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STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
ATHLETIC COMMISSION

BOB BENNETT  
*Executive Director*

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March 9, 2017

Alex Davis  
[Alexdavismma@gmail.com](mailto:Alexdavismma@gmail.com)

Re: UFC 207 Appeal – Alex Oliveira

Dear Mr. Davis:

The Nevada State Athletic Commission ("Commission") is in receipt of your formal appeal, on behalf of Contestant Alex Oliveira, regarding Mr. Oliveira's December 30, 2016 contest against Tim Means during UFC 207 (the "Contest").

Nevada Administrative Code ("NAC") 467.770, as amended by Section 112 of LCB File No. R062-16, governs changes of decisions after contests or exhibitions and it provides as follows:

Except as otherwise provided in section 37 of this regulation, the Commission **will not change a decision rendered at the end of any contest or exhibition unless:**

1. The Commission determines that there was collusion affecting the result of the contest or exhibition;
2. The compilation of the scorecards of the judges discloses an error which shows that the decision was given to the wrong unarmed combatant; or
3. **As a result of an error in interpreting a provision of this chapter,** the referee has rendered an incorrect decision.

Here, your appeal provides the following argument for a change of decision in Contestant Oliveira's contest: the Referee, Daniel Miragliotta, erred in declaring the contest a "no contest" instead of disqualifying Contestant Means for intentionally kneeling Contestant Oliveira while Contestant Oliveira was a downed opponent.

NAC 467.682 governs the duties of referees and it provides, in relevant part, the following:

1. A referee is responsible for enforcing the rules of the contest or exhibition. He or she shall not permit unfair practices that may cause injuries to an unarmed combatant.
2. The referee shall warn the unarmed combatants whenever they are committing fouls.
3. If an unarmed combatant commits a foul, the referee may deduct points from the unarmed combatant or disqualify him or her.
4. After making a determination, a referee may view a replay, if available, at the conclusion of a contest or exhibition stopped immediately due to an injury to an unarmed combatant pursuant to NAC 467.718 in order to determine whether the injury in question was caused by a legal blow or a foul.

...

NAC 467.7966 governs accidental fouls in MMA contests and it provides, in relevant part, the following:

1. If a contest or exhibition of mixed martial arts is stopped because of an accidental foul, the referee shall determine whether the unarmed combatant who has been fouled can continue or not. If the unarmed combatant's chance of winning has not been seriously jeopardized as a result of the foul and if the foul did not involve a concussive impact to the head of the unarmed combatant who has been fouled, the referee may order the contest or exhibition continued after a recuperative interval of not more than 5 minutes. Immediately after separating the unarmed combatants, the referee shall inform the Commission's representative of his or her determination that the foul was accidental.
2. If the referee determines that a contest or exhibition of mixed martial arts may not continue because of an injury suffered as the result of an accidental foul, **the contest or exhibition must be declared a no decision if the foul occurs during:**

- (a) **The first two rounds of a contest or exhibition that is scheduled for three rounds or less;** or
- (b) The first three rounds of a contest or exhibition that is scheduled for more than three rounds.

...

In the present case, Referee Miragliotta determined that Contestant Means committed an accidental, rather than intentional, foul in kneeling Contestant Oliveira because Contestant Means misunderstood the rules for a grounded opponent and believed that his knee strikes were legal once Contestant Oliveira lifted his hands off of the mat. The determination of whether a foul is accidental or intentional falls to the referee who is the sole arbiter of a contest. Referee Miragliotta subsequently determined that Contestant Means' accidental foul caused an injury to Contestant Oliveira that prevented Contestant Oliveira from continuing in the Contest. Based upon his findings and the requirements of NAC 467.7966(2)(a), Referee Miragliotta correctly ruled the Contest a "no decision."

A review of your arguments reveals that you have not provided adequate grounds for a change of decision in the Contest pursuant to NAC 467.770. Referee Miragliotta did not err in interpreting a provision of NAC 467. Moreover, you do not contend that collusion affected the result of the Contest or that there was an error in compiling the scorecards. Therefore, the Contest decision will stand and the matter will not be presented to the Commission for hearing.

Sincerely,



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Bob Bennett  
Executive Director