

STATE OF CALIFORNIA



DEPARTMENT OF CONSUMER AFFAIRS

California State Athletic Commission

2005 Evergreen St., Ste. #2010

Sacramento, CA 95815

www.dca.ca.gov/csac

(916) 263-2195 FAX (916) 263-2197

Members of the Commission

Commissioner John Frierson, Chair

Commissioner Eugene Hernandez, Vice-Chair

Commissioner Van Buren Lemons, M.D.

Commissioner Christopher Giza, M.D.

Commissioner Brian Edwards

Commissioner Linda Forster

Commissioner Mike Munoz

 Action may be taken on any item listed on
 the agenda except public comment.
 Agenda items may be taken out of order

COMMISSION MEETING**April 9, 2012**

Department of Consumer Affairs

Hearing Room

1625 North Market Blvd

Sacramento, CA 95834

AGENDA

Monday, April 9, 2012

9:30 a.m. – 4:00 p.m.

1. Call to Order/Roll Call/Pledge of Allegiance
2. Approval of Minutes
 - a. February 6, 2012
 - b. March 5, 2012
3. Executive Officer's Report
 - a. Budget Update – Brian Skewis, DCA Assoc. Budget Analyst
 - b. Update on Status of Regulations
 - c. Strategic Planning Dates
 - d. Boxer Pension Fund – Beth Harrington, Benefit Resource and Cyril Shah, Raymond James Financial Services
 - e. Office Staff and Staff Counsel Introductions
 - f. Staff Recognition – Nichole Bowles
4. 10:00 a.m. REGULATIONS – PUBLIC HEARING
Therapeutic Use Exemption and modification of prohibited substances list regarding asthma medication. (CCR, Title 4, Division 2, Chapter 1, Article 6, section 303 and 303.1).
5. Introduction of DCA Executive Staff – Awet Kadane, Chief Deputy Director and Reichel Everhart, Deputy Director of Board and Bureau Relations
6. BreZE Project Overview and Update – Brandon Rutschmann
7. Public Comment on Items not on the Agenda
(Note: The Commission may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]
8. Appeal of Suspension – Cris ("Cyborg") Justino

LUNCH

9. Appointments to the Advisory Committee on Medical Safety Standards
10. New Promoter Applications for Licensure
 - a. George Karambelas – George Karambelas Promotions
 - b. Don McDaniels – Muay Thai in America
11. Proposed Revised Gift Policy
12. Agenda Items and Dates for Future Meetings

Adjournment

NOTICE: The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting George Dodd at (916) 263-2195 or email george.dodd@dca.ca.gov or sending a written request to George Dodd at the California State Athletic Commission, 2005 Evergreen Street, Suite 2010, Sacramento, CA 95815. Providing your request at least five (5) days before the meeting will help ensure availability of the requested accommodation. Requests for further information should be directed to George Dodd at the same address and telephone number.

Meetings of the California State Athletic Commission are open to the public except when specifically noticed otherwise in accordance with the Open Meetings Act. The audience will be given appropriate opportunities to comment on any issue presented.

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 2 (a)
Approval of Minutes
February 6, 2012



Chairman John Frierson
Vice-Chairman Eugene Hernandez
George Dodd, Executive Officer



CALIFORNIA STATE ATHLETIC COMMISSION MEETING MINUTES

Monday, February 6, 2012

9:30 A.M. – 3:00 P.M.

Junipero Serra State Building

Carmel Room

320 West 4th Street

Los Angeles, CA 90013

Commissioners Present:

Chairman John Frierson

Commissioner Dr. Van Buren Lemons

Commissioner Dr. Christopher Giza

Vice Chairman Eugene Hernandez

Commissioner Mike Munoz

Commissioner Linda Forster

Staff Present:

George Dodd, Executive Officer

Anita Scuri, DCA Legal Office

Elizabeth Parkman, Program Analyst

Dorothea Johnson, Deputy Director, Office of Legal Affairs

Karen Chappelle, Supervising Deputy Attorney General

Kathi Burns, Assistant Executive Officer

Che Guevara, Chief Athletic Inspector

The minutes reflect the order in which the agenda items were heard.

Agenda Item 1. Call to Order / Roll Call / Pledge of Allegiance

A quorum was present. Commissioner Edwards was absent.

Agenda Item 2. Election of Officers

Commissioner Forster nominated Commissioner John Frierson for Chairman and Commissioner Eugene Hernandez for Vice-Chairman. Both nominations were accepted.

It was Moved/Seconded/Carried (M/S/C) to elect Mr. Frierson as Chairman and Mr. Hernandez as Vice-Chairman.

Agenda Item 3. Approval of Minutes

December 13, 2011

It was M/S/C to approve the minutes.

Agenda Item 4. Executive Officer Report

a. Budget Update

Mr. Dodd provided a report of the CSAC's fund condition as of December 31, 2011 and offered to answer any questions.

Mr. Dodd reported on the hiring of two new staff members: Shilo Wilson and Teryn Fleming; and announced Che Guevara's promotion to Chief Athletic Inspector.

b. Update of Status of Regulations

Ms. Burns provided a chart showing the status of regulations that are currently before the commission. The 45-day notice for the *Therapeutic Use Exemption* was posted and the commission is currently receiving public comment on this regulation package. The public hearing will be held during the April 9, 2012 meeting.

c. Strategic Plan Update

Mr. Dodd explained to the commission that it was time to prepare a new/updated strategic plan. He recommended that parameters and deadlines be set. Dates for plan development will be selected at the April 9, 2012 meeting.

d. Officials Yearly Event Totals

Mr. Dodd provided a report of the total number of events each official worked during 2011.

e. Inspector Recognition – Mo Noor and Sid Sigovia

Lead Inspector's Mohammed Noor and Sidney Sigovia were recognized for their years of superior service to the commission and leadership at events.

Agenda Item 5. Public Comment on Items not on the Agenda

Official Jack Reiss spoke on behalf of the California Boxing Officials Association, a newly established association established to represent all licensed California officials. The next meeting of the association is February 19, 2012. The following members of the association were in attendance: Raul Caiz Jr.; Max De Luca; Pat Connolly; Gwen Adair; Marty Denkin; Jerry Cantu; Dr. Lou Moret; Sergio Caiz; Carla Caiz; Danny Sandoval

Agenda Item 6. Consideration of Amateur Boxing Rules

a. USA Boxing Input
b. Costs

Mr. Anthony Bartowski, USA Boxing Executive Director, addressed the proposed rule changes to amateur boxing. He discussed each rule separately and noted where similarities and contradictions to the USA boxing rules existed. After discussion, a CSAC task force was created to provide input on the issue, including what costs such rules may impose upon amateur athletes. The task force shall consist of a representative from USA boxing and commission members, Dr. Giza and Mr. Munoz.

It was M/S/C to continue development of amateur boxing rules after input from the newly formed CSAC task force.

Additionally, Mr. Dodd was asked to create a document to send to promoters of celebrity boxing events that would outline 1) the limitations of such events 2) activities that would require the event to be regulated by the commission, and 3) an acknowledgment as to the activities in which the celebrities will be engaged.

Agenda Item 7. USA Boxing Annual Report

Mr. Bartkowski submitted the final annual report for each of the four divisions of USA Boxings' Local Boxing Committees; California Border, Central, Northern and Southern California. He reported that membership had increased; no insurance claims were filed, nor were major injuries reported in the past year. He indicated that these clubs have prepared and ultimately have had several athletes selected for competition in the 2012 Olympics.

Agenda Item 9. New Promoter Applications for Licensure

a. Branden Ware – West Coast Fight Championship

Mr. Dodd stated that while there were some challenges at Mr. Ware's event there were no issues surrounding the health and safety of the fighter. Ms. Chappelle reviewed and questioned the accounting report the promoter submitted as it was missing relevant information. She suggested he submit a follow-up report with the missing information for further review and approval.

It was M/S/C to grant Mr. Ware a promoter's license contingent upon receipt of a revised CPA report.

Agenda Item 11. Proposed Modification to the Officials' Pay Scale

The Officials' subcommittee met and agreed that an increase in the pay scale for MMA Officials to match that of the pay scale for boxing officials was warranted as was an increase in the time-keeper pay, which also should include a pay structure for Pay-Per-View/Main events. A draft pay scale reflecting such changes was provided to the commission for review and is incorporated by reference.

It was M/S/C to adopt the new pay-scale.

Agenda Item 13. Discussion on Changing Mechanics Prior to Ending a Round

Commissioner Frierson stated that he believed it may be beneficial to fighter safety if the end of round warning was changed from 10 seconds to 5 seconds. The commission participated in discussion with present members of the public on the topic.

It was M/S/C to refer this topic to the Officials' subcommittee.

Agenda Item 8. CAMO Annual Report – Jeremy Lappen, Chief Executive Officer

Mr. Lappen reported on the continued growth of CAMO's organization, their annual seminar and detailed their participation in the hydration study. Also, he introduced two initiatives and explained the reasoning and goals behind CAMO's request for commission approval of the initiatives. They are as follows:

a. Combat Grappling (No striking while standing)

CAMO requested to establish a new division known as combat grappling where there will be no striking while standing allowed, and each round will be three minutes in length.

PUBLIC COMMENT:

Tony Altovilla (CAMO Promoter) supports the three minute round for combat grappling.

It was M/S/C to permit CAMO to establish a combat grappling division.

b. Amateur MMA Rules (Changing number of fights to 4 to allow 3 minute rounds)

CAMO believes that many amateur athletes should be allowed to begin competing in three minutes rounds after their fourth fight as it is fairly common that an athlete will not compete ten times before turning professional.

PUBLIC COMMENT:

John McCarthy (Referee) explained that when fighters go pro they do 3-3 minute rounds and he believes that making this change would be helpful for the amateurs that are making their pro-debut.

Roy Engelbrecht (Promoter) believes the fighters should be able to choose either 2 or 3 minute rounds.

Tony Altovilla (CAMO Promoter) supports 4 fights instead of 10.

It was M/S/C to permit CAMO to reduce the number of fights from ten to four with each round being three minutes for all amateur MMA divisions except combat grappling unless the athletes agree to 2 minute rounds.

Agenda Item 10. Promoter's Promotional Contract Update

Mr. Dodd reported that he, several promoters, and Ms. Chappell met and discussed provisions of promotional contracts and found that changes to the contract may be necessary.

Eric Gomez, Golden Boy Promotions; Roy Englebrecht; and Dan Goosen, Goosen Tutor Promotions, commented on the logistical difficulties that exist since the contract must be signed in the presence of commission staff and also that having the contract filed with the commission exposes, to the inquiring public, items in the contract that should remain confidential between the parties.

It was M/S/C to direct the DCA Legal Office to prepare a proposal and then discuss options at an interested parties meeting.

Agenda Item 12. Neurological Fund

- a. Request to Set Regulatory Hearing Assessment and Reimbursement**
- b. Recommendations for Legislative Change**
- c. Adjustment to Current Amount of Assessment**

Ms. Burns presented the commissioners with the results of staff's analysis of the neurological examination account as requested at the December 2011 Commission meeting. She explained that the related law requires the payment of *all medical examinations*, not just neurological examinations, as was previously believed. A review of the budget of the account and the expenditures associated with funding *all medical exams* revealed that a significant increase in the assessment would be required to offset an increase in the commission's appropriation in order to fund all required exams. It was also determined that the possibility of only paying for neurological exams, rather than all exams would still require an increase to the assessment fee and the account's appropriation. With the account's current fee structure and appropriation level, the commission would only be able to fund neurological exams for approximately half the licensing population.

Dr. Giza presented the options developed at the Medical Advisory Committee meeting based upon staff's analysis of the account. The committee proposed the commission pursue legislation to remove the collection of medical exam assessment fees to pay for actual medical exams; and to authorize using the existing fund balance and assessment authority to pursue a pilot project to create a medical data base with future funding to be used to operate, maintain and analyze data from a new data base. Additionally, since the commission is not currently funding the neurological exams of fighters, to consider lowering the assessment fee from .60 cents per ticket to .01 cent per ticket since promoters have paid into the account for years without benefit.

The pilot project will use existing appropriation to fund computerized neurological exams of approximately 200 volunteer licensed fighters over a two-year period, to study the type and usefulness of the data collected and to compare it to the neurological exam currently used. Information gained from that study, using existing appropriation, would then be used to create a useful medical data base designed to protect the health and safety of fighters by 1) tracking injuries; 2) assisting in determining when a fighter is safe to return to active participation after sustaining an injury; 3) identifying medical trends; and 4) assisting prevention of injury by identifying individuals who may be at a greater risk.

Currently, it appears there are sufficient funds in the account to conduct the study and create the medical data base. Eventually, the assessment fee will be recalculated to cover costs associated with the administration of the account, as well as the maintenance and operation of the data base and its information.

It was M/S/C to pursue legislation to remove the collection of medical exam assessment fees to pay for the actual medical exam; and instead, use the existing fund balance and assessment authority to create a medical data base with future funding to be used to operate, maintain and analyze data from a new data base; and in the meantime to lower the assessment fee from .60 cents per ticket to .01 cent per ticket.

It should be noted that all fighters must continue to meet all medical exam requirements, including the neurological exam requirement, in order to compete in California.

Agenda Item 14. Review of the No Gift Policy

Deputy Director of the DCA Legal Affairs Division, Dorothea Johnson, reminded the commissioners that "gifts" are subject to the Fair Political Practices Commission (FPPC) guidelines and addressed the requirement that if the Commissioners are not attending an event in a work capacity, entrance to the event is considered a gift.

Vice Chairman Hernandez explained that when any Commissioner attends an event, it is for audit purposes and they are in an official working capacity.

It was M/S/C to modify the current "no gift" policy to be consistent with gift limitations under the guidelines of the FPPC.

Agenda Item 15. Agenda Items and Meeting Dates for Future Meetings

- Strategic Plan meeting dates
- Amateur Boxing Rules
- Review policy for *Promotional Contracts*
- Review the updated "No Gift" policy
- Commission Meeting – April 9, 2012 – Department of Consumer Affairs, Sacramento

Adjourned

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 2 (b)
Approval of Minutes
April 9, 2012



Chairman John Frierson
Vice-Chairman Eugene Hernandez
George Dodd, Executive Officer



CALIFORNIA STATE ATHLETIC COMMISSION MEETING MINUTES
March 5, 2012
Ronald Reagan State Building
Auditorium
300 South Spring Street
Los Angeles, CA 90013

Commissioners Present:

Chairman John Frierson
Commissioner Dr. Van Buren Lemons
Commissioner Linda Forster

Vice Chairman Eugene Hernandez
Commissioner Mike Munoz
Commissioner Brian Edwards

Commissioners Absent:

Dr. Christopher Giza

Staff Present:

George Dodd, Executive Officer
Anita Scuri, DCA Legal
Karen Chappelle, Supervising Deputy Attorney General

Kathi Burns, Assistant Executive Officer

The minutes reflect the order in which the agenda items were heard.

Agenda Item 1. Call to Order / Roll Call / Pledge of Allegiance

A quorum was present.

Agenda Item 2. Determination of Need for Special Meeting

The Commission finds that immediate action on this item is required to protect the public interest. Without such a meeting, the Commission is prevented from evaluating the professional mixed martial artist application of Joshua Barnett in time for California to host an event where Mr. Barnett is scheduled to fight. California has an interest in hosting this event for the potential benefit it would have to the state, as well as the hosting city and surrounding community where the event is to be held. The event is scheduled for May 19th and the Commission's next meeting is not until April 9th. This does not allow the promoter and television sponsor enough time to sell tickets and advertise; therefore without this meeting, the event would be moved from California.

It was Moved (Hernandez)/Seconded (Forster)/Carried (M/S/C) that this meeting met the requirements of Government Code section 11125.4(c).

Agenda Item 3. License Application after Denial

a. Joshua Barnett

Anita Scuri explained the Commission's authority to consider the licensing application of Mr. Barnett and that the burden of proof lies with Mr. Barnett to prove his fitness for licensure.

Karen Chappelle, Deputy Attorney General, was present and represented the Commission. She presented a chronology of Mr. Barnett's history, stated that the Commission was considering a new application from Mr. Barnett, that he has met the requirements for licensure, and is before the Commission at this time to demonstrate why he should be granted licensure. She further stated that his license had previously been denied due to testing positive for using steroids and she explained the appropriateness of using the rehabilitation criteria recently established by the Commission, and currently pending final regulatory effect, to evaluate Mr. Barnett's eligibility for licensure.

Joshua Barnett was present and represented by Jeffrey Spitz. Mr. Barnett was put under oath and addressed the Commission, stating his reasons for wanting to fight in California, how he has been rehabilitated since testing positive for steroids and why he would never use steroids in the future.

The Commission listened to and considered the information and evidence presented and asked questions of both parties.

It was M (Frierson)/S (Forster)/C (4 yes/2 no (Hernandez and Munoz)) to grant Mr. Barnett a California license as a professional mixed martial artist under the condition that he submits to random biological fluid testing with the timing of such tests to be at the discretion of commission staff.

Agenda Item 4. Public Comment

There was no public comment given.

Adjourned

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 3 (a)
Executive Officer's Report
Budget Update



Chairman John Frierson
Vice-Chairman Eugene Hernandez
George Dodd, Executive Officer

0326 - Athletic Commission Fund

Analysis of Fund Condition

Prepared 3/28/12

(Dollars in Thousands)

FY 2012-13 Governor's Proposed Budget WITH PROJECTED REVENUE AND EXPENDITURES

	Governor's Budget				
	ACTUAL	CY	BY	BY +1	BY +2
	2010-11	2011-12	2012-13	2013-14	2014-15
BEGINNING BALANCE	\$ 888	\$ 416	\$ 97	\$ 136	\$ 136
Prior Year Adjustment	\$ (77)	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 811	\$ 416	\$ 97	\$ 136	\$ 136
 REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	\$ 1,521	\$ 1,730	\$ 1,730	\$ 1,730	\$ 1,730
125700 Other regulatory licenses and permits	\$ 50	\$ 72	\$ 72	\$ 72	\$ 72
125800 Renewal fees	\$ 181	\$ 174	\$ 174	\$ 174	\$ 174
125900 Delinquent fees	\$ -	\$ -	\$ -	\$ -	\$ -
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 5	\$ 1	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
164300 Penalty assessments	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1,758	\$ 1,978	\$ 1,978	\$ 1,978	\$ 1,978
Over Projected Revenue		\$ -653			
Transfers from Other Funds					
F00421 From VIRF loan per Item 1111-001-0326, BA of 2004	\$ -	\$ -	\$ -	\$ -	\$ -
Transfers to Other Funds					
T00421 To VIRF loan repayment per Item 1110-001-0326, BA of 2004	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 1,758	\$ 1,325	\$ 1,978	\$ 1,978	\$ 1,978
Totals, Resources	\$ 2,569	\$ 1,741	\$ 2,075	\$ 2,114	\$ 2,114
 EXPENDITURES					
Disbursements:					
Budget Act of 2010					
1110 Program Expenditures (State Operations)	\$ 2,150	\$ 2,367	\$ 1,939	\$ 1,978	\$ 2,018
Estimated Savings		\$ -732			
0840 State Controller (State Operations)	\$ 3	\$ 9	\$ -	\$ -	\$ -
Total Disbursements	\$ 2,153	\$ 1,644	\$ 1,939	\$ 1,978	\$ 2,018
 FUND BALANCE					
Reserve for economic uncertainties	\$ 416	\$ 97	\$ 136	\$ 136	\$ 96
 Months in Reserve	3.0	0.6	0.8	0.8	0.6

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED FOR 20010-11 AND ON-GOING.
- B. ASSUMES INTEREST RATE AT 1%.
- C. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR.

CALIFORNIA STATE ATHLETIC COMMISSION (SUPPORT) FUND - 0326

Budget Report

FY 2011-12 Expenditure Projection

Current Fiscal Month: 8

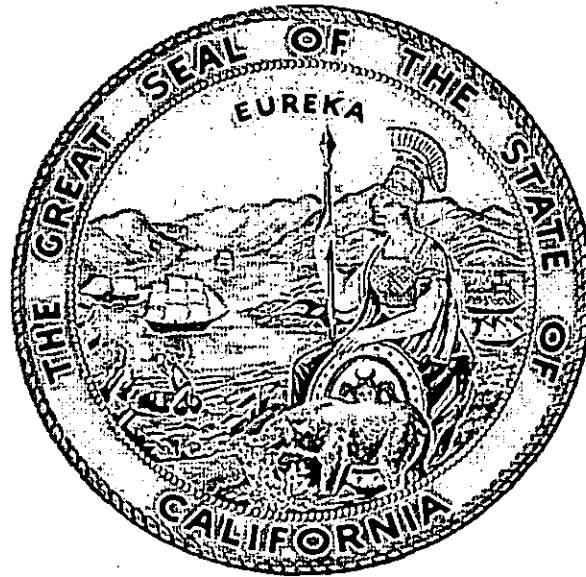
Months Remaining: 4

OBJECT DESCRIPTION	FY 2010/11		FY 2011/12				
	ACTUAL EXPENDITURES (MONTH 13)	EXPENDITURES AS OF 2/28/2011	BUDGET ALLOTMENT	EXPENDITURES AS OF 2/29/2012	PERCENT OF BUDGET SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONAL SERVICES:							
Salaries and Wages							
Civil Service-Perm	284,050	125,255	377,789	197,433	52.3%	300,000	77,789
Athletic Inspectors	394,690	357,249	668,237	272,925	40.8%	320,000	348,237
Temp Help	51,314	14,817	0	27,154	0.0%	46,550	(46,550)
Statutory-Exempt (EO)	83,944	36,617	88,297	58,497	66.3%	89,820	(1,523)
Board/Commission	3,700	900	2,887	2,700	93.5%	4,500	(1,613)
Overtime	9,050	2,107	0	7,013	0.0%	7,013	(7,013)
Staff Benefits	176,773	65,655	275,248	119,672	43.5%	181,842	93,406
Salary Savings	0	0	(14,728)	0	0.0%	0	(14,728)
TOTAL, PERSONAL SVC	1,003,521	602,600	1,397,730	685,394	49.0%	949,725	448,005
OPERATING EXPENSE AND EQUIPMENT							
Fingerprints	0	51	0	519	0.0%	519	(519)
General Expense	41,239	22,942	65,582	21,514	32.8%	41,239	24,343
Printing	8,952	3,412	5,472	4,530	82.8%	11,885	(6,413)
Communication	9,704	6,357	12,362	2,360	19.1%	4,046	8,316
Postage	1,845	1,095	9,098	1,135	12.5%	1,912	7,186
Travel In State	201,282	167,248	397,098	126,960	32.0%	166,000	231,098
Training	8,250	0	5,472	1,049	19.2%	2,000	3,472
Facilities Operations	62,425	58,742	72,211	61,341	84.9%	62,425	9,786
C/P Services - Internal	0	0	2,360	3,750	158.9%	3,750	(1,390)
C/P Services - External	133,350	23,882	0	129,901	0.0%	70,000	(70,000)
DCA Pro Rata	328,368	123,944	214,160	142,705	66.6%	214,160	0
DEPARTMENTAL SERVICES							
DP Maintenance & Supplies	704	187	3,797	3,423	90.2%	5,000	(1,203)
Central (State) Adm Pro Rata	74,398	71,487	82,221	61,666	75.0%	82,221	0
ENFORCEMENT							
Attorney General	145,890	115,332	95,697	10,303	10.8%	17,662	78,035
Court Reporters	3,129	0	0	1,315	0.0%	2,000	(2,000)
DOI Investigations	20,779	19,500	0	0	0.0%	0	0
Major Equipment	0	0	0	0	0.0%	0	0
Minor Equipment	5,407	0	4,400	769	0.0%	1,000	3,400
TOTALS, OE&E	1,047,245	614,179	969,930	573,240	59.1%	685,820	284,110
TOTAL EXPENSE	2,050,766	1,216,779	2,367,660	1,258,634	53.2%	1,635,544	732,116
SURPLUS/(DEFICIT):							30.92%

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 3 (b)
Executive Officer's Report
Update on Status of Regulations



Chairman John Frierson
Vice-Chairman Eugene Hernandez
George Dodd, Executive Officer

California State Athletic Commission –Regulation/Legislation Summary Updated
March 19, 2012

Regulation	Current Status	Next Steps	Comments
Hand Wraps, (323)	45-day public comment period ends 5/14/12	Regulatory hearing scheduled for 6/4/12	
Procedure for denial/revocation & number of MMA Rounds (399 & 511)	At OAL	Wait for OAL approval/submission to Secretary of State's Office.	File was resubmitted to OAL on 3/13/12.
Therapeutic Use Exemption (303 & 303.1)	45-day public comment period ends 4/2/12	Regulatory hearing scheduled for 4/9/12	
Boxer Pension Program (403)	Language drafted/approved	Prep 45-day notice/set for hearing	
Officials Licensure (372, 379, 543 & 547)	Language drafted/approved	Prep 45-day notice/set for hearing	
Change mechanics prior to ending round (345)	Information/research stage-official's association	Present draft language to Commission	
Legislation	Current Status	Next Steps	Comments
Neurological Fund	Seeking Author for bill	Find Author/pursue via Sunset Review process in 2013	

CALIFORNIA STATE ATHLETIC COMMISSION

Specific Language - Hand Wraps

Amend Section 323 of Division 2 of Title 4 of the California Code of Regulations to read as follows:

323. ~~Bandages.~~ Hand Wraps.

~~Bandages shall not exceed the following restrictions:~~

(a) A hand wrap shall consist of only the following materials applied as specified in this regulation.

(1) Size of Gauze and Tape.

Unless otherwise specified, gauze shall not exceed two inches in width and surgical tape shall not exceed one and one-half inches in width.

~~(2) Base Layer of Gauze or Tape. One winding of surgeon's adhesive tape, not over one and one-half inches wide, placed directly on the hand to protect that part of the hand near the wrist. Said tape may cross the back of the hand twice~~ Gauze or surgical tape may be wrapped around the hand and wrist a maximum of 10 times but shall not extend within one inch of the knuckles when hand is clenched to make a fist. The gauze may be secured with one winding of surgical tape that does not overlap more than one inch.

(3) Hand Wrap.

~~Contestants shall use soft surgical bandage not over two inches wide, Not more than 20 yards of gauze (including gauze used for a knuckle pad) may be used to complete the hand wrap, and the gauze may be held in place by not more than ten yards of surgeon's adhesive surgical tape for each hand. The~~

surgical tape shall not extend within one inch of the knuckles when hand is clenched to make a fist. Knuckle pads shall be prepared only in the presence of a commission representative. Not more than twenty yards of bandage may be used to complete the wrappings for each hand.

(4) Knuckle Pad Anchors.

Strips of surgical tape, not to exceed 3/4 inch in width, may be placed between the boxer's fingers in the joint to anchor the knuckle pad in place, but shall not extend on to the knuckles.

(5) Final Supportive Layer.

The hand and wrist area may be wrapped with a maximum of two layers of flexible non-adhesive tape which does not extend within one inch of the knuckles when hand is clenched to make a fist.

(b) Bandages Hand wraps shall be applied in the dressing room in the presence of a commission representative and both contestants. Before a boxer's gloves are put on, a commission representative shall inspect the hand wraps to ensure they have not been altered. Either contestant may waive his privilege of witnessing the bandaging wrapping of his opponent's hands.

NOTE: Authority cited: Section 18611, Business and Professions Code.
Reference: Sections 18640 and 18714, Business and Professions Code.

CALIFORNIA STATE ATHLETIC COMMISSION

1. Amend Rule 399 to read as follows:

399. Procedure When License Denied or Revoked.

(a) Any applicant who has been denied an application for a license may not file a similar application until one year from the date of the last previous denial by the commission. Any application filed within the one year period may be denied without the necessity of a hearing.

(b) Any ~~one~~ person who has had his or her license revoked may not petition for reinstatement or apply for a new license until one year after the date of such revocation. Any petition for reinstatement filed within the one year period may be denied without the necessity of a hearing.

(c) When considering the denial or reinstatement of a license, the commission, on a case by case basis, shall consider the following criteria in evaluating the rehabilitation of the applicant or petitioner and his or her present eligibility for a license:

(1) The nature and severity of the act(s) or crime(s) that led to license revocation or that are under consideration as grounds for denial.

(2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) that led to revocation or that are under consideration as grounds for denial.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsections (1) or (2).

(4) The extent to which the applicant or petitioner has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant or petitioner.

(5) Evidence, if any, of rehabilitation submitted by the applicant or petitioner.

Note: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 482, 18640, 18641, 18642, 18840 and 18841, Business and Professions Code.

2. Adopt new Rule 511 to read as follows:

511. Number of Rounds Scheduled.

Clubs shall not schedule less than 21 rounds, nor more than 36 rounds, except with the approval of the commission for any one program. A standby bout shall be provided in the event an arranged card breaks down, and if it is necessary to put on another bout in order to meet the minimum requirement.

Note: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18725, Business and Professions Code.

**California State Athletic Commission
Specific Language of Proposed Regulations
Therapeutic Use Exemption**

1. Amend Rule 303 to read as follows:

303. Administration or Use of Drugs.

(a) The administration or use of any drugs, alcohol or stimulants, or injections in any part of the body, either before or during a match, to or by any boxer is prohibited.

(b) A person who applies for or holds a license as a professional boxer and who has at any time had a positive drug test confirmed by any commission for any substance described in subsection (c) shall be required as a condition of licensure or renewal to provide a urine specimen. In addition, a licensed boxer shall provide a urine specimen for drug testing either before or after the bout, as directed by the commission representative.

(c) A positive test (which has been confirmed by a laboratory utilized by the commission) for any of the following substances shall be conclusive evidence of a violation of subsection (a):

- (1) Stimulants
- (2) Narcotics
- (3) Cannabinoids (marijuana)
- (4) Anabolic agents (exogenous and endogenous)
- (5) Peptide hormones
- (6) Masking agents
- (7) Diuretics
- (8) Glucocorticosteroids
- (9) Beta-2 agonists (asthma medications) except salbutamol (maximum 1600 micrograms over 24 hours) and salmeterol by inhalation
- (10) Anti-estrogenic agents
- (11) Alcohol

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

2. Adopt new Rule 303.1 in Article 6 of Chapter 1 of Division 2, Title 4 to read as follows:

303.1. Therapeutic Use Exemption.

(a) An applicant or licensee who believes he or she has a therapeutic reason to use a substance described in Rule 303(b) may request a therapeutic use exemption ("TUE") to permit continued use of that substance. Such a request may only be granted by the commission itself after a public hearing. The applicant or licensee shall submit the request in writing to the commission. The request shall be accompanied by supporting medical information sufficient to allow the commission to determine whether to grant the

request. In reaching its decision, the commission will, at a minimum, determine whether all of the following criteria have been met:

(1) The applicant or licensee would experience a significant impairment to health if the prohibited substance were to be withheld in the course of treating an acute or chronic medical condition;

(2) The therapeutic use of the prohibited substance would produce no additional enhancement of performance other than that which might be anticipated by a return to a state of normal health following the treatment of a legitimate medical condition;

(3) Either reasonable therapeutic alternatives to the use of the otherwise prohibited substance have been tried or no reasonable alternative exists; and

(4) The necessity for the use of the otherwise prohibited substance is not a consequence, wholly or in part, of a prior non-therapeutic use of any substance described in Rule 303(b).

(b) The commission may, in its sole discretion, either grant or deny the request or refer the request to the Advisory Committee on Medical and Safety Standards ("committee") for its recommendation. The committee shall obtain such evaluation and expert consultation as the committee deems necessary. The committee shall present the commission with a written recommendation and a detailed basis for that recommendation.

(c) Failure to disclose the use of a substance described in Rule 303(b) constitutes a violation of Rule 390.

Note: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18645, Business and Professions Code.

**California State Athletic Commission
Specific Language of Proposed Regulations
Pension Plan
Draft—1-7-2011**

Amend Rule 403 to read as follows:

403. Funding and Contributions.

(a) Contributions.

Contributions shall be assessed as follows:

The promoter shall contribute 88 cents (\$.88) on every ticket, excluding a working complimentary ticket as described in section 264, up to a maximum contribution of \$4,600 per show. The commission shall adjust the assessment in January of each year to ensure that contributions meet the funding level prescribed by Section 18881(b) of the code.

(b) Formula for Allocation of Contributions.

Contributions shall be allocated to each participating boxer's account on the last day of the plan year in the following proportions:

(1) One half (1/2) of the contributions for the plan year shall be allocated among the regular accounts of participating boxers who have not incurred a break in service as of the last day of the plan year in the proportion that each such boxer's scheduled rounds fought for the plan year bears to the total scheduled rounds fought in the plan year; and

(2) One half (1/2) of the contributions for the plan year shall be allocated among the regular accounts of participating boxers who have not incurred a break in service as of the last day of the plan year in the proportion that each such boxer's total purses for the plan year bears to the total purses paid for all fights fought by participating boxers in the plan year.

(c) Formula for Allocation of Forfeitures.

Forfeitures which become available in a plan year for allocation shall be allocated to each participating boxer's account on the last day of the plan year in the following proportions:

(1) One half (1/2) of the forfeitures shall be allocated among all regular accounts as of the last day of the plan year in the proportion that each such regular account bears to the total regular accounts in the Plan; and

(2) One half (1/2) of the forfeitures shall be added to the boxer, promoter and manager contributions for the plan year and shall be allocated among the regular accounts of participating boxers who have fought in the current plan year according to the formula set forth in subsection (b) above.

(d) Forfeiture and Reallocation of Unvested Amounts.

If any participating boxer incurs a break in service prior to becoming a covered boxer, then such participating boxer's regular account shall be held in a suspense account on the records of the Plan after incurring such break in service until such time as it shall be forfeited and reallocated.

Suspense account balances shall be forfeited and reallocated under the Formula set forth in subsection (c) above, as of the last day of the plan year following the plan year in which the participating boxer completes a break in service.

Note: Authority cited: Sections 18611 and 18881, Business and Professions Code.
Reference: Sections 18881 and 18882, Business and Professions Code.

**California State Athletic Commission
Specific Language of Proposed Regulations
Licensure Requirements for Officials
Draft—1-12-2011**

1. Amend Rule 371 to read as follows:

371. Referee's License.

(a) In order to be licensed as a referee, an applicant shall meet all the following requirements:

~~(1) Have demonstrated prior experience in refereeing and judging boxing matches~~
Have two years of documented experience refereeing boxing matches with a minimum of 100 matches refereed. It is not necessary that this experience be obtained by refereeing professional contests. ~~and~~

~~(2) Perform in a series of training sessions as a referee to successfully demonstrate proficiency. Training sessions shall be conducted by a commission representative or commission appointed licensed referee(s) and shall be approved by the commission.~~

~~(2)(3)~~ Be found after examination by a licensed physician to be physically and mentally fit to referee a boxing contest and to have uncorrected visual acuity of at least 20/100 in both eyes. Weight shall be proportionate to height in accordance with the standards of the American Medical Association in effect at the time of the effective date of this regulation.

~~(3)(4)~~ Be in good physical condition with the speed and reflexes in the ring necessary for the protection of the boxers.

~~(4) Pass a written examination administered by the commission on the fundamentals of boxing, refereeing and judging boxing matches and contests, and California law and regulations relating to boxing.~~

~~(5) Perform in a series of training sessions as a judge to successfully demonstrate proficiency— a demonstration of competence in judging by judging at least 100 boxing contests as verified by a representative of the commission. The demonstration of competence shall include a demonstration of the licensee's knowledge of California law and regulations relating to boxing. Training sessions shall be conducted by a commission representative or commission appointed licensed referees or judges.~~

~~(6)(b)~~ These experience requirements may be waived for any applicant who is has been licensed for at least five years by, and possesses a current valid license in good standing with, another state athletic commission ~~or any commission approved sanctioning body such as the World Boxing Council, World Boxing Association, International Boxing Federation, and World Boxing Organization.~~

~~(7)(c)~~ In order to renew a referee's license, a referee shall comply with subsections (b) and (c) in addition to any other requirements for renewal set forth in the law or these regulations.

~~(b)(d)~~ A person who possesses a valid California license as a referee may judge a boxing contest without the need to obtain a judge's license.

Note: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18731 and 18734, Business and Professions Code.

2. Amend Rule 379 to read as follows:

379. Judge's License

(a) In order to be licensed as a judge for boxing contests, an applicant shall meet all the following:

(a)(1) Shall have been assigned either by the California Athletic Commission or by an organization authorized by the commission pursuant to Section 18646 of the code to regulate amateur boxing contests for at least three years in such a capacity as to have judged boxing contests, or supervised or evaluated professional boxing judges.

(2) Be found after examination by a licensed physician to have uncorrected visual acuity of at least 20/100 in both eyes.

~~(b) Pass a written examination administered by the commission on the fundamentals of boxing, judging boxing contests and knowledge of California law and regulations relating to boxing.~~

~~(3) Must have demonstrated prior experience in judging boxing contests and must demonstrate judging proficiency. Proficiency shall be determined by a commission representative or commission appointed licensed referees or judges and the method of evaluations shall be approved by the commission. by judging at least 100 boxing contests as verified by a representative of the commission. The demonstration of competence shall include a demonstration of the licensee's knowledge of California law and regulations relating to judging boxing.~~

~~(c)(b) These experience requirements may be waived for any applicant who has been licensed for at least five years by, and possesses a current and valid license as a boxing judge in another state or country and has not been the subject of any disciplinary action.~~

~~(d) Must have demonstrated prior experience in judging boxing contests and must demonstrate judging proficiency. Proficiency shall be determined by a commission representative or commission appointed licensed referees or judges and the method of evaluations shall be approved by the commission.~~

Note: Authority Cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18648, Business and Professions Code.

3. Amend Rule 543 to read as follows:

543. Referee's License.

(a) In order to be licensed as a referee, an applicant shall meet all of the following requirements:

(a)(1) Have two years of documented experience refereeing martial arts and/or kickboxing matches with a minimum of 100 matches with a minimum of 100 matches refereed. It is not necessary that this experience be obtained by refereeing professional contests.

~~(b)~~(2) Be found after examination by a licensed physician to be physically and mentally fit to referee a martial arts contest and to have uncorrected visual acuity of at least 20/100 in both eyes. Weight shall be proportionate to height in accordance with the standards of the American Medical Association in effect at the time of the effective date of this regulation.

~~(c)~~(3) Be in good physical condition with the speed and reflexes in the ring necessary for the protection of the fighters.

~~(d)~~ Pass a written examination administered by the commission on the fundamentals of martial arts and kickboxing, refereeing and judging martial arts matches and contests, and California law and regulations relating to martial arts and kickboxing.

~~(e)~~(4) Perform a demonstration of competency by performing as a referee in a martial arts match before a representative of the commission and two licensed referees. The applicant shall demonstrate knowledge of California law and regulations relating to martial arts and kickboxing, refereeing techniques, and the ability to manage and control a martial arts match.

~~(f)~~(5) Perform a demonstration of competence in judging by judging at least 50 100 martial arts or kickboxing contests as verified by a representative of the commission.

~~(g)~~(b) These experience requirements may be waived for any applicant who is licensed or approved as a referee by the ~~Professional Kickboxing Association or the World Kickboxing Association~~ another state athletic commission who meets or exceeds these standards.

~~(h)~~(c) In order to renew a referee's license, a referee shall comply with subsections ~~(b) and (c)~~ (a)(2) and (3) in addition to any other requirements for renewal set forth in the law or these regulations.

NOTE: Authority cited: Sections 18611, 18763 and 18765, Business and Professions Code. Reference: Sections 18640, 18648, 18763 and 18765, Business and Professions Code.

4. Adopt Rule 547 in Article 4 of Chapter 2 of Division 2, Title 4, to read as follows:

547. Judge's License.

(a) In order to be licensed as a judge, an applicant shall meet all of the following:

(1) Shall have been assigned either by the California Athletic Commission or by an organization authorized by the commission pursuant to Section 18646 of the code to regulate amateur full contact martial arts contests for at least three years in such a capacity as to have judged full contact martial arts and kickboxing contests, or supervised or evaluated professional martial arts and kickboxing judges.

(2) Be found after examination by a licensed physician to have uncorrected visual acuity of at least 20/100 in both eyes.

(3) Must demonstrate judging proficiency by judging at least 100 martial arts and kickboxing contests as verified by a representative of the commission. The demonstration of competence shall include a demonstration of the licensee's knowledge of California law and regulations relating to judging.

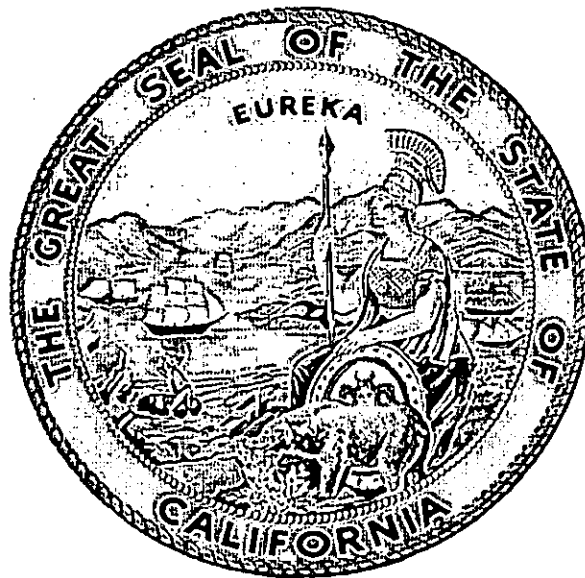
(b) The experience requirements may be waived for any applicant who possesses a current and valid license as a martial arts or kickboxing judge in another state or country who meets or exceeds these standards and has not been the subject of any disciplinary action.

Note: Authority Cited: Section 18611, 18763 and 18765, Business and Professions Code. Reference: Sections 18640, 18648, 18763 and 18765, Business and Professions Code.

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 3 (c)
Executive Officer's Report
Strategic Planning Dates



Chairman John Frierson
Vice-Chairman Eugene Hernandez
George Dodd, Executive Officer

2012

January						
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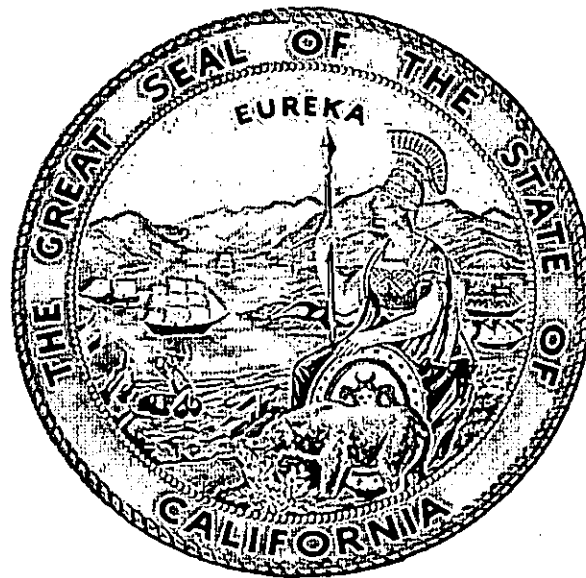
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Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 3 (f)
Executive Officer's Report
Staff Recognition- Nichole Bowles



Chairman John Frierson
Vice-Chairman Eugene Hernandez
George Dodd, Executive Officer



Letter of Recognition

March 20, 2012

This letter is to recognize California State Athletic Commission ("Commission") staff member Nichole Bowles for her contribution and dedication to the Commission.

Nichole:

Several months ago you graciously accepted the assignment of figuring out how to get the Department of Consumer Affairs ("DCA") Information Technology (IT) unit to assist us with improving our data base to enable it to produce lists of licensed seconds needed for the field during events. This had been an ongoing problem with the data base that no one seemed to be able to figure out. You contacted the DCA IT unit and spent the next several weeks jumping through hoops to obtain all the necessary authorizations to make this happen. In the meantime, the whole data base stopped working, so you had to tackle that problem as well. During this process you developed a relationship with the IT department and the analyst assigned to this project that resulted in the analyst taking a special interest in the project's success. Without this, I truly believe we would still be here today with an inoperable data base. After completion of the project, you made a special effort to recognize the analyst's contribution and asked that a letter of recognition be sent to the analyst's supervisor. You are commended for giving credit for the success of this project to someone else when, in fact, the credit also belonged to you. It should be noted, that not only did you ensure successful completion of the project, you learned enough about the data base to be recognized by the analyst as the person to provide future assistance should we experience further difficulty. Congratulations on successfully completing a project that was far outside your expertise and becoming somewhat of an expert yourself in the process!

You are the primary reason that the Commission's staff, inspectors and officials have proper identification badges and will soon have quality useful badge holders. This may seem like a small thing to outsiders, but for those in the field, proper identification is important and the way it's displayed is representative of the unity that exists amongst its wearers. Given all the restrictions and costs associated with issuing badges and purchasing badge holders, I believe you found the best products available. Your excellent relationships with the DCA Publications unit, Legal Office, and our in-house purchasing staff person contributed to the timely completion of the project and the quality of the product itself.

Thank you Nichole!

John Frierson, Chairman

George Dodd, Executive Officer

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 4
Regulations- Public Hearing
Therapeutic Use Exemption and
Modification



Chairman John Frierson
Vice-Chairman Eugene Hernandez
George Dodd, Executive Officer

TITLE 4. CALIFORNIA STATE ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter "commission") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held:

April 9, 2012 – 10:00 a.m.
Department of Consumer Affairs
Hearing Room- Suite S-102
1625 North Market Blvd.
Sacramento, CA 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the commission at its office **no later than 5:00 p.m. on April 2, 2012 or must be received by the commission at the hearing on April 9, 2012.** The commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640 and 18645 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

1. Amend section 303. Currently rule 303 prohibits the use of any drugs, alcohol, stimulants, or injections before or during a match. This proposed amendment would modify currently prohibited substances by allowing the use of salbutamol (maximum 1600 micrograms over 24 hours) and salmeterol by inhalation; a Beta-2 agonist (asthma medication).

2. Adopt section 303.1. Currently, there is no exemption to allow an athlete to use a medically prescribed drug that may be necessary to maintain the athlete's health. This proposal would establish an exemption process and provide the necessary authority to the commission to allow an athlete to use a medically prescribed drug that is necessary to maintain their health, before or during a match, provided said usage does not provide an advantage to the athlete during competition.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Existing law at Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts. By amending section 303 and adopting section 303.1 the commission will honor its commitment to the health and safety of athletes, allowing them to use the medication necessary to maintain their health, as diagnosed by a licensed physician.

It is anticipated that the amendment and adoption of regulations such as these will protect the health and safety of athletes, prevent discrimination against those athletes with legitimate medical conditions and promote fairness and social equity by allowing eligible legitimate contenders an equal opportunity to enter the ring. The amendment will allow athletes taking a very common but effective asthma medication to continue their asthma medication, in specific doses proven not to provide an unfair advantage, prior to and during competition. Additionally adoption of Rule 303.1 will allow athletes an avenue, not otherwise afforded, to request permission from the Commission to use a prohibited substance, when proven necessary and that does not provide an unfair advantage during competition, before and during competition. Without this avenue, fighters may choose to fight in

other states where exemptions exist, or discontinue taking medications that are necessary thereby risking their health in order to fight in California, or quit fighting altogether.

C. Consistency with Existing State Regulations

The commission does not believe that the proposed regulation is inconsistent or incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17500-17630 Requires Reimbursement: None

BUSINESS IMPACT:

The commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The commission has determined that this regulatory proposal will not have any significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

This regulation will benefit the health and welfare of California residents who participate in regulated combat sports by allowing avenues for licensees to obtain Commission approval to use medications, required to maintain their health, before and during competition, provided the medicine does not create an unfair advantage.

Cost Impact on Representative Private Person or Business:

The commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS: None

EFFECT ON SMALL BUSINESS

The commission has determined that the proposed regulations would not affect small businesses. The proposed changes provide a mechanism to allow an athlete an avenue to continue to use specific medications necessary to maintain the athlete's health.

CONSIDERATION OF ALTERNATIVES

The commission must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal

described in this Notice or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The commission has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, any document incorporated by reference and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California State Athletic Commission at 2005 Evergreen Street, Suite 2010, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kathi Burns
Address: 2005 Evergreen Street, Suite 2010
Sacramento, CA 95815
Telephone No.: (916) 263-2195
Fax No.: (916) 263-2197
E-Mail Address: Kathi.Burns@dca.ca.gov

The backup contact person is:

Name: Elizabeth Parkman
Address: 2005 Evergreen Street, Suite 2010
Sacramento, CA 95815
Telephone No.: (916) 263-2195
Fax No.: (916) 263-2197
E-Mail Address: Elizabeth.Parkman@dca.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.dca.ca.gov/csac>.

DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA STATE ATHLETIC COMMISSION

INITIAL STATEMENT OF REASONS

Hearing Date: April 9, 2012

Subject Matter of Proposed Regulations: Administration or Use of Drugs and Therapeutic Use Exemption

Sections Affected: 4 CCR Sections 303 and 303.1

Specific Purpose of each adoption, amendment, or repeal:

Amend Section 303.

Rule 303 currently prohibits the use of drugs, alcohol or stimulants, or injections in any part of the body, before or during a match and currently lists out all the substances wherein a positive test would constitute a violation.

The proposed amendment would permit an exemption to 303(c) (9) Beta-2 agonists (asthma medications) by allowing the use of salbutamol at a maximum dose of 1600 micrograms over 24 hours and salmeterol by inhalation.

It is anticipated that amendment of this regulation will protect the health and safety of athletes, prevent discrimination against those athletes with legitimate medical conditions and promote fairness and social equity by allowing eligible legitimate contenders an equal opportunity to enter the ring. The amendment will allow athletes taking a very common but effective asthma medication to continue their asthma medication, in specific doses proven not to provide an unfair advantage, prior to and during competition. Currently, fighters with asthma often discontinue taking their medication, thereby risking their health, in order to fight in California.

Factual Basis/Rationale

This amendment clarifies the Commission's position on the use of asthma medications and ensures all parties are aware of the requirements and thresholds for certain types of Beta-2 agonists. The rule amendment would permit athletes to use specified asthma inhalation breathers for medical purposes to limit the potential misuse of the medication, as over use or misuse of the medication can act as a stimulant and provide an unfair

advantage to an athlete during a match. Physicians consulted by the Commission believe the proposed limitations are appropriate, from a medical standpoint.

Underlying Data

- World Anti-Doping Agency – *The 2011 Prohibited List International Standard* (9/18/2010)
- World Anti-Doping Agency - *The 2010 Prohibited List International Standard* (9/19/2009)
- Economic Impact Analysis

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The amendment provides for limitations on the approved select medication therefore would have no adverse economic impact on business.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

The only alternative would be not to pursue this regulation amendment. This alternative is not reasonable given that the World Anti-Doping Agency sets industry standards and this regulation is designed to mirror these standards.

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Adopt Section 303.1.

No rule currently exists that allows athletes being treated for a legitimate medical condition to request and/or receive an exemption to use a particular drug before or during a match.

The proposed amendment would provide a process for athletes to request a therapeutic use exemption from the Commission for medication needed to maintain health and not

obtain an unfair advantage over an opponent during a match. The amendment also sets out specific criteria and a clear process to guide the Commission in deciding whether to grant such exemptions.

It is anticipated that adoption of this regulation will protect the health and safety of athletes, prevent discrimination against those athletes with legitimate medical conditions and promote fairness and social equity by allowing eligible legitimate contenders an equal opportunity to enter the ring. Adoption of Rule 303.1 will allow athletes an avenue, not otherwise afforded, to request permission from the Commission to use a prohibited substance; when proven necessary and that does not provide an unfair advantage during competition. Without this avenue, fighters may choose to fight in other states where exemptions exist; discontinue taking medications that are necessary thereby risking their health in order to fight in California; or discontinue fighting altogether.

Factual Basis/Rationale

In unique circumstances, athletes require exemptions to the prohibition of using a medically prescribed drug before or during a match. This amendment would establish protocol and criteria for requesting and granting such exemptions, to consider the considering the medical needs of the athlete.

Underlying Data

- World Anti-Doping Agency – *The World Anti-Doping Code International Standard for Therapeutic Use Exemptions (1/2011)*
- World Anti-Doping Program – *Medical Information to Support the Decisions of TUECs Male Hypogonadism (12/2/2007)*
- USADA Policy for Therapeutic Use Exemptions and Declarations of Use – *Effective 1/1/2010*
- World Anti-Doping Agency – *Questions & Answers on Therapeutic Use Exemptions – Updated 10/2009*
- Presentation to the California State Athletic Commission, Advisory Committee on Medical Safety Standards, regarding *Hypogonadism and TRT in Athletes*, presented by Dr. Manish Upadhyay (11/16/2011)
- Economic Impact Analysis

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The amendment provides a process for granting a therapeutic use exemption to athletes therefore would have no adverse economic impact on business or even the sporting industry.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

The only alternative would be not to pursue this regulation adoption. This alternative is not reasonable given that the World Anti-Doping Agency sets industry standards and this regulation is designed to mirror these standards.

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

**California State Athletic Commission
Specific Language of Proposed Regulations
Therapeutic Use Exemption**

1. Amend Rule 303 to read as follows:

303. Administration or Use of Drugs.

(a) The administration or use of any drugs, alcohol or stimulants, or injections in any part of the body, either before or during a match, to or by any boxer is prohibited.

(b) A person who applies for or holds a license as a professional boxer and who has at any time had a positive drug test confirmed by any commission for any substance described in subsection (c) shall be required as a condition of licensure or renewal to provide a urine specimen. In addition, a licensed boxer shall provide a urine specimen for drug testing either before or after the bout, as directed by the commission representative.

(c) A positive test (which has been confirmed by a laboratory utilized by the commission) for any of the following substances shall be conclusive evidence of a violation of subsection (a):

- (1) Stimulants
- (2) Narcotics
- (3) Cannabinoids (marijuana)
- (4) Anabolic agents (exogenous and endogenous)
- (5) Peptide hormones
- (6) Masking agents
- (7) Diuretics
- (8) Glucocorticosteroids
- (9) Beta-2 agonists (asthma medications) except salbutamol (maximum 1600 micrograms over 24 hours) and salmeterol by inhalation
- (10) Anti-estrogenic agents
- (11) Alcohol

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

2. Adopt new Rule 303.1 in Article 6 of Chapter 1 of Division 2, Title 4 to read as follows:

303.1. Therapeutic Use Exemption.

(a) An applicant or licensee who believes he or she has a therapeutic reason to use a substance described in Rule 303(b) may request a therapeutic use exemption ("TUE") to permit continued use of that substance. Such a request may only be granted by the commission itself after a public hearing. The applicant or licensee shall submit the request in writing to the commission. The request shall be accompanied by supporting medical information sufficient to allow the commission to determine whether to grant the

request. In reaching its decision, the commission will, at a minimum, determine whether all of the following criteria have been met:

(1) The applicant or licensee would experience a significant impairment to health if the prohibited substance were to be withheld in the course of treating an acute or chronic medical condition;

(2) The therapeutic use of the prohibited substance would produce no additional enhancement of performance other than that which might be anticipated by a return to a state of normal health following the treatment of a legitimate medical condition;

(3) Either reasonable therapeutic alternatives to the use of the otherwise prohibited substance have been tried or no reasonable alternative exists; and

(4) The necessity for the use of the otherwise prohibited substance is not a consequence, wholly or in part, of a prior non-therapeutic use of any substance described in Rule 303(b).

(b) The commission may, in its sole discretion, either grant or deny the request or refer the request to the Advisory Committee on Medical and Safety Standards ("committee") for its recommendation. The committee shall obtain such evaluation and expert consultation as the committee deems necessary. The committee shall present the commission with a written recommendation and a detailed basis for that recommendation.

(c) Failure to disclose the use of a substance described in Rule 303(b) constitutes a violation of Rule 390.

Note: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18645, Business and Professions Code.

STATE OF CALIFORNIA - DEPARTMENT OF FINANCE
ECONOMIC AND FISCAL IMPACT STATEMENT
 (REGULATIONS AND ORDERS)

COPY

399 (Rev. 12/2008)

See SAM Sections 6601 - 6616 for Instructions and Code Citations

DEPARTMENT NAME Consumer Affairs-Athletic Commission	CONTACT PERSON Kathi Burns	TELEPHONE NUMBER 916-263-2195
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Therapeutic Use Exemption		NOTICE FILE NUMBER

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS (include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|---|---|
| <input type="checkbox"/> a. Impacts businesses and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance standards |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input checked="" type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.) |

h. (cont.) _____

(If any box in items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: None Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

3. Enter the number of businesses that will be created: None eliminated: _____

Explain: _____

4. Indicate the geographic extent of impacts: Statewide Local or regional (List areas.) _____

5. Enter the number of jobs created: _____ or eliminated: _____ Describe the types of jobs or occupations impacted: See Attached

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

Yes No If yes, explain briefly: _____

B. ESTIMATED COSTS (include calculations and assumptions in the rulemaking record.)

1. What is the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ N/A

a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____

d. Describe other economic costs that may occur: _____

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

If multiple industries are impacted, enter the share of total costs for each industry: N/A

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements: (Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.): \$ N/A

4. Will this regulation directly impact housing costs? Yes No If yes, enter the annual dollar cost per housing unit: \$ _____ and the number of units: _____

5. Are there comparable Federal regulations? Yes No Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State – Federal differences: \$ _____

C. ESTIMATED BENEFITS (Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. Briefly summarize the benefits that may result from this regulation and who will benefit: See Attached

Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?
Explain: See Attached

3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

D. ALTERNATIVES TO THE REGULATION (Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: See Attached

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation	Benefit: \$ _____	Cost: \$ _____
Alternative 1:	Benefit: \$ _____	Cost: \$ _____
Alternative 2:	Benefit: \$ _____	Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: N/A

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? Yes No
Explain: Costs do not determine performance for this regulation

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.)

Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.

- Will the estimated costs of this regulation to California business enterprises exceed \$10 million? Yes No (If No, skip the rest of this section.)
- Briefly describe each equally as an effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:
Alternative 1: _____
Alternative 2: _____
- For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:
Regulation: \$ _____ Cost-effectiveness ratio: _____
Alternative 1: \$ _____ Cost-effectiveness ratio: _____
Alternative 2: \$ _____ Cost-effectiveness ratio: _____

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years)

- Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:
 - is provided in Item _____ Budget Act of _____ or Chapter _____ Statutes of _____
 - will be requested in the _____ Governor's Budget for appropriation in Budget Act of _____ (FISCAL YEAR)
- Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:
 - implements the Federal mandate contained in _____
 - implements the court mandate set forth by the _____ court in the case of _____ vs. _____
 - implements a mandate of the people of this State expressed in their approval of Proposition No. _____ at the _____ (DATE) election;
 - is issued only in response to a specific request from the _____ which is/are the only local entity(s) affected;
 - will be fully financed from the _____ (FEES, REVENUE, ETC.) authorized by Section _____ of the _____ Code;
 - provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each unit;
 - creates, eliminates, or changes the penalty for a new crime or infraction contained in _____
- Savings of approximately \$ _____ annually.
- No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws and regulations.
No fiscal impact exists because the regulation does not affect any local entity or program.
- Other.

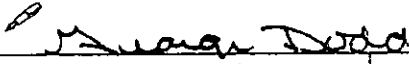
ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

ISCAL EFFECT ON STATE GOVERNMENT *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent fiscal years.)*

- 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year. It is anticipated that State agencies will:
 - a. be able to absorb these additional costs within their existing budgets and resources.
 - b. request an increase in the currently authorized budget level for the _____ fiscal year.
- 2. Savings of approximately \$ _____ in the current State Fiscal Year.
- 3. No fiscal impact exists because this regulation does not affect any State agency or program.
- 4. Other. See Attached

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)*

- 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year.
- 2. Savings of approximately \$ _____ in the current State Fiscal Year.
- 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.
- 1. Other. _____

FISCAL OFFICER SIGNATURE <i>Executive Officer Signature</i>	TITLE	
	EO	
AGENCY SECRETARY ¹		DATE
APPROVAL/CONCURRENCE		
DEPARTMENT OF FINANCE ²	PROGRAM BUDGET MANAGER	DATE
APPROVAL/CONCURRENCE		

1. *The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

2. *Finance approval and signature is required when SAM sections 6601-6616 require completion of the Fiscal Impact Statement in the STD.399.*

CSAC THERAPEUTIC USE EXEMPTION STD. 399 ATTACHMENT

ECONOMIC IMPACT STATEMENT

A.5 – Essentially, jobs would be lost if our proposed regulation(s) were not approved because athletes who take prohibited medication would be banned from competition as a professional fighter. However, taking a medication approved by the Commission and under the care of a licensed physician, an athlete would be cleared to compete.

C.1 – Athlete's who are unfortunate enough to have a health condition, needing to be managed by taking medication, would benefit from the proposed regulation changes. It also puts into place safeguards to ensure that the competitor's do not have an unfair advantage over their opponent, while using the medication.

C.2 – Per Business and Professions Code 18611 the commission is authorized to adopt, amend or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts.

D.1 – The only alternative would be not pursuing the regulation changes. This alternative is not reasonable given that the World Anti-Doping Agency sets industry standards and this proposal is designed to meet those standards. Additionally, if these changes are not implemented some athletes may be unable to fight placing a hardship on them, the promoter(s) and the consumer's who attend the events.

FISCAL IMPACT STATEMENT

B.4 – These proposed changes create minor workload to Athletic Commission staff and Commission Members. The Commission anticipates less than 50 Therapeutic Use Exemptions (TUE) to be submitted each year. Each TUE will require approximately 1 hour of staff time to compile the necessary documents for Commission review. This workload is minor and can be absorbed within existing resources. TUEs will be reviewed at regularly scheduled Medical Advisory Committee and Commission meetings.

(Revised 03/15/2012)

ENABLING STATUTES
California State Athletic Commission
Therapeutic Use Exemption

Business & Professions Code

18611: The commission shall adopt, amend, or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts.

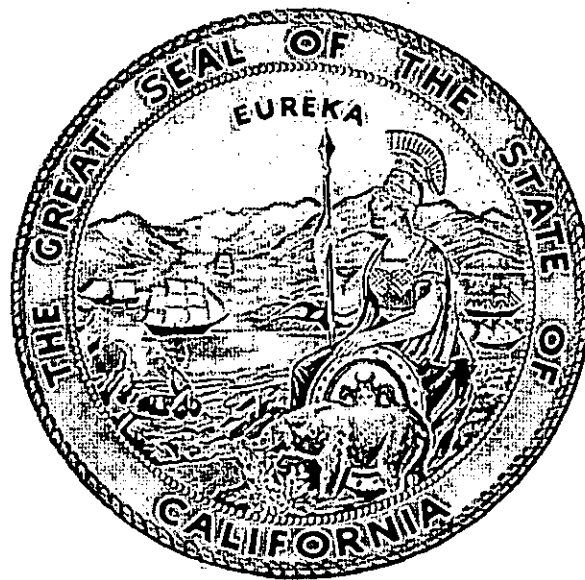
18640: The commission has the sole direction, management, control of, and jurisdiction over all professional and amateur boxing, professional and amateur kickboxing, all forms and combinations of forms of full contact martial arts contests, including mixed martial arts, and matches or exhibitions conducted, held, or given within this state. No event shall take place without the prior approval of the commission. No person shall engage in the promotion of, or participate in, a boxing or martial arts contest, match, or exhibition without a license, and except in accordance with this chapter and the rules adopted hereunder.

18645: There is hereby created within the jurisdiction of the State Athletic Commission an Advisory Committee on Medical and Safety Standards. The committee shall consist of six licensed physicians and surgeons appointed by the commission. The commission may call meetings of those physicians and surgeons at such times and places as it deems appropriate for the purpose of studying and recommending medical and safety standards for the conduct of boxing, wrestling, and martial arts contests. It shall require a majority vote of the commission to appoint a person to the committee. Each appointment shall be at the pleasure of the commission for a term not to exceed four years.

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 6
Breeze Project
Overview and Update



Chairman John Frierson
Vice-Chairman Eugene Hernandez
George Dodd, Executive Officer

WCS BREKZE

Project Overview California State Athletic Commission

April 9, 2012





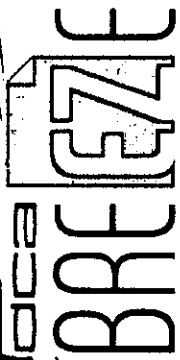
Today's Topics

- Project Concept
- Design Considerations
- Costs
- Key Success Factors
- Recent Activities & Next Steps
- Tentative Implementation Schedule

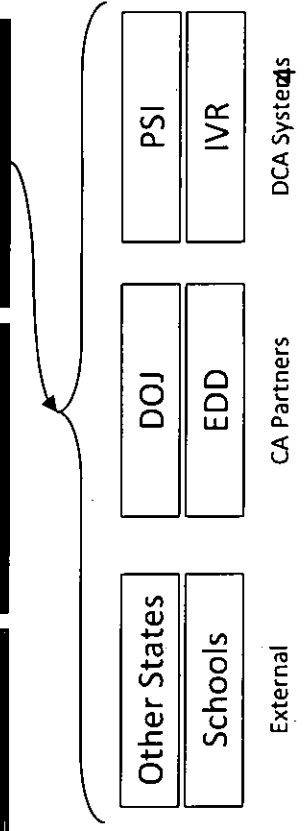
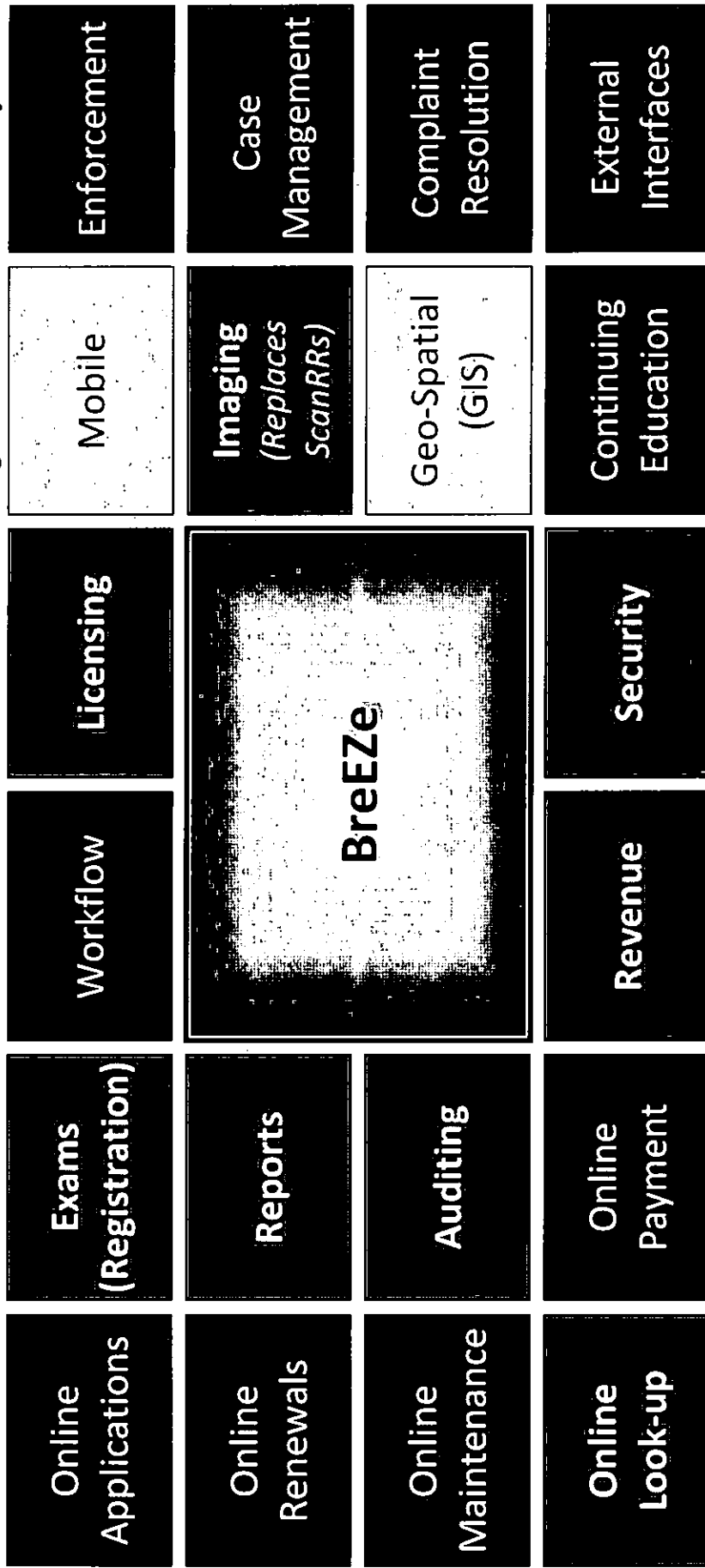


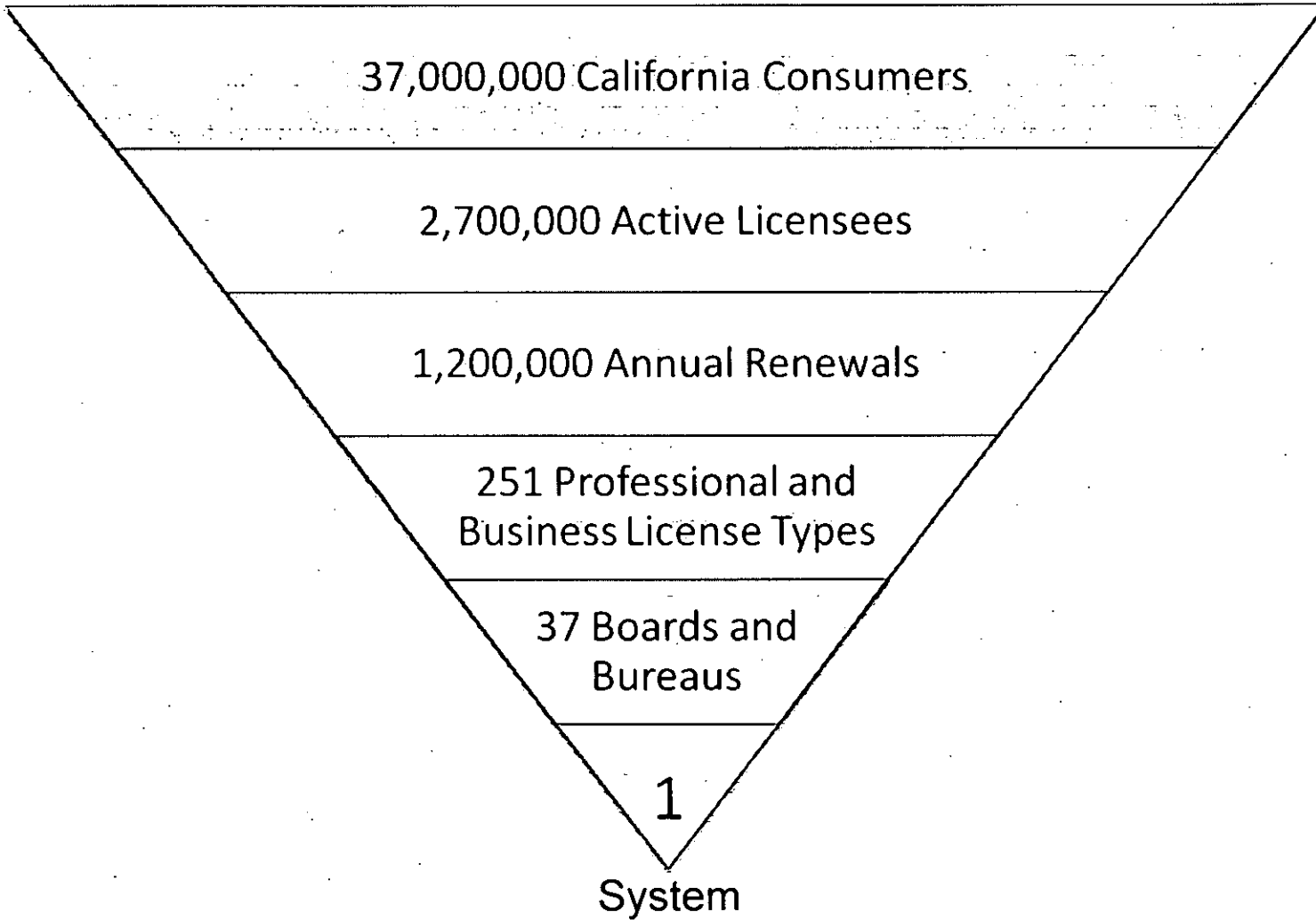
Project Concept

- Integrated Licensing & Enforcement solution
- Completely replaces legacy licensing and enforcement systems (Application and Licensing Database)
- Incorporates document image storage



Project Concept

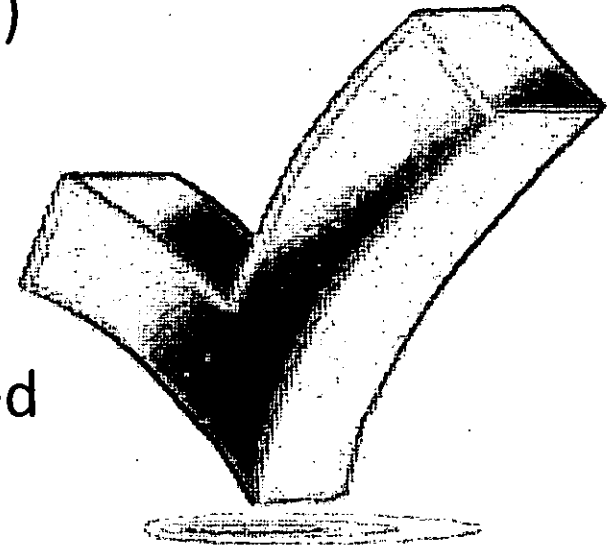






Approval Activities To-Date

- Project concept approved (Nov 2009)
- Procurement initiated (May 2010)
- Contract costs approved
(June 2011)
- Special Project Report (SPR) approved
(July 2011)
- Contract executed (September 2011)





One System....Many Boards

Question: How will one system work for 40+ unique entities?

Answer: Individual Board controlled configuration...

Board & Bureau Staff

Required
Items

Routing Rules

Approval
Rules

DCA IT (Includes Board IT)

System
Interfaces

User Security

Availability

Vendor

Routing Engine

User Interfaces

Data
Architecture



How Our Requirements Be Met?

- First, detailed review of system requirements to ensure common understanding
- Second, detailed multi-day interviews with Committee staff to collect business process specifics
- Third, multi-day system demonstrations with Committee-specific configurations to confirm accuracy
- Fourth, six weeks of user (Committee) acceptance testing to thoroughly exercise the new system



What's in it for Us?

- Customers
 - Self-Service and single point of entry
 - Electronic Applications and Renewals
 - Electronic Payments
 - Expedited processing
- Staff
 - Pre-screened applications
 - Automated routing
 - Shared information across DCA and external agencies

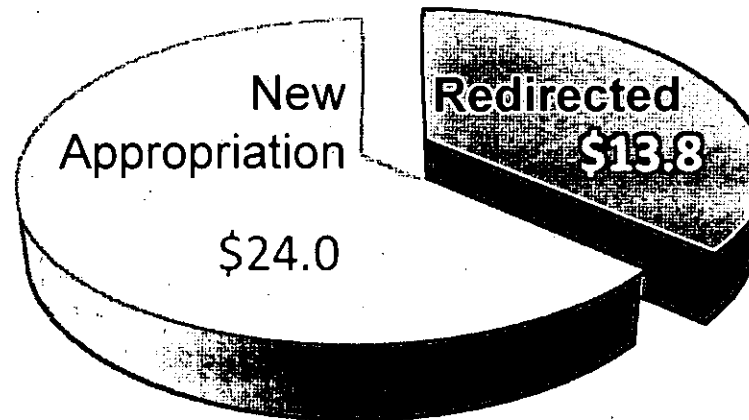


Costs and Funding

All project costs paid via existing licensing fees

BREEZE COST CATEGORY	COSTS
Total One-Time	\$ 51.6

Funding



All figures in millions



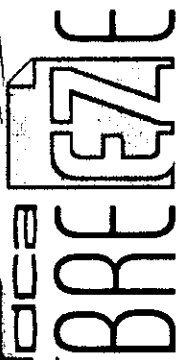
Risk Mitigation

BreEze Deployed



Then 5-year payment
begins

Performance-based Payment Model



Keys to Success

Procure solution
with proven success

Joint review of
business
requirements

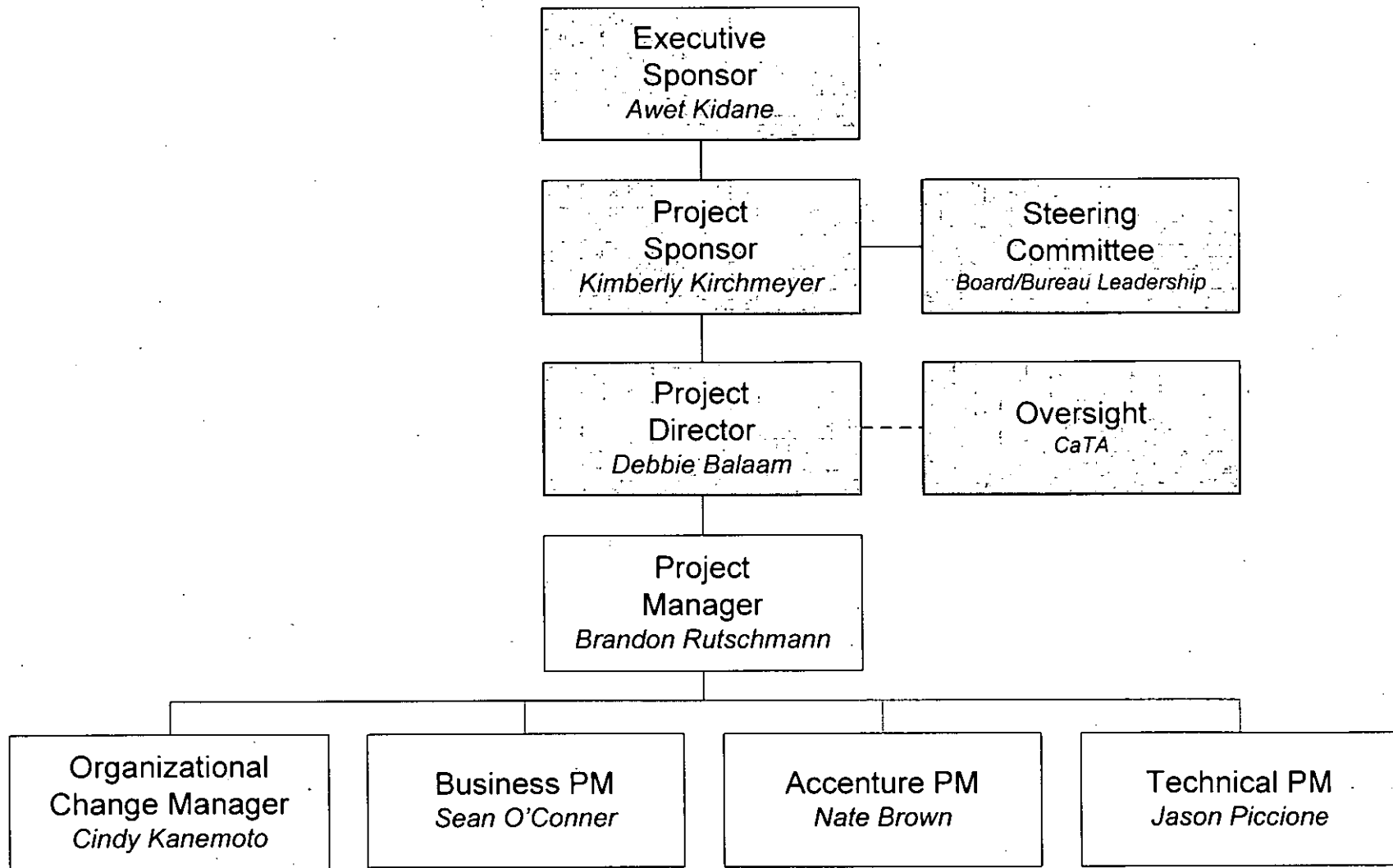


Active executive
support

Active business
ownership (Not IT
driven)

Strong Project Leadership

Project Leadership





Business Activities To-Date

- Requirements Refinement (complete)
- Release 1 Configuration Interviews (complete)
- On-going outreach and communication (in-process)



Next Steps

- Complete Release 1 Conference Room Pilots
- Begin Release 2 Project Planning



Implementation Schedule

Key Action (Activity)	Dates
First Release	Fall 2012
Release 2	Spring 2013
Release 3	Fall 2013

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 8
Appeal of License Suspension
Cris ("Cyborg") Justino



Chairman John Frierson
Vice-Chairman Eugene Hernandez
George Dodd, Executive Officer



January 3, 2012

Cristiane Justino (Santos)



Notice of Suspension and Fine

Dear Ms. Justino:

The results of your steroid test taken on December 16, 2011 were received on January 3, 2012 and they were positive. Attached are the results from the Lab.

The commission will be testing the "B" sample. You may witness the opening and analysis of that sample. Please advise me in writing no later than January 13, 2012 whether you wish to witness the opening and analysis of the "B" sample. If I have not heard from you by 5 PM on January 13, 2012 I will assume that you have declined that opportunity and will proceed accordingly.

Title 4 California Code of Regulations, Rule 303 states in part:

The administration or use of any drugs, alcohol or stimulants, or injections in any part of the body, either before or during a match, to or by any boxer is prohibited.

Based on the positive laboratory findings, your California license as a Mixed Martial Arts athlete is hereby suspended for 1 year, beginning on December 16, 2012 and you are fined \$2,500. The decision of the bout with Hiroko Yamanaka will be changed to a "No Decision" based on Rule 368(4): "The winner of a bout tested positive immediately after the bout for a substance listed in Rule 303(c)".

Per Business and Professions Code section 18842, you have a right to appeal the suspension, fine, and change of bout decision before the Athletic Commission. You must submit your appeal request, in writing, within 30 days of the date of this letter. Upon receipt of your request, your appeal will be included on the agenda for the next available commission meeting.

If you have any questions, please feel free to contact me at any time (916) 263-2195.

Respectfully,

George Dodd
Executive Officer
California Athletic Commission
2005 Evergreen St. Suite 2010
Sacramento, CA 95815
Office (916) 263-2195
Fax (916) 263-2197

Robert B. Bartlett
Attorney

Robert B. Bartlett, Esq
Attorney at Law
2033 S. Court Street
Visalia, CA 93277

Karina Hernandez
Paralegal

Telephonc: (559)733-4333

E-Mail: BartlettLawOffice@Gmail.com

February 2, 2012

Sent Via Fax Transmission
(916)263-2197

Mr. George Dodd
California Athletic Commission
2005 Evergreen Street Ste 2010
Sacramento, CA 95815

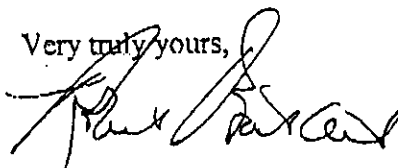
Re: Cris Cyborg

Dear Mr. Dodd:

This will confirm that I have been retained by Ms. Cyborg in regards to her suspension by the California Athletic Commission. This will also serve as Ms. Cyborg's intent to appeal the Commission's decision.

I look forward to discussing this matter further with you at your earliest convenience. If you have any questions please do not hesitate to contact me. In the interim, I remain,

Very truly yours,



Robert B. Bartlett

RBB/mc

Cc: Ms. Cris Cyborg
Mr. Stan Day, Manager



UCLA Olympic Analytical Laboratory
UCLA School of Medicine
2122 Granville Ave. Los Angeles, CA 90025
Phone (310) 825-2635 Fax (310) 206-9077



CONFIDENTIAL
DRUG TESTING REPORT CSAC85

California State Athletic Commission
Attn: Sarah Waklee
2005 Evergreen Street, Ste. 2010
Sacramento, CA 95815
Fax: (916) 263-2197

UCLA code: W14
Sport: MMA
Number of samples: 6
Date of laboratory receipt: 12/17/11
Date of analysis: 12/19/11

The laboratory analyzed the urine specimens listed below using method 1001 anabolic and masking agents.

The specimen condition and custody (C) is acceptable if indicated by 'Y'.

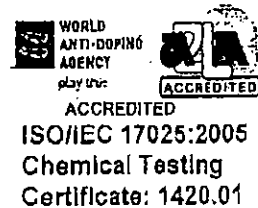
UCLA Code Specimen# Results C

W1404	2639938	>>>>>>>	Y SEE LETTER OF DECEMBER 23, 2011
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Sanja Starcevic Ph.D.	<i>S. Starcevic</i>	12/23/11
Certifying Scientist	Signature	Date



UCLA Olympic Analytical Laboratory
UCLA School of Medicine
2122 Granville Ave. Los Angeles, CA 90025
Phone (310) 825-2635 Fax (310) 206-9077



CONFIDENTIAL
DRUG TESTING REPORT CSAC85 (W1404)

December 23, 2011

California State Athletic Commission
Attn: Sarah Waklee
2005 Evergreen Street, Ste. 2010
Sacramento, CA 95815
Fax: (916) 263-2197

Dear Ms. Waklee:

This is a supplemental report for CSAC 2639938 = UCLA W1404, MMA, collection date December 16, 2011 and date received December 17, 2011.

Urine specimen number CSAC 2639938 = W1404 contains stanozolol metabolites (3'-hydroxystanozolol, 4β-hydroxystanozolol, and 16β-hydroxystanozolol).

Sanja Starcevic Ph.D.

S. Starcevic

12/23/11

Certifying Scientist

Signature

Date

This report shall not be reproduced, except in full, without the written approval of the laboratory.

1 Robert B. Bartlett #134801
2 Attorney at Law
3 2033 S. Court Street
4 Visalia, CA 93277
5 Attorney for Cris Cyborg

6 CALIFORNIA STATE ATHLETIC COMMISSION
7 SACRAMENTO, CALIFORNIA

8 California State Athletic Commission)

9 Petitioner)

10 Vs)

11 Cris Cyborg)

12 Respondent)

13 **APPELLANT'S BRIEF**

14
15
16
17
18 **Factual Summary**

19 On January 3, 2010, the California State Athletic Commission, (hereinafter referred to as the
20 CSAC), issued a letter to Cristiane Justino (Santos), AKA Cris Cyborg, attached hereto as
21 Exhibit "A" stating in part that "...the results of your steroid test taken on December 16, 2011
22 were received on January 3, 2012 and they were positive...."

23
24 Attached hereto as Exhibit "B" is a copy of the UCLA Olympic Analytical Laboratory,
25 UCLA School of Medicine report which provides in part that the "Urine specimen number
26 CSAC 2639938 = W1404 contains stanozolol metabolites, (3'-hydroxystanozolol, 4B-
27 hydroxystanozolol, and 16B-hydroxystanozolol).
28

1 Pursuant to the testing results, the CSAC stated in their letter dated January 3, 2012 referenced
2 above that:

3 *Based on the positive laboratory findings, your California license*
4 *as a Mixed Martial Arts athlete is hereby suspended for 1 year,*
5 *beginning on December 16, 2012 and you are fined \$2,500.00.*
6 *The decision of the bout with Hiroko Yamanaka will be changed to*
a "No Decision" based on Rule 368(4)...

7 Pursuant to **Business and Professions** Code section 18842, Ms Cyborg requests modification
8 only of the term of suspension. In so doing, Ms. Cyborg does not challenge the results of the
9 test, nor the fine or change of the bout decision. Instead, Ms. Cyborg requests that the California
10 State Athletic Commission consider the circumstances stated below in reducing her suspension
11 from one (1) year to six (six) months:

12
13 **Payment of Fine**

14 As of the date of this writing, Ms. Cyborg has mailed the fine to the CASC and submits that
15 her fine is paid in full.

16
17 **Public Service Announcements**

18 Following her suspension, Ms. Cyborg took it upon herself to ensure the integrity of the
19 CASC, by publicly announcing her disapproval of the use of steroid enhancements in the training
20 and performance of competition in Mixed Martial Arts tournaments.

21 She underwent an interview with sports writer Mr. Aaron Tru and announced her disapproval
22 of the use of steroid enhancements and her failure to ensure that any substance that she ingested
23 was free from any illegal substances. This interview can be seen at the following cite:

24 [Http://www.youtube.com/watch?v=I-Q-Seacxo](http://www.youtube.com/watch?v=I-Q-Seacxo).

25
26 It is expected that this interview will reach nearly fifty (50) million viewers between
27 Facebook, Youtube, Twitter and other internet and radio related media sources.
28

1
2 **Ms. Cyborg's Fighting Record**

3 Ms. Cyborg would like to point out to the CASC that her professional fight record shows an
4 unblemished and successful record. Indeed, this is Ms. Cyborg's first appearance before the
5 CASC for a positive test for steroid enhancement, despite a successful fight record of nine (9)
6 consecutive wins as follows:
7

8	Jan Finney	KO	6/26/2010	Win
9	Marloes Coenen	TKO	1/30/2010	Win
10	Gina Carano	TKO	8/15/201	Win
11	Hitomi Akano	TKO	4/11/2009	Win
12	Yoko Takashi	Decision(Unanimous)	10/4/2008	Win
13	Shayna Baszier	TKO	7/26/2008	Win
14	Marise Vitoria	TKO	11/25/2006	Win
15	Elain Santiago	TKO	5/21/2006	Win
16	Chris Schroeder	TKO	1/28/2006	Win
17	Vanessa Porto	Decision (Unanimous)	11/20/2005	Win
18	Erica Paes	Submission (Leglock)	5/17/2005	Win

19
20
21
22 Out of respect and integrity to the CASC, the fight against Ms. Hiroki Yamanaka has been
23 omitted from the above referenced fight schedule.

24 As is seen from the above, Ms. Cyborg has brought integrity and valued attention to the
25 Mixed Martial Arts industry and wishes to continue her contribution to the CASC's involvement
26 in Mixed Martial Arts.
27
28

1
2 **Future Bouts**

3 If the CASC grants Ms. Cyborg's request to have her sentenced reduced to a six (6) months,
4 she anticipates engaging in a bout with Ms. Rhonda Rousey in late June or early July. It is
5 anticipated that the bout would be a tremendous benefit to the CASC and fans of Mixed Martial
6 Arts, as well as to Ms. Cyborg herself.
7

8 **Personal Pronouncement**

9 Ms. Cyborg, in her declaration attached hereto as Exhibit "C" sets forth her personal
10 pronouncement and apology for her behavior and accepts full responsibility for the test results as
11 set forth in Exhibit "B" in this brief.
12

13 As a result of the above referenced matters, Ms. Cyborg requests that the CASC modify her
14 suspension to a total term of six months from December 16, 2011. She is truly remorseful and
15 accepts responsibility for failing to ensure the integrity of the Mixed Martial Arts Industry and
16 wishes to ensure the CASC that her future bouts will be reflective of the values and standards
17 that the CASC expects of all of Mixed Martial Artists, and that she will be an example for all
18 future fighters who wish to be a part of the CASC.
19

20 Ms. Cyborg, as she states in her declaration, understands that her license is a privilege, not a
21 right, and she ensures the CASC that she will do everything in her power to maintain the
22 integrity of the CASC.
23
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1
2 **Declaration of Chris Cyborg**
3 **Exhibit "C"**

4 I, Cris Cybor, declare as follows:

- 5 1. I am the Respondent in the above referenced matter.
6
7 2. In this appeal I do not challenge the test results, fine or bout decision, made by the Athletic
8 Commission pursuant to their letter dated January 3, 2012.
9
10 3. Indeed, as a fighter, I accept that I alone am responsible for all materials that I consume, and I
11 alone accept responsibility for the test results dated December 23, 2011 from the UCLA Olympic
12 Analytical Laboratory.
13
14 4. I hope that the CASC will accept my sincere apology and commitment in ensuring that this
15 will never happen again. I expect to set forth an unblemished record in all future bouts and that I
16 will represent myself as an example to not only the CASC, but all future fighters as to the
17 necessity of being drug free in all bouts in order to maintain the integrity of the CASC.
18
19 5. I understand that my license is a privilege and not a right under California law and
20 respectfully request a reduction in my suspension.
21
22 5. I will continue, as I have done, to promote the necessity of a drug free CASC and the
23 importance for all fighters to set a proper example to all future fighters.
24
25
26
27
28

Date: _____

Cris Cyborg

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 10 (a)
New Promoter Applications for Licensure
George Karambelas-
George Karambelas Promotions



Chairman John Frierson
Vice-Chairman Eugene Hernandez
George Dodd, Executive Officer



Agenda Item 10(a)
April 9, 2012

New Promoter Application for Licensure

Promotion Name: George Karambelas

DBA: George Karambelas Promotions

Required Licensing Documentation:

1 Photo of each applicant	- Completed	Personal Resume	- Completed
Copy of Form BC11 8016 (Fingerprints)	- Completed	Bond/Assignment of Saving	- Completed
Financial Statement of each applicant	- Completed	Article of Incorporation/Minutes:	N/A

Summary: George Karambelas held his first event on March 8, 2012, at the LA Theater Center in Los Angeles, CA. After reviewing the inspector's report the event was professionally run with only a minor issue during the weigh-in. The event was scheduled for five professional bouts; meeting the minimum requirements of 26 rounds. During the weigh-in two fights fell out due to fighters not being medically cleared; resulting in the event only having three professional bouts. The lead inspector discussed the issue with Che Guevara the Chief Athletic Inspector who discussed this issue with Kathi Burns the Assistant Executive Officer. With certain parameters in place, the event was allowed to occur.

George Karambelas worked well with office staff and provided the necessary documentation required to promote his event.

After reviewing the box office report the promoter netted just over \$8,500 from tickets sales. This is a low amount, but given that the event was almost cancelled and it was a first time event for this promoter, this was not unusual.

Recommendation: I recommend that Mr. Karambelas be given a permanent license as a professional promoter in California.



STATE AND LOCAL OFFICIALS SERVICES ADMINISTRATION
CALIFORNIA STATE ATHLETIC COMMISSION
2005 Evergreen Street, Suite 2010 Sacramento, CA 95815
P (916) 263-2195 F (916) 263-2197 website: www.dca.ca.gov/csac



January 11, 2012

George Karambelas


Dear Mr. Karambelas,

Thank you very much for submitting a professional promoter application to the California State Athletic Commission.

Section 219 of Title 4 Article 2 of the California Code of Regulations states that the Commission may grant a temporary license to act in the capacity for which a license is required, and that such temporary license shall be valid for a period not to exceed 120 days or extend from one license year to another.

Therefore, it is my pleasure to inform you that you have been issued a temporary permit, valid until April 11, 2012, as a professional promoter and can plan your first event. My staff and I look forward to ensuring that your first event is a safe and successful one.

Additionally, you must appear in front of the Commission at the next meeting following your event. You may not schedule a second event until you appear in front of the Commission. At that meeting, you may be granted your permanent license. I will advise you of the meeting location and date as the time draws closer.

If you have any further questions, please do not hesitate to contact me at (916) 263-2195.

Respectfully,

George Dodd
Executive Officer

cc: Che Guevara, Acting Chief Athletic Inspector

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 10 (b)
New Promoter Applications for Licensure
Don McDaniels – Muay Thai in America



Chairman John Frierson
Vice-Chairman Eugene Hernandez
George Dodd, Executive Officer



Agenda Item 10(b)
April 9, 2012

New Promoter Application for Licensure

Promotion Name: Don McDaniels

DBA: Muay Thai In America

Required Licensing Documentation:

1 Photo of each applicant- Completed	Personal Resume - Completed
Copy of Form BC11 8016 (Fingerprints) - Completed	Bond/Assignment of Saving -
Financial Statement of each applicant -	Article of Incorporation/Minutes: N/A

Summary: Don McDaniels was given a temporary permit in March 17, 2010, after providing all the necessary documentation required for a professional promoter's license. On April 3, 2010, Mr. McDaniels held his first event in Santa Monica with a gross receipt of over \$36,500. The total due to the California State Athletic Commission (CSAC) was \$4,810.00. This total included the tax at the gate, the neurological assessment fee, and the fees associated with licensing fighters/seconds. The check used to pay the fees was returned for none sufficient funds, as were four additional checks written to fighters/physicians/officials. Additionally, Set Medics, the company that provided the paramedics unit, was not paid for their services.

CSAC attempted to work with Mr. McDaniels to allow him time to pay the fees, including offering a payment plan. On August 7, 2010, CSAC received a cashier's check in the amount of \$2,500, which was insufficient to cover all outstanding fees. CSAC contacted The Hartford Company to pursue the remaining outstanding balance (\$2,130) through the promoter's bond.

In March 2012, Mr. McDaniels contacted CSAC and paid the amount owed; therefore, CSAC dropped the claim against his bond.

Mr. McDaniels stated that he wanted to renew his promoter's license and that he would provide a cashier check in the amount owed. Kathi Burns notified Mr. McDaniels that he would have to apply for a new license since his last application was not approved by the commission. On March 16, 2012, CSAC received an application, the required licensure fee, an out of date bond in the amount of \$20,000 (the amount required in the state of California back in August 2010), and Articles of Organization for International Muay Thai Federation LLC.

I informed Mr. McDaniels that the application was incomplete and that he needed to submit the financial documents either for himself as a sole proprietor or as a corporation since on his current application he checked that he was operating as a corporation. Also, I informed Mr. McDaniels that all three documents had to match: the application, the bond, and the financial documents. Mr. McDaniels acknowledged what he needed to provide and the time frame to submit those documents.

Recommendation:

Options:

- 1) Approve his application and issue Mr. McDaniels a permanent license without restrictions; or with restrictions such as requiring fees to be paid via cashier's check.
- 2) Deny his application, at which time Mr. McDaniels would be required to wait one year before he could reapply.
- 3) Grant Mr. McDaniels a second temporary permit without restrictions; or with restrictions such as requiring fees to be paid via cashier's check.

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 11
Proposed Revised Gift Policy



Chairman John Frierson
Vice-Chairman Eugene Hernandez
George Dodd, Executive Officer

DRAFT

April 6, 2012

DRAFT

CALIFORNIA STATE ATHLETIC COMMISSION GIFT POLICY

Since the receipt of gifts may give rise to the appearance of impropriety, the California State Athletic Commission ("Commission) hereby adopts this gift policy. Even in those circumstances where applicable laws and policies permit the acceptance of gifts, there remains the possibility that the public may perceive such gifts as an attempt to influence or reward official governmental action and thus as creating a conflict of interest. The Commission therefore strongly urges its members and staff to avoid even the appearance of a conflict of interest or impropriety and to demonstrate the Commission's commitment to impartiality, equal treatment and the highest standards of conduct in its interactions with all licensees and potential licensees of the Commission.

All applicants and licensees shall be notified of the Commission's policy on gifts.

For purposes of this policy, the word "gift" means any item having any cost or financial value, including tickets, food or beverages, entertainment, or travel, as well as licensee-sponsored meals, parties, or events.

Effective immediately, the gift policy dated October 26, 2009 is abolished and the following gift policy applies:

A. Commission Members and Staff Who Are Required to File a Form 700

Commission members, the executive officer, assistant executive officer, and chief and assistance chief athletic inspectors are required pursuant to Title 16 Cal. Code Regs 3830 (Appendix) to file annually a Form 700. Members and the staff designated above shall comply with all applicable laws and rules related to conflicts of interest, including the Department of Consumer Affairs' Incompatible Activities Policy dated April 8, 2010, and shall thoroughly disclose on their Form 700s all items required to be disclosed by law. Commission members and staff designated above are also expected to comply with the biennial requirement to take and complete the ethics course offered online by the Office of the Attorney General.

B. Commission Staff

No gifts of any kind, of any value, shall be accepted, on or off the work site, by any Commission employee from any applicant or license or any person acting on behalf of an applicant or licensee. As used in this policy, the term "employee" includes all athletic inspectors except the chief and assistant chief athletic inspector. This policy is intended to supersede any law that conflicts with this policy, but all other laws and policies of the state of California shall continue to apply fully.

Any gift received by a Commission staff member shall be returned within 30 calendar days to the give whenever feasible. When return of a gift is not feasible, the employee shall deliver the gift to the Commission's executive officer, who shall promptly donate the gift to a non-profit entity.