



CALIFORNIA STATE ATHLETIC COMMISSION MEETING MINUTES

Tuesday, December 13, 2011

9:30 A.M. – 5:05 P.M.

Van Nuys State Building
Auditorium
6150 Van Nuys Blvd.
Van Nuys, CA 91401

Commissioners Present:

Chairman John Frierson
Commissioner Dr. Van Buren Lemons
Commissioner Eugene Hernandez
Commissioner Brian Edwards

Vice Chairman Dr. Christopher Giza
Commissioner Mike Munoz
Commissioner Linda Forster

Staff Present:

George Dodd, Executive Officer
Dorothea Johnson, Deputy Director, Office of Legal Affairs
Karen Chappelle, Supervising Deputy Attorney General
Elizabeth Parkman, Program Analyst

Kathi Burns, Assistant Executive Officer
Anita Scuri, DCA Legal
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 / Pledge of Allegiance

All Commissioners present.

Agenda Item 2. Chairman's Reports

Chairman Frierson welcomed the members of the audience and emphasized that the Commission strives to be transparent and its primary goal is protecting the health and safety of athletes. He reminded the audience that public comment given at today's meeting cannot be discussed and acted upon by the Commission at this time, but may be placed on the agenda of a future meeting.

Agenda Item 3. Approval of Minutes

October 3, 2011

It was Moved/Seconded/Carried (M/S/C) to approve the minutes with corrections.

Agenda Item 4. Executive Officer Report

a. Budget Update

Mr. Dodd reported that Commission staff meets regularly with the budget office to monitor revenue and expenditures. He referred the members to the budget table provided and offered to answer any questions.

b. Update of Status of Regulations

Kathi Burns, Assistant Executive Officer, gave a brief update on the status of pending regulations. Ms. Burns noted that the 45-day notice for public comment for the therapeutic use exemption regulations will soon be posted with a public hearing planned for the February 6th meeting. Additionally, the 15-day notice regarding the rehabilitation criteria and establishing a number of MMA rounds is close to completion. These regulations should be effective some time in January. The amateur boxing regulations will be discussed later in this meeting. The 45-day notice for the regulations regarding officials' licensure and the boxer pension plan will be noticed for public comment in early 2012.

c. Strategic Plan Update

Dr. Giza gave an update on the progress of identifying and establishing a medical database and the vendor presentations that occurred at the last meeting of the Advisory Committee on Medical Safety Standards (MAC). The final vendor presentations will occur at the next MAC meeting scheduled for February 5, 2012 in Los Angeles. A recommendation to the Commission will be given at the Commission's February 6, 2012 meeting in Los Angeles.

Subcommittees on Legislation and the Boxer's Pension Fund were established. Ms. Forster and Mr. Hernandez will serve on the Legislation subcommittee and Mr. Edwards and Mr. Munoz will serve on the Boxer's Pension Fund subcommittee.

d. ABC Conference Update

Mr. Dodd attended the ABC Conference in July 2011 and reported on the variety of topics discussed.

e. Conducting Weight Study

CSAC will begin collecting fighter's weights before and after fights and will report the data at MAC and Commission meetings.

f. Celebrity Boxing

Mr. Dodd recently attended a celebrity boxing event to ensure that the event operated within the parameters necessary to maintain its status as an entertainment only event, not requiring sanctioning by the Commission. Mr. Dodd reported that the event complied by using appropriate gloves, head gear and refraining from "full contact" combat.

After discussion amongst the Commission, it was decided that Commission staff should develop forms to be signed by promoters and fighters of such events, acknowledging their understanding of the event limitations, i.e. bouts are to be non-competitive; there will be no winner or loser; no purses or rewards are given, etc... The Commission will maintain a record of each agreement and attend events periodically to ensure compliance.

Agenda Item 5. Public Comment on Items not on the Agenda

Anthony Sands, boxing manager and attorney, discussed an event on November 4, 2011 at Fantasy Springs. He believes there was a discrepancy in the judges' cards and asked that this item be placed on the next agenda.

Agenda Item 6. New Promoter Applications for Licensure – Executive Officer

a. Dragon House MMA – Han Zhong Luo

Mr. Dodd reported that events occurring during Mr. Luo's temporary licensure went well; however, prior to licensure, the Assignment of Savings document must be received.

It was M/S/C to grant licensure contingent upon receipt of the Assignment of Savings documentation.

PUBLIC COMMENT:

JT Steele, CAMO, supports licensure of the promoter as he has worked successfully with him in the past.

b. P.A.K. Fight Promotions – Agustin Correa

This applicant promoted one show (amateur kickboxing) that went very well. He worked very closely with CSAC to ensure the health and safety of the participants and the public.

It was M/S/C to grant licensure.

c. Jazz Properties – Scott Hemming

Mr. Dodd reported that this applicant's temporary promoter's license was extended to allow an opportunity for Mr. Hemming to learn manifest box office reporting requirements. The training period was successful and Mr. Dodd recommended licensure.

It was M/S/C to grant licensure.

d. Impact MMA – Tommy Rojas

Based upon Mr. Rojas' recent event, Mr. Dodd recommended licensure if all checks for the recent event cleared.

It was M/S/C to grant licensure contingent upon all checks clearing.

Agenda Item 7. Appeal of License Suspension

a. Nick Moghaddam – Drugs of Abuse

Mr. Moghaddam appealed his license suspension claiming that his use of medicinal marijuana was medically authorized due to insomnia and a heart condition.

However, he did not disclose this information on his application for licensure but did disclose on pre-bout physical form.

It was M/S/C to uphold suspension and fine.

Agenda Item 8. Request to Appeal Bout Decision

a. Mackens Semerzier vs. Robert Peralta

Mr. Semerzier appealed the results of the bout between himself and Mr. Peralta held on November 12, 2011 at the Honda Center in Anaheim. He believed that he was hit by an unintentional head butt that the referee did not see that resulted in Mr. Peralta incorrectly being awarded the winner by TKO.

Brian Butler, president of SuckerPunch Entertainment was present and appeared on behalf of Mr. Semerzier, who was unable to attend due to illness.

Evidence was submitted, including a statement by the Referee of the bout, John McCarthy, and a video of the bout was reviewed. The Commission determined, based upon the evidence that there was a violation of Rule 518 in that an unintentional head butt did occur.

It was M/S/C to change the decision to "no decision" pursuant to Section 368(1)(3).

This case spurred discussion amongst the Commission about the use of instant replay due to the number of recent bout decision appeals.

b. Bernard Hopkins vs. Chad Dawson

Mr. Hopkins appealed the results of the bout between himself and Mr. Dawson held on October 15, 2011 at the Staples Center in Los Angeles. He requested that the winner by TKO decision in favor of Mr. Dawson be changed to a "no decision" because he believed an intentional foul was committed by Mr. Dawson that resulted in the unwarranted ending of the bout by the referee.

Eric Melzer was present and represented Golden Boy Promotions and Bernard Hopkins. Leon R. Margules was present and represented Gary Shaw Production and Chad Dawson.

A video and still pictures of the bout were viewed and testimony given, including a statement by the bout Referee, Pat Russell. Mr. Russell explained what he saw during the fight and how he came to the decision of a TKO. He further stated that after viewing the still photos and the video replay, it appears that Mr. Dawson committed an unintentional foul. Mr. Russell explained that he was unable to see the unintentional foul during the bout due to positioning and therefore the fight decision should be changed to a "no decision."

It was M/S/C made to change the decision to a "no decision" due to an unintentional foul. VOTE: 5 Ayes, 1 opposed (Munoz), and 1 recused (Edwards).

Agenda Item 9. Officials Subcommittee Update – Commissioner Hernandez and Commissioner Lemons

A recommendation was made to increase officials' pay. Mr. Dodd provided a draft proposal for a new pay structure and did a comparison of the pay scales of states similar to California.

PUBLIC COMMENT:

Roy Englebrecht, promoter, recommended the promoters pay only one way of an official's mileage costs and that hotel costs be covered by the promoter if the official lives more than 150 miles away from the venue.

This item was tabled until after the Officials' subcommittee meets.

Agenda Item 10. Neurological Fund Assessment

- a. Changing the Assessment Fee**
- b. Staff**
- c. Neurological Testing Requirements**

Commissioner Edwards requested that the Commission immediately start paying for fighters neurological exams as that is what the law requires; even if it includes raising the assessment fee.

After much discussion, the Commission directed staff to do a cost analysis and prepare regulations to establish the manner and rate of payment for the exams.

Additionally, the MAC will conclude its research and make a recommendation to the Commission on the type of and method that neurological exams should be given.

Agenda Item 11. Request to Set Regulatory Hearing – Amateur Boxing Rules

- a. Changing Assessment Fees**
- b. Setting Minimum Medical Requirements**

Ms. Burns presented proposed language and a comparison chart with USA boxing rules to the Commission for review and discussion. The Commission discussed the topic and decided that due to possible cost increases to amateur athletes, more information regarding costs relating to equipment and medical tests would need to be provided before moving forward. Additionally, the Commission asked that USA Boxing be invited to the next meeting to contribute to the discussion.

Representatives from CAMO informed the Commission that they require physicals and blood testing of their amateur mixed martial arts athletes. They contract for these services to keep the costs to a minimum. Currently, the cost is approximately \$50 per athlete.

This item tabled until the next meeting.

Agenda Item 12. Approval of Handwrap Language and Demonstration

Due to the disapproval of current hand wrap regulations (Rule 323), in September 2011, and a desire to further develop the regulatory language, staff requested the Commission set for hearing the newly proposed language regarding hand wraps.

A demonstration of a proper hand wrap was performed by Joe Chavez and described to the Commission by Che Guevara, Assistant Chief Athletic Inspector.

After discussion, the Commission, with a focus on ensuring that these regulations result in ensuring hand wraps protect the health and safety of the fighter, approved the matter be set for regulatory hearing.

It was M/S/C to set a regulatory hearing for Rule 323.

Agenda Item 13. Discussion on Changing Mechanics Prior to Ending a Round

Mr. Dodd requested this item be tabled to the next meeting in order to provide more information on the pros and cons of such a change and to allow input from interested officials. This item was tabled until the next meeting.

Agenda Item 14. Closed session- Executive Officer's Evaluation (Government Code 11126(a)(1))

Closed session was held.

Agenda Item 15. Review of the No Gift Policy

Chairman Frierson briefed the Commissioners on the No Gift policy and why it was implemented. He proposed that the Commission change the current policy to match the Fair Political Practice Commission (FPPC) rules.

Dorothea Johnson, DCA's Deputy Director of Legal Affairs, discussed Rule 264 which pertains to attending events at a reduced fee or for free. She further stated that it may be perceived as unethical for a commission member to receive free tickets for guests to attend events the commission is mandated to regulate.

Ms. Johnson recommended the No Gift policy discussion be tabled to the next Commission meeting to consider the updates to the FPPC rules that will become effective on January 1, 2012. This item was tabled to the next meeting.

Agenda Item 16. Agenda Items and Meeting Dates for Future Meetings

- Officials Subcommittee Update – Officials Pay Scale
- Weight Study
- Amateur Boxing Rules
- Discussion on Changing Mechanics Prior to Ending a Round
- No Gift Policy
- Advisory Committee on Medical and Safety Standards Meeting – February 5, 2012– Junipero Serra Building, Los Angeles)
- Commission Meeting – February 6, 2012 – Junipero Serra Building, Los Angeles