



California State Athletic Commission

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CALIFORNIA STATE ATHLETIC COMMISSION MEETING

Monday, October 26, 2009

8:30 AM to 12:45 PM

Junipero Serra State Building
 Carmel Room
 320 West 4th Street
 Los Angeles, CA 90013

Minutes

Commissioners Present:

Mario Rodriguez, Vice-Chairman	Peter Lopez
John Frierson	Van Lemons, M.D.
Christopher Giza, M.D.	

Commissioners Absent:

June Collison

Staff Present:

Dave Thornton, Interim Executive Officer	Gil De Luna, CSAC Manager
Bill Douglas, Assistant Executive Officer	Sidney Segovia, Athletic Inspector
Che Guevara, Acting Assistant Athletic Insp.	Anita Scuri, DCA Legal Counsel
James Maynard, DCA Legal Counsel	Larry Ervin, Athletic Inspector
Nichole Bowles, Student Assistant	

Members of the Audience

Marty Denkin	Jack Reiss
Paul Wallace, M.D.	Roy Engelbrecht
Doreatha Johnston, DCA Deputy Director, Legal Affairs	Daniel Sandoval
Ray Corona	Tom Taylor
Karen Chappelle, Deputy Attorney General	Brian Stiger, DCA Director
John Frank	Pat Russell
Greg Patschull	Tom Gruenbeck
Toby Freer	Dan Goossen

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

Agenda Item 1: Call to Order/Roll Call

Mr. Rodriguez called the meeting to order at 8:30 AM. Interim Executive Officer Dave Thornton called the roll. A quorum was present.

Agenda Item 2: Pledge of Allegiance

Pledge of Allegiance was performed.

Agenda Item 3: Approval of Meeting Minutes

M/S/C to approve the Minutes of the April 13, 2009 meeting.

Agenda Item 4: Executive Officer Selection Update

Mr. Rodriguez reported that the Commissioners, at August 24, 2009 meeting had selected Mr. Pat Russell as the next Executive Officer for the Athletic Commission. However, pursuant to the authority granted in Business and Professions Code section 18613 the Director of the Department of Consumer Affairs must approve the Commission's choice. The Director, Brian Stiger, did not approve Mr. Russell. Mr. Stiger then spoke about his decision and the importance of selecting someone who has administrative experience.

Agenda Item 5: Executive Officer's Report

Interim Executive Officer Dave Thornton discussed the state of the Commission's day to day operations in the office and the field and reported the following:

- Recommended that strategic planning be delayed until a new executive officer is hired and appointment of new commissioners to replace those who have left or will be leaving.
- Reported on office vacancies and updated the commission of the timetable for filling the chief and assistant chief athletic inspector positions.
- Training for boxing officials has been scheduled for November 8th and 9th. Training for ringside physicians has been delayed.
- That staff is taking measures to help balance the budget for the fiscal year which began on July 1.
- Mr. Thornton presented the legal opinion for the DCA Legal Office concerning charity events and whether those events had to be regulated by the commission. The Legal Office has concluded such events must be regulated by the commission or through one of the commission's delegates, USA Boxing or California Mixed Martial Arts Organization. Public comment was received on this agenda item. **Pat Russell**, a licensed CSAC official, disagrees with the legal opinion and stated the commission has given the okay to these types of events since at least 1980. **Marty Denkin**, a licensed CSAC official, stated the commission always accepted these events in the past and believes the commission is going in the wrong direction. **Jack Reiss**, a CSAC licensed official, wanted to revisit the legal opinion when agenda item #13 is discussed.
- Mr. Thornton introduced Shayne Wilson, an analyst with the Department of Consumer Affairs. In response to a request from the commissioners at the June 2009 meeting Ms. Wilson conducted a retrospective review of the bout approvals for boxing from July 2008 to early September 2009. The review covered three different time periods and three different individuals approving bouts using a standard for a "poor bout" as any bout ending in less than half of the scheduled rounds. The analysis determined that professional boxers' health and safety are not in a higher state of risk with present matchmaking approvers as opposed to previous approvers.

Agenda Item 6: Public Comment

Marty Denkin discussed Rule 378 which allows non-working officials into events and that some promoters are not following this Rule. He states the CSAC office is suppose to get their name on a list but this is not happening. He suggests the office send each venue a complete list of officials that way they don't have to go through the office each time. He also mentioned Rule 373 and that some promoters are not adding TV money to officials pay.

Toby Freer complained that no action has been taken on his appeal from suspension for testing positive for marijuana. Being classified as a “drug abuser” is hampering his career. He believes marijuana should be off the list of drugs of abuse.

Tom Gruenback represents some promoters involved in Pankration. He wanted to know if CAMO will ensure public access to financial and other records. He wanted to know how CAMO’s retention of money squares with their non-profit status.

Greg Patschell wanted to know what makes Pankration full contact. Mr. Maynard replied that the DCA Legal Office will be reviewing a video to determine if Pankration is full contact. Just because there are no head strikes doesn’t mean it is not full contact.

Dan Goosen advised the Commissioners not to rubber stamp anything; to keep your independence.

John Frank, president of Amateur Pankration Association, offered to make himself available to answer any questions about Pankration.

Agenda Item 7: Appeal Hearings – Change of Bout Decisions

Travis Kauffman vs. Tony Grano on September 18, 2009. Mr. Kauffman and Gary Shaw Productions are protesting the decision in this boxing bout. They claim the referee did not warn Mr. Grano for a low blow in round 4; that in round 4 Mr. Kauffman hit his head on a Showtime camera trying to avoid a punch; that in round 4 Mr. Kauffman was head butted by Mr. Grano; that in round 4 Mr. Grano elbowed Mr. Kauffman in the throat; and with 14 seconds left in round 4 Mr. Kauffman’s glove hits the canvas and no action was taken by the referee and as Mr. Kauffman was getting up Mr. Grano grabbed him by the throat and threw him to the canvas. The commissioners reviewed the DVD of the fight. It was M/S/C to deny appeal as there was no violation.

Jeremy Freitag vs. Ethan Cox on July 31, 2009. Mr. Freitag is appealing the referee’s decision to stop this MMA bout. He claimed he was kicked by his opponent after the bell and that he was down but not out. He wants the fight declared a no contest. The commissioners reviewed the DVD of the fight. It was M/S/C to deny the appeal.

Carlos De Soto vs. Jeremy Luchau on September 18, 2009. This appeal was not heard as the appellant did not provide a DVD of the fight.

Agenda Item 8: Boxer’s Pension Plan

Mr. DeLuna gave an update on the status of the boxer’s pension plan.

Agenda Item 9: Policy Prohibiting Gifts

Mr. Thornton presented the policy prohibiting gifts that was drafted with the assistance of the DCA Legal Office and would apply to gifts received by commissioners and commission staff. It was M/S/C to adopt the State Athletic Commission “No-Gift” policy dated October 26, 2009.

Agenda Item 10: Media Relations Policy

It was M/S/C to adopt the Media Relations Policy dated September 17, 2009.

Agenda Item 11: Timekeeper Equipment

Mr. DeLuna presented the commissioners with a list of timekeeper equipment for their review and approval. It was M/S/C to approve the proposed timekeeper equipment.

Agenda Item 12: California Amateur Mixed Martial Arts Organization (CAMO) – Quarterly Report

Mr. Douglas present the quarterly report from CAMO. CAMO is still on track to begin regulating amateur MMA beginning in November 2009. Mr. Douglas recommended that CAMO be allowed to run social security background checks on promoters, inspectors and any corner people who will be working with minors rather than the normal criminal background checks using LiveScan. Using LiveScan would be cost prohibitive for CAMO and the social security checks provide much the same information. Mr. Douglas also recommended that CAMO be allowed to use 7 ounce gloves while the 8 ounce gloves are being specially manufactured for them. It was M/S/C to approve both recommendations.

Agenda Item 14: New Promoters for Approval of License

John Pena – M/S/C to table until next meeting.

Andy K. – M/S/C to table until next meeting.

Agenda Item 13: Western States Police and Fire Games

Mr. Thornton presented the findings of the investigation into the Western States Police and Fire Games. The allegations arose from a complaint on the last day of the games from a consumer alleging the promoters of this event were discriminating against older fighters. This consumer complaint lead to the investigation of this event being held without licensure by the commission. The investigation determined there was not sufficient evidence to sustain this allegation. It was determined, however, that the event was held without the promoters being licensed or sanctioned by USA Boxing. There was sufficient confusion based on past practice by the commission that the E.O.'s recommendation is to not discipline any of officials or Athletic Inspectors for their participation in this event.

Brian Stiger encouraged the commissioners to have a written procedure in place to handle charity events.

Pat Russell was bothered by staff's failure to handle this by a phone call. He commented that other events of this nature are being shut down as well. The officials at this event, including himself, were damaged by being taken off the fights.

It was M/S/C to adopt the staff recommendation not to pursue disciplinary action against any of the officials or Athletic Inspectors at this event.

Agenda Item 15: Appeal of License Denial Re: Joshua Barnett

At the request of Mr. Barnett's attorney this item is being deferred to the next commission meeting.

Agenda Item 16: Appeal of License Revocation – Danny Batchelder

Mr. Batchelder had his license suspended on August 12, 2009 for testing positive for Methasterone and an elevated T/E Ratio of 24.6. The drug test was taken at a South Bay Promotions event on July 17, 2009. Mr. Batchelder previously test positive for banned substance on May 24, 2007. Mr. Batchelder was present and presented a letter from a health food store in Arizona that sold him the “vitamin supplement” which he did not believe contained a steroid. The Food and Drug Administration subsequently made the store remove the product from. It was M/S/C to revoke Mr. Batchelder’s license for violation of Rule 303.

Agenda Item 17: Appeal of License Revocation – Jeremy Tavares

Mr. Tavares tested positive for marijuana on April 11, 2009. This was his third positive test for marijuana. Mr. Tavares appeared at the commission meeting with his attorney. It was also reported that he fought in an unregulated event in September 2009. It was M/S/C to revoke Mr. Tavares’ license for violation of rule 303.

Agenda Item 18: Agenda Items for Future Meetings

- ✓ Executive Officer interviews
- ✓ Board Member Administrative Manual
- ✓ Set Regulatory Hearing
- ✓ Amateur Muay Thai

Agenda Item 19: Adjournment

The meeting was adjourned at 12:48 PM.