS AT HEARING

11 SUBPOENA

12 THE NEVADA STATE ATHLETIC COMMISSION SENDS GREETINGS TO:

13 NICK DIAZ, RESPONDENT.

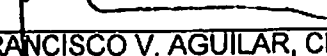
14 YOU ARE HEREBY COMMANDED that all excuses set aside to personally appear at
15 your disciplinary hearing scheduled for Thursday, August 13, 2015, at 9:00 a.m. Pacific Time, at
16 the Grant Sawyer Building, 555 East Washington Avenue, Suite 4500, Las Vegas, Nevada 89101.

17 ADDITIONALLY, YOU ARE HEREBY COMMANDED that all excuses set aside to
18 obtain and produce the following documents on or before the time of the disciplinary hearing:

19 Ten copies of all documents, including but not limited to, chain of custody and
20 urinalysis results, for urine specimens related to Nick Diaz for the dates January 13, 2015
21 through and including January 28, 2015. Respondent need not produce documents related to
22 the urine specimens collected by the Commission's representative on January 18, 2015
23 identified by specimen numbers: S006102594, S006102602, and S006102610.

24 Signed this 3RD day of AUGUST 2015.

25 ATHLETIC COMMISSION

26 By: 
FRANCISCO V. AGUILAR, CHAIRMAN

1 Issued at the request of:

2 ADAM PAUL LAXALT
3 Attorney General

4 By:


5 CHRISTOPHER ECCLES
6 Deputy Attorney General

7 **CERTIFICATE OF SERVICE**

8 I hereby certify that on the 3rd day of August 2015, I received service of
9 the above on behalf of the Commission and served the foregoing **SUBPOENA TO NICK DIAZ**
10 **COMPELLING PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AT**
11 **HEARING**, by depositing a copy of the same in the REGULAR United States mail, postage
12 prepaid, and via E-Mail, addressed as follows:

13 Lucas K. Middlebrook, Esq.
14 Seham, Seham, Meltz & Petersen, LLP
15 445 Hamilton Avenue, Suite 1204
16 White Plains, NY 10601
Lmiddlebrook@ssmplaw.com

17 And to:

18 Alicia R. Ashcraft, Esq.
19 2300 West Sahara Ave., Ste. 800
20 Las Vegas, NV 89102

21 
22 An Employee of the Nevada State Athletic Commission's Office
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EXHIBIT 4

BEFORE THE NEVADA STATE ATHLETIC COMMISSION

* * *

IN THE MATTER OF:) ORDER GRANTING CONTINUANCE
) OF DISCIPLINARY HEARING TO
NICK DIAZ) SEPTEMBER 14, 2015, AND
) ORDER REGARDING THE STATE'S
) AUGUST 3, 2015 SUBPOENA

ORDER GRANTING CONTINUANCE OF DISCIPLINARY HEARING

TAKE NOTICE that the hearing on the Complaint for Disciplinary Action in the above-captioned matter has been continued to September 14, 2015. Counsel for the State shall provide Respondent with details of the time and location of the meeting accordingly.

ORDER REGARDING THE STATE'S AUGUST 3, 2015 SUBPOENA

TAKE NOTICE that due to the continuance of the hearing, the date by which Respondent shall produce subpoenaed documents to counsel for the State has changed to August 28, 2015. Respondent shall personally appear at the September 14, 2015 hearing.

DATED this 17 day of August, 2015.

ATHLETIC COMMISSION,
DEPARTMENT OF BUSINESS AND INDUSTRY,
STATE OF NEVADA

By: _____

FRANCISCO V. AGUILAR, CHAIRMAN

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of August 2015, I served the foregoing ORDER GRANTING CONTINUANCE OF DISCIPLINARY HEARING TO SEPTEMBER 14, 2015, AND ORDER REGARDING THE STATE'S AUGUST 3, 2015 SUBPOENA, by depositing a copy of the same in the REGULAR United States mail, postage prepaid, and via E-Mail, addressed as follows:

Lucas K. Middlebrook, Esq.
Seham, Seham, Meltz & Petersen, LLP
445 Hamilton Avenue, Suite 1204
White Plains, NY 10601
Lmiddlebrook@ssmplaw.com

And to:

Alicia R. Ashcraft, Esq.
2300 West Sahara Ave., Ste. 800
Las Vegas, NV 89102
ashcrafta@ashcraftbarr.com


An Employee of the Nevada State Athletic Commission's Office

EXHIBIT 5

Christopher A. Eccles

From: Christopher A. Eccles
Sent: Friday, January 23, 2015 8:30 PM
To: lloydpierson@[REDACTED]
Subject: FW: NV State Athletic Commission - TUE docs

Llyod,

I left a voice message for you. As we discussed earlier, Nick needs to provide that negative drugs of abuse test result to the Commission as soon as possible. The cut off for marijuana is 150 ng / mL, so to be negative, he needs to be at 149 or less ng / mL of delta-9-THC. Given the time constraints, Nick should drop specimens immediately, every day for the next several days if need be. Call me if you have questions. Me cell is [REDACTED]

Thanks,

Chris Eccles
Deputy Attorney General

This message and attachments are intended only for the addressee(s) and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, I did not intend to waive and do not waive any privileges or the confidentiality of the messages and attachments, and you are hereby notified that any dissemination of this communication is strictly prohibited. If you receive this communication in error, please notify me immediately by e-mail at [REDACTED] and delete the message and attachments from your computer and network. Thank you.

From: Christopher A. Eccles
Sent: Friday, January 23, 2015 11:29 AM
To: 'lloydpierson@[REDACTED]'
Cc: Deisi Negron (dnegron@boxing.nv.gov)
Subject: NV State Athletic Commission - TUE docs

Mr. Pierson,

I am legal counsel for the Commission. I was told that you are legal counsel for Mr. Diaz. Please let me know if that is correct or if you represent Mr. Diaz in another capacity. Please see the attached documents and call me at [REDACTED] as soon as possible.

Robert Bennett is the Commission's Executive Director. Thus, when providing the completed forms to the Commission please e-mail them to [REDACTED] and copy me.

Thank you,

Chris Eccles
Deputy Attorney General

This message and attachments are intended only for the addressee(s) and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, I did not intend to waive and do not waive any privileges or the confidentiality of the messages and attachments, and you are hereby notified that any dissemination of this communication is strictly prohibited. If you receive this communication in error, please notify me immediately by e-mail at [REDACTED] and delete the message and attachments from your computer and network. Thank you.

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EXHIBIT 6

or otherwise discipline or take any combination of such actions against a licensee who has, in the judgment of the commission:

2. Violated any provision of this chapter [467];

3. Provided false or misleading information to the Commission or a representative of the Commission;

5. Conducted himself at any time or place in a manner which is deemed by the commission to reflect discredit to unarmed combat

106. Diaz violated NAC 467.885(3) by providing false or misleading information to the Commission or a representative of the Commission by his answers to questions on his Pre-Fight Medical Questionnaire dated February 3, 2012, referenced in paragraph 54 above.

107. Diaz is subject to a fine, and his license to compete is subject to suspension, due to his violations of NAC 467.850, NAC 467.885, and NAC 467.886.

III. ORDER

IT IS HEREBY ORDERED, by unanimous decision of the Commission, that:

108. Diaz's license to compete shall be suspended through February 4, 2013, which is 12 months from the date of the Contest.

109. Diaz shall pay a fine in the amount of \$79,500.00 to the State of Nevada, which is 30% of his purse for the Contest.

110. Diaz shall provide the Commission with a negative urine test upon filing his next application for an unarmed combatant's license, which can occur no earlier than February 4, 2013.

DATED this 15 day of June, 2012.

ATHLETIC COMMISSION,
DEPARTMENT OF BUSINESS AND INDUSTRY,
STATE OF NEVADA

By: 
SKIP AVANSINO, CHAIRMAN

EXHIBIT 7



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STATE ATHLETIC COMMISSION
OF NEVADA
APPLICATION FOR
UNARMED COMBATANT'S
LICENSE

FOR OFFICE USE ONLY		
License No	2527	
Cash	M.O.	Check
Number		
Receipt Number		

(Check One) ☐ Boxing ☐ Kick Boxing ☒ MMA

FEE: \$25

DATE 1-28-15

To THE STATE ATHLETIC COMMISSION OF NEVADA,

The undersigned, having paid the fee of twenty five dollars (\$25) as required by law, hereby makes application for a license as an unarmed combatant for the calendar year 2015 and makes the following representations:

(PLEASE PRINT)

Full Name Last DIAZ First NICHOLAS Middle _____
 Ring Name _____
 Mailing Address _____ Apartment No. _____
 City STOCKTON State CA COUNTRY USA Zip Code 95210
 Telephone (including area code) _____
 Email Address _____ @ _____
 Weight 185 Height 6' Feet 1" 1Inches Hair BROWN Eyes BROWN
 Age 31 Date of Birth (month-day-year) 8/2/1983 Place of Birth STOCKTON, CA
 Citizen of THE UNITED STATES
 Name of manager THE BALLENGER GROUP

Have you ever been disqualified in any contest or disciplined by the State Athletic Commission of Nevada or by any other Athletic Commission for any cause whatsoever? Yes ☒ No ☐

If "Yes," give details. 2007 SUSPENSION BY NEVADA FOR MARIJUANA. 2010 SUSPENSION BY TENNESSEE FOR ACTING AS AN UNLICENSED CORNERMAN 2012 SUSPENSION BY NEVADA FOR MARIJUANA.

Do you have a Nevada Business License issued by the Nevada Secretary of State? Yes ☐ No ☒

If "Yes", what is the number _____?

Have you ever been convicted of a felony or a misdemeanor? Yes ☒ No ☐

If "Yes", give details. I PLEAD NO CONTEST TO A MISDEMEANOR FOR FIGHTING IN PUBLIC IN 2003. FURTHER, I WAS CHARGED WITH A DUI IN NOVEMBER OF 2013 AND AGAIN WITH ANOTHER DUI IN SEPTEMBER 2014. BOTH MATTERS IN CALIFORNIA AND BOTH ARE CURRENTLY PENDING BEFORE THE COURT.

COMPLETE PROFESSIONAL RECORD:

WINS 25 LOSSES 9 DRAWS 0 NO CONTESTS 1 KO's _____

I hereby declare, under penalty of perjury, that I have read the foregoing application for an unarmed combatant's license, and all the answers to the questions have been completed by me and that all the answers given are my own, that all the answers are true of my knowledge, that this license expires on December 31 of the year issued (unless otherwise limited by the Commission). Further, I understand and agree that any misrepresentation of a material fact on this application shall constitute grounds for revocation of this license.

Applicant's Signature

(Sign Legal Name)

NEVADA STATE ATHLETIC COMMISSION 555 E. WASHINGTON AVE., SUITE 3200 LAS VEGAS, NV 89101-1046 TELEPHONE (702) 486-2575
 FAX (702) 486-2577 Website boxing.nv.gov

EXHIBIT 8

NAC 467.936 Procedure for hearing; rules of evidence. (NRS 467.030) At a hearing before the Commission:

1. Oral evidence may be taken only upon oath or affirmation administered by the Commission.

2. Each party has the right to:

(a) Call and examine witnesses;

(b) Introduce exhibits relevant to the issues of the case, including the transcript of testimony at an investigative hearing conducted by or on behalf of the Commission;

(c) Cross-examine opposing witnesses on matters relevant to the issues of the case, even though the matter was not covered in a direct examination;

(d) Impeach a witness regardless of which party first called him or her to testify; and

(e) Offer rebuttal evidence.

3. If the respondent does not testify on his or her own behalf, a party may call the respondent and examine him or her as if under cross-examination.

4. The Commission need not follow the rules of evidence that a court must follow. All evidence that the Commission determines to be relevant and submitted in accordance with the requirements of this chapter is admissible. If the Commission determines that the evidence is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, the Commission may use that evidence alone to support a finding of fact.

(Added to NAC by Athletic Comm'n by R083-00, eff. 9-22-2000)

NAC 467.956 Evidentiary standard for findings of fact. (NRS 467.030) The Commission will base its findings of fact made pursuant to subsection 4 of NRS 467.113 upon an evidentiary standard in which the evidence, when considered and compared with that opposed to it, has more convincing force and produces in the minds of the members of the Commission a belief that what is sought to be proved is more likely true than not true.

(Added to NAC by Athletic Comm'n by R083-00, eff. 9-22-2000)