

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

August 5, 2013

Los Angeles, CA



Chairman John Frierson
Vice-Chairman Dr. Christopher Giza
Executive Officer Andy Foster



Members of the Commission

John Frierson, Chair
Christopher Giza, MD, Vice-Chair
VanBuren Lemons, MD
Martha Shen-Urquidez
Mary Lehman
John Carvelli
Leslie Lohse

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

COMMISSION MEETING AGENDA

August 5th, 2013
10:00 a.m. – Conclusion of Business

Location:
Junipero Serra Building
Carmel Room
320 West Fourth Street (Broadway)
Los Angeles, California 90013

OPEN SESSION

1. Call to Order/Pledge of Allegiance/Roll Call
2. Chairman's Opening Remarks/Welcome and Swearing in of new Commissioner Leslie Lohse
3. Approval of June 10, 2013 Commission Meeting Minutes
4. Executive Officer's Report
 - a. Budget Update
 - b. Status of Pending Regulations
 - c. Boxer's Pension Fund/Neurological Examination Account Update
 - d. Staffing Update
 - e. Update on Audit recommendation implementation
 - f. Update on current legislation
 - g. Officials Evaluation Procedure
5. Report from the Pankration Subcommittee
6. Report from the CAMO Subcommittee
7. Discussion and Possible Action-New Delegation Letter to CAMO

8. Preliminary Plans for the Neurological Fund
9. Transgender Athlete Licensing Policy Update
10. Review of Benefit Resources Pension Administration Contract
11. Public Comment on Items not on the Agenda
(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 pursuant to Government Code §§ 11125, 11125.7(a))

Closed Session

12. Pursuant to Government Code Section 11126(e)(1) the Commission will confer with Legal Counsel to discuss pending litigation
 - a. Dwayne Woodard vs. California State Athletic Commission, Department of Consumer Affairs, Case No. BC487180, Los Angeles Superior Court.
 - b. Sarah Waklee vs. California State Athletic Commission, Department of Consumer Affairs

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 Andy Foster at (916) 263-2195 or email Andy.Foster@dca.ca.gov or sending a written request to Andy Foster 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 Andy Foster 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.

AGENDA ITEM

4a

ATHLETIC COMMISSION FY 2012-13 EXPENDITURE PLANNING VS ACTUAL SPENDING

	12-13 Gov Budget	Updated with FM11 Calstars																							Proposed Expenditure	ACTUAL Expenditure				
		ACTUAL July	ACTUAL August	ACTUAL August	ACTUAL September	ACTUAL October	ACTUAL October	ACTUAL November	ACTUAL November	ACTUAL December	ACTUAL December	ACTUAL January	ACTUAL January	ACTUAL February	ACTUAL February	ACTUAL March	ACTUAL March	ACTUAL April	ACTUAL April	ACTUAL May	ACTUAL May	ACTUAL June	ACTUAL June							
		July	August	August	September	October	October	November	November	December	December	January	January	February	February	March	March	April	April	May	May	June	June							
PERSONAL SERVICES:																														
Civil Service-Perm	407,722	\$23,942	\$25,747	\$23,942	\$26,084	\$27,206	\$19,957	\$27,206	\$15,294	\$27,206	\$13,907	\$14,551	\$12,069	\$14,551	\$10,914	\$14,952	\$10,838	\$14,952	\$14,784	\$14,952	\$15,349	\$14,952	\$16,656	\$14,952	\$16,636	\$	\$233,964	\$	\$198,235	
Statutory-Exempt (EO)	89,611	\$7,485	\$7,139	\$7,485	\$-	\$7,485	\$7,154	\$7,485	\$3,001	\$7,485	\$5,233	\$7,485	\$6,772	\$7,485	\$6,772	\$7,485	\$6,772	\$7,485	\$6,772	\$7,485	\$6,772	\$7,485	\$6,772	\$7,485	\$6,772	\$	\$89,820	\$	\$69,931	
Athletic Inspectors	299,279	\$13,108	\$-	\$13,108	\$20,382	\$12,865	\$15,082	\$13,848	\$18,776	\$9,162	\$13,097	\$11,128	\$20,977	\$8,906	\$6,899	\$9,404	\$16,902	\$15,828	\$17,680	\$13,108	\$21,701	\$12,609	\$11,420	\$13,606	\$15,377	\$	\$146,680	\$	\$178,293	
Board/Commission	2,887	\$-	\$-	\$900	\$-	\$-	\$300	\$900	\$-	\$-	\$300	\$-	\$100	\$900	\$-	\$-	\$-	\$-	\$-	\$900	\$-	\$1,300	\$900	\$200	\$-	\$	\$4,500	\$	\$2,412	
Temporary Help	-	\$-	\$22,412	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	
Overtime	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$1,220	\$-	\$-	\$-	\$565	\$-	\$-	\$-	\$-	\$-	\$399	\$-	\$-	\$-	\$(320)	\$-	\$-	\$-	\$-	\$1,864	
Staff Benefits	278,533	\$13,514	\$18,311	\$13,514	\$16,515	\$14,917	\$14,537	\$14,917	\$10,038	\$14,917	\$19,120	\$9,475	\$9,555	\$9,475	\$9,116	\$9,648	\$7,996	\$9,648	\$21,696	\$9,648	\$10,504	\$9,648	\$11,890	\$9,648	\$11,502	\$	\$138,969	\$	\$160,780	
TOTAL PERSONAL SERVICES	1,078,032	\$58,049	\$73,609	\$58,949	\$62,981	\$62,473	\$57,030	\$64,356	\$48,329	\$68,770	\$52,222	\$42,639	\$49,273	\$41,317	\$33,701	\$41,489	\$42,508	\$47,913	\$61,331	\$46,093	\$54,326	\$44,694	\$47,718	\$46,591	\$50,487	\$-	\$613,333	\$-	\$633,515	
OPERATING EXPENSE AND EQUIPMENT																														
General Expense	41,435	\$3,000	\$121	\$-	\$364	\$3,000	\$8,776	\$-	\$843	\$3,000	\$988	\$-	\$131	\$3,000	\$2,700	\$-	\$2,261	\$3,000	\$910	\$-	\$984	\$3,000	\$1,036	\$-	\$1,672	\$	\$18,000	\$	\$20,786	
Printing	5,472	\$500	\$-	\$-	\$-	\$-	\$500	\$18	\$-	\$-	\$-	\$-	\$440	\$-	\$-	\$500	\$125	\$-	\$1,615	\$-	\$-	\$-	\$-	\$500	\$529	\$	\$2,000	\$	\$2,727	
Communication	12,362	\$250	\$4	\$250	\$412	\$250	\$4	\$250	\$172	\$250	\$416	\$250	\$416	\$250	\$703	\$250	\$516	\$250	\$139	\$250	\$416	\$384	\$250	\$25	\$250	\$550	\$	\$3,000	\$	\$4,191
Postage	9,098	\$100	\$-	\$100	\$201	\$100	\$106	\$100	\$130	\$100	\$64	\$100	\$76	\$100	\$184	\$100	\$58	\$100	\$252	\$100	\$62	\$100	\$160	\$100	\$106	\$	\$1,200	\$	\$1,399	
Travel In State	287,098	\$5,909	\$-	\$5,909	\$784	\$5,810	\$1,407	\$9,209	\$9,533	\$4,309	\$7,685	\$5,106	\$5,885	\$7,205	\$7,496	\$4,407	\$13,279	\$7,010	\$1,403	\$5,707	\$4,869	\$6,110	\$7,528	\$5,909	\$17,628	\$	\$72,600	\$	\$77,497	
Training	5,472	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	
Facilities Operations	72,211	\$5,220	\$5,117	\$5,220	\$5,117	\$5,220	\$5,579	\$5,220	\$5,563	\$5,220	\$5,402	\$5,220	\$5,403	\$5,220	\$5,403	\$5,220	\$5,403	\$5,220	\$5,403	\$5,220	\$5,403	\$5,220	\$5,403	\$5,220	\$5,501	\$	\$62,640	\$	\$64,697	
C/P Services - Internal	2,360	\$2,248	\$-	\$2,248	\$58	\$2,203	\$-	\$2,385	\$-	\$1,515	\$-	\$1,880	\$-	\$1,468	\$-	\$1,560	\$-	\$2,753	\$-	\$-	\$2,248	\$-	\$2,154	\$150	\$2,340	\$-	\$	\$25,000	\$	\$208
C/P Services - External	-	\$2,655	\$-	\$2,655	\$-	\$2,655	\$499	\$2,655	\$8,925	\$2,655	\$2,430	\$2,655	\$3,000	\$2,655	\$5,000	\$2,655	\$(426)	\$2,655	\$5,505	\$2,655	\$1,655	\$2,655	\$7,210	\$2,655	\$1,500	\$	\$31,850	\$	\$35,298	
DCA Pro Rata	200,146	\$-	\$-	\$-	\$50,012	\$50,037	\$-	\$-	\$50,012	\$-	\$-	\$50,037	\$-	\$47,207	\$-	\$-	\$50,037	\$-	\$-	\$-	\$49,077	\$-	\$-	\$50,037	\$-	\$-	\$200,148	\$	\$196,308	
DEPARTMENTAL SERVICES																														
DP Maintenance & Supplies	3,797	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$3	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$273	\$	\$-	\$	\$276	
Central (State) Adm Pro Rata	122,920	\$-	\$-	\$-	\$30,730	\$30,730	\$-	\$-	\$-	\$-	\$30,730	\$-	\$-	\$-	\$-	\$30,730	\$30,730	\$-	\$-	\$-	\$-	\$30,730	\$30,730	\$-	\$-	\$	\$122,920	\$	\$122,920	
ENFORCEMENT																														
Attorney General	95,697	\$4,000	\$-	\$4,000	\$1,482	\$4,000	\$473	\$4,000	\$3,315	\$4,000	\$10,400	\$4,000	\$5,343	\$4,000	\$6,245	\$4,000	\$8,983	\$4,000	\$12,410	\$4,000	\$4,645	\$4,000	\$7,345	\$4,000	\$21,600	\$	\$48,000	\$	\$82,241	
Major Equipment	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	
Minor Equipment	2,900	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$51	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$51	
TOTALS, O&E	860,968	\$23,882	\$5,242	\$20,382	\$89,160	\$104,005	\$16,844	\$24,319	\$78,511	\$21,049	\$58,115	\$99,978	\$20,694	\$23,898	\$74,989	\$18,692	\$60,932	\$105,755	\$27,637	\$20,180	\$67,529	\$23,489	\$59,587	\$101,741	\$49,359	\$-	\$587,968	\$-	\$606,599	
TOTAL EXPENSE	1,939,000	\$81,930	\$78,851	\$79,330	\$152,141	\$166,478	\$73,874	\$88,675	\$126,840	\$79,819	\$110,337	\$142,617	\$69,967	\$65,215	\$108,690	\$60,181	\$103,440	\$153,668	\$88,968	\$66,273	\$121,855	\$68,183	\$107,905	\$148,332	\$99,846	\$-	\$1,200,701	\$-	\$1,242,114	

Athletic Commission Fund Revenue

Fund 0326

Updated with Revenue Info from Calstars

	Projected Revenue	Actual Revenue*	YTD Difference
CY 2012-13			
July	\$ 135,950	\$ 70,941	\$ -65,009
August	\$ 161,988	\$ 133,363	\$ -28,625
September	\$ 114,574	\$ 290,459	\$ 175,885
October	\$ 115,872	\$ 122,018	\$ 6,146
November	\$ 60,046	\$ 126,011	\$ 65,965
December	\$ 147,572	\$ 69,238	\$ -78,334
January	\$ 109,922	\$ 99,055	\$ -10,867
February	\$ 45,440	\$ 146,108	\$ 100,668
March	\$ 121,498	\$ 216,840	\$ 95,342
April	\$ 100,617	\$ 45,428	\$ -55,189
May	\$ 100,184	\$ 180,552	\$ 80,368
June	\$ 166,181	\$ 88,867	\$ -77,314
FM 13	\$ -		
FY 2012-13 Total	\$ 1,379,844	\$ 1,588,879	\$ 209,035

* Actual Revenue based on monthly Calstars reports and includes processing lags

Athletic Commission Expenditures

Fund 0326

Updated with Expenditure Info from Calstars

	Projected Expenditures	Actual Expenditures*	YTD Difference**
CY 2012-13			
July	\$ 81,930	\$ 78,851	\$ -3,079
August	\$ 79,330	\$ 152,141	\$ 72,811
September	\$ 166,478	\$ 73,874	\$ -92,604
October	\$ 88,675	\$ 126,840	\$ 38,165
November	\$ 79,819	\$ 110,336	\$ 30,517
December	\$ 142,617	\$ 69,968	\$ -72,649
January	\$ 65,215	\$ 108,689	\$ 43,474
February	\$ 60,181	\$ 103,439	\$ 43,258
March	\$ 153,668	\$ 88,968	\$ -64,700
April	\$ 66,273	\$ 121,855	\$ 55,582
May	\$ 68,183	\$ 107,305	\$ 39,122
June	\$ 148,332	\$ 99,846	\$ -48,486
FM 13	\$ -		
FY 2012-13 Total	\$ 1,200,701	\$ 1,242,112	\$ 41,411

* Actual Rev/Exp based on monthly Calstars reports and include processing lags

** Athletic Inspector and Travel Backlog

FY 12-13 Actual Cashflow of Athletic Commission Fund

Fund 0326

Based on Monthly Calstars Reports

	Revenue	Expenditures	Balance	Comments
CY 2012-13				
Beginning balance:			\$ 22,941	FY 2011-12 Closing Balance
July	\$ 70,941	\$ 78,851	\$ 15,031	Actual Revenue and Expenditures based on FM01 Calstars
August	\$ 133,363	\$ 152,141	\$ -3,747	Actual Revenue and Expenditures based on FM02 Calstars
September	\$ 290,459	\$ 73,874	\$ 212,838	Actual Revenue and Expenditures based on FM03 Calstars
October	\$ 122,018	\$ 126,840	\$ 208,016	Actual Revenue and Expenditures based on FM04 Calstars
November	\$ 126,011	\$ 110,336	\$ 223,691	Actual Revenue and Expenditures based on FM05 Calstars
December	\$ 69,238	\$ 69,968	\$ 222,961	Actual Revenue and Expenditures based on FM06 Calstars
January	\$ 99,055	\$ 108,689	\$ 213,326	Actual Revenue and Expenditures based on FM07 Calstars
February	\$ 146,108	\$ 103,439	\$ 255,995	Actual Revenue and Expenditures based on FM08 Calstars
March	\$ 216,840	\$ 88,968	\$ 383,867	Actual Revenue and Expenditures based on FM09 Calstars
April	\$ 45,428	\$ 121,855	\$ 307,440	Actual Revenue and Expenditures based on FM10 Calstars
May	\$ 180,552	\$ 107,305	\$ 380,687	Actual Revenue and Expenditures based on FM11 Calstars
June	\$ 88,867	\$ 99,846	\$ 369,708	Actual Revenue and Expenditures based on FM12 Calstars
FM 13			\$ 369,708	
FY 2012-13 Total	\$ 1,588,879	\$ 1,242,112		

AGENDA ITEM

4c

DEPARTMENT OF CONSUMER AFFAIRS

BUDGET REPORT

AS OF 6/30/2013

FM 12

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ATHLETIC COMMISSION

BOXERS PENSION CONTINUOUSLY APPROPRIATED 9250

BOXERS PENSION CONTINUOUSLY APPROPRIATED

DESCRIPTION	BUDGET	CURR. MONTH	YR-TO-DATE	ENCUMBRANCE	YTD + ENCUMBRANCE	BALANCE	PCNT REMAIN
SPECIAL ITEMS OF EXPENSE							
RETIREMENT DISBURSEMENTS							
623 00 RETIREMT DISBURSMN	0	126,422	202,003	0	202,003	(202,003)	
<u>TOTAL</u> RETIREMENT DISBURSEMENTS	0	126,422	202,003	0	202,003	(202,003)	0.00%
<u>TOTAL</u> SPECIAL ITEMS OF EXPENSE	0	126,422	202,003	0	202,003	(202,003)	0.00%
ERS PENSION CONTINUOUSLY APPROPRIATED							
	0	126,422	202,003	0	202,003	(202,003)	0.00%
	0	126,422	202,003	0	202,003	(202,003)	0.00%

DEPARTMENT OF CONSUMER AFFAIRS
ENCUMBRANCE REPORT

AS OF: 6/30/2013

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09250 BOXERS PENSION FUND 9250

DOCUMENT	VENDOR	ORIG. AMOUNT	ADJUSTMENTS	LIQUIDATIONS	BALANCE
C/P SVS - EXTERNAL					
418 02 REQ00083-58	0000071780-00 BENEFIT RESOURCES	\$31,950.00	\$0.00	(\$27,880.00)	\$4,070.00
418 02 REQ00090-30	0000071737-00 RAYMOND JAMES FIN	\$20,000.00	\$0.00	\$0.00	\$20,000.00
TOTAL C/P SVS - EXTERNAL					\$24,070.00

09250 BOXERS PENSION FUND 9250

\$24,070.00

DEPARTMENT OF CONSUMER AFFAIRS

BUDGET REPORT

AS OF 6/30/2013

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ATHLETIC COMMISSION

ATHLETIC COMMISSION - NEUROLOGICAL

STATE ATHLETIC COMM - BOXERS NEURO ACCT

DESCRIPTION	BUDGET	CURR. MONTH	YR-TO-DATE	ENCUMBRANCE	YTD + ENCUMBRANCE	BALANCE	PCNT REMAIN
PERSONAL SERVICES							
SALARIES AND WAGES							
003 00 CIVIL SERVICE-PERM	55,090	0	10,212	0	10,212	44,878	
TOTAL SALARIES AND WAGES	55,090	0	10,212	0	10,212	44,878	81.46%
STAFF BENEFITS							
103 00 OASDI	2,100	0	544	0	544	1,556	
104 00 DENTAL INSURANCE	617	0	411	0	411	206	
105 00 HEALTH/WELFARE INS	8,792	0	7,305	0	7,305	1,487	
106 01 RETIREMENT	5,751	0	2,094	0	2,094	3,657	
125 00 WORKERS' COMPENSAT	287	0	0	0	0	287	
125 15 SCIF ALLOCATION CO	0	16	98	0	98	(98)	
134 00 OTHER-STAFF BENEFI	313	0	18	0	18	295	
136 00 VISION CARE	201	0	52	0	52	149	
137 00 MEDICARE TAXATION	12	0	127	0	127	(115)	
TOTAL STAFF BENEFITS	18,073	16	10,649	0	10,649	7,424	41.08%
TOTAL PERSONAL SERVICES	73,163	16	20,861	0	20,861	52,302	71.49%
OPERATING EXPENSES & EQUIPMENT							
GENERAL EXPENSE							
201 00 GENERAL EXPENSE	2,777	0	0	0	0	2,777	
213 02 ADMIN OVERHEAD-OTH	0	0	917	0	917	(917)	
TOTAL GENERAL EXPENSE	2,777	0	917	0	917	1,860	66.98%
PRINTING							
241 00 PRINTING	690	0	0	0	0	690	
TOTAL PRINTING	690	0	0	0	0	690	100.00%
COMMUNICATIONS							
251 00 COMMUNICATIONS	217	0	0	0	0	217	
TOTAL COMMUNICATIONS	217	0	0	0	0	217	100.00%
POSTAGE							
261 00 POSTAGE	1,463	0	0	0	0	1,463	
TOTAL POSTAGE	1,463	0	0	0	0	1,463	100.00%
TRAINING							
331 00 TRAINING	246	0	0	0	0	246	

DEPARTMENT OF CONSUMER AFFAIRS

BUDGET REPORT

AS OF 6/30/2013

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FM 12

ATHLETIC COMMISSION
ATHLETIC COMMISSION - NEUROLOGICAL

STATE ATHLETIC COMM - BOXERS NEURO ACCT

DESCRIPTION	BUDGET	CURR. MONTH	YR-TO-DATE	ENCUMBRANCE	YTD + ENCUMBRANCE	BALANCE	PCNT REMAIN
<u>TOTAL</u> TRAINING	246	0	0	0	0	246	100.00%
FACILITIES OPERATIONS							
341 00 FACILITIES OPERATI	2,779	0	0	0	0	2,779	
<u>TOTAL</u> FACILITIES OPERATIONS	2,779	0	0	0	0	2,779	100.00%
C/P SVS - EXTERNAL							
402 00 CONSULT/PROF SERV-	20,329	0	0	0	0	20,329	
<u>TOTAL</u> C/P SVS - EXTERNAL	20,329	0	0	0	0	20,329	100.00%
DEPARTMENTAL SERVICES							
424 03 OIS PRO RATA	2,997	0	2,997	0	2,997	0	
427 00 INDIRECT DISTRB CO	7,573	0	7,573	0	7,573	0	
427 01 INTERAGENCY SERVS	13	0	0	0	0	13	
427 30 DOI - PRO RATA	308	0	308	0	308	0	
427 34 PUBLIC AFFAIRS PRO	427	0	427	0	427	0	
427 35 CCED PRO RATA	527	0	527	0	527	0	
<u>TOTAL</u> DEPARTMENTAL SERVICES	11,845	0	11,832	0	11,832	13	0.11%
CENTRAL ADMINISTRATIVE SERVICES							
438 00 PRO RATA	5,138	0	5,138	0	5,138	0	
<u>TOTAL</u> CENTRAL ADMINISTRATIVE SERVICES	5,138	0	5,138	0	5,138	0	0.00%
<u>TOTAL</u> OPERATING EXPENSES & EQUIPMEN	45,484	0	17,887	0	17,887	27,597	60.67%
<hr/>							
ATE ATHLETIC COMM - BOXERS NEURO ACCT	118,647	16	38,748	0	38,748	79,899	67.34%
<hr/>							
	118,647	16	38,748	0	38,748	79,899	67.34%

DEPARTMENT OF CONSUMER AFFAIRS
ENCUMBRANCE REPORT

AS OF: 6/30/2013

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09250 BOXERS PENSION FUND 9250

DOCUMENT	VENDOR	ORIG. AMOUNT	ADJUSTMENTS	LIQUIDATIONS	BALANCE
C/P SVS - EXTERNAL					
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418 02 REQ00090-30	0000071737-00 RAYMOND JAMES FIN	\$20,000.00	\$0.00	\$0.00	\$20,000.00
TOTAL	C/P SVS - EXTERNAL				\$24,070.00

09250 BOXERS PENSION FUND 9250

\$24,070.00

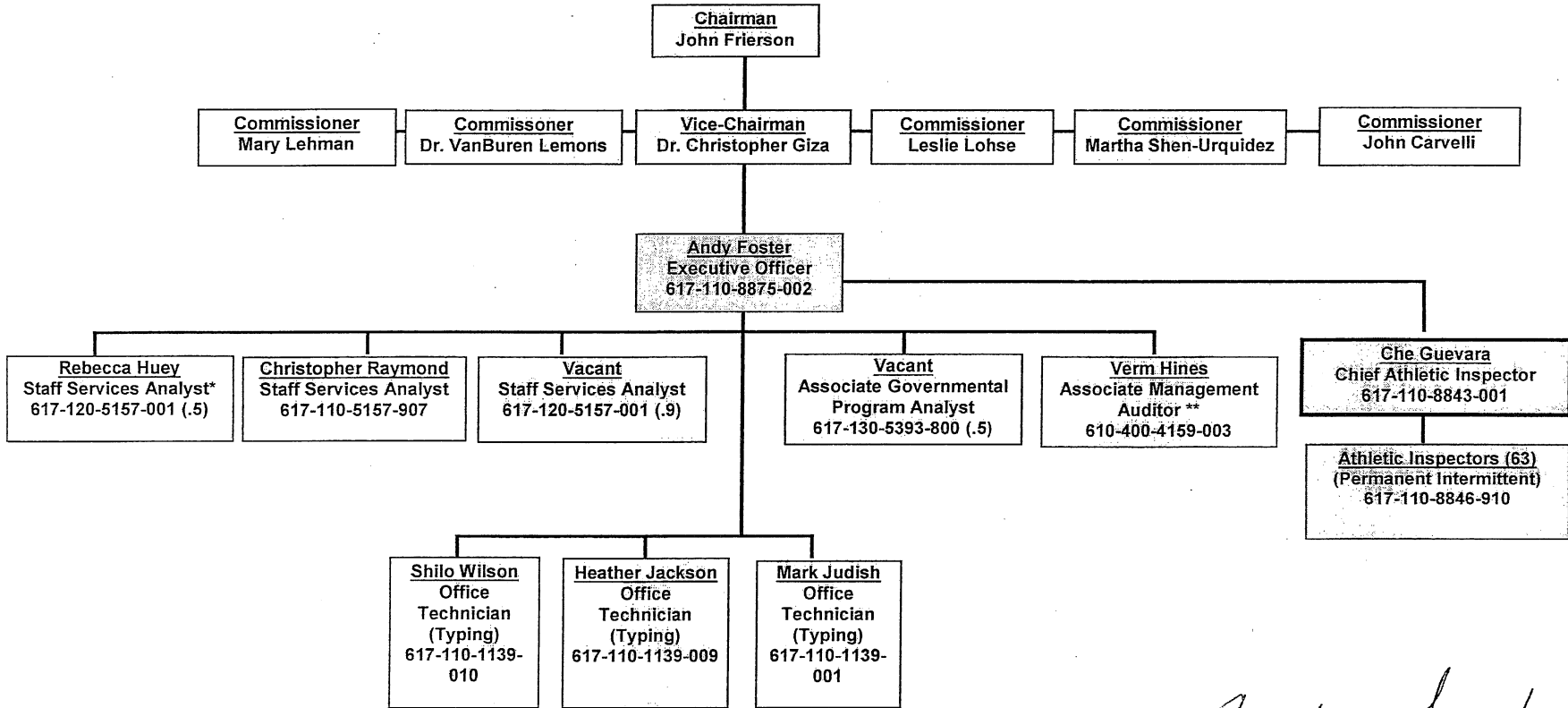
AGENDA ITEM

4d

California State Athletic Commission

1-Jul-13

Current



Andy Foster 7/24/13

Executive Officer _____ Date _____

*Position on loan from Director's Office

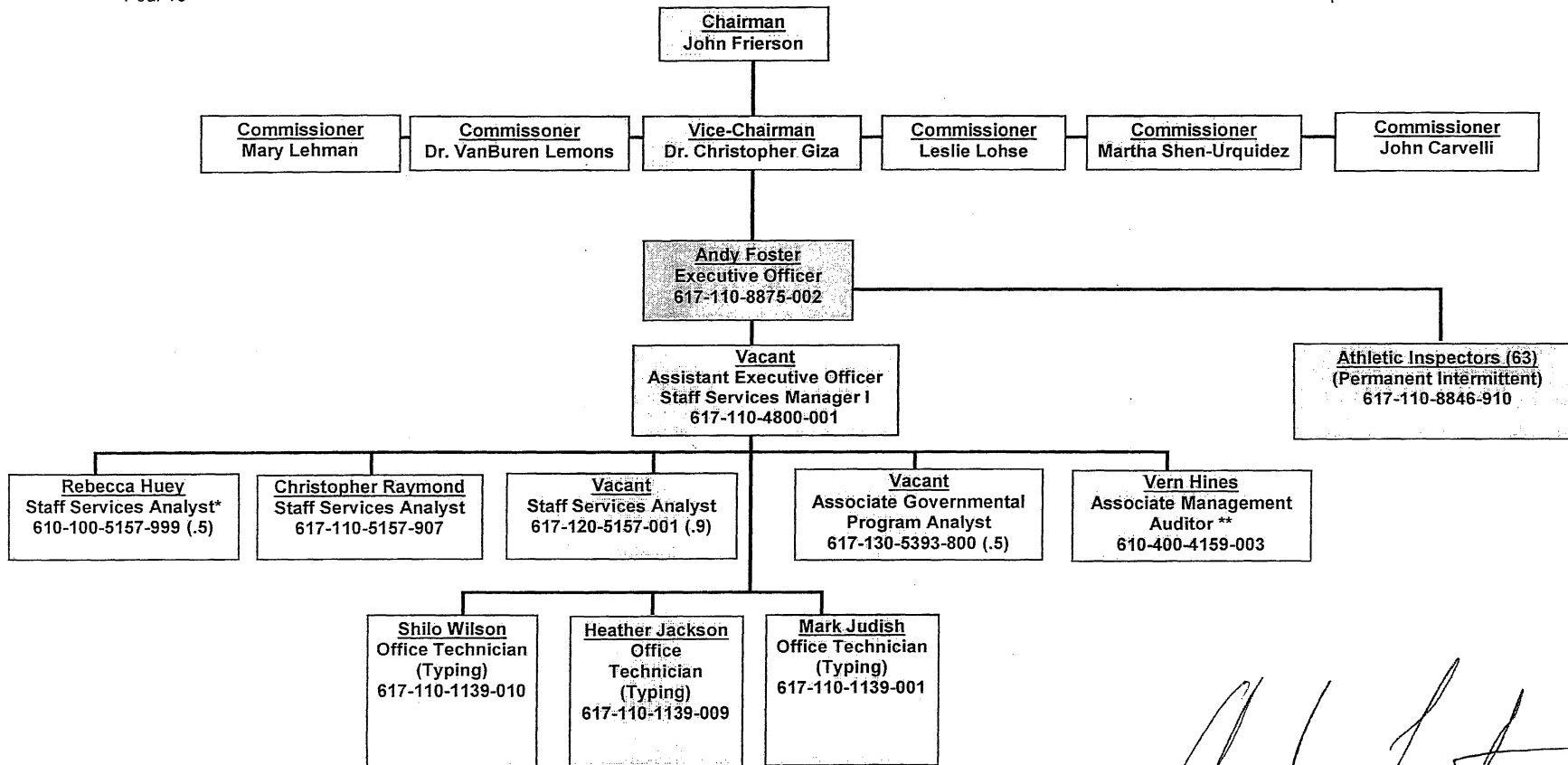
** Position on loan from Internal Audits

Personnel Analyst _____ Date _____

California State Athletic Commission

1-Jul-13

Proposed



Andy Foster 7/24/13
 Executive Officer Date

*Position on loan from Director's Office

** Position on loan from Internal Audits

 Personnel Analyst Date

AGENDA ITEM

4f

Under existing law, the State Athletic Commission Act, the State Athletic Commission is responsible for licensing and regulating boxing, kickboxing, and martial arts matches and is required to appoint an executive officer. Existing law repeals these provisions on January 1, 2014. A violation of the act is a crime.

This bill would extend the repeal date to January 1, 2016.

Existing law requires the commission, at its regularly scheduled meetings, to invite testimony from boxing stakeholders to identify actions that may lead to greater opportunities for its licensees to participate in major professional championship boxing contests in the state. Existing law requires the commission to annually make recommendations, based on that testimony, to the Governor and the Legislature.

This bill would delete that recommendation requirement.

Existing law authorizes the commission to license professional and amateur boxers, professional and amateur martial arts fighters, and booking agents, managers of professional boxers and professional martial arts fighters, trainers, chief seconds, and seconds of each. Under existing law, only a natural person may be licensed as a boxer and martial arts fighter.

This bill would eliminate that natural person limitation on who may be licensed as a boxer and martial arts fighter.

Under existing law, the commission may authorize a nonprofit boxing, wrestling, or martial arts club or organization, upon approval of its bylaws, to administer its rules for amateur boxing, wrestling, and full contact martial arts contests subject to specified findings by the commission.

This bill would additionally authorize a sanctioning body to administer its rules. The bill would authorize the commission to revoke the authority for a previously authorized nonprofit boxing, wrestling, or martial arts club, organization, or sanctioning body to administer its rules.

Existing law prohibits a professional boxer from sparring for training purposes with any person not licensed as a professional boxer or who does not have a sparring permit. Existing law prohibits a person from conducting or operating a professional boxers' training gymnasium unless he or she has been issued a license by the commission. Under existing law, the failure of a licensed training gymnasium owner or operator, fighter, boxer, trainer, second, or manager to report to the commission an injury or knockout of a licensed boxer or fighter or the holder of a sparring permit is grounds for the suspension of his or her license.

This bill would repeal those provisions. The bill would prohibit a person from training a professional boxer or kickboxer or martial arts athlete unless he or she has been licensed by the commission. The bill would make the application and renewal fee for a licensed professional trainer \$200. The bill would define a

"professional trainer" as someone who is responsible for the day to day training of those aforementioned athletes and possesses a minimum of 5 years experience in combative sports. The bill would authorize only licensed professional trainers to make a recommendation to the commission on whether a contestant is prepared for his or her first amateur mixed martial arts bout or to turn professional in boxing, kickboxing, or mixed martial arts. The bill would require a professional trainer to be present in the corner of the contestant unless otherwise authorized by the commission or the executive officer. The bill would make the failure of a licensed professional trainer to report to the commission and ~~Fight Fax Inc.~~ *a specified database* an injury or knockout of a licensed boxer or fighter *one of the grounds for the suspension or revocation* of his or her license. ~~The bill would make a conforming change.~~

Under existing law, the commission requires, as a condition of licensure and annual renewal and as a part of the application process, the examination by a licensed physician and surgeon who specializes in neurology and neurosurgery of each applicant for a license as a professional athlete or contestant, in addition to any other medical examinations. Existing law requires the cost of the examinations to be paid from assessments on any one or more of the following: promoters of professional matches, managers, and professional athletes or other contestants licensed under the act.

This bill would specify that the administrative costs associated with managing and distributing the State Athletic Commission Neurological Examination Account shall be limited to no more than 20% of the prior year's contributions. The bill would authorize the commission to use moneys from the State Athletic Commission Neurological Examination Account, upon appropriation by the Legislature, to fund special neurological examinations and ~~explore~~ new diagnostic imaging and testing to be used in relation to those required examinations.

Existing law *requires the commission to license referees. Existing law requires a referee to be in attendance at every boxing contest and to enforce the rules of the commission at every boxing contest. Existing law requires a licensed physician and surgeon to observe the physical condition of the contestant during the contest and requires ringside physicians and surgeons to meet certain requirements. Existing law prohibits a referee or physician and surgeon from being assigned to a boxing contest if he or she has not participated in a clinic sponsored by the commission in the preceding 6 months.* Existing law authorizes the commission to pay any necessary and authorizes travel expenses of referees and physicians and surgeons who attend such clinics.

This bill would ~~delete that payment authorization and would authorize the commission to contract with a 3rd party to conduct a clinic. The bill would authorize a 3rd party to charge attendees a reasonable fee, as specified~~ *instead prohibit a referee or physician and surgeon from being assigned to a boxing contest if he or she has not completed, within the preceding 6 months, a clinic*

offered by a provider approved by the commission, as specified. The bill would authorize a clinic provider to charge a referee or physician and surgeon participating in a clinic a reasonable fee.

Existing federal law requires a state boxing commission to issue to each professional boxer who registers with it an identification card containing specified information and requires each professional boxer to renew his or her identification card at least once every 4 years.

This bill would require the commission to charge a \$20 fee to issue federal identification cards and would require those cards to be reissued once every 4 years.

Existing law requires every person who conducts a contest or wrestling exhibition, within 5 working days after the determination of every contest or wrestling exhibition for which admission is charged and received, to furnish to the commission, among other things, a fee of 5% of the amount paid for admission to the contest or wrestling exhibition, but prohibits the fee from exceeding \$100,000, and a fee of up to 5%, as specified, for the sale, lease, or other exploitation of broadcasting or television rights, except that this fee is prohibited from being less than \$1,000 or more than \$25,000. Existing law requires the commission to report to a specified legislative committee on the fiscal impact of that \$100,000 limitation. Existing law prohibits the minimum fee for an amateur contest or exhibition from being less than \$500.

This bill would instead require the commission to furnish that 5% fee within 72 hours and report to the Legislature during its next sunset review. The bill would ~~instead~~ increase the limit on the 5% fee for the sale, lease, or other exploitation of broadcasting or television rights to \$35,000. *The bill would prohibit the minimum fee for an amateur contest or exhibition from being less than \$1,000. The bill would prohibit the minimum fee for a professional contest or exhibition from being less than \$1,250.*

Existing law requires the administrative costs associated with investing, managing, and distributing the Boxers' Pension Fund to be limited to no more than 20% of the average annual contribution made to the fund in the previous 2 years, not including any investment income derived from the corpus of the fund. Existing law requires the commission to report to a legislative committee on the impact of these provisions during the next regularly scheduled sunset review.

This bill would limit those administrative costs to no more than 2% and would require that report to be submitted to the Legislature.

Because a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions

establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 18602 of the Business and Professions Code is amended to read:

18602. (a) Except as provided in this section, there is in the Department of Consumer Affairs the State Athletic Commission, which consists of seven members. Five members shall be appointed by the Governor, one member shall be appointed by the Senate Rules Committee, and one member shall be appointed by the Speaker of the Assembly.

The members of the commission appointed by the Governor are subject to confirmation by the Senate pursuant to Section 1322 of the Government Code.

No person who is currently licensed, or who was licensed within the last two years, under this chapter may be appointed or reappointed to, or serve on, the commission.

(b) In appointing commissioners under this section, the Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall make every effort to ensure that at least four of the members of the commission shall have experience and demonstrate expertise in one of the following areas:

(1) A licensed physician or surgeon having expertise or specializing in neurology, neurosurgery, head trauma, or sports medicine. Sports medicine includes, but is not limited to, physiology, kinesiology, or other aspects of sports medicine.

(2) Financial management.

(3) Public safety.

(4) Past experience in the activity regulated by this chapter, either as a contestant, a referee or official, a promoter, or a venue operator.

(c) Each member of the commission shall be appointed for a term of four years. All terms shall end on January 1. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term. No commission member may serve more than two consecutive terms.

(d) Notwithstanding any other provision of this chapter, members first appointed

shall be subject to the following terms:

(1) The Governor shall appoint two members for two years, two members for three years, and one member for four years.

(2) The Senate Committee on Rules shall appoint one member for four years.

(3) The Speaker of the Assembly shall appoint one member for four years.

(e) (1) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

(2) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 2. Section 18613 of the Business and Professions Code is amended to read:

18613. (a) (1) The commission shall appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the commission and vested in him or her by this chapter. The appointment of the executive officer is subject to the approval of the Director of Consumer Affairs.

(2) The commission may employ in accordance with Section 154 other personnel as may be necessary for the administration of this chapter.

(b) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

SEC. 3. Section 18640.5 of the Business and Professions Code is amended to read:

18640.5. (a) The commission, at its regularly scheduled meetings, shall invite testimony from boxing stakeholders to identify actions that may lead to greater opportunities for its licensees to participate in major professional championship boxing contests in the State of California. The commission shall invite testimony that shall include, but not be limited to, the following:

(1) What cooperative actions may be taken by the private sector boxing stakeholders that may lead to greater opportunities for the commission's licensees to participate in major professional championship boxing contests in the State of California.

(2) What role may public-private partnerships play that may lead to greater opportunities for the commission's licensees to participate in major professional championship boxing contests in the State of California.

(3) What actions may local agencies take that may lead to greater opportunities for the commission's licensees to participate in major professional championship boxing contests in the State of California.

(4) What actions may the commission take that may lead to greater opportunities for the commission's licensees to participate in major professional championship boxing contests in the State of California.

(5) What actions may other state agencies take that may lead to greater opportunities for the commission's licensees to participate in major professional championship boxing contests in the State of California.

(b) The stakeholders shall include, but not be limited to, boxing promoters, boxing event venues, boxers, sports news outlets, and local agencies that have an interest in providing greater opportunities for the commission's licensees to participate in major professional championship boxing contests in the State of California.

(c) Nothing in this section shall jeopardize the commission's duties and responsibilities to protect the safety and welfare of boxers and the public.

(d) Costs incurred by the commission in implementing this section shall be covered by existing resources of the commission.

SEC. 4. Section 18642 of the Business and Professions Code is amended to read:

18642. The commission may license professional and amateur boxers, professional and amateur martial arts fighters, and booking agents, managers of professional boxers and professional martial arts fighters, trainers, chief seconds, and seconds of each.

No person shall participate in any contest or serve in the capacity of a booking agent, manager, trainer, or second, unless he or she has been licensed for that purpose by the commission.

~~SEC. 5. Section 18643 of the Business and Professions Code is amended to read: 18643.~~

~~(a) No professional boxer shall spar for training purposes with any person not licensed as a professional boxer or who does not have a sparring permit. The commission may authorize a professional boxer to spar with someone not licensed as a professional boxer or who does not have a sparring permit, under special circumstances subject to a commission representative being present. No person licensed under this chapter shall conduct, hold, or permit unlicensed persons to spar unless commission authorization is granted.~~

~~(b) The commission may issue a permit to spar with professional boxers for training purposes. This permit shall be issued only to persons who meet the~~

~~physical and mental requirements for licensure as a professional boxer.~~

SEC. 5. *Section 18643 of the Business and Professions Code is repealed.*

~~18643.(a)No professional boxer shall spar for training purposes with any person not licensed as a professional boxer or who does not have a sparring permit. The commission may authorize a professional boxer to spar with someone not licensed as a professional boxer or who does not have a sparring permit, under special circumstances subject to a commission representative being present. No person licensed under this chapter shall conduct, hold, or permit unlicensed persons to spar unless commission authorization is granted.~~

~~(b)The commission may issue a permit to spar with professional boxers for training purposes. This permit shall be issued only to persons who meet the physical and mental requirements for licensure as a professional boxer.~~

~~(c)The operator of a professional boxers' training gymnasium shall inspect and log daily on a form approved by the commission the professional boxing license or sparring permit of any individual who wishes to use the gymnasium for sparring or boxing and no person shall do so unless that person has a valid and current license or permit. Individuals described in subdivision (a) shall be exempt from these requirements.~~

SEC. 6. *Section 18646 of the Business and Professions Code is amended to read:*

18646. (a) This chapter applies to all amateur boxing, wrestling, and full contact martial arts contests.

(b) The commission may, however, authorize a nonprofit boxing, wrestling, or martial arts club, organization, or sanctioning body, upon approval of its bylaws, to administer its rules for amateur boxing, wrestling, and full contact martial arts contests, and may, therefore, waive direct commission application of laws and rules, including licensure, subject to the commission's affirmative finding that the standards and enforcement of similar rules by that club or organization meet or exceed the safety and fairness standards of the commission. The commission shall review the performance of any such club, organization, or sanctioning body annually.

(c) Every contest subject to this section shall be preceded by a physical examination, specified by the commission, of every contestant. A physician shall be in attendance at the contest. There shall be a medical insurance program satisfactory to the commission provided by the amateur club, organization, or sanctioning body in effect covering all contestants. The commission shall review compliance with these requirements.

(d) Any club, organization, or sanctioning body that conducts, holds, or gives amateur contests pursuant to this section, which collects money for the event, shall furnish a written financial report of receipts and disbursements within 90

days of the event.

(e) The commission has the right to have present without charge or restriction such representatives as are necessary to obtain compliance with this section.

(f) The commission may require any additional notices and reports it deems necessary to enforce the provisions of this section.

(g) The commission may revoke the authority for a previously authorized nonprofit boxing, wrestling, or martial arts club, organization, or sanctioning body to administer its rules for amateur boxing, wrestling, and full contact martial arts contests.

SEC. 7. Section 18653 of the Business and Professions Code is repealed.

SEC. 8. Section 18653 is added to the Business and Professions Code, to read:

18653. (a) No person shall train a professional boxer or kickboxer or martial arts athlete unless he or she has been licensed by the commission. A professional trainer is someone who is responsible for the day to day training of those athletes and possesses a minimum of five years experience in combative sports. Only professional trainers licensed by the commission may make a recommendation to the commission on whether a contestant is prepared for his or her first amateur mixed martial arts bout or to turn professional in boxing, kickboxing, or mixed martial arts. A professional trainer shall be present in the corner of the contestant unless otherwise authorized by the commission or the executive director.

(b) Failure of a licensed professional trainer to report to the commission and ~~Fight Fax Inc.~~ *a database approved by the commission and the Association of Boxing Commissions or to the Mixed Martial Art Database* an injury or knockout of a licensed boxer or fighter shall be *one of the* grounds for the suspension or *revocation* of his or her license pursuant to this chapter.

SEC. 9. Section 18654 of the Business and Professions Code is repealed.

SEC. 10. Section 18711 of the Business and Professions Code is amended to read:

18711. (a) (1) (A) The commission shall require, as a condition of licensure and as a part of the application process, the examination by a licensed physician and surgeon who specializes in neurology and neurosurgery of each applicant for a license as a professional athlete or contestant licensed under this chapter or, if for the renewal of a license, this examination every year, in addition to any other medical examinations.

(i) Upon initial licensure, the examination shall include tests and examinations designed to detect physical conditions that could place the athlete or contestant

at risk for serious injury or permanent or temporary impairment of any bodily function. These tests or examinations shall include, but not be limited to, a neurological examination or a neuro-psychological examination, a brain imaging scan, and an electrocardiogram (EKG). The physician may recommend any additional tests or evaluations he or she deems necessary.

(ii) For renewal of a license, the physician shall determine the tests or evaluations necessary, if any.

(iii) The commission may require an athlete or contestant licensed under this chapter to undergo additional neurological tests where, based on the totality of the athlete's or contestant's records, it appears the athlete or contestant may be at risk of cognitive impairment.

(iv) On the basis of a physical examination under this subdivision, and any additional tests that are conducted, the physician may recommend to the commission whether the applicant may be permitted to be licensed in California or not. The executive officer shall review these recommendations and report any denials of licensure. If, as a result of these recommendations, the executive officer refuses to grant the applicant a license or to renew a license, the applicant shall not compete in California until the denial has been overruled by the commission as provided in this chapter.

(v) The commission may waive the requirement for a brain imaging scan or an EKG if a brain imaging scan or EKG was completed as part of the licensing requirements in another state, the commission determines that this brain imaging scan or EKG creates a reliable baseline for the athlete or contestant, and the commission has been provided with a copy of the brain imaging scan or EKG reports.

(vi) This subparagraph shall become inoperative on the date the regulations adopted by the commission pursuant to subparagraph (B) become operative.

(B) On and after January 1, 2008, all professional athletes licensed under this chapter shall be required by the commission to complete a medical examination process, which shall include the completion of specific medical examinations, to be determined by the commission through regulations, as a condition of initial licensure and license renewal. This medical examination process may include examinations required under current law and any additional medical examinations determined to be medically necessary. In adopting the medical examination process, the commission shall consider the health and safety of contestants, the medical necessity of any examinations required, and the financial aspects of requiring those medical examinations.

(2) In the absence of any pertinent untoward medical event, the commission may, in its discretion, on forms prescribed by the commission, accept tests or evaluations that are equivalent to those described in paragraph (1) and that have

been completed within one year of licensure to meet the requirements of this subdivision.

(3) (A) Any medical records obtained, reviewed, or created under this chapter shall be utilized only for purposes of administering this chapter. The commission and any physician may not disclose the athlete's medical records without a signed authorization from the athlete, except that the commission may disclose those records to other state licensing boards and commissions to which the athlete has applied for licensure or has an enforcement action pending, or upon court order in a criminal or civil action.

(B) After the adoption of regulations to establish a process for participating in medical research studies, the commission may use medical information for purposes of participating in medical research studies of the effects on the human body of contests and exhibitions regulated under this chapter. However, medical information shall not include any personal identifying information on any contestant, including, but not limited to, the contestant's name, address, telephone number, social security number, license number, federal identification number, or any other information identifying the contestant. The medical information shall only be provided if the licensed athlete has consented in writing to participate in the research study. The regulations adopted by the commission shall include a process to ensure that no conflicts of interest arise regarding which medical examinations are required to be completed by contestants.

(b) If an applicant for licensure as a professional athlete under this chapter undergoes a neurological examination for purposes of licensure within the 120-day period immediately preceding the normal expiration of that license, the applicant shall not be required to undergo an additional neurological examination within the following 12 consecutive month license period unless the commission, for cause, orders that the examination be taken. The commission shall notify all commission-approved physicians and referees that the commission has the authority to order any professional athlete to undergo a neurological examination.

(c) The cost of the examinations required by this section shall be paid from assessments on any one or more of the following: promoters of professional matches, managers, and professional athletes or other contestants licensed under this chapter. The rate and manner of assessment shall be set by the commission, and may cover all costs associated with the requirements of this section. This assessment shall be imposed on all contests approved by the commission under this chapter. As of July 1, 1994, all moneys received by the commission pursuant to this section shall be deposited in and credited to the State Athletic Commission Neurological Examination Account which is hereby created in the General Fund. The administrative costs associated with managing and distributing the State Athletic Commission Neurological Examination Account shall be limited to no more than 20 percent of the prior year's contributions.

(d) In its discretion, the commission may use moneys from the State Athletic

Commission Neurological Examination Account, upon appropriation by the Legislature, to fund special neurological examinations and explore new diagnostic imaging and testing to be used in relation to the examinations required by this section.

(e) Whenever a reference is made to the Boxers' Neurological Examination Account, it is to be construed as referring to the State Athletic Commission Neurological Examination Account.

~~SEC. 11. Section 18731 of the Business and Professions Code is amended to read:~~~~18731.~~

~~No referee or physician and surgeon shall be assigned to a boxing contest who has not participated in a clinic sponsored by the commission in accordance with this section in the preceding six months. The commission may contract with a third party to conduct a clinic. The third party may charge clinic attendees a fee in an amount not to exceed the reasonable cost of the clinic.~~

~~Clinics shall include, among other things, the subjects of the rules of the commission, the recognition and diagnosis of serious or life-threatening, boxing-related and neurological injuries and disorders, and refereeing a bout.~~

SEC. 11. Section 18731 of the Business and Professions Code is repealed.

~~18731. No referee or physician shall be assigned to a boxing contest who has not participated in a clinic sponsored by the commission in accordance with this section in the preceding six months.~~

~~Clinics shall include, among other things, the subjects of the rules of the commission, the recognition and diagnosis of serious or life-threatening, boxing-related and neurological injuries and disorders, and refereeing a bout.~~

~~The commission is authorized to pay any necessary and authorized travel expenses of referees and physicians who attend such clinics.~~

SEC. 12. Section 18731 is added to the Business and Professions Code, to read:

18731. (a) In addition to the other requirements of this chapter and regulations adopted thereunder, no referee or physician and surgeon shall be assigned to a boxing contest if he or she has not completed a clinic offered by a provider approved by the commission.

(b) A referee or physician and surgeon shall complete a clinic within the preceding six months of a boxing contest.

(c) The commission shall approve a clinic provider if the clinic includes, at a minimum, but is not limited to, the following topics related to a boxing contest: the subjects of the rules of the commission, the recognition and diagnosis of serious or life-threatening, boxing-related and neurological injuries and disorders,

and refereeing a bout.

(d) The clinic provider may charge a referee or physician and surgeon participating in a clinic a fee in an amount not to exceed the reasonable cost of the clinic.

(e) Nothing in this section shall be construed to prohibit the commission from offering a clinic subject to the requirements of this section.

~~SEC. 12.~~ **SEC. 13.** Section 18816 is added to the Business and Professions Code, to read:

18816. The application and renewal fee for a licensed professional trainer, as described in Section 18653, shall be two hundred dollars (\$200).

~~SEC. 13.~~ **SEC. 14.** Section 18817 of the Business and Professions Code is repealed.

~~SEC. 14.~~ **SEC. 15.** Section 18820 is added to the Business and Professions Code, to read:

18820. The commission shall charge a twenty-dollar (\$20) fee to issue federal identification cards. Cards shall be reissued once every four years.

~~SEC. 15.~~ **SEC. 16.** Section 18824 of the Business and Professions Code is amended to read:

18824. (a) Except as provided in Sections 18646 and 18832, every person who conducts a contest or wrestling exhibition shall, within 72 hours after the determination of every contest or wrestling exhibition for which admission is charged and received, furnish to the commission the following:

(1) A written report executed under penalty of perjury by one of the officers, showing the amount of the gross receipts, not to exceed two million dollars (\$2,000,000), and the gross price for the contest or wrestling exhibition charged directly or indirectly and no matter by whom received, for the sale, lease, or other exploitation of broadcasting and television rights of the contest or wrestling exhibition, and without any deductions, except for expenses incurred for one broadcast announcer, telephone line connection, and transmission mobile equipment facility, which may be deducted from the gross taxable base when those expenses are approved by the commission.

(2) A fee of 5 percent, exclusive of any federal taxes paid thereon, of the amount paid for admission to the contest or wrestling exhibition, except that for any one contest, the fee shall not exceed the amount of one-hundred-thousand-dollars (\$100,000). The commission shall report to the Legislature on the fiscal impact of the one-hundred-thousand-dollar (\$100,000) limit on fees collected by the

commission for admissions revenues during its next sunset review.

(A) The amount of the gross receipts upon which the fee provided for in paragraph (2) is calculated shall not include any assessments levied by the commission under Section 18711.

(B) (i) If the fee for any one boxing contest exceeds seventy thousand dollars (\$70,000), the amount in excess of seventy thousand dollars (\$70,000) shall be paid one-half to the commission and one-half to the Boxers' Pension Fund.

(ii) If the report required by subdivision (b) of Section 18618 recommends that the Boxers' Pension Fund shall be expanded to include all athletes licensed under this chapter, the commission, by regulation, shall require, for all contests where the fee exceeds seventy thousand dollars (\$70,000), the amount in excess of seventy thousand dollars (\$70,000) shall be paid one-half to the commission and one-half to the Boxers' Pension Fund only if all athletes licensed under this chapter are made eligible for the Boxers' Pension Fund.

(C) The fee shall apply to the amount actually paid for admission and not to the regular established price.

(D) No fee is due in the case of a person admitted free of charge. However, if the total number of persons admitted free of charge to a boxing, kickboxing, or martial arts contest, or wrestling exhibition exceeds 33 percent of the total number of spectators, then a fee of one dollar (\$1) per complimentary ticket or pass used to gain admission to the contest shall be paid to the commission for each complimentary ticket or pass that exceeds the numerical total of 33 percent of the total number of spectators.

(E) The minimum fee for an amateur contest or exhibition shall not be less than one thousand dollars (\$1,000). The minimum fee for a professional contest or exhibition shall not be less than one thousand two hundred fifty dollars (\$1,250).

(3) A fee of up to 5 percent, to be established by the commission through regulations to become operative on or before July 1, 2008, and updated periodically as needed, of the gross price, exclusive of any federal taxes paid thereon, for the sale, lease, or other exploitation of broadcasting or television rights thereof, except that in no case shall the fee be less than one thousand dollars (\$1,000) or more than thirty-five thousand dollars (\$35,000).

(b) As used in this section, "person" includes a promoter, club, individual, corporation, partnership, association, or other organization, and "wrestling exhibition" means a performance of wrestling skills and techniques by two or more individuals, to which admission is charged or which is broadcast or televised, in which the participating individuals are not required to use their best efforts in order to win, and for which the winner may have been selected before the performance commences.

~~SEC. 16.~~ **SEC. 17.** Section 18825 of the Business and Professions Code is amended to read:

18825. An inspector or other representative of the commission duly authorized by the executive officer shall be admitted to the box office, and is authorized to assist in the counting of tickets and in the computation of the tax due thereon, and to take any other action necessary for the administration and enforcement of this chapter. The inspector or other representative shall immediately transmit to the commission the official statement of gross receipts received by him or her from the promoter.

~~SEC. 17.~~ Section 18880 of the Business and Professions Code is amended to read: ~~18880.~~

~~(a)~~ The Legislature finds and declares all of the following:

~~(1)~~ That professional athletes licensed under this chapter, as a group, for many reasons, do not retain their earnings, and are often injured or destitute, or both, and unable to take proper care of themselves, whether financially or otherwise, and that the enactment of this article is to serve a public purpose by making provisions for a needy group to insure a modicum of financial security for professional athletes.

~~(2)~~ Athletes licensed under this chapter may suffer extraordinary disabilities in the normal course of their trade. These may include acute and chronic traumatic brain injuries, resulting from multiple concussions as well as from repeated exposure to a large number of subconcussive punches, eye injuries, including retinal tears, holes, and detachments, and other neurological impairments.

~~(3)~~ The pension plan of the commission is part of the state's health and safety regulatory scheme, designed to protect athletes licensed under this chapter from the health-related hazards of their trade. The pension plan addresses those health and safety needs, recognizing the disability and health maintenance expenses those needs may require.

~~(4)~~ The regulatory system of California is interrelated with the conduct of the trade in every jurisdiction. Athletes licensed under this chapter participate in contests in other states and many athletes who are based in those other jurisdictions may participate in California on a single-event basis.

~~(5)~~ The outcomes and natures of fights in other jurisdictions are relevant to California regulatory jurisdiction and are routinely monitored for health and safety reasons, so that, for example, a knockout of an athlete licensed under this chapter in another jurisdiction is paid appropriate heed with respect to establishing a waiting period before that athlete may commence fighting in California.

~~(6)~~ The monitoring of other jurisdictions is an integral part of the health and safety

~~of California athletes licensed under this chapter due to the interstate nature of the trade, and therefore the regulatory scheme for contests and athletes under this chapter should reflect this accordingly.~~

~~(b)The provisions of this article pertain only to professional athletes licensed under this chapter.~~

SEC. 18. Section 18882 of the Business and Professions Code is amended to read:

18882. (a) At the time of payment of the fee required by Section 18824, a promoter shall pay to the commission all amounts scheduled for contribution to the pension plan. If the commission, in its discretion, requires pursuant to Section 18881, that contributions to the pension plan be made by the boxer and his or her manager, those contributions shall be made at the time and in the manner prescribed by the commission.

(b) All contributions to finance the pension plan shall be deposited in the State Treasury and credited to the Boxers' Pension Fund, which is hereby created. Notwithstanding the provisions of Section 13340 of the Government Code, all moneys in the Boxers' Pension Fund are hereby continuously appropriated to be used exclusively for the purposes and administration of the pension plan.

(c) The Boxers' Pension Fund is a retirement fund, and no moneys within it shall be deposited or transferred to the General Fund.

(d) The commission has exclusive control of all funds in the Boxers' Pension Fund. No transfer or disbursement in any amount from this fund shall be made except upon the authorization of the commission and for the purpose and administration of the pension plan.

(e) Except as otherwise provided in this subdivision, the commission or its designee shall invest the money contained in the Boxers' Pension Fund according to the same standard of care as provided in Section 16040 of the Probate Code. The commission has exclusive control over the investment of all moneys in the Boxers' Pension Fund. Except as otherwise prohibited or restricted by law, the commission may invest the moneys in the fund through the purchase, holding, or sale of any investment, financial instrument, or financial transaction that the commission in its informed opinion determines is prudent.

(f) The administrative costs associated with investing, managing, and distributing the Boxers' Pension Fund shall be limited to no more than 2 percent of the corpus of the fund. Diligence shall be exercised by administrators in order to lower the fund's expense ratio as far below 2 percent as feasible and appropriate. The commission shall report to the Legislature on the impact of this provision during the next regularly scheduled sunset review.

SEC. 19. No reimbursement is required by this act pursuant to Section 6 of Article XIIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIIIIB of the California Constitution.

AGENDA ITEM

4g



CONFIDENTIAL OFFICIAL EVALUATION REPORT

(California Code of Regulations, Title 4, Division 2, Chapter 1, Article 9)

OFFICIAL: _____ DATE: _____

PROMOTION: _____ NUMBER OF ROUNDS: _____

LOCATION: _____

BOXER WEIGHT VS. BOXER WEIGHT

PHYSICAL EVALUATION

- Physical Condition of the Official Satisfactory Unsatisfactory Needs Improvement
Mental Acuity of the Official Satisfactory Unsatisfactory Needs Improvement
Visual Acuity of the Official Satisfactory Unsatisfactory Needs Improvement

(Official may submit the results of an eye or visual examination by a licensed professional completed within 6 months prior to evaluation)

Physician comments and recommendations: _____

Physician signature: _____ Date: _____

Print physician name: _____

PROFESSIONAL EVALUATION

- General Appearance/Attire Satisfactory Unsatisfactory Needs Improvement
Ring Decorum Satisfactory Unsatisfactory Needs Improvement
Positioning During Bout Satisfactory Unsatisfactory Needs Improvement
Positioning During Knockdown Satisfactory Unsatisfactory Needs Improvement
Breaking/Holding Enforcement Satisfactory Unsatisfactory Needs Improvement
Time Outs/Rest Period Utilization Satisfactory Unsatisfactory Needs Improvement
Interaction With CSAC Staff Satisfactory Unsatisfactory Needs Improvement
Interaction With Physicians Satisfactory Unsatisfactory Needs Improvement
Interaction With Other Officials Satisfactory Unsatisfactory Needs Improvement
Interaction With Time Keepers Satisfactory Unsatisfactory Needs Improvement

Interaction With Boxers Satisfactory Unsatisfactory Needs Improvement
Reflexes Satisfactory Unsatisfactory Needs Improvement
Decisiveness Satisfactory Unsatisfactory Needs Improvement
General Control of Bout Satisfactory Unsatisfactory Needs Improvement
Proper Bout Mechanics Satisfactory Unsatisfactory Needs Improvement
Recognition of Fouls Satisfactory Unsatisfactory Needs Improvement
Recognition/Reaction to Injury Satisfactory Unsatisfactory Needs Improvement
Recognition/Reaction to (T)KO Satisfactory Unsatisfactory Needs Improvement
Enforcement of Rules and Regs. Satisfactory Unsatisfactory Needs Improvement
Termination of Bout Satisfactory Unsatisfactory Needs Improvement

OVERALL EVALUATION Satisfactory Unsatisfactory Needs Improvement

Evaluator Comments and Recommendations: _____

Conditions to be met prior to future assignments: _____

Discussed With Official Yes No Does Official Agree Yes No

PRINT OFFICIAL NAME OFFICIAL SIGNATURE DATE: _____

PRINT EVALUATOR NAME EVALUATOR SIGNATURE DATE: _____

AGENDA ITEM

5



Members of the Commission

John Frierson, Chairperson
Christopher Giza, MD Vice-Chairperson
VanBuren Lemons, MD
Dean Grafilo
Martha Shen-Urquidez
Mary Lehman
John Carvelli
Leslie Lohse

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

**STAKEHOLDER'S MEETING
AGENDA
PANKRATION SUBCOMMITTEE
July 22, 2013
10am- Conclusion of Business**

Location:

Santa Ana State Building
Conference Room
28 Civic Center Plaza
Santa Ana, CA 92701

OPEN SESSION

1. Regulation of Youth Pankration Events
2. Defining "light contact" for Youth Pankration.
3. What is the appropriate age range for youth competition?
4. What about girls fighting boys and appropriate ages?
5. What is the appropriate head, shin and hand gear and for what ages?
6. Suggestions to make Youth Pankration safer for participants.
7. What about medical evaluations and treatment for children at events?
8. Are there insurance requirements?
9. What are the officials' requirements?
10. What are the promoter requirements?
11. What are the fee requirements?

Email the Commissioners: Mary@lehmanappeals.com & Jcarvelli99@yahoo.com

ADJORNMENT

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 Andy Foster at (916) 263-2195 or email Andy.Foster@dca.ca.gov or sending a written request to Andy Foster 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 Andy Foster 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.



Members of the Commission

John Frierson, Chairperson
VanBuren Lemons, MD
Christopher Giza, MD
Dean Grafilo
Martha Shen-Urquidez
Mary Lehman

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

CALIFORNIA STATE ATHLETIC COMMISSION
MEETING MINUTES
July 22, 2013
10:00a.m. – 12:35p.m.

Stakeholder's Meeting – Pankration Subcommittee

Location:

Santa Ana State Building
Conference Room Number 142
28 Civic Center Plaza
Santa Ana, CA 92701

Commissioners Present

Mary Lehman
John Carvelli

Staff Present

Mark Relyea, Inspector
Christine J. Lally, Deputy Director
Taryn Smith, State Senate

An open invitation was extended to stakeholder's to attend this subcommittee hearing conducted by commissioners Mary Lehman and John Carvelli. There were 24 people representing various gyms, CAMO, United States Fight League (USFL), and parents with children involved in youth pankration. They were provided with an agenda listing 11 points of discussion.

Agenda Item 1 – Regulation of Youth Pankration Events.

John Frank representing the United States Fight League (USFL) spoke to this issue. He strongly supported the regulation of youth pankration. He provided a written response highlighting the rules that the USFL has adopted to regulate the sport. Most of the stakeholder's in the room agreed that all youth pankration activities should be regulated with the same rules.

Roy Englebrecht, promoter defined youth pankration as a combative sport. He believed without state regulation, anyone can form a league with arbitrary rules. It is California State Athletic Commission's (CSAC) duty to ensure youth pankration is adequately regulated.

Attorney Thomas S. Gruenbeck, believed it is inappropriate to regulate youth pankration under the direction of California Mixed Martial Arts Organization, Inc. (CAMO) as it is structured.

Several parents spoke to the issue expressing their hope that the regulation of youth pankration would be based on the concern for the kids, not a concern for regulation.

Agenda Item 2 – Defining “light contact” for Youth Pankration.

John Frank referenced the Business and Professions Code 18627d which defines "Light contact" as the use of controlled martial art techniques whereby contact to the body is permitted in a restrained manner, no contact to the face is permitted, and no contact is permitted which may result or is intended to result in physical harm to the opponent.

Several members of the group stated that pankration is safer than mixed martial arts with no head strikes. The rules outlined in the Business and Professions Code should be adhered to.

Agenda Item 3 – What is the appropriate age range for youth competition?

Thomas S. Gruenbeck, stated he believes it is suitable for children as young as 5 or 6 to participate in youth pankration. However, it has to be non-competition with no winners or losers.

Many parents in the room agreed with Gilbert Melendez from the Santa Ana Athletic Foundation, who believed ages 7 and up were suitable with caution against injuries.

John Frank pointed out FILA wrestling and pankration events are competitive all over the world. In Croatia, the children began these events at a young age. Many believe this is a future Olympic sport and restrictions on children participating in these events at a young age will put children in California well behind the learning curve and limit their ability to compete on a national and international level.

Many of the parents of children who participate in pankration believed that age 7 to 8 is appropriate to start competition.

Agenda Item 4 – What about girls fighting boys and appropriate ages?

Most of the coaches and parents who had children in youth pankration believed that it is always better to have boys and girls compete separately once they reach ages somewhere between 9 and 12. However, many in the group believed girls would be left of the sport if they were not allowed to compete against boys in the younger age groups due to lack of competition. Many believe girls and boy's competition at the younger ages is not problematic.

There were varying opinions on this topic.

Agenda Item 5 – What is the appropriate head, shin and hand gear and for what ages?

Most of the coaches believed head gear was a hindrance to competing. Most believed head gear was unnecessary because of a lack of head strikes.

There was a large debate as far as shin guards being necessary but the majority of the coaches present felt they prevent injury and should be required.

Ages and hand gear were not discussed in detail.

Agenda Item 6 – Suggestions to make Youth Pankration safer for participants.

Thomas S. Gruenbeck believed a scoring system should be implemented that takes away the incentive of a youth to be brutal.

Anthony Frank discussed certification and proper training of referees and several committee members suggested that subject matter experts such as Herb Dean, John McCarthy and other qualified referees be used to certify the youth pankration referees. Anthony Frank pointed out that the USFL currently uses Herb Dean to help train their referees.

Agenda Item 7 – what about medical evaluations and treatment for children at events?

Ty Hutchinson is a professional trained medic. He pointed out that the USFL does not use a physician for pre-bout physicals.

There is a significant lack of consistency among the trainers and youth pankration promoters concerning the requirements for medical evaluations prior to the competitions.

Ty Hutchinson pointed out that USFL currently uses paramedics and EMT's to conduct pre event screenings. He is currently working on developing a detailed checklist that will ensure these are thorough and consistent.

Some organizations are requiring yearly doctor's physicals. Some require more frequent physicals. However, the group did not believe that there should be a regulations requiring doctors be present at these events. It is rare to have an ambulance present.

Roy Englebrecht and others expressed a concern stating that youth pankration should be required to comply with California standards to have physicians, paramedics, and ambulance present at events. There was an open debate on this issue. Ty Hutchinson and many others believe youth pankration does not entail head strikes and should not be required to pay the expense.

Thomas S. Gruenbeck believes statistics should be kept on all injuries that occur during youth pankration. If something is learned to be dangerous it can be excluded with rules.

Anthony Frank pointed out that most wrestling events and martial arts events were not required to have doctors, ambulance, and paramedics present. Youth pankration should not be any different. Anthony Frank suggested youth pankration adopt the practice of requiring all coaches to have basic first aid training.

Agenda Item 8 – Are there insurance requirements?

Roy Englebrecht believed there should be a requirement of the promoter to have medical insurance coverage for each individual competing.

Many of the coaches and parents in the room believed there should be a general liability insurance with a medical second. The participating youth should be required to have their own medical insurance. The expense of the promoter providing medical insurance would prohibit them from hosting events.

Agenda Item 9 – What are the officials' requirements?

The consensus in the room was that the officials should be trained and certified prior to regulating youth pankration events.

Agenda Item 10 – What are the promoter requirements?

Coaches, gym owners, and parents have been the promoters for the events. The stakeholders stated that there are no profits. Fee's cover the cost of the event. Most of the coaches were adverse to requirements requiring additional funds.

Anthony Frank stated additional costs will close the door on kids being allowed to participate.

Roy Englebrecht pointed out that a license is required in California if you promote events and sell products or tickets.

Agenda Item 11 – What are the fee requirements?

The fee requirements vary depending on the size of the event. They range from \$30 to \$90 to cover expenses. Most stakeholders requested that USA Boxing and USA Wrestling be used as a model. They charge a sanctioning fee of \$300 per year for promoters.

Anthony Frank requested that CAMO not be used. He stated that was too expensive and not suited for youth pankration.

Open Agenda

Gilbert Melendez stated that the sport needs regulation. He believes the USFL should be used as a model and regulation by CAMO should be avoided.

Roy Englebrecht stated that CSAC should decide who should be the "CAMO" of youth pankration. CSAC will decide if USFL will take the lead.

Thomas S. Gruenbeck believes that CAMO should not have exclusive rights to regulate all martial arts sports. He believes Business and Professions Code 18646b allows the regulatory bodies to be divided up for mixed martial arts, jiu-jitsu, wrestling, karate and youth pankration.

MEMORANDUM ON YOUTH PANKRATION

TO: CHAIRMAN FRIERSON AND COMMISSIONERS
FROM: PANKRATION SUBCOMMITTEE (COMMISSIONERS
LEHMAN AND CARVELLI)
SUBJECT: YOUTH PANKRATION
DATE: AUGUST 5, 2013
CC: MICHAEL SANTIAGO, ESQ. & KAREN CHAPELLE, ESQ.

This report from the Youth Pankration Subcommittee is intended to update the CSAC with regard to our investigative activities. Additionally, we have included a number of our current conclusions based upon our research to date.

Youth Pankration (YP) Subcommittee Activities June – July 2013:

1. Visit to United States Fight League (USFL) Gym to watch training and talk with parents, coaches and trainers
2. Discussion with and memo from UFC Legal Counsel Mike Mersch
3. Meeting with Legislative Staff and discussion regarding statutory amendments clarifying CSAC authority over youth pankration and similar activities
4. Legal research on pankration regulation, youth regulation, and discussions with CSAC legal counsel re: same
5. Post of blanket Cease & Desist Order for all Youth Pankration activities on CSAC website
6. July 22nd Open Stakeholder Hearing for anyone interested in and wanting to give their perspective on youth pankration
7. Teleconference meeting with fight industry experts John McCarthy and Herb Dean
8. Review of internet sites re: youth pankration activities and history

9. View DVDs and other videos of YP events
10. Solicit and analyze feedback and perspectives of persons and organizations involved in youth Pankration.
11. Discussion with CAMO's Jeremy Lapin and JT Steele regarding their experience with and the regulation of Pankration.

Youth Pankration Subcommittee Conclusions:

- A. Young athletes, particularly under age 11, mixed-gender bouts, and children's' fights in cages, have caused attention and concern for the safety of the children---particularly from the legislature and the media.
- B. Youth Pankration is a full contact activity as defined in Business & Professions Code section 18640 and legal opinions interpreting that statute. Thus, it is within the jurisdiction of CSAC to regulate.
- C. CAMO is the current delegatee of CSAC to regulate Pankration events.
- D. USFL officials intentionally created separate rules, including a separate scoring system, for the purpose of avoiding "full contact" regulation under CSAC and CAMO.
- E. USFL appears to be an organization of committed persons, families and children who have the best interests of the kids as their motivation and have heretofore done a good job creating a culture of support, maturity and relative safety for youth pankration events.
- F. The high cost of competing in CAMO amateur events is a major factor in the effort to create a sport and sanctioning organization for youthpankration separate and exempt from regulation under CSAC and CAMO.
- G. Youth pankration needs to be regulated to protect and assure the proper support and safety of the children and parents involved.
- H. Statutory updates and clarifications would help define CSAC responsibility and authority over youth pankration.

Youth Pankration Subcommittee Next Steps:

- I. Continue to monitor pankration activities.
- II. Continue to learn about pankration and explore what rules and regulations could make youth pankration as safe as possible.
- III. Publicize and distribute Cease and Desist Order and work with enforcement agencies if necessary.
- IV. Monitor and assist with legislative statutory processes.
- V. Assist organizations that are interested in promoting youth pankration in a safe and acceptable manner.
- VI. Further discussions with CAMO regarding their support and requirements for Pankration promoters and athletes.
- VII. Report to CSAC.

ATTACHMENTS:

Cease & Desist Order

July 22 Stakeholder Hearing Agenda

July 22 Stakeholder Hearing Meeting Minutes

UFC Memo

USFL Correspondence

FILA Correspondence

USA Federation of Pankration Correspondence

Youth Pankration

Modern Pankration is defined by the International Wrestling Federation (FILA), the sport's highest governing body, as "a mild form of Mixed Martial Arts, which forbids striking to the head." FILA also states that "[t]he head not being a target and the additional protection brought by the uniform make Pankration an ideal omni-directional martial art for all."¹ Most references to Pankration mention it as the true origin of mixed martial arts, and a safer form of mixed martial arts. Pankration competitors can wear a traditional martial arts gi, or most often no gi, similar to mixed martial arts, but requires shin guards and no gloves, due to the ban on strikes to the head.

The United States Fight League (USFL) is a company that has advertised and promoted Youth Pankration fights in California and Arizona since 2011.² Despite using Pankration as the name of sport, even USFL President Jon Frank has used the term Kids MMA when talking about the competitions.³ The USFL has had children as young as five compete in their Pankration matches, and allows competitors of all ages⁴ with divisions determined by weight.⁵ USFL also runs a Kids MMA group on Facebook which states that USFL sanctions a safer version of MMA which is suitable for kids using Class B rules.

USFL has three separate rules categories. Class A being no different than Amateur MMA with shin guards, except they don't allow strikes to the head on the ground. Class B rules, which the USFL uses for children, allows grappling, takedowns, submissions and body strikes, but no strikes above the collarbone. Finally, Class C rules only allow for grappling and submissions.

The California State Athletic Commission has classified Pankration as a full contact martial art that must be regulated pursuant to Cal Bus & Prof Code §§ 18627(a) and 18627(c).⁶ All amateur Pankration events are regulated by the California Amateur Mixed Martial Arts Organization (CAMO), the state requires that promoters get a license and be sanctioned by CAMO.⁷

CAMO is a non-profit Organization incorporated in California by Jeremy Lappen. They are a properly formed nonprofit with Tax Exempt status. While they are a nonprofit, they have come under scrutiny for the fees they charge amateur applicants in order to receive licenses to compete. Fighters must pay a \$100 registration fee in addition to \$125 for a physical and blood work. Further, amateur fighters under CAMO are required to wear an official CAMO rashguard that they receive upon registering.⁸ Also amateur fighters must wear 8 ounce gloves which are supplied to the fighters after

¹http://www.fila-official.com/index.php?option=com_content&view=article&id=476&Itemid=100225&lang=en

²http://fightleague.org/Youth_League.html

³<http://themmacorner.com/2012/07/30/the-united-states-fight-league-safety-first-in-kids-mma/>

⁴<http://fightleague.org/>

⁵*Id.*

⁶http://www.dca.ca.gov/csac/forms_pubs/pankration_policy.pdf

⁷*Id.*

⁸<http://www.fighters.com/01/08/c-a-m-o-killing-amateur-mma-in-california>

registering.⁹ The amateur athletes must purchase replacements directly from CAMO when the rashguards/gloves wear down, or they are not permitted to fight.¹⁰

CAMO has specific regulations in regards to Pankration.¹¹ In these rules, CAMO requires that participants be at least 8 years old to compete, and also requires all competitors under 18 years of age to wear CAMO-approved headgear.¹² It seems that USFL is operating in clear violation of both of these rules, allowing children as young as 5 to compete, and doing so without requiring headgear.

Youth Pankration fights have taken place in Nevada and Arizona as well. The major argument in support of Pankration being unregulated by athletic commissions is that they are not considered full contact, especially with kids. Not allowing any blows above the collarbone in Class B rules is what makes Pankration supporters and promoters fight to be unregulated. California made it clear that in their state it is considered full contact, and subject to regulation by CAMO but Nevada and Arizona make no mention of Pankration specifically. There have been youth participants in events held in many other states such as Oregon, Utah, Illinois, Wisconsin, Louisiana and Nevada. Wisconsin allows children as young as nine competing in Pankration bouts.¹³

⁹*Id.*

¹⁰*Id.*

¹¹http://camo-mma.org/public/downloads/RULES_REGS_2010.11.20.pdf

¹²http://camo-mma.org/public/downloads/RULES_REGS_2010.11.20.pdf sec. 1301-2.

¹³http://uscombatsports.com/index.php?option=com_flexicontent&view=items&cid=182&id=11095&Itemid=111



California State Athletic Commission

2005 Evergreen Street, Ste. #2010
Sacramento, CA 95815
www.dca.ca.gov/csac/
(916) 263-2195 FAX (916) 263-2197



July 8th, 2013

RE: Youth Pankration and Mixed Martial
Ages 16 years and under

To All California Stakeholders:

The California State Athletic Commission is currently studying youth pankration. Until the Commission makes a decision on this subject, all activities involving youth pankration and youth mixed martial arts are to immediately cease and desist.

Pursuant to Business and Professions Code Section 18640, the State Athletic Commission has the sole direction, management and control of, and jurisdiction over all professional and amateur boxing, kickboxing, full contact martial arts contests and exhibitions which are conducted, held or given within this state. No such event shall take place without 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.

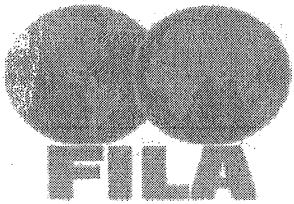
Please note that unlicensed boxing, full contact martial arts, and kickboxing is unlawful and the promoters, participants and spectators are subject to criminal sanction, as are landlords and the like who permit their property to be used for an illegal fight (Penal Code 412).

Please contact the Commission's headquarter office at (916) 263-2195 if you have any questions.

Sincerely,

Andy Foster
Executive Officer

cc: Karen Chappelle, Attorney General's Office
Michael Santiago, DCA Legal
Che Guevara, Chief Athletic Inspector
Mark Relyea, Lead Inspector



Fédération Internationale des Lutttes Associées

Lutte Gréco-Romaine, Lutte Libre, Lutte Féminine

International Federation of Associated Wrestling Styles

Greco-Roman, Free Style, Feminine Wrestling

SPORT IN
THE OLYMPIC
PROGRAMME



SPORT AL
PROGRAM
OLYMPICO

USA Federation of Pankration Athlima
Mr. David L. Sixel, President

Corsier-sur-Vevey, 05 November 2008

Dear Mr. Sixel,

By the present, I confirm that the USA Federation of Pankration Athlima (USAFPA) based in St. Germain, Wisconsin is duly affiliated to the International Federation of International Wrestling Styles (FILA) as associated member.

USAFPA is the only governing body for Pankration Athlima officially recognized by FILA on the American territory and the only Federation that can enter athletes in the FILA sanctioned events. In its capacity as associated member, USAFPA can also participate and vote in the General Assemblies of the World Pankration Athlima Committee that was formed by FILA to manage Pankration Athlima on the international level.

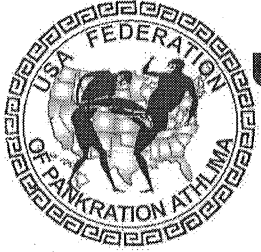
This certificate can be used by USAFPA for its approaches to the US Olympic Committee, Sport Ministry, and other institutions.

Sincerely yours.

Raphael Martinetti
FILA President



Association of International Wrestling Styles, Swiss Secretariate, International Wrestling Styles, Corsier-sur-vevey, Switzerland



USA FEDERATION OF PANKRATION ATHLIMA

A Not-For-Profit 501 (c) (3) Tax Exempt Organization

P.O. BOX 35
ST. GERMAIN, WI 54558

Phone: 715-617-6170
WWW.USAFPA.COM
Email: president@uasfpa.com



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California State Athletic Commission
2005 Evergreen Street
Suite 2010
Sacramento, CA 95815

June 22, 2013

Dear Athletic Commission,

I am writing to clarify the current status of amateur Pankration. As of the time FILA Wrestling is the International Governing for the sport of Pankration, as recognized by the International Olympic Committee, and the USA Federation of Pankration Athlima, USAFPA is the U.S. governing body for the sport of Pankration, and is the only organization recognized by FILA in the United States. As such, all athletes wishing to compete on an International Level up to and including the World Championships must do so under the USAFPA. Neither CAMO, nor any other State organization is allowed to enter athletes into these competitions.

If you have any questions or need any further clarification on how the sanctioning process works, please contact either myself or Dave Sixel, President of the USAFPA, at the above address and phone number.

Sincerely,

Karen M. Maki,
Treasurer
kmaki@usafpa.org



AGENDA ITEM

6

AGENDA ITEM

9

Gender and Transgender

- (a) Definitions:
 - (1) “Female” is defined as an individual who was recognized as female at birth, as recorded on a birth certificate or other official document close to the time of birth.
 - (2) “Male” is defined as an individual who was recognized as male, as recorded on a birth certificate or other official document close to the time of birth.
- (b) Exceptions for Male to Female Transgender Athletes:
 - (1) Individuals having undergone gonadectomy from male to female prior to puberty will be regarded as female.
 - (2) Individuals having undergone gonadectomy from male to female after puberty will be considered female and may be eligible for licensure and participation in female competitions under the following conditions:
 - (i) Hormone therapy for the assigned sex (female) has been administered for a minimum of two years after gonadectomy by any physician or D.O. shown to have knowledge and experience with transgender individuals.
 - (ii) A letter from the physician or D.O. responsible for the care of the applicant must be submitted to the Commission being petitioned for licensure at least 90 days before the requested date for or need for a license that includes (at a minimum) the following:
 - a. Initial date of hormone therapy for the assigned sex (female) (can be prior to gonadectomy but is not included in the two year requirement for hormone therapy after gonadectomy);
 - b. Date, location, surgeon and surgical report of the gonadectomy;
 - c. Date, location, surgeon and surgical report for any other surgery involving the genitalia;
 - d. Hormone name/type, dose and interval of administration over the past two years;
 - e. Lab reports of estradiol and testosterone levels within the past two years with a goal of serum estradiol levels within the normal range for healthy premenopausal women (<200 pg/ml) and

- suppression of testosterone levels to those normally found in women (<55 ng/dl);
 - f. Name, dose and duration of any anti-androgen treatment used over the past two years; and
 - g. Name, dose and duration of any other medication used as part of the management of the transgender state.
 - h. Indication of the physician's or D.O.'s training and expertise in working with transgender individuals.
- (3) At the discretion of the Commission, a Male to Female Transgender Athlete will be considered female and may be eligible for licensure and participation in female competitions without having undergone gonadectomy. However:
 - (i) The letter described in section (b)(2)(ii) must be submitted.
 - (ii) In deciding to grant licensure and permission to participate in female competitions without gonadectomy, the Commission will consider, without limitation, the following:
 - a. Consistency, dose and duration of hormone therapy;
 - b. Nature, consistency, dose and duration of other therapy and medications employed to manage the transgender state;
 - c. Education, certifications and general credibility of physician or D.O. that administered hormone therapy;
 - d. Credibility and thoroughness of records of hormone therapy.
- (c) Exceptions for Female to Male Transgender Athletes:
 - (1) Individuals having undergone sex reassignment from female to male prior to puberty are regarded as male.
 - (2) Other individuals will be considered male and may be eligible for licensure and participation in male competitions under the following conditions:
 - (i) Hormone therapy for the assigned sex (male) has been administered for a minimum of two years by a physician

or D.O. shown to have knowledge and experience with transgender individuals.

- (ii) A letter from the physician or D.O. responsible for the care of the applicant will need to be submitted to the Commission being petitioned for licensure at least 90 days before the requested date for or need for a license that includes the following:
 - a. Initial date of hormone therapy for the assigned sex (male);
 - b. Date, location, surgeon and surgical report of any surgery including breast reduction, gonadectomy, hysterectomy or any other surgery involving the genitalia;
 - c. Hormone name/type, dose and interval of administration over the past two years;
 - d. Lab reports of estradiol and testosterone levels within the past two years with a goal of serum estradiol levels within the normal range for healthy men (lab specific) and testosterone levels within the range for healthy men (≥ 300 ng/dl – the upper level of the normal range; lab specific);
 - e. Name, dose and duration of any anti-estrogen treatment used over the past two years; and
 - f. Name, dose and duration of any other medication used as part of the management of the transgender state.
 - g. Indication of the physician's or D.O.'s training and expertise in working with transgender individuals.

(3) A Female to Male Transgender Athlete who is on testosterone replacement or hormone therapy may compete only as a male.

(d) Pre Fight and Day of Fight Testing Requirements:

- (1) Transgender Athletes must submit lab data of testosterone and sex hormone binding globulin (SHBG) levels drawn during the past 6 months prior to a fight, including one value within one month of the fight. The athletes should not have testosterone levels above the normal range or SHBG levels below normal for the gender with which they identify and seek to compete. Repeat elevated testosterone levels during the 6 months prior to

the fight may be grounds for disqualification or other disciplinary action.

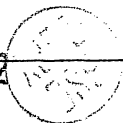
- (2) The day prior to the fight, the Female to Male Transgender Athlete must submit the time, date and amount and method of the last dose of testosterone or any other similar medications administered.
 - (3) For all Transgender Athletes, on the day of the fight, total testosterone and SHBG level will be drawn. Testosterone levels must not be above the normal range for the gender with which they identify and seek to compete. Any level of testosterone above the normal range places the athlete at risk for disciplinary action.
- (e) At its discretion, depending on the facts unique to each applicant, the Commission may require certain safety equipment or clothing that must be used by the applicant in competitions as a condition of licensure.
 - (f) The Commission will keep medical information and application documentation confidential in accordance with all applicable local, state, and federal privacy laws. Only the Commission's counsel, medical advisors and commissioners will have access to such medical information and application documentation.
 - (g) Commission representatives will be educated regarding issues relevant for safe and unbiased transgender athlete competition in activities regulated by the commission.

AGENDA ITEM

10

STATE OF CALIFORNIA
STANDARD AGREEMENT
 STD 213 (Rev 06/03)

JUN 26 2012



AGREEMENT NUMBER REQ0008358
REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

Department of Consumer Affairs, California State Athletic Commission

CONTRACTOR'S NAME

Benefit Resources, Inc.

2. The term of this Agreement is: July 1, 2012 through June 30, 2015

3. The maximum amount of this Agreement is: \$95,580.00 (Ninety Five Thousand Five Hundred Eighty Dollars and Zero Cents)

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	4 page(s)	
Exhibit B – Budget Detail and Payment Provisions	1 page(s)	
Exhibit B, Attachment 1 – Cost Sheet	1 page(s)	
Exhibit C* – General Terms and Conditions	GTC 610 (Number)	6/9/2010 (Dated)
Exhibit D – Special Terms and Conditions	1 page(s)	
Exhibit E – Additional Provisions	1 page(s)	

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at www.ols.dqs.ca.gov/Standard+Language

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR		California Department of General Services Use Only <div style="border: 2px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> APPROVED <div style="border: 1px solid black; padding: 5px; width: 80%; margin: 0 auto;"> JUN 25 2012 </div> DEPT OF GENERAL SERVICES <i>Ky Bates</i> </div> <input type="checkbox"/> Exempt per:
CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.) Benefit Resources, Inc.		
BY (Authorized Signature) 	DATE SIGNED (Do not type) 6/5/2012	
PRINTED NAME AND TITLE OF PERSON SIGNING BETH HARRINGTON, President		
ADDRESS 1545 River Park Drive, Suite 325 Sacramento, CA 95815		
STATE OF CALIFORNIA		
AGENCY NAME Department of Consumer Affairs, California State Athletic Commission		
BY (Authorized Signature) 	DATE SIGNED (Do not type) 6/14/12	
PRINTED NAME AND TITLE OF PERSON SIGNING CHARMAINE SONNIER, Procurement and Contracting Officer		
ADDRESS 1625 N. Market Blvd., Suite S-103 Sacramento, CA 95834		

APPROVED
MSB

STATE OF CALIFORNIA
AGREEMENT SUMMARY
 STD. 215 (Rev 4/2002)

13. BIDDING METHOD USED:

REQUEST FOR PROPOSAL (RFP) INVITATION FOR BID (IFB) USE OF MASTER SERVICE AGREEMENT

IFB No. CSAC-12-1

NCB CONTRACT (Attach STD. 821) EXEMPT FROM BIDDING OTHER (Explain)

NOTE: Proof of advertisement in the State Contracts Register or an approved form STD. 821, Contract Advertising Exemption Request, must be attached

14. SUMMARY OF BIDS (List of bidders, bid amount and small business status) (If an amendment, sole source, or exempt, leave blank)

One bid received in response to IFB No. CSAC-12-1
 Benefit Resources, Inc. \$95,850 (S/B # 45883)

Contacted other bidders: 1) KPMG, Sacramento (Irene Liong) Provide auditing, tax and accounting services, not pension plan accounting/administration. 2) IMRG, Inc.(Myrna Cooks) Outsourcing provider only. 3) Brothers Wilson, Auburn (Katie Fuller) Only provides administrative staffing duties.

15. IF AWARD OF AGREEMENT IS TO OTHER THAN THE LOWER BIDDER, PLEASE EXPLAIN REASON(S) (If an amendment, sole source, or exempt, leave blank)

16. WHAT IS THE BASIS FOR DETERMINING THAT THE PRICE OR RATE IS REASONABLE?

Prices are within the market standard for accounting as charged to the general public. In a recent a informal Request for Quote (RFQ), Benefit Resources, Inc. hourly was lower (\$150/hour) than the other bidder's (Benefit Plan Audit Services) rate of \$186.25/hour.

17. JUSTIFICATION FOR CONTRACTING OUT (Check one)

Contracting out is based on cost savings per Government Code 19130(a). The State Personnel Board has been so notified. Contracting out is justified based on Government Code 19130(b). Justification for the Agreement is described below.

Justification:

(3) The Public Employees Retirement System is the only other state agency that has the background to manage the Boxers' Pension Fund, however it does not have the legal jurisdiction. The State of California does not have the appropriate staff or expertise to provide pension accounting services and sound management of the Fund as mandated by the Business and Professions code.

18. FOR AGREEMENTS IN EXCESS OF \$5,000, HAS THE LETTING OF THE AGREEMENT BEEN REPORTED TO THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A	19. HAVE CONFLICT OF INTEREST ISSUES BEEN IDENTIFIED AND RESOLVED AS REQUIRED BY THE STATE CONTRACT MANUAL SECTION 7.10? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A	20. FOR CONSULTING AGREEMENTS, DID YOU REVIEW ANY CONTRACTOR EVALUATIONS ON FILE WITH THE DGS LEGAL OFFICE? <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NONE <input checked="" type="checkbox"/> N/A ON FILE
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21. IS A SIGNED COPY OF THE FOLLOWING ON FILE AT YOUR AGENCY FOR THIS CONTRACTOR? A. CONTRACTOR CERTIFICATION CLAUSES B. STD. 204, VENDOR DATA RECORD <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A	22. REQUIRED RESOLUTIONS ARE ATTACHED <input type="checkbox"/> NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A
--	---

23. ARE DISABLED VETERANS BUSINESS ENTERPRISE GOALS REQUIRED? (If an amendment, explain changes, if any)

NO (Explain below) YES (If YES complete the following)

DISABLED VETERAN BUSINESS ENTERPRISES: _____ % OF AGREEMENT

Explain:

Good faith effort documentation attached if 3% goal is not reached.

We have determined that the contractor has made sincere good faith effort to meet the goal.

There are no identifiable DVBE's that can provide the specialized pension accounting services necessary to assist the Commission legally with the Professional Boxers' Pension Plan under B & P Code section 18881.

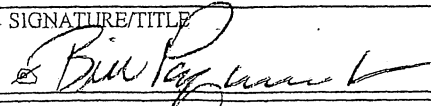
24. IS THIS A SMALL BUSINESS CERTIFIED BY OSBCR? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (Indicate Industry Group) Accounting (8742)	SMALL BUSINESS REFERENCE NUMBER 45883
--	--

25. IS THIS AGREEMENT (WITH AMENDMENTS) FOR A PERIOD OF TIME LONGER THAN ONE YEAR? (If YES, provide justification)

NO YES

A multi-year contract maintains the continuity of pension fund services and allows for consistent rates throughout the term of the agreement. A three-year term was pre-approved by the DGS-OLS.

I certify that all copies of the referenced Agreement will conform to the original Agreement sent to the Department of General Services.

SIGNATURE/TITLE  , AGPA	DATE SIGNED 29 May 2012
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AGREEMENT SUMMARY

STD 215 (Rev 4/2002)

AGREEMENT NUMBER	AMENDMENT NUMBER
REQ0008358	

CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED

1. CONTRACTOR'S NAME Benefit Resources, Inc.	2. FEDERAL I.D. NUMBER 68-0198481
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3. AGENCY TRANSMITTING AGREEMENT Department of Consumer Affairs	4. DIVISION, BUREAU, OR OTHER UNIT California State Athletic Commission	5. AGENCY BILLING CODE 57162
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6. NAME AND TELEPHONE NUMBER OF CONTRACT ANALYST FOR QUESTIONS REGARDING THIS AGREEMENT
Bill Pequinot at (916) 574-7293

7. HAS YOUR AGENCY CONTRACTED FOR THESE SERVICES BEFORE?
 NO YES (If YES, enter prior contractor name and Agreement Number)
 Benefit Resources, Inc. : REQ0004347

8. BRIEF DESCRIPTION OF SERVICES - LIMIT 72 CHARACTERS INCLUDING PUNCTUATION AND SPACES
 Accounting services for the Professional Boxers' Pension Plan

9. AGREEMENT OUTLINE (Include reason for Agreement: Identify specific problem, administrative requirement, program need or other circumstances making the Agreement necessary; include special or unusual terms and conditions.)
 Pursuant to the Business and Professions Code section 18881, the Commission is responsible for administering the Professional Boxers' Pension Plan. This includes supervision of the trust account; benefit administration, review of investment activity and auditing of contributions/distribution with the fund. The Public Employee's Retirement System, the only State agency capable of accurately managing such a plan, does not have legal jurisdiction over the plan therefore outside expertise is necessary. The Contractor will provide the experience, trust accounting and benefit administration for the plan.

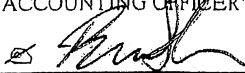
Payee Data Record (STD. 204) and Contractor Certification Clauses (CCC-307) on file with DCA's Contracts Unit.

10. PAYMENT TERMS (More than one may apply.)
 MONTHLY FLAT RATE QUARTERLY ONE -TIME PAYMENT PROGRESS PAYMENT
 ITEMIZED INVOICE WITHHOLD _____ % ADVANCED PAYMENT NOT TO EXCEED
 REIMBURSEMENT/REVENUE \$ _____ or _____ %
 OTHER (Explain) Not more often than monthly

11. PROJECTED EXPENDITURES	FUND TITLE	ITEM	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
	Consumer Affairs	1111-002-0702	2012/13	TBD	2012	\$31,950.00
	Consumer Affairs	1111-002-0702	2013/14	TBD	2013	\$31,950.00
	Consumer Affairs	1111-002-0702	2014/15	TBD	2014	\$31,950.00
OBJECT CODE	418.02	AGREEMENT TOTAL				\$95,850.00

OPTIONAL USE 0900 / 09250 AMOUNT ENCUMBERED BY THIS DOCUMENT \$95,850.00

I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above. PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT \$0

ACCOUNTING OFFICER'S SIGNATURE  DATE SIGNED 6-7-12 TOTAL AMOUNT ENCUMBERED TO DATE \$95,850.00

12. AGREEMENT	From	Through	TERM	TOTAL COST OF THIS TRANSACTION	BID, NCB, EXEMPT
Original	7/1/2012	06/30/2015		\$95,850.00	BID
Amendment No. 1					
			TOTAL	\$95,850.00	

(Continue)

ADDITIONAL TERMS AND CONDITIONS

1. **RIGHT TO TERMINATE:** The State reserves the right to terminate this agreement subject to 30 days written notice to the Contractor. The Contractor may submit a written request to terminate this agreement only if the State should substantially fail to perform its responsibilities as provided herein.

However, the agreement can be immediately terminated for cause. The term “for cause” shall mean that the Contractor fails to meet the terms, conditions, and/or responsibilities of the agreement. In this instance, the agreement termination shall be effective as of the date indicated on the State’s notification to the Contractor.

2. **LIABILITY FOR LOSS AND DAMAGES:** Any damages by the Contractor to the State’s facility including equipment, furniture, materials or other State property will be repaired or replaced by the Contractor to the satisfaction of the State at no cost to the State. The State may, at its option, repair any such damage and deduct the cost thereof from any sum due Contractor under this Agreement.
3. **CONFIDENTIALITY OF DATA:** No reports, information, inventions, improvements, discoveries, or data obtained, repaired, assembled, or developed by the Contractor pursuant to this Agreement shall be released, published, or made available to any person (except to the State) without prior written approval from the State.

The contractor by acceptance of this Agreement is subject to all of the requirements of California Civil Code Sections 1798, et seq., regarding the collections, maintenance, and disclosure of personal and confidential information about individuals.

4. **POTENTIAL SUBCONTRACTORS:** Nothing contained in this Agreement or otherwise shall create any contractual relation between the State and any subcontractors, and no subcontract shall relieve the Contractor of its responsibilities and obligations hereunder. The Contractor agrees to be as fully responsible to the State for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Contractor. The Contractor's obligation to pay its subcontractors is an independent obligation from the State’s obligation to make payments to the Contractor. As a result, the State shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor.
5. **DISABLED VETERAN BUSINESS ENTERPRISE (DVBE):** The State has determined that the DVBE participation goals for this Agreement are exempt. However, the Contractor may use DVBE’s and report the participation to the State.
6. **GOODS AND SERVICES:** The State reserves the rights to inspect, reject and/or accept all goods and services provided within this agreement.

SPECIAL TERMS AND CONDITIONS

1. **LIABILITY FOR NONCONFORMING WORK:** The Contractor will be fully responsible for ensuring that the completed work conforms to the agreed upon terms. If nonconformity is discovered prior to the Contractor's deadline, the Contractor will be given a reasonable opportunity to cure the nonconformity. If the nonconformity is discovered after the deadline for the completion of project, the State, in its sole discretion, may use any reasonable means to cure the nonconformity. The Contractor shall be responsible for reimbursing the State for any additional expenses incurred to cure such defects.
2. **SETTLEMENT OF DISPUTES:** In the event of a dispute, Contractor shall file a "Notice of Dispute" with Department of Consumer Affairs, Director or his/her designee within ten (10) days of discovery of the problem. Within ten (10) days, the Director or his/her designee shall meet with the Contractor and Project Manager for purposes of resolving the dispute. The decision of the Director or his/her designee shall be final.

In the event of a dispute, the language contained within this agreement shall prevail over any other language including that of the bid proposal.

3. **AGENCY LIABILITY:** The Contractor warrants by execution of this Agreement, that no person or selling agency has been employed or retained to solicit or secure this Agreement upon agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the State shall, in addition to other remedies provided by law, have the right to annul this Agreement without liability, paying only for the value of the work actually performed, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.
4. **IMPRACTICABILITY OF PERFORMANCE:** This Contract may be suspended or cancelled, without notice at the option of the Contractor, if the Contractor's or State's premises or equipment is destroyed by fire or other catastrophe, or so substantially damaged that it is impractical to continue service, or in the event the Contractor is unable to render service as a result of any action by any governmental authority.
5. **LICENSES AND PERMITS:** The Contractor shall be an individual or firm licensed to do business in California and shall obtain at his/her expense all license(s) and permit(s) required by law for accomplishing any work required in connection with this Agreement.

In the event the Contractor fails to keep in effect at all times all required license(s) and permit (s), the State may, in addition to other remedies it may have, terminate this Contract upon occurrence of such event.

BUDGET DETAIL AND PAYMENT PROVISIONS

1. INVOICING AND PAYMENT: For services satisfactorily rendered and upon receipt and approval of the invoices, the State agrees to compensate the Contractor for actual expenditures incurred in accordance with the rates specified herein.

Itemized invoices shall include the Agreement Number and be submitted, in triplicate, not more frequently than monthly in arrears to:

Department of Consumer Affairs
California State Athletic Commission
Agreement Number: REQ0008358
P.O. Box 980518
West Sacramento, CA 95798-0518

2. BUDGET CONTINGENCY CLAUSE: It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.

If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either: cancel this Agreement with no liability occurring to the State, or offer an Agreement Amendment to Contractor to reflect the reduced amount.

3. PROMPT PAYMENT CLAUSE: Payment will be made in accordance with and within the time specified in Government Code, Chapter 4.5 (commencing with Section 927).
4. TAXES: The State of California is exempt from Federal Excise Taxes, and no payment will be made for any taxes levied on employees' wages. The State will pay for any applicable State of California or local sales or use taxes on the services rendered or equipment or parts supplied pursuant to this agreement. California may pay any applicable sales or use tax imposed by another state.
5. COST BREAKDOWN: Breakdown is obtained from Exhibit B, Attachment 1, Bidder Cost Sheet

Fiscal Year breakdown

FY 2012/13 (July 1, 2012 – June 30, 2013) = \$31,950.00
FY 2013/14 (July 1, 2013 – June 30, 2014) = \$31,950.00
FY 2014/15 (July 1, 2014 – June 30, 2015) = \$31,950.00

Total Amount of Agreement = \$95,850.00

EXHIBIT B, Attachment 1
COST SHEET

The Contractor shall furnish all labor, materials, tools, equipment, insurance, licenses, and other costs incidental to the work to be performed in accordance with Exhibit A, Scope of Work (pages 1-4).

The annual cost bid by the Contractor is all-inclusive. It includes all costs incurred to record, track, maintain, update and prepare the documents, forms, reports, storage and retrieval of pertinent account information on over 5000 boxer files essential for the administration of the pension plan accounting services contract. Cost to design, develop, implement, purchase software, upgrade and costs thereof shall be the responsibility of the Contractor.

Type of Services Provided	Cost per Boxer	Cost per Hour	Estimated Quantity per Year	Annual Cost
Benefit Statement preparation (update & provide data entry template for CSAC staff to complete (# rounds/purse)	\$ 10		2000 boxers	\$ 20,000
Processing cost per Boxer to determine eligibility to receive distribution. Prepare & mail Form 1099	\$ 200		50 boxers	\$ 10,000
Cost to attend legislative meetings and respond to inquiries from CSAC staff		\$ 195	10 hours	\$ 1,950
Sub-Total				\$ 31,950
Three-Year Agreement				x 3
TOTAL BID AMOUNT				\$ 95,850

All services performed above are paid in arrears, on a monthly billing cycle.

SCOPE OF WORK

1. Benefit Resources, Inc. (Contractor) shall provide the Department of Consumer Affairs (DCA), California State Athletic Commission (CSAC) with accounting and benefit administration services for its Professional Boxers’ Pension Plan (Plan) as described herein.
2. The Contractor shall perform services at Benefit Resources, Inc., located at 1545 River Park Drive, Suite 325, Sacramento, CA 95815.
3. The Contractor shall perform services during normal working hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, except State holidays.
4. The project coordinators during the term of this agreement will be:

Department of Consumer Affairs
California State Athletic Commission
Name: Elizabeth Parkman
Phone: (916) 263-2195
Fax: (916) 263-2197
Email: elizabeth.parkman@dca.ca.gov

Benefit Resources, Inc.
Name: Beth Harrington
Phone: (916) 922-3200
Fax: (916) 922-3400
Email: bethh@benefit-resources.com

Direct all agreement inquiries to:

Department of Consumers Affairs
Business Services Office - Contracts Unit
Attention: Bill Pequinot, AGPA
Address: 1625 N. Market Blvd., Suite S103
Sacramento, CA 95834
Phone: (916) 574-7293
Fax: (916) 574-8658
Email: william.pequinot@dca.ca.gov

Benefit Resources, Inc.
Name: Beth Harrington, President
Address: 1545 River Park Drive, Suite 325
Sacramento, CA 95815
Phone: (916) 922-3200
Fax: (916) 922-3400
Email: bethh@benefit-resources.com

5. The Contractor shall provide administration, accounting and reporting for the Plan, which shall include:
 - A. Supervision of the trust accounting and benefit administration for the Plan covering fiscal years 2012/2013 through 2014/2015.
 - B. Administration:
 - 1) Review of boxers’ fight records, including number of rounds fought and purse activity.
 - 2) Determine eligibility of each boxer to see if he/she is eligible to receive a contribution for the calendar year, pursuant to Title 4, California Code of Regulations (*CCR*) Section 401(k).
 - 3) Determine which boxers sustained a Break in Service (BIS) during the year pursuant to *CCR* §405(k).
 - 4) Determine if boxer is covered (vested) pursuant to *CCR* §405(a).
 - 5) Determine forfeitures to be allocated (boxers who sustain a BIS forfeit their account balance). Forfeitures are processed pursuant to *CCR* §401(j) and §405(c).
 - 6) Determine contributions to be allocated to participants pursuant to *CCR* §403.

- 7) Allocate trust account earnings (trust investment earnings and plan-related fees are allocated proportionately to the eligible boxer's account at the end of the prior plan year, less current year distributions) pursuant to *CCR §404(b)*.
Earnings consist of the following components:
 - a. Unrealized gains
 - b. Realized gains
 - c. Dividends and interest
 - d. Fees and expenses (charged against earnings) pursuant to *CCR §404(b)*.
- 8) Allocate contributions and forfeitures of refund and regular accounts to those boxers eligible to receive them pursuant to *CCR §404(b)(1)* and *CCR §403(c)*.
- 9) Determine if boxer is eligible for a distribution of benefits (applies to covered boxers only) pursuant to *CCR §406(a)*. Enter and review entry of distributions paid to boxers from refund or regular accounts. Provide to the CSAC a list of those participants and their benefits due. Once benefits are paid by the CSAC provide Form 1099R to the participant for tax reporting purposes.
- 10) Provide advice to the CSAC pertaining to the review, approval or denial process for boxers filing applications for pension benefits.

C. Accounting:

The Professional Boxers' Pension Plan consists of two accounts – one maintained by the DCA and one managed by an investment advisor (currently Raymond James Financial Services).

- 1) Record and track participant account balances for review and audit purposes. Update and maintain current files with calendar year ended data. As appropriate, prepare/return updated file(s) to the CSAC to process distributions or enter data as needed. The participants' personal information shall be designated as "confidential" and must be protected from disclosure. The Contractor needs to ensure the integrity and security for all participants' database records.
- 2) Contractor shall develop all documents, forms, and reports to be utilized for pension plan accounting management. This shall include, but is not limited to capturing raw boxer information, computing required boxer pension allocation of pension benefits and preparing various reports for reporting status including boxer history, individual boxer account balance and summary pension account balances.
- 3) Prepare and submit to the CSAC by the end of April an annual income statement and balance sheet that details trust activity for the calendar year ended.

D. Reporting:

The California State Athletic Commission is mandated by the *CCR §408* to report to the Legislature (pension committee) each calendar year. Attendance at CSAC meetings or Legislative hearings may be required (Note: Travel time is billed at the same hourly rate as contracted. Reimbursement for travel is reimbursed at the exempt employee rates in accordance with the California Code of Regulations, Title 2, Section 599.615.1.).

- 1) Prepare and submit an annual report by the end of April that outlines the required disclosures for the CSAC to meet its obligation, along with federal and state withholding reports. The annual report shall include:
 - a. The financial condition of the pension fund, including present value, net income or losses by source over the previous twelve (12) months, gains or losses realized by sales of assets or disposition;
 - b. Number of currently covered boxers;

- c. The number of covered boxers drawing benefits and the total amount expended by category of benefits (i.e., normal retirement, death, annuity conversion, or vocational early retirement);
 - d. The number of applicants denied requested benefits and the numbers and dispositions of requests for reconsideration and commission appeals;
 - e. Itemized administrative or other deductions from the pension fund;
 - f. Other information that the CSAC deems appropriate
- 2) Provide to the CSAC by the end of each April a summary of each boxer's records, including:
- a. A list of all boxers who have ever been in the system
 - b. All boxers who have had any account activity during the year
 - c. All boxers who are eligible to receive benefits
- 3) Prepare and submit statement for each boxer who has an account balance or account activity during the year. Statements are provided to the CSAC, on an as-needed basis, who then distributes them to the boxers. In addition to the boxer's current status the account statement shall include:
- a. Beginning balance
 - b. Contributions/forfeitures
 - c. Investment earnings
 - d. Distributions
 - e. Ending Balance

E. Retention of records:

Any and all data records, reports, papers, tabulations and documents provided or gathered in the performance of the Pension Plan Accounting services contract are and shall remain the property of the State. This applies, but is not limited to all boxer records and documents presented to the Contractor at the beginning of the contract term, and all those records and documents (complete or incomplete) obtained, maintained, and/or developed by the Contractor during the contract term.

The Contractor shall have no rights to any such data gathered as a part of the contract resulting from this contract. All such data shall be designated as "confidential", and must be protected as specified within the contract.

F. Contract Transition/Data Conversion Requirement:

The objective of the transition/changeover period is to ensure the orderly, timely, and efficient transfer of necessary data and documents from the Contractor to the CSAC or to the successor Contractor, prior to the termination or expiration of this contract. The Contractor shall fully cooperate with the CSAC during the transition to a new service provider.

Prior to contract expiration the Contractor and the CSAC will initiate the transition/changeover. During the transition the Contractor shall continue to provide administration, accounting and reporting for the Professional Boxers' Pension Plan under the terms and conditions of the contract. The Contractor shall:

- 1) Work together with the CSAC and the successor Contractor to completely transition all data records gathered and maintained in administration of the Professional Boxers' Pension Plan Accounting services contract;

- 2) Submit a report to CSAC describing the data and documents to be transferred. The report shall be received by the CSAC no later than 60 days prior to the termination or expiration of the contract.
- 3) Provide all data from the database and/or source(s) to the CSAC in the (format and method specified by CSAC) with the complete file description. Confer with the CSAC on a time for the delivery of the data, prior to the expiration of the contract, in order to enable the successor Contractor to be fully operational on or before the expiration of the contract.
- 4) Ensure all data/reports supplied are accompanied by a letter, signed by the Contractor, certifying to the accuracy and completeness of the material supplied.
- 5) The Contractor shall not be reimbursed for any outstanding invoices until the CSAC has received all data and pertinent documents in the proper format.