



California State Athletic Commission

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CALIFORNIA STATE ATHLETIC COMMISSION

Wednesday, October 31, 2007

9:00 A.M. – 3:30 P.M.

**Junipero Serra State Building
 Carmel Room
 320 West Fourth 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	Bill Douglas, Associate Governmental Program Analyst
Dean Lohuis, Chief Athletic Inspector	Mike Figueroa, Athletic Inspector
Dwayne Woodard, Athletic Inspector	Sid Segovia, Athletic Inspector
Doreatha Johnson,	Spencer Walker, Legal Counsel, DCA
Antonette Sorrick, Deputy Director, DCA	Anita Scuri, Legal Counsel, DCA
Karen Chappelle, Deputy Attorney General	

Agenda Item 1. The meeting was called to order at 9:17 a.m. Executive Officer, Armando Garcia, called the roll. Commissioners present and accounted for: Collison, Giza, Noonan, Ramirez, Rodriguez, and Rose. Commissioner Lopez expected shortly.

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

Agenda Item 4 (Part 1). Presentation by Travis Tygart

Travis Tygart, Chief Executive Officer of the United States Anti-Doping Agency addressed the Commission. Mr. Tygart addressed the BALCO case as well as Operation Raw Deal which uncovered the production and distribution of steroids in hundreds of locations around the country and throughout the world. Mr. Tygart addressed the situation involving Chris Benoit and the prescribed amounts of steroids that he had been given. Highlights from Mr. Tygart's presentation:

"The recent bust of high-profile figures in fighting sports suggest that drug use in these sports, if left unchecked, could be significant."

"I've no doubt that if prompt and aggressive action is not taken to quell the use of steroids in fighting sports, these emerging sports will develop a similar and sad legacy for the young fans of these sports."

"Clean athletes commend you for not turning a blind eye to these offenses. However, extremely lenient and widely varying and sometimes non-existent sanctions and penalties implemented for the use of steroids and other serious drugs available to this commission is quite frankly frustrating for those of us who demand clean sport. A credible program must include an effective adjudication system that combines defined sanctions of sufficient magnitude to deter drug use."

"This principle known around the world and adhered to by millions of clean athletes is known as strict liability because the mere presence of a drug in your system is a doping violation."

“I mean, I think it’s naïve to think that athletes who are going to cheat aren’t going to go to the lengths, particularly if they have the resources, to do it in a way that they don’t get caught.”

“You see that these two, particularly Boldenone, which is known as EQ on the street in the gyms, and Stanozolol, which is known as Winnie on the streets and in the gyms, that combination of EQ and Winnie is a classic combination for athletes who want to put on lean muscle mass, who don’t want to put on too much water weight, which is a classic symptom of some use of drugs, and who want to potentially cycle off of those drugs, for whatever purposes, maybe an upcoming drug test, and retain that lean muscle mass for longer periods of time.”

“In 2004 the Steroid Control Act was amended and the Steroid Control Act of 2004 was passed, which made illegal, so you cannot find the 19-Nor products on the open, over-the-counter dietary supplement market anymore, and those have been Schedule 3 drugs since 2004.”

“So in our world the proof shifts to them to prove, one, how it got there, and you need proof. A denial is not proof.”

Agenda Item 3. Presentation by Dr. Victor Naumov

Dr. Victor Naumov, President and founder of the National Coalition for the Advancement of Drug-Free Athletics, addressed the Commission. Highlights from Dr. Naumov’s presentation:

“The other thing it does is it weakens tendons, makes you more susceptible to injury, shoulder injury, ankle injury, things of that nature, simply because the size of the muscle and the force generated on the joints, the body just can’t handle it because the muscles are too big. Some of the side effects for men with prolonged steroid use can result in the reduction of sperm count, which will end up causing them to become infertile, impotence, baldness, the development of breasts and difficulty or painful urination, as well as other prostate issues. In women the side effects include the growth of facial hair and deepening of the voice. In most cases, those two side effects are non-reversible. So the men basically become more feminized and the women become more masculine. Women also experience breast-size reduction, change or secession in their menstrual cycle. And also both sexes are at risk or at increase risk of clotting disorders, liver damage, premature heart attacks and strokes, as well as elevated LDL cholesterol levels.”

“The commission has the power to set the standard, not only in California but for the entire country. By encouraging licensed professional athletes to choose not to use drugs of any kind, together we can help raise the next generation of leaders and not cheaters.”

“Because you would be amazed at how many companies and corporations do not want to support or will be less likely to support a program such as ours, because the image that the public is getting, for some reason, is very simple, that if you are supporting this, that means there must be a problem.”

Agenda Item 4 (Part 2). Presentation by Dr. Barry Sample

Dr. Barry Sample, Director of Science and Technology for Quest Diagnostics, addressed the Commission. Highlights from Dr. Sample’s presentation:

“Well, the longest some of them are detectable are 18 months, and that’s for the oil-based injectables, Nandrolone, one of the esters of Nandrolone, the Decanoate ester as well as one of the esters of Boldenone can have very, very long-term detection. It’s not unusual to see more than 12 months, the way athletes use it. And in fact, a single dose of Nandrolone by injections is detectable for up to two months after that single dose. So very, very long lived detection times, and you are going to see relatively low levels during that long and prolonged excretion of the Nandrolone metabolites, 19 NA and 19 NE in the urine.”

“But the Winstrol V is detectable for also up to three to six months after cessation of use, the way athletes use it.”

“The two primary ones or really the only two on here would be the TE ratio, where we’re using a reporting ratio, a reporting limit of 6 to 1, currently. And the Nandrolone metabolite, that has the reporting limit of 2 nanograms per mill. For all of the other steroids, it is essentially a limited detection test. Any amount that is found is, is reported as a positive drug, so long as it, or drug metabolites, so long as it meets all of the identification criteria.”

Dr. Sample addressing Commissioner Noonan on 50 and 60 year old males being prescribed human growth hormone: “It could be a matter of how it’s used, the dose, the frequency that it’s used at, and we still have the issues of a level

playing field and playing true. So they have, these drugs, even though many of these drugs have legitimate medical uses, they have no place in sports, whether it be amateur sports or professional sports.”

“The only way that an athlete would test positive following the use of a nutritional supplement for one of these synthetic steroids, such as the 19 NA or Stanozolol or Boldenone would be through the use of a product that contains that substance or one of its precursors, and that is not legally sold over the counter at this point in time, and hasn’t been since the passage of the Anabolic Steroid Act of 2004. And no combination of other substances that don’t contain these products are going to combine in the body to produce a positive test result.”

“And using the two-tiered testing system that’s employed in these, well, really forensic drug test, where you have initial test or initial screen to eliminate negatives from further consideration. You then have a confirmatory test that uses definitive methods, like GC/MS, gas chromatography-mass spectrometry, that will specifically identify and quantify, where quantification is required as it is for the drugs of abuse, the specific drug or drug metabolite in urine specimen.”

Agenda Item 5. Appeals of Suspensions and Fines

Phil Baroni

The appeal case was introduced and subsequently placed in recess in order for Mr. Baroni and his representation to review the Commission packet of material given to the Commissioners.

Sean Sherk

Inspector Mike Figueroa testified regarding the collection of Mr. Sherk’s urine sample. AGPA Bill Douglas testified regarding the collection of Mr. Sherk’s urine sample. Dr. Sample testified regarding the laboratory processes for the handling of Mr. Sherk’s urine sample at Quest Diagnostics.

Proper documentation was not exchanged between all parties due to time received in the CSAC office as well as transmission time to Commission members.

The Commission decides to continue Mr. Sherk’s appeal hearing to the next Commission meeting in order to transmit all pertinent documents to all parties involved.

Phil Baroni (con’t)

Phil Baroni’s appeal hearing is continued. Contents of the appeal packet for the Commissioners was discussed. Mr. Baroni’s pre-fight physical indicates that he did not take any type of medications or drugs. Mr. Baroni’s pre-fight medical questionnaire indicates that he was taking two prescribed medications, Propecia and Ibuprofen, and listed Gamma-O, Max Muscle, Vitamins, Greens, and Protein as dietary supplements. The pre-fight medical questionnaire was signed by Mr. Baroni and dated June 21st.

Mr. Ken Pavia, representing Mr. Phil Baroni, presented his portion of the appeal case. Mr. Baroni was questioned by Mr. Pavia in regard to whether he did or did not use steroids. Highlights from the questioning:

Mr. Baroni: “I’m telling you now, I never took steroids. But they’re looking at me and saying I did because a test said I did it. That’s why I spent over \$20,000 because the commissioner right there, the last time I was here, if my career was on the line, I would do everything necessary. That’s what I did. I used every means necessary to prove it, and I couldn’t do anymore to prove it. Everything I said proved it. I never made \$20,000 in the UFC or Pride. It’s my career, so I spent all my money.

Mr. Baroni responding to Mr. Pavia’s question about supplements: “I’m always changing them to see which one will work, what will be the best, wheat grass, Max Muscle is a store I was sponsored by. They have a line of products, and it says on there, on the bottle that nothing is, you know, is going to cause positive tests.”

Mr. Baroni: “I didn’t use any steroids. That’s my point. I’ve done what I’ve always done. I trained and competed my entire life, and I’ve always done the same thing.”

Ms. Karen Chappelle, representing CSAC, questioned Mr. Baroni. Highlights from the questioning:

Ms. Chappelle: “Can I ask you about a supplement that you listed on your application?”

Mr. Baroni: “Yes.”

Ms. Chappelle: “Max Muscle?”

Mr. Baroni: “Yes.”

Ms. Chappelle: "Where did you buy that?"

Mr. Baroni: "It's a chain of supplements. I couldn't remember exactly off the top of my head which ones I was taking, so I got, the store is called Max Muscle. They have a line of products."

Ms. Chappelle: "At which store did you purchase them?"

Mr. Baroni: "Max Muscle store."

Ms. Chappelle: "Is there one in Los Angeles?"

Mr. Baroni: "No. It's in San Jose."

Ms. Chappelle: "It's in San Jose. Okay. Thank you."

Mr. Pavia presents several different drug tests taken by Mr. Baroni to clear his name before the case is presented to the Commissioners for their ruling.

The motion to uphold the one year suspension and \$2,500 fine fails.

Prior to the second motion being placed on the table, discussion occurs:

Commissioner Ramirez: "Just kind of thinking out loud here and trying to process all of this. I've always tried to look at past experience, what people have done in their past life. Given what you have done during your years in college all the way through, and I'm assuming the drug tests that you've taken, you've always passed and that's certifiable. I recommend that we just drop it, the suspension and the fine."

Mr. Walker: "That is your motion?"

Commissioner Ramirez: "Yes."

Mr. Walker: "Is there a second?"

Commissioner Rose: "Second."

The motion to withdraw the one year suspension and \$2,500 fine fails.

A motion was made to modify the suspension period to six months while keeping the \$2,500 fine intact. The motion passed with 3 ayes (Lopez, Ramirez, Rose), 2 opposed (Collison, Rodriguez), and I abstain (Noonan). Commissioner Giza was not present for the vote.

Kazuhiro Nakamura

Appeal case tabled until next Commission meeting.

Adam Smith

Appeal case tabled until next Commission meeting.

Agenda Item 6. Public Comment

Marty Denkin

Mr. Marty Denkin commented on the lack of being placed on the current meeting's agenda.

Executive Officer Garcia commented on the rules and regulations that were previously submitted.

Mr. Denkin asked that no additional hiring or evaluation process take place until after the California Referees Association has an opportunity to make their presentation before the Commission.

Commissioner Noonan commented on the officiating of Referee Raul Caiz Sr. in the Goossen Tutor main event on October 19, 2007 and asked for this item to be reviewed as a future agenda item.

Commissioner Ramirez asked for an opportunity to review official's evaluations prior to the Executive Officer setting them in place.

Mr. Denkin states the Referees Association wants an opportunity to continue the same program from 1998 and present it in front of the Commission.

David Denkin

Mr. Denkin asked for evaluations and input. Mr. Denkin is hoping that all Commissioners will be at the next Commission meeting.

Vince Delgado

Mr. Delgado's representation that Mr. Delgado has not received one assignment as a referee even though his application has been accepted as a referee and judge. Stated that Mr. Delgado has made numerous attempts to gain assignments as a referee.

Executive Officer Garcia stated that Mr. Delgado never submitted his physical for 2006. EO Garcia advised the Commission that Mr. Delgado will be evaluated by himself and the referee that was in charge of previous evaluations, Mr. Marty Denkin. EO Garcia has consulted with DCA Legal and everything will be disclosed to Mr. Delgado in writing.

Jack Reis

Mr. Reis formally invited everyone on the Commission to the "Fight for Life" event. Flyers were presented to EO Garcia.

Matt Kurahara

Mr. Kurahara is a licensed manager. Stated he does not understand the need for bag searches at the live events. He is very dissatisfied with the procedure involving the Inspectors in the locker room.

Dennis Warner

Mr. Warner commented on the issued of the weigh-in and weigh-in procedures.

Agenda Item 7. Approval of Meeting Minutes

Unanimous vote to approve the meeting minutes for August 6, 2007 and August 28, 2007 Commission meetings.

Agenda Item 8. Chairperson's Report

Tabled until the next Commission meeting.

Agenda Item 9. Executive Officer's Report

Tabled until the next Commission meeting.

Agenda Item 10. Pension Update

Commissioner Noonan provided an update on the status of the pension plan. Commissioner Noonan provided a history of the pension plan and discussed the appeal between Wachovia and Raymond James Financial. Commissioner Noonan asked for an appropriate timeframe for 2004 – 2006 annual reports to be completed. Commissioner Noonan asked for specific items to be included in the Annual Report.

EO Garcia stated that Commissioners Noonan and Ramirez need to have a personal meeting with Kevin Long and Beth Harrington to determine what needs to be done in order to bring the pension plan up to speed.

Ms. Scuri addressed the issued of possibly moving the pension plan into the jurisdiction of CalPERS and CALSTRS.

Agenda Item 11. Ringside Physician's Pay Scale

Tabled until the next Commission meeting.

Agenda Item 12. Agenda Items for Future Meetings

The following items were requested as future agenda items:

1. Disciplinary guidelines for doping violations
2. Ringside Physician's pay scale
3. USA Boxing's regulation of amateur boxing
4. Officiating of Raul Caiz Sr. in the Goossen Tutor main event on October 19, 2007
5. Assignment of officials for televised events

Agenda Item 13. Future Meeting Dates

Arrangements needed to be made for the next Commission meeting involving the hearings of Sean Sherk, Kazuhiro Nakamura, and Adam Smith.

Agenda Item 14.

CLOSED SESSION:

The Commission went into closed session pursuant to Government Code Section 11126 (a) (1) as required by Business and Professions Code Section 18613 (a), to determine whether to retain the services of the current Executive Officer.

RECONVENE TO OPEN SESSION:

Chair Collison announced in open session that the Commission voted to carry over the evaluation process to the next scheduled Commission meeting.

Agenda Item 15. Adjournment

The meeting was adjourned at 3:30 p.m.