



## California State Athletic Commission

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### Members of the Commission

Commissioner John Frierson, Chair  
 Commissioner Eugene Hernandez, Vice-Chair  
 Commissioner Van Buren Lemons, M.D.  
 Commissioner Christopher Giza, M.D.  
 Commissioner Brian Edwards  
 Commissioner Linda Forster  
 Commissioner Mike Munoz

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**Action may be taken on any item listed on  
 the agenda except public comment.**

**Agenda items may be taken out of order**  
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## CALIFORNIA STATE ATHLETIC COMMISSION MEETING MINUTES

**Monday, April 9, 2012**

**9:30 A.M. – 1:00 P.M.**

Department of Consumer Affairs

Hearing Room

1625 North Market Blvd.

Sacramento, CA 95834

### Commissioners Present:

Chairman John Frierson

Commissioner Dr. Van Buren Lemons

Commissioner Brian Edwards

Vice Chairman Eugene Hernandez

Commissioner Mike Munoz

Commissioner Linda Forster

### Staff Present:

George Dodd, Executive Officer

Anita Scuri, Supervising Staff Counsel-DCA

Elizabeth Parkman, Program Analyst

Karen Chappelle, Supervising Deputy Attorney General

Michael Santiago, Senior Staff Counsel-DCA

Kathi Burns, Assistant Executive Officer

Che Guevara, 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**

A quorum was present. Commissioner Giza was absent.

### **Agenda Item 2. Approval of Minutes**

#### **February 6, 2012**

Commissioner Forster explained there was public comment missing from agenda item 14 and would like this information added to minutes. The meeting minutes will be updated and then resubmitted for approval at the June 4, 2012 Commission meeting.

#### **March 5, 2012**

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

### **Agenda Item 3. Executive Officer's Report**

#### **a. Budget Update**

Mr. Dodd provided a spreadsheet for the current fiscal year budget and shared with the commissioners that CSAC is close to overspending this fiscal year (FY). He introduced Brian Skewis, CSAC budget analyst, who explained the revenue that was projected does not equal the revenue being collected. Mr. Skewis advised he and CSAC staff are working closely to identify areas to cut back expenditures in order to ensure a balanced budget by the FY end. Mr. Dodd stated current cutbacks are with the Athletic Inspector pay and on travel where possible. However, these cutbacks will not compromise the safety at events; however, event staffing levels are not ideal.

#### **b. Update on Status of Regulations**

Ms. Burns provided a chart indicating the status of pending regulations. She noted that later today, a public hearing would be held for the proposed modifications to Rule 303 and the adoption of the Therapeutic Use Exemption regulation. She also advised the Commission that the regulation for proposed modifications to the Hand Wrap rule is set for public hearing at the next commission meeting.

#### **c. Strategic Planning Dates**

The commission discussed possible dates for the first strategic plan meeting and settled on June 4, 2012 after the Commission holds its regular meeting.

#### **d. Boxer Pension Fund**

Mr. Dodd introduced Cyril Shah of Raymond James Financial Services, Inc., the investment officer for the Boxers' Pension Fund. Mr. Shah provided an investment proposal and discussed the investment strategy at length. Commissioner Edwards asked several questions and inquired about a potential discrepancy in the current investment data. A subcommittee was created to review the investment funds and the State Controller's Office (SMIF) account.

Mr. Dodd introduced Beth Harrington from Benefit Resources, Inc., the pension accounting administrator for the Boxers' Pension Fund. Ms. Harrington explained that she has been working with the commission since the late 90s, that the pension is a defined contribution plan and she described how boxers qualify for benefits.

The Commission expressed concern regarding the lack of payout to eligible boxers and requested commission staff step-up their efforts to locate eligible boxers. Several suggestions were brought forth.

PUBLIC COMMENT: Promoter Roy Englebrecht asked the Commission to consider ending the loss of benefits when a break in service occurs and allow boxers to collect their benefits five years after their last fight instead of it being based on age.

The subcommittee on the Boxers' Pension Fund will review the issues brought forth and make recommendations at the next Commission meeting.

#### **e. Office Staff and Staff Counsel Introductions**

Mr. Dodd introduced all CSAC staff members to the commissioners. Ms. Scuri introduced Mr. Michael Santiago as her successor, after her retirement in June. She indicated he was the best choice for the commission due to our uniqueness.

**f. Staff Recognition – Nichole Bowles**

Mr. Dodd commended Ms. Bowles for her dedication and service to the commission. Ms. Bowles continues to take on any task and see it through to its completion without question or compromise.

**Agenda Item 4. 10:00 a.m. REGULATIONS – PUBLIC HEARING  
Therapeutic Use Exemption and modification of prohibited substances list regarding asthma medication. (CCR, Title 4, Division 2, Chapter 1, Article 6, section 303 and 303.1).**

Vice-chairman Hernandez opened the hearing at 10:56 am by addressing the public and advising that whoever wishes to address the commissioners regarding the regulation change need identify themselves and state their position on the regulation change.

Ms. Scuri described the rulemaking process and that the commissioners will make the final vote after public comment is considered; however there will be additional steps necessary to finalize the amendments/adoption, should the commission decide to move forward with the proposal.

**PUBLIC COMMENT:**

Tracy Rhine, Deputy Director of Legislative and Policy Review read a letter from Department of Consumer Affairs (Department) Director, Denise Brown. The Department has concerns that the Therapeutic Use Exemption (TUE) request does not make specific what is needed to complete the process, what tests will be used/considered and who will make the final review and approval. The policy appears to allow the legal use of a prohibited substance, including steroids. The Commission risks allowing fighters, with a medical condition, to enter into a situation where they will be subject to severe bodily injury which may cause further deterioration of a known medical condition. It also potentially puts the opponent of anyone who has been given a steroid TUE at a disadvantage. Essentially, the adoption of regulation 303.1 undermines the mission of the Commission which includes the health and safety of a fighter. The Department urged the Commission to delete proposed Rule 303.1 from the regulation.

Kathi Burns, Assistant Executive Officer, read public comment from Zach Arnold who opposes a TUE for testosterone. While he believes there is room for change regarding what substances may or may not be acceptable, his comment was specifically directed to testosterone use. Mr. Arnold believes an exemption would provide too many athletes the ability to circumvent the system and be granted exemptions when there is no true medical condition.

Public comment period closed at 11:11 am.

Via le-mail, submitted to staff due to him being unable to attend this meeting, Commissioner Giza suggested adding language to Rule 303.1 that clarifies if the athlete's condition is so severe that it puts him at additional risk when participating in a combative sport, a therapeutic use exemption may not be granted even if all other criteria has been met. Additionally, all records must be submitted timely for review and consideration.

Ms. Scuri explained that the regulation changes could be worked separately or at the same time, including the final vote. Commissioner Forster requested they be discussed and voted on separately.

The commission modified the language as attached.

Rule 303 – M/S/C to authorize the Executive Officer (EO) to adopt the modified text at the end of the 15-day comment period if there are no adverse comments.

Rule 303.1 – Commissioner Forster moved to authorize the EO to adopt as modified at the end of the 15-day comment period if there are no adverse comments; s/Hernandez; motion carried (Commissioner Edwards – opposed).

**Agenda Item 9. Appointments to the Advisory Committee on Medical Safety Standards (MAC) (part one)**

Dr. Lemons moved to appoint Dr. Upadhyay to the committee; s/Hernandez; motion carried.

**Agenda Item 10. New Promoter Applications for Licensure  
a. George Karambelas – George Karambelas Promotions**

Mr. Dodd reported that Mr. Karambelas' first event went well with only minor issues occurring during the weigh in. He recommended that Mr. Karambelas be granted a permanent promoter's license.

The Commissioners discussed issues related to this specific application and the application process in general. It was decided that Commissioner Edwards would head a subcommittee to review promoter requirements.

It was M/S/C to approve licensure contingent upon receipt of information regarding license status of the CPA, who certified the financial information, and receipt of acceptable evidence that the applicant meets the minimum requirements set forth in Rule 213.

**b. Don McDaniel – Muay Thai in America**

It was M/S/C to table to next commission meeting.

**Agenda Item 11. Introduction of DCA Executive Staff – Awet Kadane, Chief Deputy Director and Reichel Everhart, Deputy Director of Board and Bureau Relations**

Reichel Everhart was introduced and explained her position and that she is to promote open communication between the DCA Executive Office and all Boards and Bureaus. She answered various questions by the commissioners and provided information related to other DCA Executive Office staff. Mr. Dodd commented on the positive relationship that has developed between the DCA Director and Executive Office and the commission staff.

**Agenda Item 12. BreZE Project Overview and Update – Brandon Rutschmann**

Mr. Rutschmann presented the Commissioners with information about the BreZE project and explained each step being completed and what to expect from the new database. Commissioner Lemons requested CSAC staff determine our specific needs to ensure the BreZE database will meet those needs and that staff present this information at the next meeting.

**Agenda Item 13. Public Comment on Items not on the Agenda**

Jeremy Purvey made a recommendation that the commission should be doing out of competition drug testing for licensed athletes to ensure a fair fight at all times.

#### **Agenda Item 14. Appeal of Suspension – Cris (“Cyborg”) Justino**

Ms. Christine Justino appealed the length of her suspension by requesting a reduction from one year to six months. She expressed remorse and explained that part of her rehabilitation was doing a public service announcement against the use of steroids. She claimed that she did not know that a supplement she was taking had a steroid in it until the positive drug test result. She believes the cause of the positive test was a weight loss pill she was taking. She is willing to submit to random drug testing at any time. The coach who provided her with the supplement is no longer working for her.

Attorney Robert Bartlett spoke to the Commission about Ms. Justino’s rehabilitation process and that a medical doctor will perform tests on all supplements prior to her consumption.

Commissioner Frierson considered Ms. Justino’s remorse and rehabilitation efforts and expressed an interest in granting the request to reduce the suspension period to six months.

Mr. Dodd provided to the commissioners past rulings to guide them if they chose to reduce the length of the suspension for Ms. Justino.

Commissioners Lemons, Munoz and Hernandez appreciated that she was remorseful, but stated that the effect of her using steroids prior to her fight could have had a detrimental effect on her opponent.

Vice-Chairman Hernandez moved to uphold the length of the suspension; s/Dr. Lemons; motion carried (Chairman Frierson and Commissioner Forster opposed).

#### **Agenda Item 9. Appointments to the Advisory Committee on Medical Safety Standards (part two)**

The appointment of Dr. Ettinger was tabled until the committee can re-evaluate the make up of the MAC at its next meeting.

It was M/S/C to table additional appointment recommendations to the next commission meeting.

#### **Agenda Item 11. Proposed Revised Gift Policy**

Vice-Chairman Hernandez moved to adopt the revised gift policy; s/Edwards; motion carried.

#### **Agenda Items and Dates for Future Meetings**

- Public hearing for Rule 323 amendment (Hand Wraps)
- Staff presentation on BreZE
- Subcommittee update on the Boxers’ Pension Plan
- Appointments to the Advisory Committee on Medical Safety Standards
- Response to Senator Price’s letter
- Evaluation of Promoter McDaniel
- Report from subcommittee for promoter qualifications
- Sunset review report

**Adjournment 1 pm**

**ATTACHMENT**