



California State Athletic Commission

1424 Howe Ave. Ste. #33
 Sacramento, CA 95825
 www.dca.ca.gov/csac/
 (916) 263-2195 FAX (916) 263-2197



CALIFORNIA STATE ATHLETIC COMMISSION

Monday, August 6, 2007

10:00 A.M. – 3:00 P.M.

**Ronald Reagan State Building
 Auditorium
 300 South Spring Street
 Los Angeles, California 90013**

Minutes

Commissioners Present:

June Collison	Howard Rose
Mario Rodriguez	Peter Lopez
Timothy Noonan	Christopher Giza, M.D.
Julio Ramirez	

Staff Present:

Armando Garcia, Executive Officer	Larry Ervin, Athletic Inspector
Bill Douglas, Staff Services Analyst	Mike Figueroa, Athletic Inspector
Dean Lohuis, Chief Athletic Inspector	Sid Segovia, Athletic Inspector
Dwayne Woodard, Athletic Inspector	Frank Gonzales, Athletic Inspector
David Rasmussen, Athletic Inspector	Antonette Sorrick, Deputy Director, DCA
Anita Scuri, Legal Counsel, DCA	Spencer Walker, Legal Counsel, DCA
Karen Chappelle, Deputy Attorney General	

Agenda Item 1. The meeting was called to order by Chair, June Collison, at 10:00 a.m. Executive Officer, Armando Garcia, called the roll. All Commissioners present and accounted for.

Agenda Item 2. Commissioner Peter Lopez led the attendees in the Pledge of Allegiance.

Agenda Item 3. A motion was made, seconded, and the Commission voted unanimously to approve the minutes of the June 25, 2007 meeting.

Agenda Item 4. Chairperson's Report – Chair Collison reported on activities at recent events and the performance of the Commission staff. Commissioner Noonan briefly reported that the Pension Plan Committee had requested and would be reviewing documents related to the performance of the pension plan.

Agenda Item 5. Mr. Garcia reported on updated drug statistic numbers released since the meeting packets were distributed to the Commissioners.

Agenda Item 6. Appeals of Suspensions and Fines

Wes Combs

Inspector Larry Ervin testified regarding the collection of Mr. Combs' urine samples that he directly observed the urine collection, labeled the container, explained to the contestant what had occurred, and obtained the contestant's signature on the form. He stated he gave the envelope with the samples to the event supervisor, Mr. Dean Lohuis. Chief Inspector Dean Lohuis testified regarding the collection of Mr. Combs' urine samples that he placed the samples in a box protected from the elements and shipped it by a method that permits tracking. Mr. Combs admitted responsibility for his actions and asked the Commission for a reduction in time and the amount of the fine. Mr. Combs did not notate any knowledge of medication usage on his physical or pre-fight medical questionnaire. Mr. Combs believed that because he was under the care of a doctor that he would be "ok." Mr. Combs submitted a medical document for the review of the Commission in regard to his medical condition. Commissioner Giza confirmed that Mr. Combs' paperwork is not the

same type of test as that performed by Quest. Vice-Chair Rodriguez commented on the serious problem of drugs in combat sports. Commissioner Noonan asked a question about medications listed on Mr. Combs' pre-fight medical questionnaire. No medications were listed on Mr. Combs' physical or pre-fight medical questionnaire. A motion was made, seconded, and carried to uphold Mr. Combs' suspension and fine. 5-0-2 (abstentions -- Noonan and Ramirez)

Danny Batchelder

Staff Services Analyst Bill Douglas testified regarding the collection of Mr. Batchelder's urine samples. The process followed mirrored that described above for collecting Mr. Combs' urine samples. Mr. Batchelder was properly notified of the appeal hearing date, time, and location. Mr. Batchelder was not present for his appeal hearing. A motion was made, seconded, and carried (unanimous) to uphold Mr. Batchelder's suspension and fine.

James Toney

Staff Services Analyst Bill Douglas testified regarding the collection of Mr. Toney's urine samples. The process followed mirrored that described above for collecting Mr. Combs' urine samples. Mr. Arnold Joseph, Mr. Toney's legal representative, was given an opportunity to review the packet of information pertaining to Mr. Toney's appeal. Chair Collison stated Mr. Toney's hearing would resume after the completion of the other appeal hearings.

After the conclusion of the remaining appeals, Mr. Toney's appeal resumed. Mr. Toney asked for a reduction in time. The Commission discussed Mr. Toney's previous suspension by New York for a positive test for anabolic agents. Mr. Toney commented on the fact that he doesn't need steroids to compete against anyone. Mr. Joseph requested a reduction in time to 60 days based on the use of over the counter vitamins. Mr. Joseph stated that he and his client agree that the sample was not doctored. Mr. Toney is basing his request for a 60 day suspension on the decision rendered at the last Commission meeting in June. Commissioner Giza commented on drug testing procedures in relation to a "false" positive test. Mr. Joseph asked for 60 days to be considered as the final decision for the suspension.

Commissioner Ramirez made a motion that the penalty be modified to a 120 day suspension and a \$2,500 fine. The motion did not receive a second.

Public comment - Dan Goossen, promoter for James Toney, stated that he never had any athletes test positive for drugs. Mr. Goossen commented on Mr. Toney's history and habits of medication use and nutrition. Mr. Goossen asked for Mr. Toney's suspension to end on December 31, 2007.

Commissioner Giza stated that decisions should be based on evidence presented to modify a suspension.

A motion was made and seconded to uphold the suspension and fine. The motion failed, 2 (Collison, Giza) - 5 (Rodriguez, Lopez, Noonan, Ramirez, Rose).

Commissioner Noonan commented that testing is not black and white. Commissioner Giza commented on the fact that the laboratory staff are experts in this field. Chair Collison commented that there is not enough evidence reflecting that supplements caused the positive test result. Vice-Chair Rodriguez commented on the fact that supplements should not be used as a standard on which to base appeals. Mr. Toney's attorney commented that Commissioner Giza is not an expert in drug testing. Mr. Toney stated that he has been competing for twenty years and called Commissioner Giza disrespectful and then burst into a profanity laced outburst directed at Commissioner Giza in front of the Commission and all attendees.

Commissioner Ramirez commented on Mr. Toney's "spectacular" career and made a motion that the penalty be modified to a 120-day suspension and a \$2,500 fine. The motion did not receive a second.

A motion was made, seconded, and carried to modify Mr. Toney's suspension to 180 days and a \$2,500 fine. 6-1 (Giza opposed).

Phil Baroni

Inspector Sid Segovia testified regarding the collection of Mr. Baroni's urine samples. Staff Services Analyst Bill Douglas testified regarding the collection of Mr. Baroni's samples. The process followed mirrored that described above for collecting Mr. Combs' urine samples. Ken Pavia, manager for Phil Baroni, requested a continuance of Mr. Baroni's appeal hearing in the absence of Mr. Baroni's legal representative. Mr. Garcia commented on the substances in Mr. Baroni's body. A motion was made, seconded, and carried (unanimous) to continue Mr. Baroni's hearing to the October meeting.

Hermes Franca

Inspector Sid Segovia testified in detail regarding the collection of Mr. Franca's urine samples. The process followed mirrored that described above for collecting Mr. Combs' urine samples. Staff Services Analyst Bill Douglas commented on the collection and shipping of Mr. Franca's urine samples. Mr. Franca apologized for the situation and requested a reduction in time and the amount of the fine. Mr. Franca stated he would like to continue performing his duties as a second while on suspension. A motion was made, seconded, and carried (unanimous) to uphold Mr. Franca's suspension and fine but that this action would not result in denial of any application he might make to be licensed as a cornerman.

Sean Sherk

Howard Jacobs, attorney representing Mr. Sherk, requested a continuance for his client because documents requested from Quest were not yet available. A motion was made, seconded, and carried to continue Mr. Sherk's hearing to the October meeting. 6-0 (Noonan not present for vote).

The Commission agreed to hear Agenda Item 10 out of order to accommodate Dr. Gluckman.

Agenda Item 10. Medical Malpractice Information - Dr. Richard Gluckman addressed the Commission in regard to medical malpractice coverage. Dr. Gluckman addressed the previous meeting of ringside physicians with a representative of DCA. Mr. Garcia stated that funds from the General Fund or neurological fund cannot be used for medical malpractice coverage. Commissioner Giza agreed with Dr. Gluckman's assessment that a physician has little and/or no protection as a physician against liability. Counsel Anita Scuri stated that medical malpractice coverage requires legislative changes and there is no authority from the Commission to spend funds from the General Fund or neurological fund — this would constitute an illegal gift of public funds. Ms. Scuri suggested the matter be referred to a legislative committee for review. A motion was made, seconded, and carried (unanimous) to establish a committee to review medical malpractice issues. Commissioner Giza and Commissioner Noonan will comprise the committee.

Agenda Item 7. Appeal of License Denial

Hong-Man Choi

Mr. Choi was not present for the hearing. There was no representative present for Mr. Choi at the hearing. Documents were received from the Nevada State Athletic Commission pertaining to Mr. Choi's medical condition from his April 2006 bout in Las Vegas. Mr. Garcia discussed Mr. Choi's medical condition due to Mr. Choi referencing it in his own press conference on May 31, 2007 in Los Angeles. Commissioner Giza referenced Mr. Choi's medical condition. Mr. Choi's vision could be affected, which would inhibit his ability to safely compete. The tumor in Mr. Choi's head is near the carotid artery. Mr. Choi's condition is treatable. Mr. Garcia indicated that Mr. Choi fought on August 5, 2007 despite his medical condition and the warnings from the Commission. Commissioner Giza stressed the seriousness of Mr. Choi's condition. A motion was made, seconded, and carried to uphold the denial of Mr. Choi's license. 6-0-1 (Noonan abstained).

Agenda Item 8. S84 – Mr. Garcia informed the Commission about Senator McCain's bill. The federal government could potentially oversee all matches within the United States unless the federal commission delegated its oversight authority to the individual states. Ms. Scuri suggested that the Commission may wish to seek modification of the preemption provision to permit the federal commission to exempt states that it determines provide equivalent standards. Mr. Garcia recommended the Commission contact Senator McCain's office for additional information, particularly on the preemption issue. A motion was made, seconded, and carried (unanimous) to contact Senator McCain's office.

Agenda Item 9. SB284 – Mr. Garcia recommended support of the bill. A motion was made, seconded, and carried (unanimous) to support the bill.

Agenda Item 11. Native American Contract for Services - \$3,000 fee to cover Commission costs for regulating an event on Native American land. 20% of the costs (\$600) to the neurological fund and 20% of the costs (\$600) to the pension fund. MMA athletes are not benefiting from the pension at this time. Mr. Garcia asked the Commission for action on this item. Counsel Spencer Walker advised creation of a committee to reach out to the Native governments. He indicated that the Commission vote on this matter is merely to approve the concepts contained in the language of the contract, not the contract itself because there are no specific bodies involved at this time. Commissioner Noonan asked if there are any differences in this contract compared to what we are doing at this time. Mr. Garcia stated this is in compliance with the law and reflects current practice. Mr. Walker recommended the formation of a Committee to meet with tribal leaders. Mr. Walker recommended the commission approve the concept of the contract with the power given to the Executive Officer to modify it if need be.

Public comment – Roy Englebrecht, promoter, questioned if the tribal leaders do not sign the contract, whether they will still be able to hold events at their venues.

Mr. Garcia stated the contract is mandated by law.

Mr. Englebrecht stated that he has no problem presenting the Native governments with the contract since it is required by law. Mr. Englebrecht stated that he will advise Mr. Walker of any meetings that he has with the Native governments that he works with.

Public comment – William Schunke, promoter, asked when the contract is supposed to go into effect since he is in the middle of negotiating his renewal contract at this time to continue promoting shows with the tribes that he works with.

Public comment – Martin Denkin, referee, questioned the motives of the contract. Mr. Walker advised this is a different issue.

A motion was made, seconded, and carried (unanimous) to approve the concept of the contract and to delegate to the executive officer the authority to modify sections 3.2, 3.3, 3.4, 3.5 and 4.6 if necessary.

Agenda Item 12. Advisory Committee on Medical and Safety Standards – Mr. Garcia stated that pursuant to Business and Professions Code Section 18645, the committee may consist only of 6 members who are appointed by the Commission and he recommended that 1 member of the Commission (Commissioner Giza) act as Chair. A motion was made, seconded, and carried to appoint the following as members of the committee: Dr. Richard Gluckman, Dr. Patrick Golden, Dr. Smith Ketchum, Dr. Van Lemons, Dr. Steven Steinschriber, and Dr. Paul Wallace. 6 - 0 (Noonan not present for vote).

Agenda Item 13. Amateur MMA – Mr. Garcia stated that currently there is no amateur mma and athletes are turning pro immediately. Mr. Garcia stated that amateur mma rules are needed as a health and safety concern.

Juanito Ibarra presented for USA MMA. Neil Jaramillo spoke on behalf of USA MMA. USA MMA would like to act as the regulatory body for amateur mma. Mr. Jaramillo asked to be placed on the next agenda for action. Mr. Jaramillo stated they are a national non-profit organization acting as a sanctioning body. Mr. Garcia advised that amateur mma rules must go through the regulatory process.

Agenda Item 14. Regulatory hearing – A motion was made, seconded, carried (unanimous) to begin the regulatory process to adopt and amend various regulations pertaining to boxing, kickboxing, and mixed martial arts.

Agenda Item 15. Agenda Items for Future Meetings

- Continuance of Mr. Phil Baroni's appeal
- Continuance of Mr. Sean Sherk's appeal
- Pension update
- USA Boxing providing an update to the Commission on amateur boxing in California
- Update on office staffing
- Ring specifications for multiple sports (mma, kickboxing, boxing)
- Guest speaker from Quest to educate the Commission on laboratory procedures

Agenda Item 16. Future Meeting Dates

- October 31, 2007 (Los Angeles)
- January 9, 2008 (Sacramento)

Agenda Item 17. Public Comment Period

Ray Corona – Referee, commented negatively on assignments of officials in the past two years.

David Denkin – Referee/Judge, commented negatively on assignments of officials in the past two years.

Martin Denkin – Judge, commented negatively on assignments of officials in the past two years and about not being placed on the agenda of the advisory committee, as he had requested.

Mr. Walker stated that protocols regarding placement of items on the agenda should be established first because otherwise the commission may be unable to complete its business.

Jerry Cantu – Referee, commented negatively on assignments of officials in the past two years.

Turi Altavilla – Representing Pro Elite, reintroduced himself to the Commission.

Tom Khamvongsa – Matchmaker, commented on assignments of officials and asked that local officials be assigned, to reduce the cost to him as promoter.

Agenda Item 18. Adjournment

The meeting was adjourned at 3:00 pm.