



CALIFORNIA STATE ATHLETIC COMMISSION

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Members of the Commission

John Carvelli, Chair
Mary Lehman, Vice Chair
John Frierson
Martha Shen-Urquidez
Van Gordon Sauter
Vernon Williams, MD
Luis Ayala

**Agenda items may be taken out of order the
agenda except public comment.
Action may be taken on any item listed on**

CALIFORNIA STATE ATHLETIC COMMISSION

MEETING MINUTES

Tuesday, July 12, 2016

10:00 a.m. –1:28 p.m.

Location:

LA84 Foundation
Pavilion Meeting Room
2141 West Adams Boulevard
Los Angeles, CA 90018-2040

Commissioners Present

Chair John Carvelli
Commissioner Martha Shen-Urquidez
Commissioner John Frierson
Commissioner Vernon Williams, MD
Commissioner Luis Ayala

Commissioners Absent

Vice Chair Mary Lehman
Commissioner Van Gordon Sauter

Staff Present

Andy Foster, Executive Officer
Spencer Walker, Legal Counsel

OPEN SESSION

Agenda Item 1 – Call the meeting to Order / Roll Call / Pledge of Allegiance/ Establishment of Quorum

The meeting was called to order at 10:00 am. The recital of the Pledge of Allegiance was led by John Frierson. Executive Officer (EO) Andy Foster called roll and a Quorum was established.

Agenda Item 2 - Welcome - Chairman's opening remarks

1. Chair John Carvelli began by discussing the recent media coverage by ESPN and the LA Times regarding the efforts of the Commission and EO Andy Foster to promote fighter health and safety. Noted achievements included:
 - a. The extension of the weigh-in time in order to promote proper hydration.
 - b. Efforts to curtail weight cutting through the use of dehydration regulations.
 - c. The Commission's position on amateur and pro fighters competing against each other in the Olympic Games.
 - d. Chair John Carvelli encouraged discussion of the issue in order to inform the public of the Commission's positions.

2. Commissioner Vernon Williams, MD explained the history of the meeting venue, the LA84 Foundation, and its influence on youth athletics and safety.
 - a. Contribution of hundreds of millions of dollars to youth spots in Southern California and LA.
 - b. Coaching clinics and funding for equipment and participation.
 - c. Grants for research into youth sports health and safety.

Agenda Item 3 – Approval of the April 25, 2016, Commission Meeting Minutes

1. EO Andy Foster, Vice Chair Mary Lehman, and Commissioner Martha Shen-Urquidez revised the April 25, 2016 Commission Meeting Minutes prior to the meeting.
 - a. Revised Minutes will be published and made available upon request.
2. Motion to approve the revised minutes called by Commissioner Martha Shen-Urquidez and seconded by Commissioner John Frierson.
3. Motion passes with a vote of 5-0 by roll call.

Agenda Item 4 – Discussion on Appropriate Level of Executive Officer Compensation for the Athletic Commission

Discussion postponed until the arrival of DCA Personal Officer Ricardo De La Cruz.

**Agenda Item 5 - Executive Officer's Report
Budget Update**

1. EO Andy Foster discussed the positive nature of the commission revenue for fiscal year 15/16 which concluded on June 30, 2016
 - a. Through 11 months, the commission deposited \$1,665,107 in revenue and spent \$1,340,261.
 - b. This surplus increases the Commission fund balance to \$1,088,099
 - c. Once fiscal month 12 numbers are in, the total fund balance should be over \$1.2 million.
2. EO Andy Foster discussed the nature of this current surplus in relation to the fund's last 10 years balance.
 - a. Fiscal year 15/16 was the highest surplus in the last 10 years.
 - b. Under EO Andy Foster, the fund has grown from a \$23,000 in 11/12 to \$1,205,000 in 15/16.
3. EO Andy Foster discussed difficulties in working within the budget this fiscal year.
 - a. Mechanism for three main line items for events [(1) inspectors, (2) travel, (3) drug testing] should be supplemented if there is an increased amount of business that comes into the state. This will allow the Commission to regulate an ever increasing number of events and help to grow the industry.
 - b. 80% of Commission revenues come from Gate Taxes, meaning that an increase in events directly correlates with the potential for increased revenue
 - i. Commissioner Martha Shen-Urquidez asked EO Andy Foster if the Commission could take a stronger role in determining the budget for the coming fiscal years.
 1. EO Andy Foster and Chair John Carvelli said that at a future commission meeting, this could be a point of discussion with the Budget Office.
4. Chair John Carvelli requested an update on the Commission Spending Authority.
 - a. EO Andy Foster related that in 11/12 the Commission ran low on money and required a solvency plan.

- b. There were caps put into place for the years following 2012.
- c. Spending authority of the Commission was cut roughly 40%
 - i. EO Andy Foster and Chair John Carvelli have worked to increase the budget limits and give the Commission more authority over the budget.

Neurological Fund Budget Update

1. \$620,000 currently in the Neurological Account.
2. EO Andy Foster will begin to spend this money in upcoming years for health and safety of fighters.
3. C3 Logix Program for neurological testing is being incorporated.
4. Appropriations for this year is \$61,000;
 - a. \$50,000 on C3 Logix Program;
 - b. \$9,000 Pro Rata;
 - c. \$2,000 surplus.
5. Commissioner Luis Ayala questioned the nature and use of the appropriations over the last five years.
 - a. EO Andy Foster explained that this money was appropriated for neurological testing, but no contract was established and the money was not spent.
 - b. Chair John Carvelli further elaborated that the previous legislation did not allow for use of the neurological funds, a problem that was corrected by the Commission this year.
6. EO Andy Foster expects the contract for neurological testing to be secured by the next Commission Meeting.

Pension Fund Update

1. EO Andy Foster began by discussing the distributions from the Pension Fund.
 - a. Chair John Carvelli, Vice Chair Mary Lehman, and Commissioner Luis Ayala previously created subcommittee on Pension distribution and put into place an Action Plan
 - b. Through June 2016, the commission is at a record setting pace for distribution of pension funds.
2. Investment account for the pension fund.
 - a. As of May 31, 2016, ending balance of \$5,216,297.
 - b. Additional distributions from investments were required to pay out pensions.
 - c. Commissioner Martha Shen-Urquidez questioned if officers in charge of allocations can be called to next Commission Meeting.
 - i. EO Andy Foster indicated officials have shown interest in attending and streamlining the process.

Report on Pending and Proposed Regulations and Legislation

1. Definitions, Prohibited Substances and Methods, Therapeutic Use Exemptions, and Transgender Athletes.
 - a. Approved by Agency.
 - b. Now at Department of Finance.
 - i. No fiscal impact, should occur quickly.
2. Examination of Boxer Applicants and Neurological Assessment.
 - a. At Legal Counsel – reviewed by Gary Duke, Legal Counsel.
3. Payment to Contestants.
 - a. At Legal Counsel – reviewed by Gary Duke, Legal Counsel.

4. Headgear – EMERGENCY Regulation.
 - a. Completed.
 - i. This item will return to Commission at some point because of the emergency nature of the initial regulation.
 - b. Chair John Carvelli relayed a question from absent Vice Chair Mary Lehman about the vague nature of the regulation and a request for legal counsel's advice.
 - i. Present legal counsel, Spencer Walker, declined to comment based on lack of information on the issue.
5. Weighing Time, Time for Physical Examinations, and Dehydration and Rehydration – EMERGENCY.
 - a. EO Andy Foster has championed this issue and praised the Commission for passing this regulation in order to protect the health and safety of the athletes.

Status Update of Delegated Entities

EO Andy Foster began by informing the Commission about USA Boxing and IKF as their representatives were unable to attend. Subsequently, Chair John Carvelli invited JT Steel (CAMO) and John Frank (USLF) to address the Commission.

California Amateur Mixed Martial Arts Organizations (CAMO).

1. JT Steel –President of CAMO.
2. Discussion of All female tournament recently held in CAMO.
 - a. First State Championship for exclusively female athletes.
 - b. Design to build structure for female athletes to compete.
 - c. Events drew participants from out of state.
3. Update on Minimum Weight Standard.
 - a. Scale prices have been reduced from \$1400-1300 to \$900-800 which will allow purchase.
4. Request for guidance on the format of weigh-ins – early weigh-in vs. day of weigh-ins.
 - a. Desire for amateur and professional weigh-ins to be on the same page.
 - b. EO Andy Foster
 - i. Professional weigh-in system was broken, and there has been large efforts to combat the problems of dehydration.
 - ii. Amateur MMA has not had the same issues with extreme weight cutting YET.
 - iii. Belief that the minimum weight standards on athletes will alleviate much of the concerns and serve functionally the same purpose as the early weigh-in.
 - c. Martha Shen-Urquidez Discussed the lack of televised weigh-ins / fights at the amateur level decreasing promoter's desire for late weigh-ins.
 - d. JT Steel believes Minimum weight standard will preemptively address issue.
 - e. Commissioner Luis Ayala raised the question of amateur wrestlers and other amateur athletes cutting excessive weight and then competing.
 - i. Commissioner Martha Shen-Urquidez addressed concerns with further discussion of the mandatory minimum weights.
 - ii. EO Andy Foster seconded Commissioner Luis Ayala's concern.
 1. Suggested that Specific Gravity strips be used to ensure that the athletes are properly hydrated before competition.

2. Minimum weight standard can help keep an athlete from being able to cut too much weight.
- iii. Commissioner Luis Ayala questioned starting the professional standards early in the amateur process in order to prepare athletes for professional combat.
 1. EO Andy Foster agreed with this sentiment.
 2. Commissioner Martha Shen-Urquidez raised concerns about the nature of amateur vs professional athletes – Amateur athletes cannot afford to take multiple days off for weigh-in and fights.
 - a. JT Steel agreed that this can be a problem.
- f. EO Andy Foster – Noted that every large promoter that has used the new early weigh-in system in California has gone on to use or request it at all subsequent events.
- g. Commissioner Martha Shen-Urquidez – requested that grants be made available for amateur athletes in order to facilitate their training and education on weight cutting issues.
- h. Chair John Carvelli requested continuing updates and left open the option for proposals and action at subsequent meetings.

USA Boxing (USA Boxing)

1. Mike Martinez – unable to attend.
 - a. Since second quarter 2015:
 - i. 52 Events;
 - ii. 800 bouts;
 - iii. No injuries in that time.
 - b. LA was submitted as an Olympic Bid city.

United States Fight League (USFL)

1. John Frank –President of USFL.
2. One event on May 14, 2016 with 14 bouts
 - a. No injuries.
3. Two additional events set for this year.
4. Dr. John Rodriguez, head of injury study, requests 1000 exposures before publication. Currently there are 500 exposures.

International Kickboxing Federation (IKF)

1. Steve Fossum– unable to attend.
 - a. Jan 31 – June 30 – regulated 30 Kickboxing events in CA.
 - b. Tremendous increase in activity in CA.

Report on American Academy of Neurology Conference

1. EO Andy Foster spoke to doctors at the American Academy of Neurology about combat sports, matchmaking, patterns, and issues relating to athletes.
2. Commissioner Vernon Williams, MD indicated the focus of this year's conference was on combat sports.
 - a. Perspective of experienced regulator like EO Andy Foster gave new insight to doctors about the nature of fighters and fighting.
 - b. Days later, the information EO Andy Foster was still being referenced in discussions.

Upcoming Event Schedule

1. 7/30/2016 – Golden Boy - Fantasy Springs.
2. 8/6/2016 – Roc Nation - Oracle Arena.
3. 8/19/2016 – RFA – Visalia Convention Center.
4. 8/11/2016 – Combate America – Downtown LA.
5. Weekend of 8/25-26/16 – There will be 6 events this weekend.
 - a. Bellator from Honda Center
 - b. Boxing from Honda Center
6. 9/24/16 – ALA Promotions – Stub Hub.
7. ABC Annual Conference: July 30, 2016-August 3, 2016 – EO Andy Foster will be a speaker at the event.
8. Association of Ringside Physicians July 30-31 - EO Andy Foster will be a speaker at the event.

Agenda Item 6 – Subcommittee Updates

Large Event Promotion (Commissioners Shen-Urquidez and Sauter)

Commissioner Shen-Urquidez presenting -

1. Exploration of enticements of Promoters to bring large events to California over states with no income tax.
 - a. Large capacity venues (Rose Bowl, Anaheim Angels Arena, and Dodger Stadium) were surveyed and pamphlets detailing capacity, attendance figures, contact information, and other positive factors are being created. These pamphlets will be distributed to promoters to assist in their decision making process.
 - b. ComScore, a statistical company, is putting together data on demographics and viewership in California.
 - i. Information on potential Hispanic viewership of future boxing events compared between California and Texas – Statistics available upon request.
 1. LA, CA alone has a larger audience than most major Texas cities grouped together.
 - c. State by State - Promoter, Gate, and TV Tax.
 - i. CA – 5% ticket tax with 100,000 cap, PPV – 5% with 35,000 cap.
 - ii. Nevada – 8% ticket tax w no cap.
 - iii. NY – 8.5% ticket tax w no cap, PPV – 3% with 55,000 cap.
 1. New laws in NY requires financial guarantees of \$1,000,000 on each fighter for potential treatment of neurological issues– This is cost prohibitive.
 - iv. Texas – 3% ticket tax with no cap, PPV – lesser of or 3% or \$30,000.
 - d. PPV payment distribution structure.
 - i. PPV receives 50% and promotion receives 50% - BUT – this is only paid out once the PPV Company receives their money. This can cause extreme delays to distribution to athletes.
 - e. Incentives to equalize playing field.
 - i. Working with cities and counties to assist promoters in compensating for the income tax.
 - ii. Branding of CSAC as promoter friendly.
 - iii. Promoters and Investors being brought together to facilitate business.
2. Establishment of CA Belt to promote competition in California.
 - a. Belt is being designed and will go before the Commission for approval.

3. BoxRec has been altered to show the number of rounds an athlete actually competed in their bouts.

Commissioner Vernon Williams, MD presenting -

4. Conference on Neurological Issues.
 - a. Stem for Life and Vatican Foundation.
 - i. Stem Cell research to improve quality of life.
 - ii. Conference proposed 2017 / 2018 on traumatic brain injury and possible uses of Stem Cells to help treat brain injuries.
 - iii. Cedars-Sinai regenerative institute will combine efforts to highlight work done for traumatic brain injury.
 - iv. Leverage Social Capital of Sports.
 1. Interest can be gained by outlining the injuries sports can cause and bringing community together to support research.

Commissioner Luis Ayala proposes consolidating the Large Event Promotion tax and incentive information to allow for quick and succinct dispersal of information to promoters.

Chair John Carvelli – While California cannot offer direct incentives, these indirect incentives, information pamphlets, and research are valuable in attracting large promotions.

5. California has the best run Commission in the country, and this fact alone will entice numerous promotions to work within California.
6. Visit California is being worked with to assist in the production of promotional materials, statistical averages, and other materials.

Officials Training (Commissioners Shen-Urquidez and Ayala)

EO Andy Foster Presenting -

1. Contracting with SportsBoard to provide officials with evaluation tools.
2. Introduction of Judge Peter Polos – CAMO judge and newly appointed CSAC judge.
 - a. Superior Court judge in Orange County (ret).
 - b. 6 years of training with CAMO and John McCarthy's COMMAND course.
 - c. JT Steel - voicing confidence in the abilities of Peter Polos.
3. POD index – officials throughout the entire state have used the tool to score fights.
 - a. One official scored 1690 rounds over the last year.
4. ABC Officials training in Conference in Las Vegas, NV.

Commissioner Martha Shen-Urquidez presenting -

5. SportsBoard – used by NBA, MLB, MLS.
 - a. Interactive evaluation of officials.
 - b. Metrics used to evaluate difficulty of rounds scored – alleviates one problem of POD index.
 - c. Any metric can be set to give a full view of each official.

Chair John Carvelli notes that California's high standards for officials and continued work to improve officials through training is one of the best incentives for large promoters to come to California.

Pension Fund Subcommittee (Commissioner Lehman and Ayala)

EO Andy Foster presenting -

1. Conference call between Commissioner Lehman, Ayala, and EO Andy Foster has led to an action plan.
 - a. Press release by press office.
 - b. Commissioner Ayala did interview with NBC Universo.
 - c. EO Andy Foster gave interview for a Spanish radio in SF on the pension program.
 - d. EO Andy Foster had meeting with Elizabeth Reyes in San Diego to ship gloves with Pension information pamphlets.
 - e. Division of Investigations in DCA is attempting to contact additional eligible boxers.
2. Significant progress has been made in the distribution of pension funds.

Commissioner Luis Ayala presenting -

3. Grass Roots effort to deliver pamphlets to the gyms and training centers.

Agenda Item 7 - Discussion Regarding Kickboxing Regulations

EO Andy Foster Presenting -

1. Kickboxing regulations require an update.
2. Commissioner Martha Shen-Urquidez has reached out to Cory Shaffer of ISKA for assistance.
3. Outline of proposed kickboxing rules is being drafted.
 - a. Available upon request.

Public Comment -

1. John Frank
 - a. Proposes ability to hold Kickboxing in cages to facilitate joint MMA / Kickboxing events.

Agenda Item 8 - Review and approval of proposed regulations to adopt section 610, of Division 2, of Title 4 of the California Code of Regulations - "Headgear"

EO Andy Foster presenting -

Office of Administrative Law approved emergency regulations, but requests specifics of headgear itself be outlined.

- a. Added language - 4(C) – All headgear must be approved by USA amateur boxing or an equivalent organization.

Legal Counsel Spencer Walker proposes motion to approve the new language 4(c) into the regulation.

Commissioner Martha Shen-Urquidez makes the motion.

Commissioner Luis Ayala seconds the motion.

Call for vote – Vote passes 5-0.

Agenda Item 9 - Discussion and possible action regarding formal comment on Assembly Bill- 2007 (McCarty)

Assembly Bill 2007 will establish requirements for sports organizations to report and remove athletes from competition who may be suspected of receiving a concussion during training or competition. It requires a medical examination before return to play is authorized. Further requires annual education on concussions for participants and requires coaches and administrators to successfully complete head injury education course.

Chair John Carvelli – requests discussion and follow-up motion to establish an official Commission position on this Bill.

EO Andy Foster Presenting -

1. CA PTA, AMA for Sports Medicine, Brain Injury Center of CA, Nurses Association of CA, CA Youth Trainers all support this bill.

Commissioner Vernon Williams, MD presenting -

1. Safeguarding from head injury in recreational sports outside of schools is important goal.
2. Fears unintended consequences of this bill:
 - a. How is concussion defined? What constitutes head trauma in non-combat sports vs. in combat sports.
 - i. Arguments could be made that any blow could alter mental state and cause end of the bout.
 - ii. Difficulty because of the language “suspected of having a concussion.”
 - b. Socio-Economic status plays a large role in treatment of concussive injuries.
 - i. Assumption that there are adequate personal and funding in all areas is likely problematic.
 - ii. Inner city groups and coaches are largely volunteers.
 - iii. Difficult to require a coach make medical evaluations, even with training.
 - c. Concussion science is rapidly evolving.
 - i. Changes in protocol and information can happen daily and it is difficult to keep laymen up on the data.
 - d. Legislation of medical evaluations and assessments is incredibly difficult.
 - e. Liability being placed on volunteer coaches could shut down programs.

Commissioner John Frierson asks about waiver forms and concussion information forms

- f. Commissioner Vernon Williams – these forms do exist, but rarely fully inform participants and cannot be seen as a primary safeguard.

Commissioner Martha Shen-Urquidez asks if doctors are required at sporting events.

- g. Commissioner Vernon Williams – not usually. Largely depends on finances. Coaches often must serve multiple roles.

Commissioner Martha Shen-Urquidez raises concern with the term “SUSPECTED” concussion – very nebulous concept.

Commissioner Vernon Williams, MD – concerned with the requirement that return to play be supervised by a “licensed healthcare provider.”

- h. This language may create an unreasonable financial burden on athletes return to play.

Chair John Carvelli proposes organization of ideas and comments from the commission to later be presented to the legislature.

Chair John Carvelli proposes motion to allow EO Andy Foster and the commission to support this bill as amended.

Motion made by Commissioner Martha Shen-Urquidez.

Motion seconded by Commissioner John Frierson.

Call for vote - Vote Passes 5-0.

Agenda Item 4 - Discussion on Appropriate Level of Executive Officer Compensation for the Athletic Commission

Introduction of DCA Personal Officer Ricardo De La Cruz.

Presentation of Department of Consumer Affairs (DCA) Human Resources on Process for Reassessing Salary for Exempt Positions

1. DCA Personal Officer Ricardo De La Cruz presented information relating to the compensation for comparable positions within DCA.
2. Recommendation for report:
 - a. Highlight televised events, revenue generated for CA, high consequence of error for athletes regulated by the commissions, relative position – how many individuals under the direct authority of the EO, high degree of responsibility trusted to temporary employees.
3. Recommends Salary between level L and H.
4. Length of time between salary increases is an issue.
 - a. Requirements have grown for the position over time and duties and responsibilities require additional compensation.

Chair John Carvelli –

5. Outline of unique requirements of the EO.
 - a. EO in California oversees only State sponsored pension fund other than CalPERS and neurological fund.
 - b. EO is arbitrator of legal matters.
6. In addition to the temporary state employees and full time state employees, EO is in charge of training and management of licensees
7. State by State comparison shows that California is one of the largest states for running fights, but the California EO has a lower relative compensation (supported by information provided by Commissioner Martha Shen-Urquidez).

Commissioner John Frierson – expresses confidence in EO Andy Foster and support of his actions and leadership.

Promoter and member of the public Roy Englebrecht voices support for the work that EO Andy Foster has done.

Recommendation to Increase Executive Officer Salary (Action)

Motion called by Commissioner John Frierson to increase EO compensation to Level H.

Motion seconded by Commissioner Luis Ayala.

Call for vote - Vote passes 5-0.

Once Commission submits recommendation of an exempt level and substantiation and documentation supporting the recommendation, the DCA meets with the administration and reviews the recommendations.

Agenda Item 10 - Business and Professions Code section 18640.5 requires the Commission to invite stakeholder testimony at Commission meetings in order to identify actions that may lead to greater opportunities for licensees to participate in major professional boxing contests.

No Comment.

Agenda Item 11 - Public comment on items not on the agenda (The Commission may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting pursuant to Government Code §§ 11125, 11125.7(a))

No Comment.

Agenda Item 12. Next Meeting Scheduled for the week of September 19, in Los Angeles, CA
Proposed meeting on Friday, September 23, 2016.

13. ADJOURNMENT

Meeting Adjourned 1:28pm.