



California State Athletic Commission

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CALIFORNIA STATE ATHLETIC COMMISSION

Tuesday, February 10, 2009

8:00 A.M. – 7:00 P.M.

**Van Nuys State Building
6150 Van Nuys Boulevard
Van Nuys, CA 91401**

Minutes

Commissioners Present:

Timothy Noonan, Chairman

Peter Lopez

June Collison

Dr. Christopher Giza

Mario Rodriguez, Vice-Chairman

Howard Rose

John Frierson

Staff Present:

Bill Douglas, Acting Assistant Executive Officer

Dean Lohuis, Chief Athletic Inspector

Karen Chappelle, Deputy Attorney General

Yolanda Alvarez

Anita Scuri, Legal Counsel, DCA

James Maynard

Spencer Walker

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

Agenda Item 1. The meeting was called to order at 8:00 A.M. Chairman Timothy Noonan called the roll. Commissioners present and accounted for: Collison, Frierson, Lopez, Rodriguez, Rose and Giza.

Agenda Item 2. Pledge of Allegiance was performed.

Agenda Item 3. Approval of Meeting Minutes

November, 2008 Minutes

Agenda Item 6. Disciplinary Hearing

Antonio Margartio: Che Guevara was called to the witness stand, and questioned from Deputy Attorney General Karen Chappelle. He was questioned about his involvement with Antonio Margarito's hand wraps on the night of Saturday, January 24, 2009. Upon conclusion of Mrs. Chappell's questioning, Che was cross examined by Defense Attorneys Daniel Petrocelle and Jeff Benz. Through out the questioning process Chairman Tim Noonan and the six other Commissioners asked clarifying questions. Che's testimony explained his position and involvement with Antonio Margarito on the night of Saturday, January 24, 2009. His testimony supported that Antonio Margarito was attempting to use an illegal hand wrap.

Mike Bray was called to the witness stand; he was question by District Attorney General, Karen Chappell, Defense Attorneys Daniel Petrocelle, and Jeff Benz. Mike's testimony explained his position and involvement with Antonio Margarito on the night of Saturday, January 24, 2009. His testimony supported that Antonio Margarito was attempting to use an illegal hand wrap.

Dean Lohuis was called the witness stand; he was questioned by District Attorney General, Karen Chappell, Defense Attorneys Daniel Petrocelle, and Jeff Benz. Dean's testimony explained his position and involvement with Antonio Margarito on the night of Saturday, January 24, 2009. His testimony supported that Antonio Margarito was attempting to use an illegal hand wrap.

Dave Pereda was called to the witness stand; he was questioned by District Attorney General, Karen Chappell, Defense Attorneys Daniel Petrocelle and Jeff Benz. Dave's testimony explained his position and involvement with Antonio Margarito on the night of Saturday, January 24, 2009. His testimony supported that Antonio Margarito was attempting to use an illegal hand wrap.

Antonio Margarito was called to the witness stand, he had a translator. Mr. Margarito was questioned by District Attorney General Karen Chappell, Defense Attorneys Daniel Petrocelle, and Jeff Benz. Mr. Margarito maintained that on the night of Saturday, January 24, 2009 he did not know that there was anything illegal in his hand wrap.

Javier Capetillo was called to the witness stand, he also used a translator. Mr. Capetillo was questioned by District Attorney General Karen Chappell, Defense Attorneys Daniel Petrocelle and Jeff Benz. Mr. Capetillo is Mr. Margarito's trainer. Mr. Capetillo supported Mr. Margarito's claim that Mr. Margarito had no idea that anything was "different" with the hand wraps.

Francisco Espinoza was called to the witness stand, he was questioned by District Attorney General Karen Chappell, and Defense Attorney Daniel Petrocelle. Mr. Espinoza is Mr. Margarito's manager. Mr. Espinoza said that he had never seen the hand wraps in question.

Closing Arguments for Mr. Capetillo

Dr. Giza motions for revocation of Mr. Capetillo's license, second by Vice Chairman Mr. Rodriquez. Discussion. Chairman Mr. Noonan restates motion for revocation of Mr. Capetillo's license. Motion passed.

Closing Arguments for Mr. Margarito

Dr. Giza motion was made for revocation, seconded, and carried unanimously.

Adjournment: for Lunch 2:00PM reconvene in one hour.

Closed Session: (Pursuant to Government Codes Section 11126(e)(2)(A))
To discuss Pending Litigation

Agenda Item 8. Annual Review – USA Boxing

Jim Millman CEO of USA boxing along with Joe Zander from Central California, Louis Jordan from Southern California and Venoria Lindsay. Spoke on behave of USA Boxing.

Mr. Millman, states that he has sent written communication to Mr. Douglas dated February 2, 2009.

Mr. Douglas is handed a copy of the letter and states it is his first time seeing it.

Mr. Millman: As my letter indicates enforcement of our rules follow USOC, Ted Stevens act. Which requires a valid USA Boxing pass book for anyone that participates in sanctioned bout. There are events that are not sanctioned by USA Boxing. Which means the events and athletes are not insured when they participate in those events. We are not large enough to police the unsanctioned events.

Every one of our event is attend by a registered Chief of Officials, who is authorized to remove or restrict any athlete or second in violation of the rules. Any individual in USA boxing can file a grievance against anyone else that is registered with USA boxing. We rely on our grievance process to fire or remove someone from USA boxing. We are aware of the problems in Northern California. We have someone new person in place and they are looking into the clubs.

Chairman Noonan: What is the cost for the grievance process?

Mr. Millman: The grievance process is \$300 dollars, but we waive about half of the fee, if the grievance is won then the person that filed the grievance is reimbursed the fee amount. The fee is in place due to the heavy volume of grievances, we charge the fee to try and weed out what is trivial and what is not.

Chairman Noonan: Directs everyone to watch the news report that is being showed on TV.

Mr. Millman: That report is a case study in what we are trying to eliminate. It is not the majority of what is happening around the country. Which does not mean that what is going on is not bad. We are stepping up the issuing of sanctioning license. It is difficult for a volunteer organization to find out what a real club is and what a shell club is. None of the people interviewed in that story file a grievance with USA Boxing. If a grievance had been filed then USA boxing would have been able to make a ruling. USA Boxing does not have a rule saying that parents are or are not allowed at matches. We do have legitimate black tie events that do have ring girls. USA boxing is moving forward with the elimination of ring girls where children are present. We are not in the business of making money for private enterprises.

Chairman Noonan: What kind of disciplinary action have you taken in the past?

Mr. Millman: We have ban clubs and individuals that could last from six months to a life time. We have also put clubs and individuals on probation.

Chairman Noonan: How many disciplinary actions have you handed out?

Mr. Millman: About 5-10 a year.

Chairman Noonan: Do you plan to change some of your rules?

Millman We will add a rule that says parents should be allowed at every event.

Mr. Millman: Says he has had many conversations with Ms. Gatto on the phone and has urged her to file a grievance with the fee waved and she has not.

Robert Schnider: Is the Vice President of LBC and Chief of Officials. I saw the violation.

Chairman Noonan: § 18878 is the rule regarding ring girls at amateur events.

Schnider: Should we not have ring girls at any amateur event, if you don't want to see that then don't take kid to the beach.

Frierson: In my time we didn't have ring girls, we didn't see any women in the gym. I disapprove.

Chairman Noonan: To Millman about ring girls do you think its appropriate?

Mr. Millman: I think it is time to do away with ring girls. It is demeaning to women. On occasion we have black tie events when ring girls. But he would like to not see ring girls there anymore.

Chairman Noonan: Any CSAC staff recommendations?

Mr. Douglas: In the last line of the first page of the letter, it states “they would welcome any help from CSAC or athletic inspectors”. This is the first time I have seen USA Boxing come in front of the Commission. I would be willing to have Athletic Inspectors observe USA Boxing events and give a report on what is discovered at the next meeting. Other recommendation would be to have the officials for USA Boxing go through the licensing process as CSAC officials. All cost would be waived except the finger print fee

Mr. Jordan: Ring girls, I would never condone a woman walking in the ring with a bikini on. But I believe that woman have the right to get into a ring with a dress on and walk around with a card. The show I put on is a black tie for business men 1,250 a table. They want the girls to walk around the ring; they are in long dresses not bikinis.

Chairman Noonan: What is appropriate is very clear from the rules.

Mr. Jordan: The only thing we have is food and the guys talking to each other.

Mr. Millman: The suggestion might be the difference between junior and senior fights. Athletes underage there would be no ring girls, 18 and old would allow ring girls. The fee for USA boxing includes a background check.

Chairman Noonan: What does your background check entail?

Mr. Millman: I’m not entirely sure, it does check for sex offenders and felonies.

Mr. Jordan: Not against or do I believe in any fashion that what was done on the tape was condoned. Action should be taken against them.

Chairman Noonan: I am not here to say that this is going on at all LBC’s I asked for recommendations and go from there.

Mr. Schnider: One thing we do not sanction, unsanctioned shows.

Dr. Giza: Motions for CSAC to send inspectors to observe LBC and assist LBC in anyway.

A motion was made, seconded, and open discussion to follow.

Mr. Amus Brown president NAACP and national board 3rd Baptist church: I sat through the hearings. Black and brown children are victimized and immoral activity. And no one is outraged. If it starts in that small way then it will grow into something. Ramona Gatto has tired for six months to get someone in power to pay attention and do something and no one has. NAACP is asking us to look into allegations on the wrong doings, black and brown parents are coming to my door to ask for help. Let judgment and justice roll down like water. It could be your child or relative caught up in illicit illegal activity and is caught up in a forest fire. It will catch up your house unless something is done to stop it. The whole activity should be suspended until the research has been done. I hope you hear the people and not wait until someone is wounded or killed and then look.

Ramona Gatto: A coach world fighter, the situation about someone getting hurt. I liked that Mr. Millman said that I waved the grievance, Bill has proof that the grievance was not waved.

Chairman Noonan: What resources will be available to the LBC in Nor Cal? Bill When are the events?

Mr. Douglas: I have no idea what the events are about neither does my inspectors.

Mr. Jordan: Would you like to include Central as well in this?

Mr. Marston: I have never made \$20,000 putting on events. I have a sanctioned show, I don't use any young kids all fighters are 17 – 18 years of age or older, and they have to have over 10 fights to participate.

Restating the motion

Mrs. Scuri: As I understand we are to send the CSAC inspectors to observe and help USA Boxing.

A motion was made, seconded, and passed.

Mr. Zanders: Southern California; in regards to the person that died. Some kids took some gloves and went to a park and one got killed. Neither kids were registered with USA Boxing. Neither was the guy that died in San Francisco. So that has nothing to do with USA boxing.

Chairman Noonan: Mr. Marston a lot has been seen today and see if there is a motion for his license.

Mr. Rodriguez: Motion to keep license suspension until the next meeting.

Chairman Noonan: Are you going to file an appeal to your suspension?

Mr. Marston: I didn't know that I needed to.

Mrs. Scuri: Explains options at this time. At this point if you believe the video violates one or more of the sections stated in the letter sent to Mr. Marston then you can decide on what to do. Keeping the suspension is good, reinstate as served, or revoke.

Chairman Noonan: At this point there is a lot of information that needs to be absorbed. Right now the motion is that your license is suspended until the next commission meeting.

Motion seconded and passed; Mr. Marston's license is suspended until the April 14th meeting.

Agenda Item 7. Appeals of Suspension and Fines Lateef Kayode

Mr. Douglas: I have agenda documents that make up this case. Mr. Kayode was being treated with Tylenol with Codin. This would have been fine for him to fight with, if it was disclosed prior to the fight. This was not disclosed of language barrier. Mr. Kayodes manager was not present at the time to properly answer the pre fight questions.

Kayodes Lawyer: Lateef was suspended due to the codeine. I have done research and codeine is not a banned substance. We would like to have his license reinstated, and the suspension cleared from his record.

Chairman Noonan: Reads the rule that states any substance is banned.

Mr. Scuri: The reason Lateef was suspended was because he did not disclose what he was taking. If he would have disclosed that information and had the proper paperwork then we wouldn't be here.

Kaydoes Lawyer: Mr. Kaydoe didn't understand that the medication that his doctor gave him was medication that he had to disclose.

Steven (Lateef's trainer): On every occasion I fill out the pre bout paper and I do it because he doesn't understand. On this time there were 11 fights that needed to weigh in.

Chairman Noonan: Do you have a recommendation for this?

Mr. Douglas: Because of the substance, lift the violation; wave the fine and the violation stays on his record until today.

Mr. Frierson: Sets the motion

Kaydoes Lawyer: We want the violation cleared off of the record so that Lateef doesn't have it on his record for the rest of his career.

Mr. Frierson: It is in the rules about the medication.

Steve: I don't want to use it as an excuse but we tried to correct the situation. I let at least two inspectors know that and asked Dr. Gatus to add the medication to the paperwork.

Mr. Rose: Makes a motion to expunge the violation.

Chairman Noonan: Clarifies that the motion be changed to expunged instead of over turned.

Motion seconded and passed; Layteef Kayodes suspension is lifted, and expunged.

Agenda Item 9. Ratification of Arbitration Decision – Goossen / Guerrero

Mr. Goossen: The arbitration was sent back with out Armando's signature. Due to him resigning the signature responsibility went to Bill.

Chairman Noonan: Do you feel that there were injustices don to the arbitration?

Mr. Goossen: I believe there were injustices that were ignored from the stand point of tremendous bias displayed in the arbitration. Put a cloud over some of the decisions that were written. The lack of the arbitrator's signature is enough to say that it was an unfair result. It was well and good to hear that Armando Garcia was in the meetings but I believe that he was still with the Commission until the end of the year.

Chairman Noonan: Besides the signing by the arbitration is there anything inside that is a problem?

Mr. Goossen: Yes. I would like the Commission to re arbitrate the case with a new arbitrator.

Chairman Noonan: What would you like us to do since Mr. Guerrero has fought under Golden Boy Promotion?

Mr. Goossen: Does not blame the other promoter if there is a synopsis that justice can be done for my end where the fighter is allowed to proceed until our arbitration is re done.

Chairman Noonan: The fact that Mr. Garcia did not sign the arbitration as a ruling of the law. What happens?

Mr. Maynard: The Case can be extended if the contract is interrupted. What is sounds like is that you would like the Commission to ignore the contract addendum in favor of the bout contract.

Mr. Goossen: In 2002 I had the ability to do things not in the presence of the Commission. As it relates to the bout agreement that had the addendum signed that extended the fighter for one year. Where the fighter, Goossen and Commission signed

Mr. Rose: Bill did you have any trouble signing the agreement after reading all of it.

Mr. Douglas: No

Mr. Goossen: The problem I have is that reading something and hearing it and being there are two different things.

Chairman Noonan: Refers to the arbitration and termination issues.

Mr. Frierson: If it is not signed and the person is not here then we can't read into it. Maybe we should start from scratch.

Mr. Rose: Motion to re arbitrate.

Dr. Giza: Second the motion.

Mr. Plowman: I think that the Commissioners' should realize that what happened here is not unusual. That someone other than the person in the arbitration signed it, due to Mr. Garcia resigning.

Mr. Schaffer: CEO of Golden Boy Promotion based on this decision Mr. Guerrear is free. We signed Mr. Guerrero with a big signing bonus and have fights lined up. It would have been nice to know that Mr. Goossen had problems.

Motion that the motion is ratified.

Opposed to ratified motion.

Mr. Scuri: I would like to point out the legal issue page 16.

Mr. Schaffer: Would like the Commission to wait until the next meeting so all parties can be here.

Mr. Goossen: As you can see in 2002 it was done in front of a Commissioner.

Chairman Noonan: Let the arbitration stand until the next meeting so everyone can be here.

Dr. Giza: Motion to table the discussion until the next meeting, allow Mr. Guerrero to fight and then come together at the next meeting.

A motion was made, seconded, and passed.

Agenda Item 19. Approval of Permanent Promoters License

Fight Quest

Mr. Douglas: On Fight Quest, one of our officials had submitted his check from the event and it bounced. Fighters have also reported that their checks have bounced.

Chairman Noonan: to Mr. Rodriguez, talk about the statements from Bill.

Mr. Rodriguez: The statements are correct and all fighters and Commission Officials will be paid by Tuesday.

Mr. Rose: If the promoters pays all fines then what?

Mr. Douglas: I would need details about it, and they would be on probation. I do not feel comfortable granting full promotional status.

Mr. Rodriguez: That is correct I am going to make good, I want to be a promoters.

Mr. Rose: The one thing we are trying to do is keep and make this clean, anyone we license we stand behind.

Move on the recommendation: Recommendation is to deny the permanent promoters license and keep them on probation status. We would need full accounting.

A motion was made, seconded, and passed. Permanent license denied.

Mr. Douglas: You can reapply but you would have to give me the accounting stuff by Tuesday.

Mr. Douglas: Approved permanent promotional status to the following

- Affliction Entertainment
- Fight Night Events LLC
- Waking Tall Foundation

Agenda Item 3. Election of Officers

Mr. Noonan, for Chairman voted

Mr. Rodriguez, for Vice Chairman voted

Both Continued

Agenda Item 11. Professional Boxers' Pension Plan Update

Chairman Noonan: Work done on the regulatory hearing for Pension.

Public Comment regarding Pension

A motion was made, seconded, and passed. For Rule § 406.

Agenda Item 10. Amateur MMA

Mr. Douglas: Recommendation on Amateur MMA, clearly something is needed in order to cut down on the illegal events. Without staff we can not catch all of them. I believe that regulation should happen and I will assist.

Mrs. Scuri: Should the Commission regulate Amateur MMA? Are the rules for professional okay for the amateurs? If the rules need to be different we need an expanded committee from the community.

Chairman Noonan: Recommendation is for two party Commission from MMA for amateurs. Mr. Rodriguez and Mrs. Collinson will head the committee. Outside experts are not going to be chosen right now.

Mr. Rodriguez: Would like the names of people from the outside to get in touch with.

Mr. Lapen and Mr. Steele: After handing in our material today what is the next step?

Chairman Noonan: Mr. Rodriguez will take your information.

Agenda Item 15. Physician's Malpractice Insurance Update

Mr. Englebrecht: The Commission needs to address the extra charges that ring side physicians are applying at the shows for stitches. The promoters have options of paying \$300 or giving insurance. Now the increase in pay, can the physicians now be responsible for the stitches?

Chairman Noonan: I think we need to table this discussion to allow the Doctors to be here.

Chairman Noonan: Motion to add Physicians' Malpractice Insurance to the next Commission meeting Agenda.

Agenda Item 23. Future Meeting Dates

- April 14, 2009 in Los Angeles, CA

Agenda Item 17. Adjournment

The meeting was adjourned at 7:00 pm