



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



CALIFORNIA STATE ATHLETIC COMMISSION MEETING MINUTES ANTONIO MARGARITO REINSTATEMENT HEARING

Wednesday | August 18, 2010
 10:15 A.M. – 3:30 P.M.

RONALD REGAN STATE OFFICE BUILDING
 300 SOUTH SPRING STREET | AUDITORIUM
 LOS ANGELES, CA 90013

COMMISSIONERS PRESENT:

Chairman John Frierson
 Commissioner Dr. Van Lemons
 Commissioner Eugene Hernandez

Vice-Chairman Dr. Christopher Giza
 Commissioner Steve Alexander
 Commissioner DeWayne Zinkin

STAFF PRESENT:

George Dodd, Executive Officer
 Anita Scuri, DCA Legal
 Dale Chessey, Assistant Executive Officer

Karen Chappelle, Supervising Deputy Attorney General
 Che Guevara, Assistant Chief Athletic Inspector

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

AGENDA ITEM 1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Present were commissioners Frierson, Giza, Lemons, Alexander, Hernandez, and Zinkin. Also attending were Mr. Antonio Margarito, Daniel Petrocelli and David Marroso who were representing Mr. Margarito. Supervising Deputy Attorney General Karen Chappelle was in attendance representing Executive Officer George Dodd who was also present.

AGENDA ITEM 2. APPLICATION FOR PROFESSIONAL BOXER LICENSE – ANTONIO MARGARITO

Executive Officer Dodd opened the meeting by introducing himself and the commissioners. Chairman Frierson gave his opening statement by describing the history with regard to the revocation and reapplication. Chairman Frierson asked Anita Scuri to preside over the hearing. Ms. Scuri reviewed the procedures of the preceding by explaining burden of proof and the license application matter. Ms. Scuri explained that the burden of proof is on the person seeking licensure. In the case of a revocation of a license, the applicant has the burden of proof to show rehabilitation by clear and convincing evidence.

Ms. Chappelle introduced herself and gave her history with the commission. Ms. Chappelle explained that the burden is on Mr. Margarito to prove by clear and convincing evidence of rehabilitation. Ms. Scuri asked the commission to consider the following: The actions taken by the petitioner since the revocation, the offense for which the petitioner was disciplined, any rehabilitation efforts since the revocation, the applicant's general reputation of honesty, the nature and severity of the crime, time since the revocation, evidence of any rehabilitation, acts or crimes subsequent since the revocation. Ms. Chappelle continued by stating Mr. Margarito's claim and stance on the revocation and gives a brief overview of the events that occurred at the venue, the night of the fight, as well as the events that occurred leading up to this hearing. She then asked the commission to consider Mr. Margarito's conduct since the revocation. Such as is he has fought, attending any training or therapy, what has Mr. Margarito done to show rehabilitation in effort to show contrition or remorse – a lack of contrition, or lack of remorse. Ms. Chappelle explains

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to the commission that asking the question ‘has he acknowledged wrong doing?’ is the first step to consider in hopes of finding out if someone is likely to repeat the same conduct or behavior. Ms. Chappelle concluded her argument by stressing to the commission that as commissioners, their main goal is to protect the public and explained that the public could be the opponents, fans of the sport, people who place wagers, and the overall integrity of the sport of boxing.

Anita Scuri reviewed and requested approval for the document attachments from both Karen Chappelle and the Law Offices of O’Melveny & Myers LLP. Ms. Scuri recommended to the commission that they accept all documentation from both sides to be accepted to the record.

Mr. Petrocelli introduced himself and his present staff. He started by stating that they are not at this hearing for reinstatement, but rather that they are here to apply for a new license. Petrocelli explained for the commission that Mr. Margarito – prior to last year, fought in forty-two (42) bouts, fifteen (15) being title fights, he had a spotless disciplinary record and was a role-model. Petrocelli explained that to show his sincerity Mr. Margarito has severed all ties with Capetillo, hired a new trainer, developed a new process for hand wraps with his new trainer, and out of respect to the commission’s decision, Mr. Margarito did not seek to fight during the year after the revocation of his license in California.

Antonio Margarito was sworn in.

Juan Carlos Moreno was sworn in.

QUESTIONING

Karen Chappelle was given 48 minutes to question Mr. Margarito asking questions regarding boxing in any other states, his new trainer Roberto Garcia, where he has been training and/or sparring and if Mr. Margarito has ever made a public apology. She asked Mr. Margarito if he has ever applied for or was issued a sparring permit which would be needed for an unlicensed athlete to legally engage in any sparring activities in the state of California. Ultimately, Mr. Margarito did not possess a sparring permit and stated that he was aware he needed a license to box in California but was unaware that he was required to obtain a sparring permit to train, which included sparring.

Mr. Petrocelli questioned Mr. Margarito with regard to his friendship with Mr. Capetillo prior to the event and now, and what procedures he had with his new trainer Mr. Garcia. Mr. Petrocelli asked about licensing information from the staff to which Executive Officer George Dodd explained a licensing number process. Lastly, he asked what kind of preceding this will be, a reinstatement or an application for a new license. The commission informed him that this is a hearing to review a new application for licensure.

Commissioners Alexander, Lemons, Giza, Hernandez, Zinkin and Frierson all asked Mr. Petrocelli and Mr. Margarito questions and gave statements on their stance based on what they have heard so far.

Mr. Petrocelli continued his questioning of Mr. Margarito before asking Mr. David Morroso to examine Mr. Margarito’s new trainer, Roberto Garcia.

Mr. Morroso was sworn in.

Mr. Garcia introduced himself before Mr. Morroso further examined him.

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Ms. Chappelle examined Mr. Garcia by questioning him about Mr. Capetillo, training Mr. Margarito, compensation, and the boxing rules for the state of California.

Commissioner Lemons, Hernandez, and Zinkin presented Mr. Garcia with questions before taking a break for lunch.

Ms. Chappelle called on Assistant Chief Athletic Inspector Che Guevara to give insight on what happened in the dressing room at the event, in response to commissioner Frierson's question about him testing the hand wrap by hitting something.

Mr. Guevara was sworn in and spoke on the process of the hand wrapping at the event.

REBUTTAL

Ms. Chappelle gave her rebuttal.

Mr. Petrocelli gave his rebuttal.

DISCUSSION AND QUESTIONS FROM THE COMMISSIONERS

The commissioners had questions for Mr. Margarito and held a discussion concerning Mr. Margarito's lack of clear and convincing evidence to show proof of remorse.

A motion was made, seconded, and voted upon 5-1 (No – Frierson) to deny the approval of Mr. Margarito's license in the state of California.

ADJOURNMENT

With no further items for discussion the meeting was adjourned.