

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

AOUTNEIL MAGNY,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0001326**

Division of Enforcement Case No. 11 MMA 002

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Aoutneil Magny
15133 S. Madison Ave.
Dolton, IL 60419

Wisconsin Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

Division of Enforcement
Wisconsin Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Aoutneil Magny is licensed in the State of Wisconsin as a Mixed Martial Arts Professional Contestant, having license number 109-277, first issued on 05/12/2011 and current through 05/12/2012. Respondent's most recent address on file with the Department is 15133 S. Madison Ave., Dolton, IL 60419.

2. A Mixed Martial Arts Professional Contestant license application requires the submittal of laboratory blood tests no more than 90 days before the date of the application.

3. Respondent changed the date on his blood tests results submitted to the Department with his MMA professional contest license application so that they would appear to have been from within the 90 day time period.

4. Respondent submitted those same results with the changed date to the Indiana Gaming Commission.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 444.11, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Magny violated Wis. Admin. Code § RL 196.01(3)(d) by providing materially false information to the department when he submitted laboratory results that were conducted more than 90 days before the date of the application and changed the date so it met the requirements of Wis. Admin. Code §193.04(2)(d).

3. As a result of the violations noted in the Conclusions of Law, Respondent Magny is subject to discipline pursuant to Wis. Stat. § 441.11.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Magny's (license number 109-277) license is SUSPENDED for a period of 10 days starting 10 days after the date of this order. Said suspension shall continue until new blood test results consistent with the requirements of Wis. Admin. Code § RL 193.04(2)(d) are submitted to the Department.

2. Within 90 days of the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$250.00.

3. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

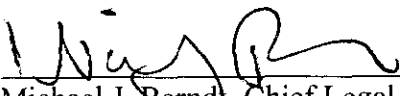
Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Department in its discretion may in the alternative impose additional

conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs and forfeiture as ordered and as set forth above, Respondent's license (no. 109-277) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and forfeiture.

5. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Legal Counsel
On Behalf of the Department

1/24/12
Date