



## California State Athletic Commission

2005 Evergreen St., Ste. #2010  
 Sacramento, CA 95815  
[www.dca.ca.gov/csac/](http://www.dca.ca.gov/csac/)  
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### Members of the Commission

Commissioner John Frierson, Chair  
 Commissioner Christopher Giza, Vice-Chair  
 Commissioner Van Lemons, M.D.  
 Commissioner Steve Alexander  
 Commissioner DeWayne Zinkin  
 Commissioner Eugene Hernandez  
 Commissioner Anthony Thompson

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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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# MEETING AGENDA

**Friday, February 4, 2011**

9:30 A.M. to Close of Business

### Location

Van Nuys State Building  
 6150 Van Nuys Boulevard  
 Van Nuys, CA 91401

1. Call to Order/Roll Call/Pledge of Allegiance
2. Approval of Minutes
  - a. December 2, 2010
3. Election of Chairman and Vice Chairman
4. Executive Officer Report
  - a. Cashier Audit 2008 - Update
  - c. Strategic Plan Update
  - d. Sunset Review Update
  - e. Budget Update
  - f. Training Schedule
  - g. Report of Stakeholders' Meeting
  - h. Office Report – Criteria for Rehabilitation
5. DCA Director's Report
6. Public Comment on Items not on the Agenda - *Note: 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. [Government Code Sections 11125, 11125.7(a)]*

### *Break*

7. Applicants for Referee and Judge to Appear Before the Commission (Section 18662 of the Business and Profession Code) - Original Application
  - a. Ed Collantes – MMA Judge/Referee
  - b. William Douglas – MMA Judge
8. New Promoter Applications for Licensure – Executive Officer
  - a. Brett Roberts – Bamma USA
  - b. Jeff Benz – World Series of Boxing
  - c. Pongsan – Vivo Promotions – Joseph Vivo
  - d. Oxnard Peace Officer Association – Marc Amon

9. License Application
  - a. Jamiah Williamson - Professional Fighter
10. License Denial
  - a. Anthony Dorian

#### Lunch

11. Bout Appeal – Eddie Mendez vs. Kenny McCorkle - MMA
12. Medical Advisory Committee –
  - a. Establish subcommittee to make recommendation to Commission on selection process
13. Medical Presentation Brain Trauma/Study Recommendation –  
Dr. Ben Newman/Dr. Van Lemon
14. Amateur Muay Thai/Kickboxing Tournament Request – AK Promotions
15. California Amateur Mixed Martial Arts Organization – Purposed rule change
  - a. Modification of rules for under 18 years of age
  - b. Petition to return to amateur status after fighting professional
16. USA Boxing –
  - a. Local Boxing Club Northern and Local Boxing Club Los Angeles area – Report
  - b. Incident Report With USA Boxing
17. Action on Proposed Rule Making
  - a. Overview of the Rule Making Process
  - b. Proposed Regulations Amend Sections 221, 222, 226, 230, 253, 262, 288, 300, and 340
  - c. Amend Sections 208, 323, 399, and adopt 511
18. Request to hold Regulation Hearing
  - a. Amend Section 371, 379, 543, 547
  - b. Amend Section 303 and adopting 303.1
  - c. Amend Section 403
19. Agenda Items and Meeting Dates for Future Meetings

#### *Adjournment*

NOTICE: The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting George Dodd at (916) 263-2195 or email [george\\_dodd@dca.ca.gov](mailto:george_dodd@dca.ca.gov) or sending a written request to George Dodd at the California State Athletic Commission, 2005 Evergreen Street, Suite 2010, Sacramento, CA 95815. Providing your request at least five (5) days before the meeting will help ensure availability of the requested accommodation. Requests for further information should be directed to George Dodd at the same address and telephone number.

Meetings of the California State Athletic Commission are open to the public except when specifically noticed otherwise in accordance with the Open Meetings Act. The audience will be given appropriate opportunities to comment on any issue presented.



**DEPARTMENT OF CONSUMER AFFAIRS**  
**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 2**

**Approval of Minutes – 2 December 2010**



## **CALIFORNIA STATE ATHLETIC COMMISSION MEETING MINUTES**

December 2, 2010

9:00 A.M. – Close of Business

Department of Consumer Affairs | Hearing Room

2005 Evergreen St.

Sacramento, CA, 95815

### Commissioners Present:

Chairman John Frierson

Commissioner Dr. Van Lemons

Commissioner Eugene Hernandez

Commissioner DeWayne Zinkin

Commissioner Steve Alexander

### Staff Present:

George Dodd, Executive Officer

Gil DeLuna, DCA

Anita Scuri, DCA Legal

Dale Chessey, Assistant Executive Officer

Che Guevara, Assistant Chief Athletic Inspector

Sarah Waklee, 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**

Five out of six commission members were present. Vice Chairman Giza was not in attendance.

#### **Agenda Item 3: Approval of Previous Commission Meeting Minutes**

- a. September 20, 2010 commission meeting minutes - Motion / Seconded / Carried (M/S/C) to approve minutes.

#### **Agenda Item 4: Executive Officer Report - George Dodd**

##### **a. Status of Office**

1. Sunset Review - Hearing scheduled for November was put off until the next newly elected governor was in place, a February-March time frame.
2. Strategic Plan - Thank you to everyone involved in completing the Strategic Plan quickly and efficiently.
  - Goal 1: Objective 4- The importance of reaching out to stakeholders by receiving their input about the commission operations and how to make it better for them and the health and safety of the fighters. On January 15, 2011 the commission will be holding a stakeholders meeting down in Los Angeles to discuss improvements and concerns. Location to be announced on the CSAC website
  - Goal 1: Objective 5- Inspector Training. Training for inspectors is tentatively scheduled for March 12, 2011. Funds for inspector training were included in the budget change proposal and the legislators granted CSAC the funds to properly train inspectors.

- Goal 2: Objective 3- Cash Handling Process. A 360 Audit was recently performed for the commission and reported CSAC is still deficient in a few areas. The commission has responded to some of the issues listed in the audit and taken action. The commission is also preparing to respond to the rest of the audit, while moving forward.
- Goal 2: Objective 6- Cost Effectiveness. Inspector costs around this time last year were very high; commission is pleased to announce expenses this year are down by nearly \$100,000. CSAC attributes this to being more efficient in scheduling inspectors to work events while not jeopardizing the health and safety at events.
- Goal 2: Objective 7- Individual Development Plan (IDP) for Staff. By the end of December all staff members will have completed IDP's and will work closely with Assistant Executive Officer Dale Chessey for training and career development. Some staff was in attendance and introduced themselves.
- Goal 2: Objective 10- Evaluations of Judges and Referees. The commission started an evaluation system for referees with five referees being evaluated so far. Judges scores have been watched and reviewed carefully with the utilization of an evaluation system to objectively evaluate scoring and ability.

Commissioner Alexander thanked Executive Officer George Dodd for producing the strategic plan booklet and reporting on the progress. Commissioner Alexander would like to request reports of the dates associated with objectives at every commission meeting to ensure the commission is indeed meeting these dates.

**b. Personnel Update**

Analyst Sal Barajas will be retiring at the end of December. After his retirement has gone through the commission will begin advertising for the vacant position.

**c. Current Projects**

**1. Application to be a Judge - Bill Douglas**

There was no real formal training program in place when Mr. Douglas first applied to be a judge. Executive Officer George Dodd and the commission came up with a mentorship program and asked Mr. Douglas to share his experience going through the comprehensive training program.

Mr. Douglas stated: "After completing 18 training events at this time I can say with absolute confidence that the program does work." He stated that any future CSAC employees looking to make a transition to a judge should go through this mentor program. The program gave him experience and confidence in his ability to be a judge and recommends the program to continue for any others interested.

Commissioner Hernandez asked Executive Officer George Dodd if this mentor program is now the blue print for anyone looking to be a judge. He replied this was a special case due to the fact he was a regulator for years prior to applying to be a judge. He further commented that the next step is to come up with a process of bringing new officials on board that have never been regulators of the sport; to develop a beginning and advanced two-phased training program.

2. Gym Inspections- Athletic Inspector Sarah Waklee

Sarah Waklee, along with office staff Danielle Scott, under the direction of Assistant Executive Officer Dale Chessey, developed a new licensing form. Through regulatory change, the commission is currently in the process of increasing the annual licensing fee from \$10.00 to \$100.00. After being licensed, gyms are required to report any knock outs or incidents involving loss of consciousness during training every month. This will help the commission keep track of the athlete's progress when evaluations are conducted. At the time of licensure the gym will be given a licensing packet with regulations pertaining to the gym, health and safety guidelines, information on the pension program, and various other helpful guides for outreach to both the facility and the athlete. By licensing these gyms it should cut down the amount of illegal events (smokers) that are held in training facilities or even nearby halls.

Chairman Frierson would like to know if the Commission has a record of all gyms throughout the state. Sarah Waklee responded there is no clear record of all the gyms in California; only about 85% are really known, the others will be eventually found out or even comply with the others when the licensing effort and outreach begins.

Commissioner Zinkin expressed concern on the reaction of the public when the licensing fee jumps from \$10.00 to \$100.00. Ms. Waklee said the fees are to help cover the costs of personnel going out to these gyms, regulation and enforcing the laws for better safety. The regulation change is going through public comment period and interested parties may voice their concerns.

Legal counsel Anita Scuri added "the regulation in question which is Rule 208, has not been changed since sometime before 1987, the \$10.00 fee has probably been in place for 30 years".

3. Dr. Newman Presentation - Executive Officer George Dodd

Executive Officer Dodd said that Dr. Newman has agreed to present his research on the deterioration of life for a professional fighter on February 4, 2011. Dr. Newman was not present at the meeting.

4. Budget Report – Executive Officer George Dodd

- Last year around this time frame the personnel budget expenditures were \$321,000.00. This year the expenditures are at \$287,000.00.
- March 1, 2011 a supplemental report is due to legislature. It is a report on the commission's budget package. The Executive Officer would like to have the commission members assist with the draft so that the commission can have a response ready by February and meet the dead line of March 1, 2011.

Commissioner Alexander voiced a concern regarding the licensing standards for all licenses.

Legal counsel Anita Scuri responded it will be easier to develop standards for officials because there are certain objective criteria that can be applied. Ms. Scuri suggested that the criterion the commission already has in place for its athletes is sufficient. It has to be a real case by case evaluation of the individual and the record.

Commissioner Zinkin asked whether there is an objective standard that applies to a case by case evaluation.

Asst. Chief Athletic Inspector Che Guevara replied, "Yes, there are specific evaluation criteria in place. What the commission lacks is an actual manual or documentation explaining that process."

Legal counsel Anita Scuri added that there are also criteria in regulations. Rule 281 requires an evaluation based on the totality of the person's physical condition for a license and it does apply to boxers and martial arts contestants. The reason this rule was enacted was to reduce the level of subjectivity when it came to the evaluation process.

#### **Agenda Item 5. DCA Directors Report- DCA Executive Gil Deluna**

##### 1. Hiring Freeze

On August 31, 2010 DCA received a Governor's directive to seize hiring or no overtime is permitted with the employees. There may be exceptions in order to protect and preserve human life, safety, and disaster response. Only the most critical requests are being approved. An exemption filed by CSAC was on allowing for overtime on weekends for the some of the Athletic Inspectors at events.

##### 2. Breeze Project

It is moving forward and is on target for completion. Final proposal is to be released at the end of December and the goal is to have a contract in place with a vendor by July 2011.

##### 3. Web Casting

The Department appreciates that the commission is webcasting the meetings to keep costs low and make them available for everyone to see.

**Agenda Item 6. Public Comment on Items not on the Agenda- *Note: 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 for a future meeting. [Government Code Sections 11125, 11125.7(a)]***

- **No public comment**

~ Break ~

#### **Agenda Item 7. Applicants for Referee and Judge to Appear Before the Commission (Section 18662 of the Business and Professions Code) – Original Application**

##### **a. Mark Lawley- MMA - Judge/Referee**

Mark Lawley has not met all of the requirements to become a judge/referee. Executive Officer George Dodd recommends that the commission grant him the ability to approve the license upon satisfactory completion of the remaining requirements.

Motion / Seconded / Carried (M/S/C) to give Executive Officer George Dodd the authority to grant Mark Lawley licensure after satisfactory completion of the remaining requirements in Rule 543.

### **Public Comment**

- J.T. Steele: Mr. Lawley is a referee for CAMO and has been with the organization since it was first established. He highly recommended that CSAC grant Mark Lawley licensure as a judge.

### **Agenda Item 8. New Promoter Applications for Licensure - George Dodd**

#### **a. Brett Roberts – Bamma USA**

Brett Roberts was not in attendance. No action taken.

#### **b. Arpine Esmailian – King of the West**

M/S/C to grant Arpine Esmalian permanent licensure as a promoter under King of the West.

#### **c. Isreal Montes – Montes Entertainment/ Battle of the Badges (amateur)**

M/S/C to approve Isreal Montes a license as an amateur promoter license d.b.a. Battle of the Badges.

### **Agenda Item 11. Subcommittee Report**

#### **a. Muay Thai Subcommittee Update – Chairman Frierson/Vice Chairman Giza**

Since the Muay Thai meeting that was held, CSAC will be putting together a matrix of where the rules need to be adjusted in order to fit the Muay Thai sport.

Brian Dobbler – Thai Boxing Association of the USA for Muay Thai: thanks the commission for its diligence in the matter of keeping Muay Thai at the forefront of its attention.

Commissioner Lemons asked whether anyone investigated the need for amateurs wearing head gear.

Brian Dobbler replied that their regulations require everyone under the age of 18 to wear headgear.

### **Agenda Item 12. USA Boxing – Northern California**

No written report was produced. Oscar Ortiz asked USA Boxing Official Don Rivera to attend the commission meeting in his place.

- Don Rivera: USA Boxing was not contacted regarding a report needing to be produced.
- Che Guevara: Mr. Ortiz was notified that a report was supposed to be produced.

M/S/C to table Agenda Item 12 to request that staff bring documentation and a recommendation later in the day.



**Agenda Item 13. Bout Appeals**

**a. Adam Rothweiler vs. Nick Garcia**

M/S/C to change the decision to no contest

**b. Ryan Roy vs. Joe Schilling**

M/S/C (4-0-1) to deny the appeal and sustain the decision (Commissioner Hernandez abstained)

**Agenda Item 14. Neurological/Boxer Pension Fund Report to Legislature**

M/S/C to send the report to the legislature

**Agenda Item 12. USA Boxing – Northern California**

M/S/C to suspend USA Boxing of Northern California if a satisfactory report is not received by December 15, 2010. Staff was directed to inform USA Boxing what is required to be included in the report.

**Agenda Item 9. License Reinstatement**

**a. Josh Barnett - Professional Fighter**

M/S/C to table Agenda Item 9 until the next meeting because Mr. Barnett requested to have counsel present.

**Agenda Item 10. License Reinstatement**

**a. Chael Sonnen**

Both parties were present and represented by counsel with the hearing held with written and oral evidence taken.

M/S/F (2-2) to maintain the fine and suspend the license - split

M/S/C (3-1) to reduce the suspension from year to six months, with the fine continuing to be \$2,500.

**Agenda Item 15. Agenda items and meeting dates for future meetings**

- **February 4, 2010 in Los Angeles**
- **Matrix to be developed for the strategic plan**
- **Licensing standards**

**Agenda Item 16. Adjournment**

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**DEPARTMENT OF CONSUMER AFFAIRS**  
**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 3**

**Election of Chair/Vice Chair**

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**DEPARTMENT OF CONSUMER AFFAIRS**

**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 4**

**Executive Officer Report**

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Agenda Item 4  
 February 4, 2011

**Executive Officer's Report**

- A. Cashier Audit 2008 – The Athletic Commission is working with Technical Analysis Unit within the Department of Consumer Affairs to review current practices and ensure we are following the requirements of the State Administration Manual (SAM).
- B. Strategic Plan – An excel spreadsheet has been included to kept commissioners informed of the status of implementing the strategic plan
- C. Sunset Review – is currently scheduled for mid-February. That date may be pushed back to April. I would recommend a commissioner(s) attend and speak for the commission.
- D. Budget Update – An excel spreadsheet is provide for review.
- E. Training Schedule – Yearly training schedule is out. The calendar will be placed on the commission website. The calendar includes commission meetings dates, advisory committee dates, and training dates. No location is listed but can be updated.
- F. Report of Stakeholders Meeting – good exchange of ideas were presented to myself and Che Guevara. There was approximately forty individuals attending from various organization and license demographics. Below are issues of concern that were brought before us.
- 1) Official's compensation should no longer based on show revenue and suggested the following compensation structure.
    - Referee - \$300
    - Judge - \$250
    - Timekeepers - \$150
    - Doctors - \$600 – including one suturing per doctor.
 Official's compensation for Title fights dictated by sanction body.
  - 2) Changing the number of officials working a pro show.
  - 3) Change the rule regarding minimum number of rounds needed before a fine is levied. Request the language be changed to "either five pro bouts or 26 rounds".
  - 4) Suspend payment of 60 cents for the neurological fund
  - 5) Change the current rule requiring an ambulance and one paramedic to be at each show, to now state: "either a Critical Care Transport (CCT) Unit or an ambulance with one paramedic required at each show. " A CCT unit consists of an ambulance staffed with a specialized respiratory trauma nurse and two EMT's.
  - 6) Change license dates back to calendar year, with a grace period of 45 days. So all licenses would expire at the end of December.
  - 7) Requirements for officials – high school diploma and provide finger prints.

## CALIFORNIA STATE ATHLETIC COMMISSION STRATEGIC PLAN TRACKING MATRIX

ASSIGNED LEAD	GOALS, OBJECTIVES, MAJOR ACTIVITIES, & PERFORMANCE MEASURES	COMPLETE FY2010/2011	COMPLETE FY2011/2012	COMPLETE FY2012/2013
	<b>GOAL 1</b>	<b>Health &amp; Safety</b>		
		The Commission will continue to foster a safe and healthy environment for regulated competitive sporting events.		
	<b>OBJECTIVE 1.1</b>	Continue the evaluations and training of officials	Training scheduled, Evaluations ongoing	
	<b>MAJOR ACTIVITIES A.</b>	Training calendar posted on CSAC website with officials notified to ensure attendance.		
	Performance Measures	Officials are held accountable to attend training, individual evaluations		
Status		Ongoing Process		
	<b>MAJOR ACTIVITIES B.</b>	Develop a strategy/criteria to conduct evaluations of referees, funding resources.		
	Performance Measures	Employment arrangement: contract, consultant, state employee, expert examiner classification???		
Status		Ongoing		
	<b>OBJECTIVE 1.2</b>	Review and update regulations pertaining to safety at events by June 30, 2011.		
	<b>MAJOR ACTIVITIES A.</b>	Review with staff, legal counsel, and inspectors by end of March 2011.		
	Performance Measures	Will provide recommendations to the Commission in April 2011.		
Status				

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	<b>OBJECTIVE 1.3</b>	Continue to evaluate and update new safety standards and products. Ongoing, performed primarily by the Medical and Safety Standards Advisory Committee and at the direction of the Commission. Safety standards will be updated by June 30, 2011.			
	<b>MAJOR ACTIVITIES A.</b>	Review with staff, legal counsel, officials, and inspectors by end of March 2011.			
	Performance Measures	Will provide any recommendation to the commission April 2011.			
Status					
	<b>OBJECTIVE 1.4</b>	Strengthen the screening of fighters entering the professional ranks to ensure they possess the necessary skills. Modify screening criteria by January 1, 2012.			
	<b>MAJOR ACTIVITIES A.</b>	Receiving input from stakeholders starting January 16, 2011. Will provide at Commission meeting in April.			
	Performance Measures	Working with lead inspector will provide state wide standard for conducting evaluations of participants.			
Status		Will provide any request to the Commission at the April 2011 meeting.			
	<b>OBJECTIVE 1.5</b>	Hold clinics semi-annually for inspectors, referees and physicians, as mandated by Business and Professions Code Sections 18615 and 18731.	Calendar is posted on CSAC website - Continuous.		
	<b>MAJOR ACTIVITIES A.</b>	Created a yearly calendar to provide clinics and training for officials and inspectors			
	Performance Measures	Ensure calendar is update to reflect training dates.			

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Status		Ongoing			
	<b>OBJECTIVE 1.6</b>	Continue to ensure that all required examinations and blood test results have been completed prior to licensure	Completed.		
	<b>MAJOR ACTIVITIES A.</b>	Maintain Who's Who and database for up to date information.			
	Performance Measures	Continually provide training to staff and lead inspector			
Status			Ongoing		
	<b>OBJECTIVE 1.7</b>	Establish a medical database to track/survey health and safety sport-related issues among fighters licensed in California by January 1, 2012. Database to possibly include tracking neurological injuries, CT/MRI scan results; also considering weight, hydration and other non-neurological data similar to what is reflected on fight records.			
	<b>MAJOR ACTIVITIES A.</b>	Re-establish Medical Advisory Committee. This is to help establish required documentation for any study required			
	Performance Measures	April 2011 select Medical Advisory Committee members			
Status		In Progress			
	<b>GOAL 2</b>	<b>Operational Efficiency &amp; Effectiveness</b>			
		The Commission will develop and maintain operational efficiency and effectiveness.			

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	<b>OBJECTIVE 2.1</b>	Create a licensing database for licensing fighters by September 1, 2010.	Continue to work with DCA in database development. CSAC utilizes database system while still being further developed with having report functions and modules built to meet reporting/licensing standards.		
	<b>MAJOR ACTIVITIES A.</b>	Database created; however further development needed to capture all the necessary information the Commission needs to gather. Working with DCA OIS team to resolve and have fully functional by March 2011.			
	Performance Measures	New data is to be entered within 10 business days of receipt.			
Status		Continuous.			
	<b>OBJECTIVE 2.2</b>	Review information technology and upgrade its application by January 30, 2011.			
	<b>MAJOR ACTIVITIES A.</b>	Report was completed in August 2010 and sent to DCA for review.			
	Performance Measures	Computer upgrades were completed 2 years ago. Working with DCA and reviewing CSAC's budget to upgrade printers.			
Status					
	<b>OBJECTIVE 2.3</b>	Work with DCA's Cashiering Unit to continually review/improve processes and have updates incorporated by March 30, 2011	Completed.		
	<b>MAJOR ACTIVITIES A.</b>	Conducted meeting with Cashiering Unit to review 2008 audit concerning cashiering.			
	Performance Measures	Ensure that CSAC remains in compliance with State Administrative Manual timelines.			
Status					



	<b>OBJECTIVE 2.4</b>	Develop a desk manual on the above business process review, as well as instructions and training for employees for placing necessary licensure information and other data into the central files and, as appropriate, other data entry by June 30, 2011.			
	<b>MAJOR ACTIVITIES A.</b>	CSAC analyst working with staff in gathering information on formalizing a desk procedure manual for the entire office			
	Performance Measures	By mid-April, the analyst will have met with all staff and start the process of developing desk manuals.			
Status		Desk Manual project to be completed by June 30, 2011			
	<b>OBJECTIVE 2.5</b>	Review the use and assignment of Athletic Inspectors, and modify current policy and procedures, if necessary, by September 30, 2010.			
	<b>MAJOR ACTIVITIES A.</b>	Athletic Commission is currently using scheduling software to be more efficient while maintaining fairness with assignments. Inspector assignments are based on availability, location, CSAC needs, and experience in a particular function.	Completed.		
	Performance Measures	Cost saving measures have been recognized on budget report. (\$187,445 fees) and (\$106,983 travel)			
Status					
	<b>OBJECTIVE 2.6</b>	Evaluate the cost-effectiveness of existing programs, including the cost to train ringside physicians, referees, timekeepers and judges, and make modifications to processes/fees as necessary by May 30, 2011			

	<b>MAJOR ACTIVITIES A.</b>	Compare with other state's commission fee structures on officials and practices.			
	Performance Measures				
Status					
	<b>OBJECTIVE 2.7</b>	Develop Individual Development Plans (IDPs) for all staff, and ensure that they receive mandatory and development training. Ongoing, with first group of IDPs completed by August 30, 2010.	Completed.		
	<b>MAJOR ACTIVITIES A.</b>	The new Assistant Executive Officer is working with staff to foster upward mobility within. Complete, review and implement any needed training.			
	Performance Measures	Yearly review with staff on achieving personal and professional goals			
Status		Continuous.			
	<b>OBJECTIVE 2.8</b>	Ensure that all data is maintained in central files at the Commission's headquarters and, as appropriate, entered into the CSAC database system.			
	<b>MAJOR ACTIVITIES A.</b>	Staff procedure is to have license information entered into the database.			
	Performance Measures	Office procedures is to have information entered into the database within 10 business days.			
Status					
	<b>OBJECTIVE 2.9</b>	Implement recommended changes, as appropriate, in the October 2003 Audit Report by December 30, 2010.			
	<b>MAJOR ACTIVITIES A.</b>	Review 2003 audit and report to the Commission in February 2011.			

	Performance Measures	Re-visit and assess completion of items listed in past audit reports to ensure all deficiencies are addressed.			
Status					
	<b>OBJECTIVE 2.9</b>	Collect data monthly on how judges score as it relates to the judges scorecard for each bout. 2010 report to Commission by February 2011.	Completed.		
	<b>MAJOR ACTIVITIES A.</b>	Copy all necessary records for review and provide status as requested to the Commission.			
	Performance Measures				
Status					
	<b>OBJECTIVE 2.10</b>	Reevaluate methods of paying officials to ensure they conform to the provisions of the Muhammad Ali Act by January 30, 2011			
	<b>MAJOR ACTIVITIES A.</b>	Work with other State Commissions to determine industry standards regarding compliance with Federal law.			
	Performance Measures				
Status					
	<b>OBJECTIVE 2.11</b>	Develop performance measures for staff by November 30, 2010.			
	<b>ACTIVITIES A.</b>	Conduct staff meeting about performance standards and how to achieve them.			
	Performance Measures	AGPA is writing desk manuals for each desk. This will allow management to develop performance measures and set standards.			
Status					
	<b>GOAL 3</b>	<b>National / International Leadership</b>			

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		The Commission will work with national and international regulatory bodies to lead the development of optimal, uniform regulatory standards.			
	<b>OBJECTIVE 3.1</b>	<b>Work with Association of Boxing Commissioners (ABC) and other sanctioning bodies to ensure a parallel level of safety is maintained or exceeded. Ongoing.</b>			
	<b>MAJOR ACTIVITIES A.</b>	Continue to work with ABC about studies being conducted, exchanging statistics for the benefit of combat sports.			
	Performance Measures	Working with CAMO about half point system and gather the necessary data for ABC use.			
Status					
	<b>MAJOR ACTIVITIES B.</b>	Establish quarterly meetings with members of ABC to discuss current issues and best practice procedures.			
	Performance Measures				
Status					
	<b>GOAL 4</b>	<b>Promote Diversity</b>			
		The Commission will actively promote diversity in the Commission's staff and its licensees			
	<b>OBJECTIVE 4.1</b>	Identify the primary communities from which the boxing industry derives its participants by September 30, 2010.			
	<b>MAJOR ACTIVITIES A.</b>	Starting in January, CSAC has started to gather names and location of gyms to establish rapport.			
	Performance Measures	By April 2011, community/culture breakdown will be created and outreach and education materials will be distributed.			
Status					

	<b>OBJECTIVE 4.2</b>	Conduct outreach within these communities. Ongoing, beginning October 2010.			
	<b>MAJOR ACTIVITIES A.</b>	On January 16, 2011 we are conducting a stakeholders meeting in Los Angeles for organization to provide input on outreach programs.			
	Performance Measures				
Status					
	<b>OBJECTIVE 4.3</b>	Work with DCA's HR Office to recruit for Athletic Inspector positions and licensed officials from diverse backgrounds and communities.	Completed.		
	<b>MAJOR ACTIVITIES A.</b>	We are continuously looking for qualified and diverse Officials and Inspectors to join the Athletic Commission.			
	Performance Measures				
Status					
	<b>GOAL 5</b>	<b>Pension Plan</b>			
		The Commission will assess the value, use and impact of the pension plan			
	<b>OBJECTIVE 5.1</b>	Review the existing plan by June 30, 2011.			
	<b>MAJOR ACTIVITIES A.</b>	Potentially establish a subcommittee to review and report to the Commission by June 14, 2011.			
	Performance Measures				
Status					
	<b>OBJECTIVE 5.2</b>	Make recommendations on modifications, if necessary, to the Commissioner by August 30, 2011.			
	<b>MAJOR ACTIVITIES A.</b>	Differ to sub-committee for recommended changes/updates.			

	Performance Measures				
Status					
	<b>OBJECTIVE 5.3</b>	Adopt modifications, if necessary, by October 1, 2011			
	<b>MAJOR ACTIVITIES A.</b>	Determine impact on suggestions by sub-committee, if applicable, and make necessary changes by October 01, 2011			
	Performance Measures				
Status					
	<b>OBJECTIVE 5.4</b>	Conduct an annual evaluation of the pension plan to ensure it meets the Commission's mission and vision.			
	<b>MAJOR ACTIVITIES A.</b>	Work with financial advisors to complete annual evaluation.			
	Performance Measures				
Status					
	<b>GOAL 6</b>	<b>Neurological Program</b>			
		The Commission will assess the value, use and impact of the neurological program.			
	<b>OBJECTIVE 6.1</b>	Review the existing fee assessment and fund level by January 30, 2011.	Completed		
	<b>MAJOR ACTIVITIES A.</b>	Letter was sent to the Legislature recommending the suspension of the collection of money to fund this account, until we determine how to use the existing funds. We are also requesting that we have the ability to reestablish the fund if necessary.			
	Performance Measures				
Status					

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	<b>OBJECTIVE 6.2</b>	Make recommendations on uses for the assessment to the Commissioners by March 30, 2011 and adopt any necessary changes by May 1, 2011.			
	<b>MAJOR ACTIVITIES A.</b>	Recommendation is to contact the IMPACT group and find out the necessary requirements in order to get the program up and running.			
	Performance Measures				
Status					
	<b>OBJECTIVE 6.3</b>	Improve the current neurological examination by January 30, 2012.			
	<b>MAJOR ACTIVITIES B.</b>	Have a recommendation come from the Medical Advisory committee. Next advisory meeting scheduled for in August 2011.			
	Performance Measures	Receive report from Medical Advisory committee.			
Status					
	<b>GOAL 7</b>	<b>Promote Commission Public Awareness</b>			
		The Commission will proactively communicate its mission, vision and goals to stakeholders.			
	<b>OBJECTIVE 7.1</b>	Establish a campaign to actively open communication and information channels, participate at other state commission meetings, be present at stakeholder conferences, conduct presentations, share helpful materials, including the Association of Boxing Commissioners (ABC), by December 30, 2010.			
	<b>MAJOR ACTIVITIES A.</b>	Continuously conduct town hall meetings, attend conferences, participate in other organization roundtables, actively work with all stakeholders.			

2

	Performance Measures	First stakeholders meeting held January 16, 2011			
Status					
	<b>OBJECTIVE 7.2</b>	Continue development of educational and informational materials.			
	<b>MAJOR ACTIVITIES A.</b>	Drafted a <i>Professional Fighter's Safety Guideline</i> brochure to be distributed after review and approval by the Medical Advisory committee, DCA legal, and the Commission.			
	Performance Measures				
Status					
	<b>OBJECTIVE 7.3</b>	Work with DCA's Public Affairs Office, develop a communications plan, appropriate sports media (e.g., writers, editorial boards, television, etc.) by January 30, 2011.			
	<b>MAJOR ACTIVITIES A.</b>				
	Performance Measures				
Status					
	<b>OBJECTIVE 7.4</b>	Work with DCA's Public Affairs Office with proactive health and safety news releases, respond with interviews as appropriate. Continuous			
	<b>MAJOR ACTIVITIES A.</b>				
	Performance Measures				
Status					
	<b>GOAL 8</b>	<b>Resource Optimization</b>			
		The Commission will develop and maintain adequate resources to achieve the Commission's goals.			

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	<b>OBJECTIVE 8.1</b>	Review staffing levels and workloads and develop a Budget Change Proposal (BCP), if necessary, to augment existing staff by January 1, 2011.			
	<b>MAJOR ACTIVITIES A.</b>	Review the organization structure and work plans, assess needs and deficiencies, work with HR and the Budget Unit, and determine if a BCP is needed for any modifications.			
	Performance Measures				
Status					
	<b>OBJECTIVE 8.2</b>	Evaluate existing funding sources and make modifications if necessary. Ongoing, completed each year by March 30.	Completed.		
	<b>MAJOR ACTIVITIES A.</b>	Review current budget for FY 2011, estimating an 8.80% surplus			
	Performance Measures	Quarterly, review budget information and make necessary adjustments to stay on budget			
Status					

# CSAC 2011 Calendar

## Notes

January '11						
Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February '11						
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27	28					

March '11						
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27	28	29	30	31		

April '11						
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24	25	26	27	28	29	30

May '11						
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22	23	24	25	26	27	28
29	30	31				

June '11						
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19	20	21	22	23	24	25
26	27	28	29	30		

July '11						
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24	25	26	27	28	29	30
31						

August '11						
Su	M	Tu	W	Th	F	Sa
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September '11						
Su	M	Tu	W	Th	F	Sa
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October '11						
Su	M	Tu	W	Th	F	Sa
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November '11						
Su	M	Tu	W	Th	F	Sa
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December '11						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 16 - Stakeholders Meeting  
 January 22 - Lead Inspector Training  
 January 23 - Muay Thia Officials Training

February 4 - CSAC Commission Meeting  
 February 19 - Medical Advisory Committee  
 February 20 - Boxing Officials Training

March 12-13 - Inspectors Training

April 9 - MMA Officials Training  
 April 17 - Medical Advisory Committee  
 April 18 - CSAC Commission Meeting

June 20 - CSAC Commission Meeting  
 June 26 - Inspectors Training

July 17 - Stakeholders Meeting

August 14 - Medical Advisory Committee  
 August 15 - CSAC Commission Meeting

September 18 - All Officials Training

October 11 - CSAC Commission Meeting

November 6 - Medical Advisory Committee

December 13 - CSAC Commission Meeting  
 December 18 - Inspector Training

**CALIFORNIA STATE ATHLETIC COMMISSION (SUPPORT) FUND - 0326**

**Budget Report**

**FY 2010-11 Expenditure Projection**

Current Fiscal Month: 6

Months Remaining: 6

OBJECT DESCRIPTION	FY 2009/10		FY 2010/11				
	ACTUAL	EXPENDITURES	BUDGET	EXPENDITURES	PERCENT	PROJECTIONS	UNENCUMBERED
	EXPENDITURES	AS OF		AS OF	OF BUDGET		
(MONTH 13)	12/31/2009	ALLOTMENT	12/31/2010	SPENT	TO YEAR END	BALANCE	
<b>PERSONAL SERVICES:</b>							
Salaries and Wages							
Civil Service-Perm	177,383	114,092	342,729	147,372	43.0%	294,282	48,447
Athletic Inspectors	507,951	330,876	729,637	143,431	19.7%	510,000	219,637
Temp Help	24,952	12,524	0	30,390	0.0%	72,936	(72,936)
Statutory-Exempt (EO)	70,768	33,076	89,820	41,108	45.8%	89,820	0
Board/Commission	2,000	900	2,887	2,000	69.3%	2,887	0
Overtime	3,036	2,107	0	5,234	0.0%	0	0
Staff Benefits	97,286	60,304	270,763	85,190	31.5%	170,113	100,650
Salary Savings	0	0	(68,481)	0	0.0%	0	(68,481)
<b>TOTAL, PERSONAL SVC</b>	<b>883,376</b>	<b>553,879</b>	<b>1,367,355</b>	<b>454,725</b>	<b>33.3%</b>	<b>1,140,038</b>	<b>227,317</b>
<b>OPERATING EXPENSE AND EQUIPMENT</b>							
Fingerprints	51	0	0	0	0.0%	0	0
General Expense	84,527	18,629	70,486	16,374	23.2%	80,000	(9,514)
Printing	3,842	3,074	5,472	2,805	51.3%	4,000	1,472
Communication	10,810	5,667	14,054	4,136	29.4%	11,000	3,054
Postage	1,999	1,042	9,098	521	5.7%	2,000	7,098
Travel In State	247,703	156,627	403,788	49,644	12.3%	150,000	253,788
Travel Out-of-State	0	0	0	0	0.0%	0	0
Training	0	0	5,472	0	0.0%	5,000	472
Facilities Operations	59,869	58,539	72,211	61,863	85.7%	72,211	0
C/P Services - Internal	165	0	2,360	0	0.0%	0	2,360
C/P Services - External	34,944	23,882	0	133,350	0.0%	125,000	(125,000)
DCA Pro Rata	178,785	120,743	177,205	92,960	52.5%	177,205	0
<b>DEPARTMENTAL SERVICES</b>							
DP Maintenance & Supplies	897	187	3,902	0	0.0%	1,000	2,902
Central (State) Adm Pro Rata	95,316	47,658	74,398	37,199	50.0%	74,398	0
Other Items of Expense	0	0	0	0	0.0%	0	0
Vehecal Operations	0	0	0	60	0.0%	200	(200)
<b>ENFORCEMENT</b>							
Attorney General	180,365	97,433	95,697	33,333	34.8%	200,000	(104,303)
Office Admin. Hearing	0	0	0	0	0.0%	0	0
Evidence / Witness Fees	500	0	0	0	0.0%	1,000	(1,000)
Court Reporters	1,598	0	0	1,699	0.0%	2,000	(2,000)
DOI Investigations	0	0	22,560	0	0.0%	22,560	0
Tort Payment	19,500	0	0	52,000	0.0%	52,000	(52,000)
Major Equipment	0	0	0	0	0.0%	0	0
Minor Equipment	5,771	0	0	0	0.0%	0	0
<b>TOTALS, OE&amp;E</b>	<b>926,642</b>	<b>533,481</b>	<b>956,703</b>	<b>485,944</b>	<b>50.8%</b>	<b>979,574</b>	<b>(22,871)</b>
<b>TOTAL EXPENSE</b>	<b>1,810,018</b>	<b>1,087,360</b>	<b>2,324,058</b>	<b>940,669</b>	<b>40.5%</b>	<b>2,119,612</b>	<b>204,446</b>
<b>SURPLUS/(DEFICIT):</b>							<b>8.80%</b>

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STATE OF CALIFORNIA



## California State Athletic Commission

2005 Evergreen Street Suite 2010  
 Sacramento, CA 95815  
[www.dca.ca.gov/csac/](http://www.dca.ca.gov/csac/)  
 (916) 263-2195 FAX (916) 263-2197



Date: [                    ]

The Honorable [                    ], Chair  
 Senate Committee on Business, Professions and Economic Development  
 State Capitol Room [            ]  
 Sacramento, CA 95814

The Honorable [                    ], Chair  
 Assembly Committee on Business,  
 Professions and Consumer Protection  
 State Capitol, Room [            ]  
 Sacramento, CA 95814

Madame Chairs:

The past year the California State Athletic Commission (CSAC) has made great strides in meeting the necessary legislative requirements established in Business and Professions Code 18600. This supplemental report will address many of the concerns that remain and demonstrate to the Legislature that CSAC is moving forward in a positive direction and committed to implementing its business improvement goals. This report will address the following areas: (a) the Commission's strategic plan; (b) the Commission's standards for hiring, training, and evaluating of staff; (c) a schedule of athletic inspectors training that will be held during the fiscal year 2010-11 and 2011-12; (d) a plan for consistent gate proceeds recovery; (e) the administrative changes enacted after July 1, 2010 to facilitate consistent coverage of combative sporting events; and (f) recommended changes to state statute to provide greater revenue recovery and consistent oversight of the combative sports.

**Strategic Plan** – In 2008, Armando Garcia resigned as the Executive Officer. For over a year and half the Commission conducted a search for an Executive Officer with the current commission deferring work on a new strategic plan pending the hiring of the new Executive Officer. In February 2010, a new Executive Officer, George Dodd, was hired and in April 2010 three new board members were appointed. In May, the Commission met to work on a strategic plan and in October 2010, the commission adopted the new strategic plan. This plan was submitted to the Governor's Office and the Senate Business, Professions and Economic Development and Assembly Business, Professions and Consumer Protection Committees for review.

**Commission's Standards for Hiring, Training, and Evaluating Staff** – In January 2010 the Assistant Executive Officer resigned and in August 2010 a new Assistant Executive Officer (AEO), Dale Chessey, was hired. He has been working closely with the Department of Consumer Affairs Human Resource office to ensure CSAC follows all the necessary rules and regulations when hiring new personnel. Once hired, the staff member is trained in certain areas until management determines the staff member is ready for more responsibilities. The AEO has been working with

staff to create Individual Development Plans (IDPs) to help with staff member training and professional development. The AEO will also be providing yearly counseling to staff members to ensure they remain on track with their IDPs to allow management to provide formal counseling and track progress.

**Schedule of Athletic Inspectors Training being held during Fiscal Year 2010-2011, 2011-12** – Currently for fiscal year 2010-11, CSAC has three dates set for training inspectors – January 22, 2011 in Los Angeles, March 12-13, 2011 in a location to be determined, and June 26, 2011 in a location to be determined. For the coming fiscal year training is planned for December 18, 2011 in a location to be determined.

**Plan for Consistent Gate Proceeds Recovery** – In 2009 and further developed in 2010, CSAC created a cashiering plan meeting the accepted standard in the Standard Administration Manual (SAM) with endorsement from the Department’s Cashiering Unit. The office procedure plan outlines steps to be taken both in the field and office, correcting past CSAC practices.

Commission revenue is carefully monitored with receipting and collecting breakdowns to ensure the correct amount is being received. From no longer collecting cash in the field to control receipt documentation with balancing requirements on both sides; CSAC is ensuring proper deposit procedures are being achieved. Additionally, immediate action is taken on contacting and following up on non-payment or dishonored bank returned checks, with procedures to file a claim against a promoter’s bond or licensee. Insurance bonds for promoters are, for the most part, their life-lines to holding events; if after three attempts, the state takes quick and decisive action against that bond, jeopardizing them from ever having the opportunity to hold future events. As a result, promoters are quick to clear their debts now that the state has set procedures and acts swiftly, diligently to collect money owed.

In 2007 and 2008, CSAC had over \$300,000 in uncollected funds, dishonored checks, and misplaced revenue. Today, through having new developed procedures, the amount has been substantially reduced to only involving a few unresolved promoters and individual licensees in being \$3,714.

**Administrative Charges Enacted after July 1, 2010 to Facilitate Consistent Coverage of Combative Sporting Events** – Combative sporting events in California have flourished despite a challenging economy. In 2009, CSAC provided coverage to 194 events throughout the state, and 2010 was a record-breaking year with 212 events. In spite of the increase, CSAC continues to utilize the same 55 Permanent Intermittent Athletic Inspectors spread throughout the state, supported by an office crew of nine. Even though personnel have stayed the same, efficiency through procedures and new administrative concepts has allowed us to manage the increased workload.

CSAC has also moved from manual inspector scheduling to an electronic Web-based system that demographically tracks where personnel are located, their availability through an automated emailing system, and immediate scheduling based on their confirmation of availability. The system tracks the frequency of who is accepting coverage layouts and distance associated with travel costs, and provides reports of inspector assignments through a multi-layer oversight process.

Today, events are assigned from having five to seven inspectors with multiple factors being considered, the size and type of combative sport event, to even the type of facility. Smaller events

do not necessarily mean fewer inspectors. CSAC is careful in tracking and documenting past issues with promoters and facilities to maximize health and safety at the same time tracking costs.

**Recommended Changes to State Statutes to Provide Greater Revenue Recovery and Consistent Oversight of the Combative Sports** – In 2010, CSAC initiated regulatory change and clean-up of language to provide for more consistency with boxing and mixed martial arts (MMA) events. With MMA events reaching new levels, the emergence of hybrid mixed boxing and MMA shows, the crowds have grown to very large events that are being televised throughout the world. California is on the forefront with the amount of shows being held and the media exposure they obtain. CSAC is committed to conducting the events with the most stringent regulations that achieve the highest safety standards, protect athletes, preserve the public's health while protecting consumers from unscrupulous acts or programs.

Part of the regulatory changes is gymnasium (gyms) licensing fees, proposed for increase from \$10 to \$100, since this fee has not been changed in years. The annual \$10 licensing fee for gyms was not sufficient to cover the costs associated with cashiering procedures, let alone conducting inspections. The Commission and the industry as a whole believe this is a fair increase that had no opposition through the open hearing process. The continued modest licensing amount will help with outreach efforts, public safety, and in turn should produce about an additional 300 licensed facilities that will be renewed annually.

The Commission is reevaluating the Boxer's Pension Program ensuring adequate amounts of money are collected to provide for retired fighters. We are proposing to change in assessing the program each year to see if the proper percentage is being collected in relation to funding and provided to athletes that qualify. Currently the promoter contributes 88 cents on every ticket, excluding complimentary tickets.

Many of the items contributing to revenue increases were not through regulatory change, but instead involved recent administrative changes and procedures. The cashiering and receipting system with ongoing training in the field have all contributed to a more efficient system. The development of guide forms and grids for the field to use in determining how much to collect, percentage breakdowns and ratios used, and controlling staffing expenses without compromising health and safety, are areas that we believe are yielding a greater revenue to expense ratio.

Safety is being addressed with more clarification on Rule 323 involving hand wraps and procedures. The newly proposed language would address technique guidelines, the amount of surgeon's adhesive tape that can be used in the wrapping, and clean-up of the language to provide a more clear description of what is and what is not allowed before a fighter puts on gloves.

Adopting Rule 511 would establish 21 rounds as the minimum and 36 rounds as the maximum, except with the approval of the Commission, to hold an event. A promoter would have to have a standby bout in the event of coming up short. This provides for some consumer protection on programs being a minimum standard, at the same time providing some maximum thresholds in running an event to long, compromising health and safety.

The past few years the Commission has had some sensitive issues with drug testing and fighters coming up positive for stimulants, hormone replacement therapy, claiming certain drugs are prescribed should be allowed. To provide consistency of fairness with the athletes and develop a fair process other than just falling under Rule 303, Administration of Drugs, elimination or an

unclear clear exemption to the rule, a proposed Therapeutic Use Exemption rule is being considered. An applicant or licensee who believes he or she has a therapeutic reason to use substances described in Rule 303(b), may request an exemption by going before the Commission with medical substantiation, submit the supporting material to a sub-committee or advisory committee consisting of medical experts who can make a determination on the drug(s) be used for a medical treatment and the effects in combative sports. The committee will present to the Commission a written recommendation that will be decided upon to grant or deny the exemption.

The Commission is also looking to more carefully evaluate Referees and Judges, making sure they are regularly trained to ensure fairness and the safety of the participants. Part of our ongoing training series will include implementing the newly updated Rule 371 and 379 with regular evaluations of officiates.

In concluding, this commission and staff remain fully committed to continuing our improvements and addressing and correcting the issues that will make us a stronger, more effective regulatory organization, fulfilling our mission on behalf of the state of California and the public we serve. Thank you for your patience as we've worked to move closer to success in that effort.

Respectfully,

George Dodd  
Executive Officer

Copy: CSAC Commissioners  
Brian Stiger, Director, Department of Consumer Affairs

<b>BOXER'S PENSION ACCOUNT</b> <b>Adjusted Statement of Income and Expense</b> <b>JANUARY - DECEMBER, 2010</b>
--

<b>January 1, 2010</b>	<b>BEGINNING BALANCE: \$</b>	<b>359,115.85</b>
------------------------	------------------------------	-------------------

**Income**

Fees and Licenses	a/	\$	98,105.12
SMIF Interest Earned		\$	1,531.87

<b>Total Income</b>		<b>99,636.99</b>
---------------------	--	------------------

**Expenses**

Prorata	a/	\$	(9,006.00)
Admin Overhead		\$	(276.00)
Cons/Prof Svs		\$	-
Attorney Fees		\$	-
Staff Analyst		\$	(31,909.38)
Paid for late Filing of 2009 Tax Withholdings		\$	(51.35)

<b>Total Expenses</b>		<b>\$ (41,242.73)</b>
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**Benefits paid to Boxers**

		\$	(241,055.90)
<b>Taxes Withholding Paid to IRS 2009 Tax Year</b>		\$	(15,344.70)
<b>Taxes Withholding Paid to IRS 2010 Tax Year</b>		\$	(19,581.10)

<b>Total Benefits and Taxes Paid</b>		<b>\$ (275,981.70)</b>
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<b>December 31, 2010</b>	<b>Adjusted ENDING BALANCE: \$</b>	<b>141,528.41</b>
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<b>December 31, 2010</b>	<b>SCO Balance</b>	<b>\$</b>	<b>114,722.78</b>
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**a/ Includes accruals as follows:**

Cash in checking account not remitted to SCO (GL 1110)	\$	6,562.96	
Paid thru DCA Clearing Acct- to be reimbursed (GL 6297)	\$	22,191.92	
	\$	143,477.66	

Items to be posted in Calstars:

Pension check issued 5/21/10 not cashed, returned in December and then reissued 12/17/10, returned check not recorded	\$	8,661.60	
2009 Tax penalty paid for late filing- Revolving fund not reimbursed by State Controllers Office	\$	(51.35)	
2010 Withholding Taxes paid - Revolving Fund not reimbursed by State Controllers Office	\$	(10,559.50)	
<b>Adjusted Ending Balance</b>	<b>\$</b>	<b>141,528.41</b>	

CALSTARS Fund Balance (G04) 12/31/2010	\$	143,477.66	
Pension check issued 5/21/10 not cashed, returned in December and then reissued 12/17/10, returned check not recorded	\$	8,661.60	
2009 Tax penalty paid for late filing- Revolving fund not reimbursed by State Controllers Office	\$	(51.35)	
2010 Withholding Taxes paid - Revolving Fund not reimbursed by State Controllers Office	\$	(10,559.50)	
<b>Adjusted Ending Balance</b>	<b>\$</b>	<b>141,528.41</b>	





## MEMORANDUM

**DATE:** January 5, 2011

**TO:** Executive Officers  
Executive Directors  
Registrars  
Bureau Chiefs  
Interested Parties

**FROM:**   
DOREATHEA JOHNSON  
Deputy Director  
Legal Affairs

**Subject:** Public Meetings (Bagley-Keene Open Meeting Act)

This memorandum is to update you on the provisions of the public meetings law, officially called the Bagley-Keene Open Meeting Act (Article 9 (commencing with section 11120), Chapter 1, Part 1, Division 3, Title 2 of the Government Code). The attached guide includes all statutory amendments through January 1, 2011. Please disregard all of our previous memoranda on the subject, and our Guide to the Bagley-Keene Open Meeting Act, issued January 5, 2010.

The following changes are important:

1. Page 21: We have added a new section on the use of electronic devices by board members during an open meeting – this is very important.
2. Page 23: We have added a section on webcasting – including suggested language to be placed on your agenda when you plan to webcast a meeting.

We hope you find this document helpful in answering questions you may have about the requirements of the Open Meeting Act. If you have any suggestions for ways to improve the guide in the future, please let us know.

**GUIDE TO THE**  
**BAGLEY-KEENE OPEN MEETING ACT**  
**(Includes Amendments through January 1, 2011)**

**Prepared By:**

**DIVISION OF LEGAL AFFAIRS**  
**Department of Consumer Affairs**  
**1625 N. Market Blvd., Suite S 309**  
**Sacramento, CA 95834**

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# BAGLEY-KEENE OPEN MEETING ACT

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**GUIDE TO THE  
BAGLEY-KEENE OPEN MEETING ACT  
(Includes Amendments through January 1, 2011)**

This guide is an update on the provisions of the public meetings law governing state agencies, officially called the Bagley-Keene Open Meeting Act. (Article 9 (commencing with Section 11120), Chapter 1, Part 1, Division 3, Title 2 of the Government Code). The Open Meeting Act closely parallels the Ralph M. Brown Act, which governs meetings of local government agencies. This guide includes all statutory changes through January 1, 2011. Please disregard all earlier memoranda and the previous Guide to the Bagley-Keene Open Meeting Act (distributed January 5, 2010) on this subject.

All statutory references are to the Government Code.

**I. PUBLIC POLICY TO CONDUCT PEOPLE'S BUSINESS OPENLY**

Section 11120 sets forth the purpose of the law:

"It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act."

Each board has essentially three duties under the Open Meeting Act. First, to give adequate notice of meetings to be held. Second, to provide an opportunity for public comment. Third, to conduct such meetings in open session, except where a closed session is specifically authorized. We use the terms "agency" and "board" to mean not only boards, but also commissions and any examining committees or boards within the jurisdiction of the Medical Board of California.

## II. BOARD, COMMITTEE, SUBCOMMITTEE, TASK FORCE MEETINGS

### A. Definition of a "Meeting"

"Meeting" is defined in the Act as including "any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains." (§11122.5(a)) The law now prohibits use by a majority of the members of a state body of direct communications or a series of communications of any kind, directly or through personal intermediaries, or technological devices (such as e-mails) to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body. (§11122.5(b))

### B. Exemptions from Definition of Meeting

The law recognizes that not all gatherings of a majority of members of a state body at a single location constitute a meeting. Current law provides that the provisions of the Act do not apply to the following situations, **provided that** "a majority of the members do not discuss among themselves, other than as part of a scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body." (§11122.5(c))

- Individual contacts or conversations between a member of a state body and any other person. (§11122.5(c)(1))
- Attendance by a majority of members at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body. (§11122.5(c)(2))
- Attendance by a majority of members at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body. (§11122.5(c)(3))
- Attendance by a majority of members at an open and noticed meeting of another state body or of a legislative body of a local agency. (§11122.5(c)(4))
- Attendance by a majority of members at a purely social or ceremonial occasion. (§11122.5(c)(5))
- Attendance by a majority of members at an open and noticed meeting of a standing committee of that body, provided the members of the body who are not members of the committee attend only as observers. (§11122.5(c)(6))

The law does not, however, prevent an employee or official from engaging in separate communications outside of a noticed meeting with members of the legislature to answer questions or provide information about a matter within the agency's subject

matter jurisdiction – with the limitation that the person cannot communicate the comments or position of any other member.

### **C. Board and Committee Meetings**

There are two basic types of meetings held by agencies in the Department of Consumer Affairs. The first type is a board meeting, where a quorum of the members of the board is present. The second type is a committee meeting consisting of less than a quorum of the members of the full board. Subcommittee and task force meetings are variations of committee meetings.

Board meetings have historically been required to be noticed and open to the public, except where a closed session is authorized. Committee and subcommittee meetings, where less than a quorum of the board is present, are also required to be noticed and open to the public. The only exception is for a committee that consists of fewer than three persons. (NOTE – it is the number of persons on the committee [not the number of board members] that is determinative.)

Where a committee of fewer than three persons is to meet, and the meeting is not noticed, other members of the board should not attend the meeting, as such attendance would clearly be perceived as an Open Meeting Act violation. Board staff is not precluded from attending such a meeting.

**[Restriction on Attendance at Committee Meetings]** The law allows attendance by a majority of members at an open and noticed meeting of a standing committee of the board, provided the members of the board who are not members of the committee attend only as observers. (§11122.5(c)(6)) The Office of the Attorney General has addressed in a formal opinion a provision in the Brown Act relating to the attendance of "observers" at a committee meeting. The Attorney General concluded that "[m]embers of the legislative body of a local public agency may not ask questions or make statements while attending a meeting of a standing committee of the legislative body 'as observers.'" The opinion further concluded that such members of the legislative body may not sit in special chairs on the dais with the committee. (81 Ops.Cal.Atty.Gen. 156)

Thus, under the provisions of section 11122.5(c)(6), and the opinion of the California Attorney General, if a majority of members of the full board are present at a committee meeting, members who are not members of the committee that is meeting may attend that meeting only as observers. The board members who are not committee members may not sit on the dais with the committee, and may not participate in the meeting by making statements or asking questions.

If a board schedules its committee meetings seriatim, and other board members are typically present to ultimately be available for their own committee meeting, your notice of the committee meeting should contain a statement to the effect that "Members

of the board who are not members of this committee may be attending the meeting only as observers.”

Subcommittees may be appointed to study and report back to a committee or the board on a particular issue or issues. If the subcommittee consists of three or more persons, the same provisions apply to its meetings as apply to meetings of committees.

Board chairpersons may occasionally appoint a task force to study and report on a particular issue. One or two board members typically serve as task force members, along with a number of other non-board members. When this is the case, the same Open Meeting Act rules that apply to committee meetings apply to task force meetings. Such a formally appointed task force falls under the definition of “state body in Section 11121(c).”

### **III. TYPES OF MEETINGS; PURPOSE; NOTICE; OTHER REQUIREMENTS**

Boards and committees may hold several types of meetings, including a regularly scheduled meeting, a “special” meeting, or an “emergency” meeting under the provisions of section 11125.5. This section of the memorandum addresses who can hold certain types of meetings, the purposes for which the meetings can be held, notice requirements, and any other special requirements or prohibitions.

#### **A. Regularly Scheduled Meetings**

##### **1. Who May Hold a Regularly Scheduled Meeting**

A board, committee, subcommittee, or task force may hold a regularly scheduled meeting. These are the business meetings that are scheduled throughout the year to conduct the usual and customary business of the board. Such meetings may generally be called by the chairperson, or by a majority of the body. However, you must refer to your particular licensing act, which may contain different provisions as to who may call a meeting.

##### **2. Purposes for Which the Meeting May be Held**

These meetings are to conduct the usual and customary business of the board, or the business of a committee, subcommittee or task force as directed by the board. The subject matter of the meetings is essentially dictated by the jurisdiction of the board as found in the board’s licensing act. There are no statutory restrictions in the Open Meeting Act on the purposes for which a regularly scheduled meeting may be held.



### **3. Notice Requirements for a Regularly Scheduled Meeting**

#### **a. Board Meetings**

An agency is required to give at least 10 calendar days written notice of each board meeting to be held. (§11125(a).) The notice must include the name, address, and telephone number of a person who can provide further information prior to the meeting and must contain the website address where the notice can be accessed. The notice must also be posted on the Internet at least 10 calendar days before the meeting.

In addition to the website posting, effective January 1, 2003, the notice is required to be made available in appropriate alternate formats upon request by any person with a disability.

The notice of each board meeting must include an agenda that is prepared for the meeting. The agenda must include all items of business to be transacted or discussed at the meeting. " ... A brief general description of an item generally need not exceed 20 words. ... No item shall be added to the agenda subsequent to the provision of this notice." (§11125(b)) This provision does not, however, preclude amending an agenda provided the amended notice is distributed and posted on the Internet at least 10 calendar days prior to the meeting. Effective January 1, 2003, the notice must include information that would enable a person with a disability to know how, to whom, and by when a request may be made for any disability-related modification or accommodation, including auxiliary aids or services. We suggest the following as standard language:

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting \_\_\_\_\_ at (916) \_\_\_\_\_ or sending a written request to that person at the Board [Address], Sacramento, California, [zip code]. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

The definition of "action taken" in Section 11122 is of some aid in determining what the Legislature intended by use of the words "items of business to be transacted."

"11122. As used in this article 'action taken' means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action."

General agenda items such as "New Business," "Old Business," "Executive Officer's Report," "Committee Reports," "President's Report," "Miscellaneous," etc.,

without specifying the particular matters thereunder, cannot be used to circumvent this requirement. The Office of the Attorney General has opined that:

"... the purpose of subdivision (b) [of Government Code Section 11125] is to provide advance information to interested members of the public concerning the state body's anticipated business in order that they may attend the meeting or take whatever other action they deem appropriate under the circumstances.

\* \* \*

"We believe that Section 11125 was and is intended to nullify the need for . . . guesswork or further inquiry on the part of the interested public." (67 Ops.Cal.Atty.Gen. 85, 87)

Items not included on the agenda may not be discussed, even if no action is to be taken by the agency. However, we offer two suggestions so members of the public and board members may raise issues that are not on the agenda.

We strongly encourage boards to include an item on their agendas for "Public Comment on Matters Not on the Agenda." This gives persons who are attending a meeting an opportunity to raise any issues they may have, which may not be on the agenda, but which may be appropriate for future board discussion. Matters raised under this agenda item should be discussed only to the extent necessary to determine whether they should be made an agenda item at a future meeting. (§11125.7(a))

We also strongly encourage boards to include an item on their agenda for "Agenda Items for Future Meetings." This allows all board members an opportunity to request specific agenda items for a meeting. Again, these items should be discussed only to the extent necessary to determine whether they should be included as agenda items for a future meeting.

**[CAVEAT: If the regularly scheduled meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]**

The notice and the agenda must be provided to any person who requests it. A member of the public may request notice for a specific meeting, for all meetings at which a particular subject will be discussed or action taken thereon, or for all meetings of the agency. Mailing lists of persons who desire to be notified of more than one meeting must be maintained pursuant to Section 14911, which provides:

"14911. Whenever any state agency maintains a mailing list of public officials or other persons to whom publications or other printed matter is sent without charge, the state agency shall correct its mailing list and verify its accuracy at least once each year. This shall be done by addressing an appropriate postcard or letter to each person on the mailing

list. The name of any person who does not respond to such letter or postcard, or who indicates that he does not desire to receive such publications or printed matter, shall be removed from the mailing lists. The response of those desiring to be on the mailing list shall be retained by these agencies for one year."

Effective 1/1/98, a sentence was added to subdivision (c) of Section 11125.1 to state that "Nothing in this article shall be construed to require a state body to place any paid advertisement or any other paid notice in any publication." (Stats. 1997, Chapt. 949; SB 95) The Legal Office interprets this provision to supersede any provisions in particular practice acts which require newspaper publication of board or committee meetings. Boards and committees, of course, retain the discretion to publish notices in newspapers if they so chose.

### **b. Committee, Subcommittee or Task Force Meetings**

Each agency is required to give notice of committee, subcommittee or task force ("committee") meetings to be held. However, this requirement does not apply if the committee consists of less than three persons. It is the number of persons on the committee that is determinative, not how many of the persons are board members. Thus, if a committee consisted of two board members and two other interested persons, its meetings would have to meet all the requirements of the Open Meeting Act.

Notice of committee meetings must be provided and posted on the Internet at least 10 calendar days in advance of the meeting. (§11125(a)) The notice "shall include a brief, general description of the business to be transacted or discussed, and no item shall be added subsequent to the provision of the notice." (§11125(c)) The notice must also include the Website address where the notice can be accessed on the Internet. Although the law does not so specify, we would suggest also including in the notice the name, address, and telephone number of a contact person who can provide further information prior to the meeting. As with board meetings, there is no requirement that the notice be published in any newspaper or other periodical. However, the notice must be provided to any person or persons who have requested to be notified of the particular committee's meetings. You may elect to send such notice to those persons on your regular mailing list.

Remember you must post your notice on the Internet at least 10 calendar days in advance of the meeting and must make the notice available in appropriate alternate formats upon request by any person with a disability.

Provision is made for certain non-emergency, but sometimes necessary, committee meetings. Where, during the course of a regularly scheduled and properly noticed board meeting, the board desires that a committee presently discuss an item of business on the agenda, the committee may do so provided (a) the specific time and place of the committee meeting is announced during the public meeting of the board, and (b) the committee meeting is conducted within a reasonable time of, and nearby, the meeting of the board. (§11125(c))

#### **4. Specific Requirements for Regularly-Scheduled Meetings**

There are no specific requirements, other than those set forth above, for regularly scheduled board, committee, subcommittee or task force meetings.

#### **5. Specific Prohibitions on Holding a Regularly-Scheduled Meeting**

There are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a regularly scheduled meeting.

We again remind you that, with respect to committee meetings, members of the board who are not members of the committee that is meeting may only attend the committee meeting as observers. This means these members may not sit on the dais with the committee, make any statements, or ask any questions during the committee meeting. (81 Ops.Cal.Atty.Gen. 156)

### **B. "Special" Meetings**

SB 95 of 1997 created a new category of meeting, that being a "special" meeting.

#### **1. Who May Hold a Special Meeting**

A board, committee, subcommittee or task force may hold a special meeting.

#### **2. Purposes for Which a Special Meeting May be Held**

The only purposes for which a special meeting may be held are set forth in section 11125.4, and are drawn from the purposes for which an emergency meeting could be held under the prior law. In essence, the Legislature recharacterized those purposes as constituting "special" circumstances rather than "emergency" circumstances. Section 11125.4 provides in part that:

"(a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body.

A special meeting may only be called for one of the following purposes where compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or where immediate action is required to protect the public interest:

(1) To consider 'pending litigation' as that term is defined in subdivision (e) of Section 11126.

(2) To consider proposed legislation.

- (3) To consider issuance of a legal opinion.
- (4) To consider disciplinary action involving a state officer or employee.
- (5) To consider the purchase, sale, exchange, or lease of real property.
- (6) To consider license examinations and applications.
- (7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.
- (8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.
- (9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

\* \* \*

Department of Consumer Affairs licensing boards would most likely hold a special meeting for the purposes set forth in subdivisions (1), (2), (3), (4), and (6).

### **3. Notice Requirements for a Special Meeting**

A special meeting can be called at any time by the presiding officer or a majority of the members of the state body, provided the 10-day notice requirements of section 11125 "would impose a substantial hardship on the state body or where immediate action is required to protect the public interest." (§11125.4(a)) The only purposes for which the meeting can be held are those set forth above.

The normal 10-day advance notice is not required for special meetings. However, notice of the special meeting is required to be provided to each member of the state agency and to persons who have requested notice of the agency's meetings as soon as practicable after the decision to hold the meeting is made. Notice to members, newspapers of general circulation, and radio or television stations must be received at least 48 hours in advance of the meeting. Notice to newspapers, radio and television stations is satisfied by providing notice to all national press wire services. Notices to the general public may be given via appropriate electronic bulletin boards or other appropriate mechanisms. (§11125.4(b)) The notice must also be posted on the Internet at least 48 hours in advance of the meeting.

The notice must specify the time and place of the special meeting and the business to be transacted. In essence, an agenda would be prepared. No business other than that noticed may be transacted. Notice is required even if no action is

subsequently taken at the meeting. (§11125.4(b)) The notice must contain the Website address where the notice may be accessed on the Internet.

**[CAVEAT: If the special meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]**

#### **4. Specific Requirements During Special Meetings**

At the commencement of a special meeting, the agency must make a finding in open session that providing a 10-day notice of the meeting would pose a substantial hardship on the agency, or that immediate action is required to protect the public interest. The specific facts constituting the hardship or need for immediate action must be articulated. This finding must be adopted by a two-thirds (2/3) vote of the agency members present, or if less than two thirds of the members are present, by a unanimous vote of the members present. Failure to adopt the finding terminates the meeting. The agency's finding must be made available on the Internet. (§11125.4(c))

#### **5. Specific Prohibitions on Holding a Special Meeting**

As discussed above, a special meeting may only be held for the purposes set forth in section 11125.4(b). Other than the limitation on the purposes of the meeting, there are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a special meeting.

### **C. "Emergency" Meetings**

#### **1. Who May Hold an Emergency Meeting**

A board, committee, subcommittee or task force may hold an emergency meeting.

#### **2. Purposes for Which an Emergency Meeting May be Held**

As noted above, S.B. 95 of 1997 recharacterized a number of "emergency" situations as "special" situations. This resulted in the narrowing of situations for which an emergency meeting may be held. Section 11125.5 provides an emergency meeting may be held only in the case of an "emergency situation," defined as:

" (1) Work stoppage or other activity that severely impairs public health or safety, or both.

" (2) Crippling disaster that severely impairs public health or safety, or both." (§11125.5(b))

#### **3. Notice Requirements for an Emergency Meeting**

An emergency meeting may be held without complying with the 10-day notice requirement in Section 11125 or the 48-hour notice requirement in Section 11125.4. However, newspapers of general circulation, television and radio stations that have requested notice of meetings shall be notified of the emergency by telephone at least one hour before the meeting. If telephone services are not functioning, notice is deemed waived. The notice must be posted on the Internet as soon as practicable after the decision to call an emergency meeting has been made. However, newspapers, television and radio must be notified as soon as possible after the meeting of the fact of the meeting, its purpose, and any action taken. (§11125.5(c))

#### **4. Specific Requirements for an Emergency Meeting**

The following are required to be posted in a public place and on the Internet for a minimum of 10 days, as soon as possible after the emergency meeting:

- \* Minutes of the meeting
- \* A list of persons notified, or attempted to be notified, of the meeting
- \* Any action taken at the meeting
- \* The rollcall vote on action taken (§11125.5(d))

#### **5. Specific Prohibitions on Holding an Emergency Meeting**

As discussed above, an emergency meeting may only be held for the purposes set forth in section 11125.5(b).

### **IV. CLOSED SESSIONS**

#### **A. Purposes for Which Closed Session Can be Held**

"Closed" sessions were formerly called "executive" sessions. Since all references in the Open Meeting Act have been changed from "executive" session to "closed" session, throughout this memorandum we will refer to such sessions as "closed" sessions.

Section 11123 states that "All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article."

Section 11126 sets forth those specific items of business which may be transacted in closed session. Only those enumerated items of business may be conducted in closed session. An agency in the Department may convene a closed session pursuant to Section 11126 for the following purposes.

##### **1. Personnel Matters**

A board may meet in closed session to ". . . consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against such employee by another person unless the employee requests a public hearing." In order to consider such disciplinary action or dismissal the "employee shall be given written notice of his or her right to have a public hearing . . . which notice shall be delivered to the employee personally or by mail at least 24 hours before the meeting." (§11126(a)) If such a notice is not given any action taken during a closed session for the above reason is null and void. Once the public hearing has been held, the agency may convene into closed session to deliberate on the decision to be reached. (§11126(a)(4))

Prior to January 1, 1995, section 11126(a) did not apply to employees who were appointed to their positions, such as executive officers, executive directors, and registrars (referred to as "executive officer" for convenience). For example, any decision or deliberations made in the selection or dismissal of an executive officer previously had to be conducted in open session. (68 Ops.Cal.Atty.Gen. 34.) However, with the enactment of SB 1316 (Stats. 1994, Chapt. 845) and SB 95 (Stats. 1997, Chapt. 949), a board can now meet in closed session to consider the appointment, employment, evaluation of, or dismissal of its executive officer, unless the executive officer requests a public hearing. (§11126(a)(1), (2)) SB 1316 supersedes the conclusion reached in 68 Ops.Cal.Atty.Gen. 34. As noted above, once the public hearing has been held, the state body may convene in closed session to deliberate on the decision to be reached. (§11126(a)(4))

If the executive officer does not request a public hearing, he or she must be given the opportunity for a hearing in closed session. After the hearing, the executive officer should be excused from the closed session, and the board may then continue in closed session to deliberate on the decision to be reached. (§11126(a)(4))

Section 11126(a) is not to be interpreted to mean that a board is required to handle civil service personnel matters itself. Normally, this function of an agency is administered by its executive officer in conjunction with the Director of Consumer Affairs, who shares authority with respect to civil service personnel.

## **2. Examination Matters**

A board may meet in closed session to "prepare, approve, grade or administer examinations." (§11126(c)(1)) Essentially, this includes any discussion regarding the actual content of examinations, and their reliability and validity. If an agency is perusing examination samples in order to choose one over the others, this may be done in closed session. On the other hand, if an agency is discussing, for example, the general logistics of administering an examination, then this would not be proper subject matter for a closed session. A basic rule is that if a meeting concerns the grading, specific content, validity of an examination, or examination security, then it can and should be conducted in closed session.



Also, an agency may hear appeals from examinees or re-review examinations in closed session as this would be included in the "grading" of the examination.

### **3. Matters Affecting Individual Privacy**

A committee, consisting of less than a quorum of the full board, may meet in closed session to:

" . . . discuss matters which the [committee] has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, . . . Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body." (§11126(c)(2))

Thus, review by a committee (or subcommittee of an examining committee) of an applicant's qualifications for licensure could properly be done in a closed session. Also, for example, an enforcement committee could convene in closed session to discuss an inquiry related to a particular licensee or licensees prior to any action being filed.

**CAVEAT: This closed session provision does not authorize such a review by the full board. Nor does it generally authorize a committee of a board to review complaints, investigation reports, or other information to determine whether disciplinary or other action should be filed against a licensee.**

To ensure that board members render an impartial and fair decision in considering an Administrative Law Judge's proposed decision, board members are precluded from involving themselves in the investigation or prosecution phase of an action. (§11430.10 *et seq.*) The board's role is that of judge in the case. If a particular board member has any significant involvement in the investigative or prosecution phases, he or she must disqualify himself/herself from participation in the board's action relative to the proposed decision, and not attempt to influence any other board member regarding the decision. Legal counsel should be consulted before any enforcement actions are discussed with individual licensees, as such discussions may impact participation by the member in a final decision on a case (§11430.60), and may require disclosures under the provisions of the state's Administrative Procedure Act. (§11430.50)

Even though these committee meetings may consist entirely of subject matter proper for closed session they are required to be noticed as discussed above.

### **4. Administrative Disciplinary Matters**

A board may meet in closed session to deliberate on a decision in an administrative disciplinary proceeding under the Administrative Procedure Act.

(§11400, *et seq.*; §11126(c)(3)) In the closed session, the board may decide whether to adopt a Proposed Decision, review a transcript of a hearing and render a decision of its own, deliberate upon evidence heard by the agency itself, or consider a stipulation.

This section does not authorize an agency to convene into closed session for the purpose of assigning cases, *i.e.* deciding whether a case should be heard by a hearing officer alone or by the agency itself with a hearing officer. This section does not authorize an agency to convene into closed session to review investigation files or complaints. Members of boards that have the discretion to hear cases should not review pending complaints or investigation files for the reasons given above.

### **5. Board of Accountancy Matters**

The enforcement advisory committee established by the State Board of Accountancy pursuant to Business and Professions Code Section 5020 may convene in a closed session to "consider disciplinary action against an individual accountant prior to the filing of an accusation." (§11126(f)(3)) And the qualifications examining committee established by that board pursuant to Business and Professions Code Section 5023 may convene in closed session to "interview an individual applicant or accountant regarding the applicant's qualifications."

As noted above, such administrative and examining committee meetings are required to be noticed as previously discussed in this memorandum.

### **6. Pending Litigation**

A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation. (§11126(e)(1)) Again, please note the very specific notice requirements discussed below when a closed session is to be held to discuss "pending litigation". Litigation means an adjudicatory proceeding before a court, administrative body, hearing officer or arbitrator. Litigation is considered to be pending if, (1) it has been initiated formally (e.g. a complaint, claim or petition has been filed) or (2) based on existing facts and circumstances and on the advice of its legal counsel, the state body believes there is significant exposure to litigation against it, or it is meeting to decide whether a closed session is authorized because of significant exposure to litigation or (3) based on existing facts and circumstances, the state body has decided or is deciding whether to initiate litigation. (§11126(e)(2))

The agency's legal counsel must submit a memorandum which complies with the requirements of Section 11126(e)(2)(C)(ii) prior to the closed session if possible, but no later than one week after the closed session. This document is confidential until the pending litigation has been finally adjudicated or otherwise settled. (§6254.25)

### **7. Response to Confidential Final Draft Audit Report**

Section 11126.2 (added effective January 1, 2005) permits an agency to meet in closed session to discuss its response to a confidential final draft audit report from the Bureau of State Audits. However, once that audit report becomes final and is released to the public, the agency may only discuss it in open session.

### **8. Threat of Criminal or Terrorist Activity**

Effective January 1, 2006, AB 277 (Chap. 288, Stats. 2005) authorizes an agency at a regular or special meeting to meet in closed session to consider "matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body," where disclosure of those considerations could compromise or impede the safety or security of the described subjects. The law (Section 11126(c)(18)) requires the agency to authorize the closed session by a two-thirds vote of the members present at the meeting.

### **9. Advisory Bodies/Committees May Meet in Closed Session**

To the extent a licensing board, which is defined as a "state body" in the Open Meeting Act, is authorized to meet in closed session, then committees, subcommittees, or other bodies advisory to the licensing board, which are also defined as "state bodies," may meet in closed session for the same purposes as the licensing board. (§11126((f), (4)-(6))

### **10. Open Session Otherwise Required**

Any other business transacted by an agency must be in open session. Only for the above-mentioned reasons may a board within the Department of Consumer Affairs meet in closed session. (§11132) A board may not meet in closed session for the purpose of electing officers or to discuss the proposal or adoption of rules and regulations. Further, a board may not convene in closed session to discuss testimony received during a hearing on proposed rules and regulations. Finally, an agency may not meet in closed session because it wants to have a frank and open discussion among only members on a matter of controversy. In order for an agency to meet in closed session, the closed session must be specifically authorized by statute.

## **B. Notice and Reporting Requirements for Closed Sessions**

### **1. Notice of Closed Session**

When a closed session will constitute part or all of a meeting, it is important to note Government Code Section 11126.3, which requires that:

"(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. [A provision applicable to the Public Utilities Commission is not included herein.] If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126 [litigation has already commenced], the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage."

Thus, if the meeting will consist in part or in its entirety of a closed session, you must include on the notice of the meeting the above-described information. Pay particular attention to these very specific requirements if the closed session is to discuss pending litigation. Please note that to obtain legal advice in closed session concerning pending litigation, the notice must cite subdivision (e) of Section 11126 and your attorney must prepare a memorandum stating the specific reasons and legal authority for the closed session. Subdivisions of Government Code Section 11126, discussed under "Closed Sessions" above, will generally be the statutory authority cited.

If a closed session agenda to discuss pending litigation has been properly published, and an additional pending litigation issue subsequently arises, the state agency may discuss the new matter in closed session provided that postponement of the discussion would prevent the state agency from complying with any statutory, court-ordered, or other legally-imposed deadline. The state agency must publicly announce the title of, or otherwise identify, the litigation unless to do so would jeopardize the ability to effectuate service of process, or to do so would jeopardize the agency's ability to conclude existing settlement negotiations to its advantage. (§11126.3(d))

If you intend to have a closed session during your meeting, you should first contact your Legal Division attorney to ensure that a closed session is authorized and properly noticed.

## 2. Reporting After a Closed Session

Section 11126.3(f), requires a state body to convene in open session after a closed session and to report as required in Section 11125.2, which states that:

“ Any state body shall report publicly at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any closed session of the state body.”

## C. Other Procedural Requirements for Closed Sessions

There are certain additional requirements that must be met when closed sessions are to be held.

1. All closed sessions must be held during a regular or special meeting (§11128); they may not be scheduled independently of a noticed meeting of the board or committee. Where, for example, a board or committee meeting is scheduled to discuss only matters appropriate for a closed session, the meeting should be opened as a public meeting with an announcement immediately following that the agency will convene into closed session.

2. As discussed under "Notice Required," above, prior to holding the closed session the agency must announce the general reason(s) for the closed session and the specific statutory or other legal authority under which the session is held. (§11126.3 (a)) With respect to litigation that has already been initiated, it must announce the title of or otherwise identify the litigation. (§11126.3(a)) Other specific notice requirements, discussed above, also apply to notices regarding pending litigation. In the closed session, only matters covered in the statement may be discussed. (§11126.3(b))

3. The agency is required to designate a staff person to attend the closed session and to record in a minute book a record of topics discussed and decisions made. (§11126.1)

4. The minute book referenced in (3) is available only to members of the agency, or if a violation of the Open Meeting Act is alleged, to a court of general jurisdiction. (§11126.1)

5. Information received and discussions held in closed session are **confidential** and must not be disclosed to outside parties by members or staff who attended the closed session. A recent opinion of the Office of the California Attorney General concluded that:

“ A local school board member may not publicly disclose information that has been received and discussed in closed session concerning

pending litigation unless the information is authorized by law to be disclosed." (80 Ops.Cal.Atty.Gen. 231)

That opinion also cited a previous opinion, in which the Attorney General stated that "We have ... routinely observed that it would be *improper* for information received during a closed session to be publicly disclosed." (76 Ops.Cal.Atty.Gen. 289, 290-291; Emphasis in the original.)

## **V. MEETING BY TELECONFERENCING**

Prior to January 1, 1995, the Bagley-Keene Open Meeting Act contained no provision for conducting meetings where the participating members were not physically present in one location.

Effective 1/1/95, subdivision (b) was added to Government Code section 11123 to authorize meetings by teleconference. (Stats. 1994, Chapt. 1153; AB 3467) That subdivision has been amended several times, most recently by AB 192 of 2001, and it currently provides:

"(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

"(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, 'teleconference' means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video."

A method is thus available whereby meetings may be conducted by audio or video teleconferencing provided the criteria set forth in the statute have been met. Note the restriction in subdivision (b)(1)(E) that prohibits a closed session emergency meeting. Emergency meetings in open session may be conducted by teleconference.

We emphasize that the law now requires every teleconference meeting location to be identified in the notice and agenda and to be open to the public. Most importantly, the members of the agency must attend the meeting at a public location. Members are no longer able to attend the meeting via teleconference from their offices, homes, or other convenient location unless those locations are identified in the notice and agenda, and the public is permitted to attend at those locations. Nothing prohibits additional locations, where only the public is connected to the teleconference meeting.  
(§11123(b)(2))

## **VI. DELIBERATIONS AND VOTING**

Keep in mind the Open Meeting Act declaration of legislative intent that actions of state agencies be taken openly and that their deliberation be conducted openly.  
(§11120) In this regard, there are a number of provisions in the Open Meeting Act which address deliberations and voting.

### **A. Seriatim Calls to Individual Agency Members Prohibited**

Except as authorized by the above-discussed teleconferencing statutes, telephone conference calls may not be used to avoid the requirements of the Open Meeting Act. A conference call including members of a board, committee, subcommittee or task force sufficient to constitute a majority of that state body is prohibited, except pursuant to an authorized teleconference meeting.

In a case involving the Ralph M. Brown Act, the court concluded that a series of one-to-one telephone calls between members of a local body, where the purpose of the calls was to obtain a collective commitment on an issue, constituted a violation of the Act. (*Stockton Newspapers, Inc. v. Members of the Redevelopment Agency of the City of Stockton* (1985) 171 Cal.App.3d 95) The Brown Act is the local agency counterpart to the Bagley-Keene Open Meeting Act, and decisions rendered on its provisions are frequently followed in Open Meeting Act cases.

Citing the *Stockton Newspapers, Inc.* case, the court in *Sutter Bay Associates v. County of Sutter* held that to prevent evasion of the Brown Act, a series of private meetings (known as serial meetings) by which a majority of the members of the legislative body commit themselves to a decision concerning public business or engage in collective deliberation on public business would violate the open meeting requirement. ((1997) 58 Cal.App.4<sup>th</sup> 860, 877, 68 Cal.Rptr.2d 492, 502)

Effective January 1, 2010, the Act now specifically prohibits serial communications between a majority of members "to discuss, deliberate, or take action on any item of business that is within the subject matter of the state agency." (Emphasis added.)

### **B. E-Mail Prohibition**

AB 192 of 2001 added subdivision (b) to section 11122.5 to provide:

"Except as authorized pursuant to Section 11123, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the state body to develop a collective concurrence as to action to be taken on an item by the members of the state body is prohibited."

The enactment of subdivision (b) of section 11122.5, expands upon and confirms a recent opinion of the Attorney General prohibiting the use of e-mail to reach a collective decision outside a regularly scheduled meeting. In 84 Ops.Cal.Atty.Gen. 30, the Attorney General concluded that:

"A majority of the board members of a local public agency may not e-mail each other to develop a collective concurrence as to action to be taken by the board without violating the Ralph M. Brown Act even if the e-mails are also sent to the secretary and chairperson of the agency, the e-mails are posted on the agency's Internet website, and a printed version of each e-mail is reported at the next public meeting of the board."

As noted above, interpretations of the Brown Act, which governs local public agencies, are often cited as authority in interpreting similar provisions of the Bagley-Keene Open Meeting Act.



Members of a board must refrain from calling or otherwise contacting other members on a one-to-one basis, or conducting serial meetings, in order to discuss, deliberate, or take action outside the meeting on a matter within the subject matter of the board.

### **C. Secret Ballot Prohibited**

An agency may not vote by secret ballot in a public meeting nor vote in closed session on any matter where discussion, deliberations, or action taken is required to be in an open meeting. (68 Ops.Cal.Atty.Gen. 65, 69)

For example, the election of board officers may not be conducted by secret ballot or in closed session.

### **D. Voting by Proxy Prohibited**

Voting by proxy is not authorized. (68 Ops.Cal.Atty.Gen. 65, 70)

### **E. Use of Electronic Devices During Meeting**

Board members should not text or email each other during an open meeting on any matter within the board's jurisdiction. Using electronic devices to communicate secretly on such a matter would violate the law. Where laptops are used by board members at the meeting because the board provides board materials electronically, the board president should make an announcement at the beginning of the meeting as to the reason for the laptops. We suggest the following (or something similar):

"You may notice board members accessing their laptops during the meeting. They are using the laptops solely to access the board meeting materials which are in electronic format."

### **F. Voting by Mail on Administrative Disciplinary Matters**

As a general rule, all voting on items of business to be transacted must be done at a public meeting. However, the Administrative Procedure Act authorizes mail voting on all questions arising under that act. (Govt. Code §11526.) Thus, board members may vote by mail on proposed decisions, stipulated decisions, and other matters in connection with a formal disciplinary case. No other votes may be cast by mail. (68 Ops.Cal.Atty.Gen. 65, 69)

## **VII. MISCELLANEOUS PROVISIONS**

There are several provisions governing public meetings which do not fit under any of the above headings, but of which you should be aware.

## **A. Conforming Board Member's Conduct**

Any person who has been appointed as a member of a state body, who has not yet assumed the duties of the office, must conform his or her conduct to the provisions of the Open Meeting Act. (§11125.95)

## **B. Providing Open Meeting Act to New Board Members**

A copy of the Bagley-Keene Open Meeting Act must be provided to each agency member upon his or her appointment to office. Each agency should insure that a copy is given to each new member. (§11121.9.)

## **C. Prohibition on Placing Conditions on Public's Attendance**

### **1. Sign-in**

No person can be required to register or sign-in or fulfill any other condition in order to attend a public meeting of an agency. While a person who wishes to make public comment may be asked to identify himself or herself for the board's record or minutes, a commenter cannot be compelled to do so or prevented from speaking because the commenter refuses to identify himself or herself.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, "it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document." (§11124)

### **2. Discrimination in Admittance to Meeting Facility**

A meeting may not be held in any facility that prohibits the admittance of any persons on the basis of race, religious creed, color, national origin, ancestry, or sex. (§11131)

### **3. Access for the Disabled**

All meetings must be accessible to the disabled. (§11131)

### **4. Charging a Fee or Requiring a Purchase for Access**

The Open Meeting Act prohibits holding a meeting in any location where the public is required to pay a fee or make a purchase to attend. (§11131)

## **D. Agency Recording of the Proceedings**

A tape or film record of an open and public meeting made by the agency must be made available for public inspection under the California Public Records Act, but may

be erased or destroyed 30 days after the taping or recording. An inspection must be provided without charge on an audio or video tape player made available by the state agency. (§11124.1(b))

#### **E. Public's Right to Record the Proceedings**

Persons attending a public meeting have a right to record the proceedings with an audio or video tape recorder or still or motion picture camera, in the absence of a reasonable finding by the agency that the recording could not continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings. (§11124.1(a))

#### **F. Media Broadcast of the Proceedings**

A state body may not prohibit or otherwise restrict the broadcast of a public meeting in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings. (§11124.1(c))

#### **G. Webcasting**

While webcasting is not required, if you plan to webcast your meeting, we encourage you to place the following statement on your agenda:

"While the board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources."

#### **H. Taking Agenda Items Out of Order**

Items listed on the agenda may be taken up out of order, provided the purpose of moving the agenda items is not to frustrate public or other input on the item. It is a good practice to note on either the top or the bottom of your agenda that "All times indicated and the order of business are approximate and subject to change," to alert members of the public this is a possibility.

If your agency schedules a multiple day meeting and may move items scheduled for a subsequent day to an earlier day, you should provide notice of this possibility on your agenda. Suggested language is that "Items scheduled for a particular day may be moved to an earlier day to facilitate the board's business." Again, the purpose may not be to frustrate public or other input.

#### **I. Opportunity for Public Comment at Meetings**

Section 11125.7 addresses the subject of public comment at board meetings. With specified exceptions, that section requires state agencies to provide an opportunity for members of the public to directly address the state agency on each agenda item

before or during the agency's discussion or consideration of the item. This opportunity for comment need not be made available if:

1. The agenda item has previously been considered at a public meeting by a committee comprised exclusively of board members, where members of the public were provided an opportunity to address the item. However, if the item has been substantially changed since the committee meeting, a new opportunity to address the agency would be required at the full board meeting.
2. The agenda item is one that may properly be considered in closed session, which would include deliberation and action on disciplinary proceedings under the Administrative Procedure Act. (§11125.7)

If a board wishes to establish a standing rule that discussion of agenda items will be given a specified amount of time, or that public comment will be limited to a certain amount of time, the board may do that by adopting an administrative regulation. (§11125.7(b))

The law specifically provides that a state agency may not prohibit public criticism of its policies, programs, or services, or of the acts or omissions of the agency. (§11125.7(c))

## **VIII. DISCLOSURE OF DOCUMENTS**

### **A. Documents Distributed Prior to the Meeting**

When writings which are public records are distributed to all, or a majority of all, of the members of a board or committee for discussion or consideration at a public meeting, the writings must be made available for public inspection. Generally, the records must be made available for inspection at the time of distribution to agency members. (§11125.1(a)) Records exempt from disclosure under Sections 6253.5, 6254 or 6254.7 of the Public Records Act need not be disclosed even though the subject matter of the records may be considered or discussed at the meeting. This includes records which are drafts, notes or memoranda which will not be retained by the agency, attorney-client privileged communications, records of pending litigation and claims against the state, personnel, medical or similar files, complaint and investigation files, except for Accusations and Proposed Decisions, and any records or data relating to examinations.

### **B. Documents Distributed During the Meeting**

When public records pertaining to an agenda item are prepared by the state body or a member of the state body, and distributed to state body members during a meeting, the documents must be made available for public inspection at the meeting. If records are prepared by some other person, and distributed to members of the state body during a meeting, the documents must be made available for public inspection after the

meeting. (§11125.1(b)) Records exempt from public disclosure under specified statutes are not required to be publicly disclosed. (§11125.1(a), (b))

### **C. Charging a Fee for Public Documents**

Under section 11126.7, an agency may not charge a fee for a notice, including the agenda, of a meeting, and may only charge those fees specifically authorized for public documents that are considered at the meeting

At its discretion, an agency may charge a fee to cover reproduction costs for providing the documents required to be made available, as discussed in paragraph (B), immediately above. If an agency charges a fee, it is limited to the direct costs of duplication authorized in Section 6257 for the reproduction of public records. (§11125.1(c))

Effective January 1, 2003, documents distributed prior to or during a meeting that are public records must be made available, upon request by a person with a disability, in appropriate alternative formats. No extra charge can be imposed for putting those documents into an alternative format.

## **IX. PENALTIES**

Under previous law, any interested person could commence court action (mandamus, injunction, declaratory relief) to stop or prevent violations or threatened violations of the Open Meeting Act. SB 95, effective 1/1/98, added the Attorney General and the district attorney to the list of those who may commence such action. Court costs and reasonable attorney's fees may be awarded to a successful plaintiff to be paid from the funds of the agency. (§11130.5)

SB 95 also expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek court action "to determine whether any rule or action by the state body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, ..." (§11130(a)) This appears to be a rather unique provision, and its implications are unknown at this time.

SB 95 further expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek a court action to compel a state agency to tape record its closed sessions. Upon a judgment of a violation of Section 11126, a court could so compel an agency. Discovery procedures for the tape recordings are also set forth. (§11130(b), and (c))

Section 11130.3 authorizes a person to institute a court action to obtain a judicial determination that an action taken in violation of the notice provisions or the provisions governing closed sessions of the Act is null and void. Court costs and reasonable attorney's fees may also be awarded to a successful plaintiff under this section. This

section reinforces the need for a specific, informative agenda as required by Section 11125.

These remedies extend to past actions of an agency. The statute of limitations for bringing an action is 90 days. (§§11130(c) and 11130.3(a)).

Section 11130.7 of the Act provides:

"Each member of a state body who attends a meeting of such body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled, is guilty of a misdemeanor."  
(Emphasis added.)

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### **11120. Public policy; legislative finding and declaration; citation of article**

It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act.

(Added by Stats.1967, c. 1656, p. 4026, § 122.  
Amended by Stats.1980, c. 1284, p. 4333, § 4;  
Stats. 1981, c. 968, p. 3683, § 4.)

### **11121. State body defined**

As used in this article, "state body" means each of the following:

(a) Every state board, or

commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.

(b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.

(c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons.

(d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

(Added by Stats.1967, c. 1656, p. 4026, § 122.  
Amended by Stats.1980, c. 515, § 1; Stats.1981, c. 968, p. 3683, § 5; Stats.1984, c. 193, § 38.  
Amended by Stats.1996, c. 1023 (S.B.1497), § 88, eff. Sept. 29, 1996; Stats.1996, c. 1064 (A.B.3351), § 783.1, operative July 1, 1997; Stats.2001, c. 243 (A.B.192), § 1; Amended Stats. 2003 ch 62 § 117 (SB 600)).

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### **11121.1. State body; exclusions**

As used in this article, "state body" does not include any of the following:

(a) State agencies provided for in Article VI of the California Constitution.

(b) Districts or other local agencies whose meetings are required to be open to the public pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

(c) State agencies provided for in Article IV of the California Constitution whose meetings are required to be open to the public pursuant to the Grunsky-Burton Open Meeting Act (Article 2.2 (commencing with Section 9027) of Chapter 1.5 of Part 1 of Division 2 of Title 2).

(d) State agencies when they are conducting proceedings pursuant to Section 3596.

(e) State agencies provided for in Section 109260 of the Health and Safety Code, except as provided in Section 109390 of the Health and Safety Code.

(f) The Credit Union Advisory Committee established pursuant to Section 14380 of the Financial Code.

(Added by Stats.2001, c. 243 (A.B.192), § 2. Amended by Stats. 2008, c. 344 (S.B. 1145), § 2, eff. Sept. 26, 2008.)

### **11121.2. Repealed by Stats. 2001, c. 243 (A.B.192), § 3**

The repealed section, added by Stats.1981, c. 968, p. 3684, § 5.2, related to multimember body with authority from state body.

### **11121.7. Repealed by Stats. 2001, c. 243 (A.B.192), § 4**

The repealed section, added by Stats.1980, c. 1284, p. 4333, § 5, amended by Stats.1981, c. 968, p. 3685, § 6, related to representatives of the state body.

### **11121.8. Repealed by Stats. 2001, c. 243 (A.B.192), § 5**

The repealed section, added by Stats.1981, c. 968, p. 3684, § 7, related to advisory bodies.

### **11121.9. Provision of copy of article to members of state body**

Each state body shall provide a copy of this article to each member of the state body upon his or her appointment to membership or assumption of office.

(Added by Stats.1980, c. 1284, p. 4334, § 6. Amended by Stats.1981, c. 714, p. 2659, § 175; Stats.1981, c. 968, p. 3685, § 7.1.)



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### **11121.95. Appointees or elected officials not yet in office; conformity of conduct to article requirements**

Any person appointed or elected to serve as a member of a state body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this article and shall be treated for purposes of this article as if he or she has already assumed office.

(Added by Stats.1997, c. 949 (S.B.95), § 1.)

### **11122. Action taken**

As used in this article "action taken" means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action.

(Added by Stats.1967, c. 1656, p. 4026, § 122.  
Amended by Stats.1981, c. 968, p. 3685, § 7.3.)

### **11122.5. Meeting defined; series of communications to discuss, deliberate, or take action prohibited; exceptions**

(a) As used in this article, "meeting" includes any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any

item that is within the subject matter jurisdiction of the state body to which it pertains.

(b)(1) A majority of the members of a state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

(2) Paragraph (1) shall not be construed to prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) The prohibitions of this article do not apply to any of the following:

(1) Individual contacts or conversations between a member of a state body and any other person that do not violate subdivision (b).

(2)(A) The attendance of a majority of the members of a state body at a conference or similar gathering open to the public that involves a discussion of issues of general interest

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to the public or to public agencies of the type represented by the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body.

(B) Subparagraph (A) does not allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a state body at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the state body.

(4) The attendance of a majority of the members of a state body at an open and noticed meeting of another state body or of a legislative body of a local agency as defined by Section 54951, if a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the other state body.

(5) The attendance of a majority of the members of a state body at a

purely social or ceremonial occasion, if a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the state body.

(6) The attendance of a majority of the members of a state body at an open and noticed meeting of a standing committee of that body, if the members of the state body who are not members of the standing committee attend only as observers.

(Added by Stats.2001, c. 243 (A.B.192), § 6.  
Amended by Stats.2009, c. 150 (A.B.1494), § 1.)

### **11123. Meetings; attendance; teleconference option**

(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

(b)(1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the

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teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, "teleconference" means a meeting of a state body, the members of which are at different locations,

connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1981, c. 968, p. 3685, § 7.5. Amended by Stats.1994, c. 1153 (A.B.3467), § 1; Stats.1997, c. 52 (A.B.1097), § 1; Stats.2001, c. 243 (A.B.192), § 7.)

### **11123.1. State body meetings to meet protections and prohibitions of the Americans with Disabilities Act**

All meetings of a state body that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(Added by Stats. 2002, c. 300 (A.B. 3035), § 1.)

### **11124. Conditions to attendance**

No person shall be required, as a condition to attendance at a meeting of a state body, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

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If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(Added by Stats.1967, c. 1656, p. 4026, § 122.  
Amended by Stats.1981, c. 968, p. 3685, § 8.)

### **11124.1. Audio or video recording of proceedings; inspection of state's recording; broadcast restrictions**

(a) Any person attending an open and public meeting of the state body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the state body that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but may be erased or destroyed 30 days after the

recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the state body.

(c) No state body shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

(Added by Stats.1980, c. 1284, p. 4334, § 7.  
Amended by Stats.1981, c. 968, p. 3685, § 9;  
Stats.1997, c. 949 (S.B.95), § 2; Stats.2009, c. 88 (A.B.176), § 42.)

### **11125. Notice of meeting**

(a) The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices required by this article are made available.

(b) The notice of a meeting of a body that is a state body shall include a specific agenda for the meeting, containing a brief description of the items of business to be transacted or

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discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words. A description of an item to be transacted or discussed in closed session shall include a citation of the specific statutory authority under which a closed session is being held. No item shall be added to the agenda subsequent to the provision of this notice, unless otherwise permitted by this article.

(c) Notice of a meeting of a state body that complies with this section shall also constitute notice of a meeting of an advisory body of that state body, provided that the business to be discussed by the advisory body is covered by the notice of the meeting of the state body, provided that the specific time and place of the advisory body's meeting is announced during the open and public state body's meeting, and provided that the advisory body's meeting is conducted within a reasonable time of, and nearby, the meeting of the state body.

(d) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of a state body or for a specific meeting or meetings. In addition, at the state body's discretion, a person may request, and may be provided, notice of only those meetings of a state body at which a particular subject or subjects specified in the request will be discussed.

(e) A request for notice of more than one meeting of a state body shall be subject to the provisions of Section

14911.

(f) The notice shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request, by any person with a disability. The notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1973, c. 1126, p. 2291, § 1; Stats.1975, c. 708, p. 1695, § 1; Stats.1979, c. 284, § 1, eff. July 24, 1979; Stats.1981, c. 968, p. 3685, § 10. Amended by Stats.1997, c. 949 (S.B.95), § 3; Stats.1999, c. 393 (A.B.1234), § 1; Stats.2001, c. 243 (A.B.192), § 8; Stats. 2002, c. 300 (A.B. 3035), § 2.)

### **11125.1. Agendas and other writings distributed for discussion or consideration at public meetings; public records; Franchise Tax Board; inspection; availability on the Internet; closed sessions**

(a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and other writings, when distributed to all, or a majority of all, of the members of a state body by any person in connection with a matter

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subject to discussion or consideration at a public meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, or 6254.7 of this code, or Section 489.1 or 583 of the Public Utilities Code.

(b) Writings that are public records under subdivision (a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by a person with a disability.

(c) In the case of the Franchise Tax Board, prior to that state body taking final action on any item, writings pertaining to that item that are public records under subdivision (a) that are prepared and distributed to members of the state body by the Franchise Tax Board staff or individual members prior to or during a meeting shall be:

(1) Made available for public inspection at that meeting.

(2) Distributed to all persons who request notice in writing pursuant to subdivision (a) of Section 11125.

(3) Made available on the Internet.

(d) Prior to the State Board of Equalization taking final action on any item that does not involve a named tax or fee payer, writings pertaining to that item that are public records under subdivision (a) that are prepared and distributed by board staff or individual members to members of the state body prior to or during a meeting shall be:

(1) Made available for public inspection at that meeting.

(2) Distributed to all persons who request or have requested copies of these writings.

(3) Made available on the Internet.

(e) Nothing in this section shall be construed to prevent a state body from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The writings described in subdivision (b) are subject

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to the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall not be construed to limit or delay the public's right to inspect any record required to be disclosed by that act, or to limit the public's right to inspect any record covered by that act. This section shall not be construed to be applicable to any writings solely because they are properly discussed in a closed session of a state body. Nothing in this article shall be construed to require a state body to place any paid advertisement or any other paid notice in any publication.

(f) "Writing" for purposes of this section means "writing" as defined under Section 6252.

(Added by Stats.1975, c. 959, p. 2238, § 4. Amended by Stats.1980, c. 1284, p. 4334, § 8; Stats.1981, c. 968, p. 3686, § 10.1. Amended by Stats.1997, c. 949 (S.B.95), § 4; Stats.2001, c. 670 (S.B.445), § 1; Stats. 2002, c. 300 (A.B. 3035), § 3.5.); Stats. 2005, c. 188 (A.B. 780), § 1.)

### **11125.2. Appointment, employment or dismissal of public employees; closed sessions; public report**

Any state body shall report publicly at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any closed session of the state body.

(Added by Stats.1980, c. 1284, p. 4335, § 9. Amended by Stats.1981, c. 968, p. 3687, § 10.3.)

### **11125.3. Action on items of business not appearing on agenda; notice**

(a) Notwithstanding Section 11125, a state body may take action on items of business not appearing on the posted agenda under any of the conditions stated below:

(1) Upon a determination by a majority vote of the state body that an emergency situation exists, as defined in Section 11125.5.

(2) Upon a determination by a two-thirds vote of the state body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there exists a need to take immediate action and that the need for action came to the attention of the state body subsequent to the agenda being posted as specified in Section 11125.

(b) Notice of the additional item to be considered shall be provided to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after a determination of the need to consider the item is made, but shall be delivered in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the meeting specified

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in the notice. Notice shall be made available to newspapers of general circulation and radio or television stations by providing that notice to all national press wire services. Notice shall also be made available on the Internet as soon as is practicable after the decision to consider additional items at a meeting has been made.

(Added by Stats.1994, c. 1153 (A.B.3467), § 2.  
Amended by Stats.2001, c. 243 (A.B.192), § 9.)

### **11125.4. Special meetings; authorized purposes; notice; required finding of hardship or need to protect public interest**

(a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body. A special meeting may only be called for one of the following purposes where compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or where immediate action is required to protect the public interest:

(1) To consider "pending litigation" as that term is defined in subdivision (e) of Section 11126.

(2) To consider proposed legislation.

(3) To consider issuance of a legal opinion.

(4) To consider disciplinary action involving a state officer or employee.

(5) To consider the purchase, sale, exchange, or lease of real property.

(6) To consider license examinations and applications.

(7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.

(8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.

(9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

(b) When a special meeting is called pursuant to one of the purposes specified in subdivision (a), the state body shall provide notice of the special meeting to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after the decision to call a special meeting has been made, but shall deliver the notice in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the special meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television stations by providing that notice to all national press wire services. Notice shall



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also be made available on the Internet within the time periods required by this section. The notice shall specify the time and place of the special meeting and the business to be transacted. The written notice shall additionally specify the address of the Internet Web site where notices required by this article are made available. No other business shall be considered at a special meeting by the state body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the state body a written waiver of notice. The waiver may be given by telegram, facsimile transmission, or similar means. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting.

(c) At the commencement of any special meeting, the state body must make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting as required by Section 11125 would cause a substantial hardship on the body or that immediate action is required to protect the public interest. The finding shall set forth the specific facts that constitute the hardship to the body or the impending harm to the public interest. The finding shall be adopted by a two-thirds vote of the body, or, if less than two-thirds of the members are present, a unanimous vote of those members present. The

finding shall be made available on the Internet. Failure to adopt the finding terminates the meeting.

(Added by Stats.1997, c. 949 (S.B.95), § 5. Amended by Stats.1999, c. 393 (A.B.1234), § 2; Stats.2004, c. 576 (A.B.1827), § 1.); Stats. 2007, c. 92 (S.B. 519), § 1.)

### 11125.5. Emergency meetings

(a) In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a state body may hold an emergency meeting without complying with the 10-day notice requirement of Section 11125 or the 48-hour notice requirement of Section 11125.4.

(b) For purposes of this section, "emergency situation" means any of the following, as determined by a majority of the members of the state body during a meeting prior to the emergency meeting, or at the beginning of the emergency meeting:

(1) Work stoppage or other activity that severely impairs public health or safety, or both.

(2) Crippling disaster that severely impairs public health or safety, or both.

(c) However, newspapers of general circulation and radio or television stations that have requested notice of meetings pursuant to Section

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11125 shall be notified by the presiding officer of the state body, or a designee thereof, one hour prior to the emergency meeting by telephone. Notice shall also be made available on the Internet as soon as is practicable after the decision to call the emergency meeting has been made. If telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the presiding officer of the state body, or a designee thereof, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(d) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the state body, or a designee thereof, notified or attempted to notify, a copy of the rollcall vote, and any action taken at the meeting shall be posted for a minimum of 10 days in a public place, and also made available on the Internet for a minimum of 10 days, as soon after the meeting as possible.

(Amended by Stats.1992, c. 1312 (A.B.2912), § 11, eff. Sept. 30, 1992; Stats.1997, c. 949 (S.B.95), § 6; Stats.1999, c. 393 (A.B.1234), § 3.)

### **11125.6. Fish and Game Commission; emergency meetings; appeals of fishery closures or restrictions**

(a) An emergency meeting may be called at any time by the president of

the Fish and Game Commission or by a majority of the members of the commission to consider an appeal of a closure of or restriction in a fishery adopted pursuant to Section 7710 of the Fish and Game Code. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of an established fishery, the commission may hold an emergency meeting without complying with the 10-day notice requirement of Section 11125 or the 48-hour notice requirement of Section 11125.4 if the delay necessitated by providing the 10-day notice of a public meeting required by Section 11125 or the 48-hour notice required by Section 11125.4 would significantly adversely impact the economic benefits of a fishery to the participants in the fishery and to the people of the state or significantly adversely impact the sustainability of a fishery managed by the state.

(b) At the commencement of an emergency meeting called pursuant to this section, the commission shall make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting as required by Section 11125 or 48 hours prior to a meeting as required by Section 11125.4 would significantly adversely impact the economic benefits of a fishery to the participants in the fishery and to the people of the state or significantly adversely impact the sustainability of a fishery managed by the state. The finding shall set forth the specific facts that constitute the impact to the

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economic benefits of the fishery or the sustainability of the fishery. The finding shall be adopted by a vote of at least four members of the commission, or, if less than four of the members are present, a unanimous vote of those members present. Failure to adopt the finding shall terminate the meeting.

(c) Newspapers of general circulation and radio or television stations that have requested notice of meetings pursuant to Section 11125 shall be notified by the presiding officer of the commission, or a designee thereof, one hour prior to the emergency meeting by telephone.

(d) The minutes of an emergency meeting called pursuant to this section, a list of persons who the president of the commission, or a designee thereof, notified or attempted to notify, a copy of the rollcall vote, and any action taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

(Added by Stats.1998, c. 1052 (A.B.1241), S 21.)

### **11125.7. Agenda item discussion before state body; opportunity for public address; regulation by state body; freedom of expression; application of provisions**

(a) Except as otherwise provided in this section, the state body shall provide an opportunity for members of the public to directly address the state

body on each agenda item before or during the state body's discussion or consideration of the item. This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body. Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the state body concerning that item prior to action on the item. In addition, the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public, provided, however, that no action is taken by the state body at the same meeting on matters brought before the body by members of the public.

(b) The state body may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public comment on particular issues and for each individual speaker.

(c) The state body shall not prohibit public criticism of the policies,

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programs, or services of the state body, or of the acts or omissions of the state body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

(d) This section is not applicable to closed sessions held pursuant to Section 11126.

(e) This section is not applicable to decisions regarding proceedings held pursuant to Chapter 5 (commencing with Section 11500), relating to administrative adjudication, or to the conduct of those proceedings.

(f) This section is not applicable to hearings conducted by the California Victim Compensation and Government Claims board pursuant to Sections 13963 and 13963.1.

(g) This section is not applicable to agenda items that involve decisions of the Public Utilities Commission regarding adjudicatory hearings held pursuant to Chapter 9 (commencing with Section 1701) of Part 1 of Division 1 of the Public Utilities Code. For all other agenda items, the commission shall provide members of the public, other than those who have already participated in the proceedings underlying the agenda item, an opportunity to directly address the commission before or during the commission's consideration of the item.

(Added by Stats.1993, c. 1289 (S.B.367), § 2. Amended by Stats.1995, c. 938 (S.B.523), § 13, operative July 1, 1997; Stats.1997, c. 949

(S.B.95), § 7.); Stats. 2006, c. 538 (S.B. 1852), § 248.)

### **11125.8. Hearings to consider crimes against minors or crimes of sexual assault or domestic violence; identification of applicant; disclosure of nature of hearing**

(a) Notwithstanding Section 11131.5, in any hearing that the State California Victim Compensation and Government Claims Board conducts pursuant to Section 13963.1 and that the applicant or applicant's representative does not request be open to the public, no notice, agenda, announcement, or report required under this article need identify the applicant.

(b) In any hearing that the board conducts pursuant to Section 13963.1 and that the applicant or applicant's representative does not request be open to the public, the board shall disclose that the hearing is being held pursuant to Section 13963.1. That disclosure shall be deemed to satisfy the requirements of subdivision (a) of Section 11126.3.

(Added by Stats.1997, c. 949 (S.B.95), § 9.; Stats. 2006, c. 538 (S.B. 1852), § 249.)

### **11125.9. Regional water quality control boards; compliance with notification guidelines**

Regional water quality control boards shall comply with the notification

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guidelines in Section 11125 and, in addition, shall do both of the following:

(a) Notify, in writing, all clerks of the city councils and county boards of supervisors within the regional board's jurisdiction of any and all board hearings at least 10 days prior to the hearing. Notification shall include an agenda for the meeting with contents as described in subdivision (b) of Section 11125 as well as the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. Each clerk, upon receipt of the notification of a board hearing, shall distribute the notice to all members of the respective city council or board of supervisors within the regional board's jurisdiction.

(b) Notify, in writing, all newspapers with a circulation rate of at least 10,000 within the regional board's jurisdiction of any and all board hearings, at least 10 days prior to the hearing. Notification shall include an agenda for the meeting with contents as described in subdivision (b) of Section 11125 as well as the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting.

(Added by Stats.1997, c. 301 (A.B.116), § 1.)

### § 11126. Closed sessions.

(a)(1) Nothing in this article shall be construed to prevent a state body from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing.

(2) As a condition to holding a closed session on the complaints or charges to consider disciplinary action or to consider dismissal, the employee shall be given written notice of his or her right to have a public hearing, rather than a closed session, and that notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any employee at the closed session shall be null and void.

(3) The state body also may exclude from any public or closed session, during the examination of a witness, any or all other witnesses in the matter being investigated by the state body.

(4) Following the public hearing or closed session, the body may deliberate on the decision to be reached in a closed session.

(b) For the purposes of this section, "employee" does not include any person who is elected to, or appointed to a public office by, any state body. However, officers of the California State University who receive compensation for their services, other than per diem and ordinary and necessary expenses, shall, when engaged in that capacity, be considered employees.

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Furthermore, for purposes of this section, the term employee includes a person exempt from civil service pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution.

(c) Nothing in this article shall be construed to do any of the following:

(1) Prevent state bodies that administer the licensing of persons engaging in businesses or professions from holding closed sessions to prepare, approve, grade, or administer examinations.

(2) Prevent an advisory body of a state body that administers the licensing of persons engaged in businesses or professions from conducting a closed session to discuss matters that the advisory body has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, provided the advisory body does not include a quorum of the members of the state body it advises. Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body.

(3) Prohibit a state body from holding a closed session to deliberate on a decision to be reached in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) or similar provisions of law.

(4) Grant a right to enter any correctional institution or the grounds of a

correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

(5) Prevent any closed session to consider the conferring of honorary degrees, or gifts, donations, and bequests that the donor or proposed donor has requested in writing to be kept confidential.

(6) Prevent the Alcoholic Beverage Control Appeals Board from holding a closed session for the purpose of holding a deliberative conference as provided in Section 11125.

(7)(A) Prevent a state body from holding closed sessions with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

(B) However, prior to the closed session, the state body shall hold an open and public session in which it identifies the real property or real properties that the negotiations may concern and the person or persons with whom its negotiator may negotiate.

(C) For purposes of this paragraph, the negotiator may be a member of the state body.

(D) For purposes of this paragraph, "lease" includes renewal or renegotiation of

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a lease.

(E) Nothing in this paragraph shall preclude a state body from holding a closed session for discussions regarding eminent domain proceedings pursuant to subdivision (e).

(8) Prevent the California Postsecondary Education Commission from holding closed sessions to consider matters pertaining to the appointment or termination of the Director of the California Postsecondary Education Commission.

(9) Prevent the Council for Private Postsecondary and Vocational Education from holding closed sessions to consider matters pertaining to the appointment or termination of the Executive Director of the Council for Private Postsecondary and Vocational Education.

(10) Prevent the Franchise Tax Board from holding closed sessions for the purpose of discussion of confidential tax returns or information the public disclosure of which is prohibited by law, or from considering matters pertaining to the appointment or removal of the Executive Officer of the Franchise Tax Board.

(11) Require the Franchise Tax Board to notice or disclose any confidential tax information considered in closed sessions, or documents executed in connection therewith, the public disclosure of which is prohibited pursuant to Article 2 (commencing with Section 19542) of Chapter 7 of Part 10.2 of Division 2 of the Revenue and Taxation Code.

(12) Prevent the Corrections Standards Authority from holding closed sessions when considering reports of crime

conditions under Section 6027 of the Penal Code.

(13) Prevent the State Air Resources Board from holding closed sessions when considering the proprietary specifications and performance data of manufacturers.

(14) Prevent the State Board of Education or the Superintendent of Public Instruction, or any committee advising the board or the Superintendent, from holding closed sessions on those portions of its review of assessment instruments pursuant to Chapter 5 (commencing with Section 60600) of, or pursuant to Chapter 9 (commencing with Section 60850) of, Part 33 of Division 4 of Title 2 of the Education Code during which actual test content is reviewed and discussed. The purpose of this provision is to maintain the confidentiality of the assessments under review.

(15) Prevent the California Integrated Waste Management Board or its auxiliary committees from holding closed sessions for the purpose of discussing confidential tax returns, discussing trade secrets or confidential or proprietary information in its possession, or discussing other data, the public disclosure of which is prohibited by law.

(16) Prevent a state body that invests retirement, pension, or endowment funds from holding closed sessions when considering investment decisions. For purposes of consideration of shareholder voting on corporate stocks held by the state body, closed sessions for the purposes of voting may be held only with respect to election of corporate directors, election of independent auditors, and other financial issues that could have a material effect on

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the net income of the corporation. For the purpose of real property investment decisions that may be considered in a closed session pursuant to this paragraph, a state body shall also be exempt from the provisions of paragraph (7) relating to the identification of real properties prior to the closed session.

(17) Prevent a state body, or boards, commissions, administrative officers, or other representatives that may properly be designated by law or by a state body, from holding closed sessions with its representatives in discharging its responsibilities under Chapter 10 (commencing with Section 3500), Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), or Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 as the sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits. For the purposes enumerated in the preceding sentence, a state body may also meet with a state conciliator who has intervened in the proceedings.

(18)(A) Prevent a state body from holding closed sessions to consider matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body, where disclosure of these considerations could compromise or impede the safety or security of the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body.

(B) Notwithstanding any other provision of law, a state body, at any regular

or special meeting, may meet in a closed session pursuant to subparagraph (A) upon a two-thirds vote of the members present at the meeting.

(C) After meeting in closed session pursuant to subparagraph (A), the state body shall reconvene in open session prior to adjournment and report that a closed session was held pursuant to subparagraph (A), the general nature of the matters considered, and whether any action was taken in closed session.

(D) After meeting in closed session pursuant to subparagraph (A), the state body shall submit to the Legislative Analyst written notification stating that it held this closed session, the general reason or reasons for the closed session, the general nature of the matters considered, and whether any action was taken in closed session. The Legislative Analyst shall retain for no less than four years any written notification received from a state body pursuant to this subparagraph.

(d)(1) Notwithstanding any other provision of law, any meeting of the Public Utilities Commission at which the rates of entities under the commission's jurisdiction are changed shall be open and public.

(2) Nothing in this article shall be construed to prevent the Public Utilities Commission from holding closed sessions to deliberate on the institution of proceedings, or disciplinary actions against any person or entity under the jurisdiction of the commission.

(e)(1) Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive



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advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.

(2) For purposes of this article, all expressions of the lawyer-client privilege other than those provided in this subdivision are hereby abrogated. This subdivision is the exclusive expression of the lawyer-client privilege for purposes of conducting closed session meetings pursuant to this article. For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist:

(A) An adjudicatory proceeding before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the state body is a party, has been initiated formally.

(B)(i) A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.

(ii) Based on existing facts and circumstances, the state body is meeting only to decide whether a closed session is authorized pursuant to clause (i).

(C)(i) Based on existing facts and circumstances, the state body has decided to initiate or is deciding whether to initiate litigation.

(ii) The legal counsel of the state body shall prepare and submit to it a memorandum stating the specific reasons and legal authority for the closed session. If

the closed session is pursuant to paragraph (1), the memorandum shall include the title of the litigation. If the closed session is pursuant to subparagraph (A) or (B), the memorandum shall include the existing facts and circumstances on which it is based. The legal counsel shall submit the memorandum to the state body prior to the closed session, if feasible, and in any case no later than one week after the closed session. The memorandum shall be exempt from disclosure pursuant to Section 6254.25.

(iii) For purposes of this subdivision, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(iv) Disclosure of a memorandum required under this subdivision shall not be deemed as a waiver of the lawyer-client privilege, as provided for under Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(f) In addition to subdivisions (a), (b), and (c), nothing in this article shall be construed to do any of the following:

(1) Prevent a state body operating under a joint powers agreement for insurance pooling from holding a closed session to discuss a claim for the payment of tort liability or public liability losses incurred by the state body or any member agency under the joint powers agreement.

(2) Prevent the examining committee established by the State Board of Forestry and Fire Protection, pursuant to Section 763 of the Public Resources Code, from conducting a closed session to consider

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disciplinary action against an individual professional forester prior to the filing of an accusation against the forester pursuant to Section 11503.

(3) Prevent the enforcement advisory committee established by the California Board of Accountancy pursuant to Section 5020 of the Business and Professions Code from conducting a closed session to consider disciplinary action against an individual accountant prior to the filing of an accusation against the accountant pursuant to Section 11503. Nothing in this article shall be construed to prevent the qualifications examining committee established by the California Board of Accountancy pursuant to Section 5023 of the Business and Professions Code from conducting a closed hearing to interview an individual applicant or accountant regarding the applicant's qualifications.

(4) Prevent a state body, as defined in subdivision (b) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in closed session by the state body whose authority it exercises.

(5) Prevent a state body, as defined in subdivision (d) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in a closed session by the body defined as a state body pursuant to subdivision (a) or (b) of Section 11121.

(6) Prevent a state body, as defined in subdivision (c) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in a closed session by the state body it advises.

(7) Prevent the State Board of Equalization from holding closed sessions for either of the following:

(A) When considering matters pertaining to the appointment or removal of the Executive Secretary of the State Board of Equalization.

(B) For the purpose of hearing confidential taxpayer appeals or data, the public disclosure of which is prohibited by law.

(8) Require the State Board of Equalization to disclose any action taken in closed session or documents executed in connection with that action, the public disclosure of which is prohibited by law pursuant to Sections 15619 and 15641 of this code and Sections 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651, 45982, 46751, 50159, 55381, and 60609 of the Revenue and Taxation Code.

(9) Prevent the California Earthquake Prediction Evaluation Council, or other body appointed to advise the Secretary of Emergency Management or the Governor concerning matters relating to volcanic or earthquake predictions, from holding closed sessions when considering the evaluation of possible predictions.

(g) This article does not prevent either of the following:

(1) The Teachers' Retirement Board or the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters pertaining to the recruitment, appointment, employment, or removal of the chief executive officer or when considering

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matters pertaining to the recruitment or removal of the Chief Investment Officer of the State Teachers' Retirement System or the Public Employees' Retirement System.

(2) The Commission on Teacher Credentialing from holding closed sessions when considering matters relating to the recruitment, appointment, or removal of its executive director.

(h) This article does not prevent the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters relating to the development of rates and competitive strategy for plans offered pursuant to Chapter 15 (commencing with Section 21660) of Part 3 of Division 5 of Title 2.

(i) This article does not prevent the Managed Risk Medical Insurance Board from holding closed sessions when considering matters related to the development of rates and contracting strategy for entities contracting or seeking to contract with the board, entities with which the board is considering a contract, or entities with which the board is considering or enters into any other arrangement under which the board provides, receives, or arranges services or reimbursement, pursuant to Part 6.2 (commencing with Section 12693), Part 6.3 (commencing with Section 12695), Part 6.4 (commencing with Section 12699.50), Part 6.5 (commencing with Section 12700), Part 6.6 (commencing with Section 12739.5), or Part 6.7 (commencing with Section 12739.70) of Division 2 of the Insurance Code.

(j) Nothing in this article shall be construed to prevent the board of the State Compensation Insurance Fund from holding

closed sessions in the following:

(1) When considering matters related to claims pursuant to Chapter 1 (commencing with Section 3200) of Division 4 of the Labor Code, to the extent that confidential medical information or other individually identifiable information would be disclosed.

(2) To the extent that matters related to audits and investigations that have not been completed would be disclosed.

(3) To the extent that an internal audit containing proprietary information would be disclosed.

(4) To the extent that the session would address the development of rates, contracting strategy, underwriting, or competitive strategy, pursuant to the powers granted to the board in Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code, when discussion in open session concerning those matters would prejudice the position of the State Compensation Insurance Fund.

(k) The State Compensation Insurance Fund shall comply with the procedures specified in Section 11125.4 of the Government Code with respect to any closed session or meeting authorized by subdivision (j), and in addition shall provide an opportunity for a member of the public to be heard on the issue of the appropriateness of closing the meeting or session.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1968, c. 1272, p. 2396, § 1; Stats.1970, c. 346, p. 741, § 5; Stats.1972, c. 431, p. 791, § 43; Stats.1972, c. 1010, p. 1872, § 63, eff. Aug. 17, 1972, operative July 1, 1972; Stats.1974, c. 1254, p. 2713, § 1; Stats.1974, c.

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1539, p. 3525, § 1; Stats.1975, c. 197, p. 570, § 1; Stats.1975, c. 959, p. 2238, § 5; Stats.1977, c. 730, p. 2318, § 5, eff. Sept. 12, 1977; Stats.1980, c. 1197, p. 4043, § 1; Stats.1980, c. 1284, p. 4338, § 11; Stats.1981, c. 180, p. 1096, § 1; Stats.1981, c. 968, p. 3688, § 12; Stats.1982, c. 454, p. 1842, § 40; Stats.1983, c. 143, § 187; Stats.1984, c. 678, § 1; Stats.1984, c. 1284, § 4; Stats.1985, c. 186, § 1; Stats.1985, c. 1091, § 1; Stats.1986, c. 575, § 1; Stats.1987, c. 1320, § 2; Stats.1988, c. 1448, § 29; Stats.1989, c. 177, § 2; Stats.1989, c. 882, § 2; Stats.1989, c. 1360, § 52; Stats.1989, c. 1427, § 1, eff. Oct. 2, 1989, operative Jan. 1, 1990; Stats.1991, c. 788 (A.B.1440), § 4; Stats.1992, c. 1050 (A.B.2987), § 17; Stats.1994, c. 26 (A.B.1807), § 230, eff. March 30, 1994; Stats.1994, c. 422 (A.B.2589), § 15.5, eff. Sept. 7, 1994; Stats.1994, c. 845 (S.B.1316), § 1; Stats.1995, c. 975 (A.B.265), § 3; Stats.1996, c. 1041 (A.B.3358), § 2; Stats.1997, c. 949 (S.B.95), § 8; Stats.1998, c. 210 (S.B.2008), § 1; Stats.1998, c. 972 (S.B.989), § 1; Stats.1999, c. 735 (S.B.366), § 9, eff. Oct. 10, 1999; Stats.2000, c. 1002 (S.B.1998), § 1; Stats.2000, c. 1055 (A.B.2889), § 30, eff. Sept. 30, 2000; Stats.2001, c. 21 (S.B.54), § 1, eff. June 25, 2001; Stats.2001, c. 243 (A.B.192), § 10; Stats.2002, c. 664 (A.B.3034), § 93.7; Stats.2002, c. 1113 (A.B.2072), § 1; Stats.2005, c. 288 (A.B.277), § 1; Stats.2007, c. 577 (A.B.1750), § 4, eff. Oct. 13, 2007; Stats.2008, c. 179 (S.B.1498), § 91; Stats.2008, c. 344 (S.B.1145), § 3, eff. Sept. 26, 2008; Stats.2010, c. 328 (S.B.1330), § 81; Stats.2010, c. 32 (A.B.1887), § 2, eff. June 29, 2010; Stats.2010, c. 618 (A.B.2791), § 124.)

### **11126.1. Record of topics discussed and decisions made at closed sessions; availability**

The state body shall designate a clerk or other officer or employee of the state body, who shall then attend each closed session of the state body and

keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available to members of the state body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction. Such minute book may, but need not, consist of a recording of the closed session.

(Added by Stats.1980, c. 1284, p. 4340, § 12.  
Amended by Stats.1981, c. 968, p. 3691, § 13.)

### **11126.2. Closed session; response to confidential final draft audit report; public release of report**

(a) Nothing in this article shall be construed to prohibit a state body that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a state body meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

(Added by Stats.2004, c. 576 (A.B.1827), § 2.)

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### **11126.3. Disclosure of nature of items to be discussed in closed session; scope of session; notice of meeting; announcement of pending litigation; unnecessary disclosures; disclosures at open session following closed session**

(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. If the session is closed pursuant to paragraph (2) of subdivision (d) of Section 11126, the state body shall state the title of, or otherwise specifically identify, the proceeding or disciplinary action contemplated. However, should the body determine that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties if the proceeding or disciplinary action is commenced or that to do so would fail to protect the private economic and business reputation of the person or entity if the proceeding or disciplinary action is not commenced, then the state body shall notice that there will be a closed session and describe in general terms the purpose of that session. If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126, the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states that to do so would

jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(b) In the closed session, the state body may consider only those matters covered in its disclosure.

(c) The disclosure shall be made as part of the notice provided for the meeting pursuant to Section 11125 or pursuant to subdivision (a) of Section 92032 of the Education Code and of any order or notice required by Section 11129.

(d) If, after the agenda has been published in compliance with this article, any pending litigation (under subdivision (e) of Section 11126) matters arise, the postponement of which will prevent the state body from complying with any statutory, court-ordered, or other legally imposed deadline, the state body may proceed to discuss those matters in closed session and shall publicly announce in the meeting the title of, or otherwise specifically identify, the litigation to be discussed, unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage. Such an announcement shall be deemed to comply fully with the requirements of this section.



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(e) Nothing in this section shall require or authorize a disclosure of names or other information that would constitute an invasion of privacy or otherwise unnecessarily divulge the particular facts concerning the closed session or the disclosure of which is prohibited by state or federal law.

(f) After any closed session, the state body shall reconvene into open session prior to adjournment and shall make any reports, provide any documentation, and make any other disclosures required by Section 11125.2 of action taken in the closed session.

(g) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcement.

(Added by Stats.1980, c. 1284, p. 4341, § 13. Amended by Stats.1981, c. 968, p. 3692, § 14; Stats.1987, c. 1320, § 3. Amended by Stats.1997, c. 949 (S.B.95), § 10; Stats.1998, c. 210 (S.B.2008), § 2; Stats.2001, c. 243 (A.B.192), § 11.)

### **11126.4. Closed sessions of Gambling Control Commission; information prohibited from being disclosed by law or tribal-state gaming compact; limitations; public notice**

(a) Nothing in this article shall be construed to prevent the California Gambling Control Commission from

holding a closed session when discussing matters involving trade secrets, nonpublic financial data, confidential or proprietary information, and other data and information, the public disclosure of which is prohibited by law or a tribal-state gaming compact.

(b) Discussion in closed session authorized by this section shall be limited to the confidential data and information related to the agenda item and shall not include discussion of any other information or matter.

(c) Before going into closed session the commission shall publicly announce the type of data or information to be discussed in closed session, which shall be recorded upon the commission minutes.

(d) Action taken on agenda items discussed pursuant to this section shall be taken in open session.

(Added by Stats. 2005, c. 274 (S.B. 919), § 1.)

### **11126.5. Disorderly conduct of general public during meeting; clearing of room**

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting the state body conducting the meeting may order the meeting room cleared and continue in

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session. Nothing in this section shall prohibit the state body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting. Notwithstanding any other provision of law, only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

(Added by Stats.1970, c. 1610, p. 3385, § 1.  
Amended by Stats.1981, c. 968, p. 3692, § 15.)

### **11126.7. Fees**

No fees may be charged by a state body for providing a notice required by Section 11125 or for carrying out any provision of this article, except as specifically authorized pursuant to this article.

(Added by Stats.1980, c. 1284, p. 4341, § 14.  
Amended by Stats.1981, c. 968, p. 3692, § 16.)

### **11127. Application of article**

Each provision of this article shall apply to every state body unless the body is specifically excepted from that provision by law or is covered by any other conflicting provision of law.

(Added by Stats.1967, c. 1656, p. 4026, § 122.  
Amended by Stats.1981, c. 968, p. 3692, § 17.)

### **11128. Time of closed session**

Each closed session of a state body shall be held only during a regular or special meeting of the body.

(Added by Stats.1967, c. 1656, p. 4026, § 122.  
Amended by Stats.1980, c. 1284, p. 4341, § 15;  
Stats.1981, c. 968, p. 3692, § 18.)

### **11128.5. Adjournment; declaration; notice; hour for reconvened meeting**

The state body may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the clerk or secretary of the state body may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided in Section 11125.4 for special meetings, unless that notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all

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purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by law or regulation.

(Added by Stats.1997, c. 949 (S.B.95), § 11.)

### **11129. Continuance; posting notice**

Any hearing being held, or noticed or ordered to be held by a state body at any meeting may by order or notice of continuance be continued or reconvened to any subsequent meeting of the state body in the same manner and to the same extent set forth in Section 11128.5 for the adjournment of meetings. A copy of the order or notice of continuance shall be conspicuously posted on or near the door of the place where the hearing was held within 24 hours after the time of the continuance; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

(Added by Stats.1967, c. 1656, p. 4026, § 122.  
Amended by Stats.1981, c. 968, p. 3692, § 19.  
Amended by Stats.1997, c. 949 (S.B.95), § 12.)

### **11130. Actions to prevent violations or determine applicability of article; validity of rules**

### **discouraging expression; audio recording of closed sessions; discovery procedures for recordings**

(a) The Attorney General, the district attorney, or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this article or to determine the applicability of this article to past actions or threatened future action by members of the state body or to determine whether any rule or action by the state body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the state body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 11126, order the state body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c)(1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:



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(A) In any case in which discovery or disclosure of the audio recording is sought by the Attorney General, the district attorney, or the plaintiff in a civil action pursuant to this section or Section 11130.3 alleging that a violation of this article has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have

violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this article, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) Nothing in this section shall permit discovery of communications that are protected by the attorney-client privilege.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1969, c. 494, p. 1106, § 1; Stats.1981, c. 968, p. 3693, § 20; Stats.1997, c. 949 (S.B.95), § 13; Stats.1999, c. 393 (A.B.1234), § 4; Stats.2009, c. 88 (A.B.176), § 43.)

### **11130.3. Judicial determination action by state body in violation of §§ 11123 or 11125 null and void; action by interested person; grounds**

(a) Any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of obtaining a judicial determination that an action taken by a state body in violation of Section 11123 or 11125 is null and void under this section. Any action seeking such a judicial determination shall be commenced within 90 days from the date the action was taken. Nothing in this section shall be construed to prevent a state body from curing or

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correcting an action challenged pursuant to this section.

(b) An action shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement related thereto.

(2) The action taken gave rise to a contractual obligation upon which a party has, in good faith, detrimentally relied.

(3) The action taken was in substantial compliance with Sections 11123 and 11125.

(4) The action taken was in connection with the collection of any tax.

(Amended by Stats.1999, c. 393 (A.B.1234), § 5.)

### **11130.5. Court costs and attorney fees**

A court may award court costs and reasonable attorney's fees to the plaintiff in an action brought pursuant to Section 11130 or 11130.3 where it is found that a state body has violated the provisions of this article. The costs and fees shall be paid by the state body and shall not become a personal liability of any public officer or employee thereof.

A court may award court costs and reasonable attorney's fees to a defendant in any action brought pursuant to Section 11130 or 11130.3 where the defendant has prevailed in a final determination of the action and the court finds that the action was clearly frivolous and totally lacking in merit.

(Added by Stats.1975, c. 959, p. 2240, § 6.  
Amended by Stats.1981, c. 968, p. 3693, § 21;  
Stats.1985, c. 936, § 2.)

### **11130.7. Violations; misdemeanor**

Each member of a state body who attends a meeting of that body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this article, is guilty of a misdemeanor.

(Added by Stats.1980, c. 1284, p. 4341, § 16.  
Amended by Stats.1981, c. 968, p. 3693, § 22.  
Amended by Stats.1997, c. 949 (S.B. 95), § 14.)

### **11131. Use of facility allowing discrimination; state agency**

No state agency shall conduct any meeting, conference, or other function in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry, or any characteristic listed or defined in Section 11135 or that is inaccessible to disabled persons, or where members of the public may not be present without



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making a payment or purchase. As used in this section, "state agency" means and includes every state body, office, officer, department, division, bureau, board, council, commission, or other state agency.

(Added by Stats.1970, c. 383, p. 798, § 1.  
Amended by Stats.1981, c. 968, p. 3693, § 23.  
Amended by Stats.1997, c. 949 (S.B.95), § 15.;  
Stats. 2007, c. 568 (A.B. 14), § 32.)

### **11131.5. Identity of victims or alleged victims of crimes, tortious sexual conduct, or child abuse; public disclosure**

No notice, agenda, announcement, or report required under this article need identify any victim or alleged victim of crime, tortious sexual conduct, or child abuse unless the identity of the person has been publicly disclosed.

(Added by Stats.1997, c. 949 (S.B.95), § 16.)

### **11132. Closed session by state body prohibited**

Except as expressly authorized by this article, no closed session may be held by any state body.

(Added by Stats.1987, c. 1320, § 4.)



## MEMORANDUM

<b>DATE</b>	December 17, 2010
<b>TO</b>	<b>ALL EXECUTIVE OFFICERS</b>
<b>FROM</b>	<b>DOREATHEA JOHNSON</b> <b>Deputy Director</b> <b>Legal Affairs Division</b> <b>Department of Consumer Affairs</b>
<b>SUBJECT</b>	<b>Closed Session Protocols</b>

Each board has essentially three duties under the Open Meeting Act.

1. To give adequate notice of meetings to be held.
2. To provide an opportunity for public comment.
3. To conduct such meetings in open session, except where a closed session is specifically authorized. The terms "agency" and "board" mean not only boards, but also commissions and any examining committees or boards within the jurisdiction of the Medical Board of California.

### CLOSED SESSIONS

Government Code Section 11123 states that "All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body, except as otherwise provided in this article." Section 11126 sets forth the specific items of business which may be transacted in closed session. Therefore, absent statutory authorization, business transacted by an agency must be transacted in open session.

#### **A. Purposes for Closed Session**

Government Code Section 11126 enumerates those items of business that may be conducted in closed session. Accordingly, an agency within the Department of

Consumer Affairs may convene a closed session, pursuant to Section 11126 for the following purposes:

- > **Personnel Matters**
- > **Examination Matters**
- > **Matters Affecting Individual Privacy**
- > **Administrative Disciplinary Matters**
- > **Board of Accountancy Matters**
- > **Pending Litigation**
- > **Response to Confidential Final Draft Audit Report**
- > **Threat of Criminal or Terrorist Activity**
- > **Advisory Bodies/Committees May Meet in Closed Session**

### **1. Personnel Matters**

A board may meet in closed session to "... consider the appointment, employment, evaluation of performance, or dismissal of a public employee; or to hear complaints or charges brought against such employee by another person unless the employee requests a public hearing."

Before considering personnel action in closed session, the employee must be given 24 hour written notice of his or her right to a public hearing. If notice is not given, any disciplinary or other action taken against any employee at the closed session shall be null and void.

As noted above, once the public hearing has been held, the state body may convene in closed session to deliberate on the decision to be reached.

If the employee (e.g., executive officer) did not request a public hearing, he or she must be given the opportunity for a hearing in closed session. After the hearing, the public employee should be excused from the closed session, and the board may then continue in closed session to deliberate on the decision to be reached.

Please note that Section 11126(a) is not to be interpreted to mean that a board is required to handle civil service personnel matters itself. Normally, this function of an agency is administered by its executive officer in conjunction with the Director of Consumer Affairs, who shares authority with respect to civil service personnel.

### **2. Examination Matters**

A board may meet in closed session to "prepare, approve, grade or administer examinations." This includes any discussion regarding the actual content of examinations, and their reliability and validity.

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This **does not** include discussion of the general logistics of administering an examination. This is not a proper subject matter for a closed session.

Also, an agency may hear appeals from examinees or re-review examinations in closed session as this would be included in the "grading" of the examination.

### **3. Matters Affecting Individual Privacy**

A committee, *consisting of less than a quorum* of the full board, may meet in closed session to:

" . . . discuss matters which the [committee] has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, . . . Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body."

**CAVEAT: *This closed session provision does not authorize such a review by the full board. Nor does it generally authorize a committee of a board to review complaints, investigation reports, or other information to determine whether disciplinary or other action should be filed against a licensee.***

To ensure that board members render an impartial and fair decision in considering an Administrative Law Judge's proposed decision, board members are precluded from involving themselves in the investigation or prosecution phase of an action. (§11430.10 *et seq.*) The board's role is that of judge in the case. If a particular board member has any significant involvement in the investigative or prosecution phases, he or she must disqualify himself/herself from participation in the board's action relative to the proposed decision, and not attempt to influence any other board member regarding the decision. Legal counsel should be consulted before any enforcement actions are discussed with individual licensees, as such discussions may impact participation by the member in a final decision on a case (§11430.60), and may require disclosures under the provisions of the state's Administrative Procedure Act. (§11430.50)

### **4. Administrative Disciplinary Matters**

A board may meet in closed session to deliberate on a decision in an administrative disciplinary proceeding under the Administrative Procedure Act.

A. The board may decide whether to:

- (1) adopt a Proposed Decision,
- (2) review a transcript of a hearing and render a decision of its own,
- (3) deliberate upon evidence heard by the agency itself,
- (4) consider a stipulation.

B. The board may not convene into closed session to:

- (1) assign cases, *i.e.* deciding whether a case should be heard by a hearing officer alone or by the agency itself with a hearing officer.
- (2) to review investigation files or complaints.

Members of boards that have the discretion to hear cases should not review pending complaints or investigation files for the reasons given above.

#### **5. Board of Accountancy Matters**

Pursuant to Business and Professions Code Section 5020, the administrative committee established by the State Board of Accountancy may convene in a closed session to "consider disciplinary action against an individual accountant prior to the filing of an accusation." (§11126(f)(3)) And the examining committee, established by that board pursuant to Business and Professions Code Section 5023, may convene in closed session to "interview an individual applicant or accountant regarding the applicant's qualifications."

As noted above, such administrative and examining committee meetings are required to be noticed as previously discussed in this memorandum.

#### **6. Pending Litigation**

A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.

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Please note the very specific notice requirements discussed below when a closed session is to be held to discuss "pending litigation". Litigation means an adjudicatory proceeding before a court, administrative body, hearing officer or arbitrator. Litigation is considered to be pending if, (1) it has been initiated formally (e.g. a complaint, claim or petition has been filed) or (2) based on existing facts and circumstances and on the advice of its legal counsel, the state body believes there is significant exposure to litigation against it, or it is meeting to decide whether a closed session is authorized because of significant exposure to litigation or (3) based on existing facts and circumstances, the state body has decided or is deciding whether to initiate litigation. (§11126(e)(2))

The agency's legal counsel must submit a memorandum which complies with the requirements of Section 11126(e)(2)(C)(ii) prior to the closed session if possible, but no later than one week after the closed session. This document is confidential until the pending litigation has been finally adjudicated or otherwise settled. (§6254.25)

#### **7. Response to Confidential Final Draft Audit Report**

Section 11126.2 (added effective January 1, 2005) permits an agency to meet in closed session to discuss its response to a confidential final draft audit report from the Bureau of State Audits. However, once that audit report becomes final and is released to the public, the agency may only discuss it in open session.

#### **8. Threat of Criminal or Terrorist Activity**

Effective January 1, 2006, AB 277 (Chap. 288, Stats. 2005) authorizes an agency at a regular or special meeting to meet in closed session to consider "matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body," where disclosure of those considerations could compromise or impede the safety or security of the described subjects. The law (Section 11126(c)(18)) requires the agency to authorize the closed session by a two-thirds vote of the members present at the meeting.

#### **9. Advisory Bodies/Committees May Meet in Closed Session**

To the extent a licensing board, which is defined as a "state body" in the Open Meeting Act, is authorized to meet in closed session, then committees, subcommittees, or other bodies advisory to the licensing board, which are also defined as "state bodies," may meet in closed session for the same purposes as the licensing board. (§11126((f), (4)-(6))

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**B. Open Session Otherwise Required**

Only for the above-mentioned reasons may a board within the Department of Consumer Affairs meet in closed session. (§11132) A board may not meet in closed session for the purpose of electing officers or to discuss the proposal or adoption of rules and regulations. Further, a board may not convene in closed session to discuss testimony received during a hearing on proposed rules and regulations. Finally, an agency may not meet in closed session because it wants to have a frank and open discussion among only members on a matter of controversy.

**C. Notice and Reporting Requirements**

***1. Notice of Closed Session***

When a closed session will constitute part or all of a meeting, it is important to note Government Code Section 11126.3, which requires that:

"(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. [A provision applicable to the Public Utilities Commission is not included herein.] If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126 [litigation has already commenced], the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage."

Thus, if the meeting will consist in part or in its entirety of a closed session, you must include on the notice of the meeting the above-described information. If the closed session is for the purpose of discussing pending litigation, it is important that the above-requirements be adhered to. To obtain legal advice in closed session concerning pending litigation, the notice must cite subdivision (e) of Section 11126 and your attorney must prepare a memorandum stating the specific reasons and legal authority for the closed session.

If a closed session agenda to discuss pending litigation has been properly published, and an additional pending litigation issue subsequently arises, the state agency may discuss the new matter in closed session provided that postponement of the discussion would prevent the state agency from complying with any statutory, court-

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ordered, or other legally-imposed deadline. The state agency must publicly announce the title of, or otherwise identify, the litigation unless to do so would jeopardize the ability to effectuate service of process, or to do so would jeopardize the agency's ability to conclude existing settlement negotiations to its advantage. (§11126.3(d))

If you intend to have a closed session during your meeting, **contact your Legal Division attorney to ensure that a closed session is authorized and properly noticed.**

## **2. Reporting After a Closed Session**

Section 11126.3(f), requires a state body to convene in open session after a closed session and to report as required in Section 11125.2, which states that:

" Any state body shall report publicly at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any closed session of the state body."

## **D. Other Procedural Requirements for Closed Sessions**

There are certain additional requirements that must be met when closed sessions are convened.

1. *Closed sessions must be held during a duly noticed regular or special meeting (§11128).*

Closed sessions may not be scheduled independently of a noticed meeting of the board or committee. For example, where a board or committee meeting is scheduled to discuss only matters appropriate for a closed session, the meeting should be opened as a public meeting with an announcement immediately following that the agency will convene into closed session.

2. *The general reasons for and the legal authority for the closed session must be announced prior to holding the closed session.*

As discussed under "Notice Required," above, prior to holding the closed session the agency must announce the general reason(s) for the closed session and the specific statutory or other legal authority under which the session is held. (§11126.3 (a)) With respect to litigation that has already been initiated, it must announce the title of or otherwise identify the litigation. (§11126.3(a)) Other specific notice requirements, discussed above, also apply to notices regarding pending litigation. In the closed session, only matters covered in the statement may be discussed. (§11126.3(b))

~~3. Required agency staff person's attendance in closed session.~~

The agency is required to designate a staff person to attend the closed session and to record in a minute book a record of topics discussed and decisions made. (§11126.1)

4. *Restriction on additional closed session attendees.*

As a general rule, closed sessions may involve only the membership of the membership of the body in question plus any additional support staff which may be required (e.g., attorney required to provide legal advice; supervisor may be required in connection with disciplinary proceeding; labor negotiator required for consultation.) Persons without an official role in the meeting should not be present. (Cf. 83 Ops.Cal.Atty.Gen 221, 222.) In this case, the "trusted staff members who are generally permitted to remain" in closed session, should not be in attendance during the closed session if they have no official role during the deliberations involved in the closed session. Their presence compromises the closed session deliberations of the board.

~~5. Confidentiality of the minute book.~~

~~The minute book referenced in (3) is available only to members of the agency or if a violation of the Open Meeting Act is alleged, to a court of general jurisdiction. (§11126.1)~~

6. *The discussion and information received in closed session is confidential.*

Information received and discussions held in closed session are **confidential** and must not be disclosed to outside parties by members or staff who attended the closed session. A recent opinion of the Office of the California Attorney General concluded that:

" A local school board member may not publicly disclose information that has been received and discussed in closed session concerning pending litigation unless the information is authorized by law to be disclosed." (80 Ops.Cal.Atty.Gen. 231)

That opinion also cited a previous opinion, in which the Attorney General stated that "We have ... routinely observed that it would be *improper* for information received during a closed session to be publicly disclosed." (76 Ops.Cal.Atty.Gen. 289, 290-291; Emphasis in the original.)

E. MEETING BY TELECONFERENCING

Effective 1/1/95, subdivision (b) was added to Government Code section 11123 to authorize meetings by teleconference. (Stats. 1994, Chapt. 1153; AB 3467) This section provides the following in pertinent part:

"(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

"(b) (1) A state body may hold an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

~~(D) All votes taken during a teleconferenced meeting shall be by rollcall.~~

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, 'teleconference' means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may

observe or address the state body by electronic means, through either audio or both audio and video."

A method is thus available whereby meetings may be conducted by audio or video teleconferencing provided the criteria set forth in the statute have been met. Note the restriction in subdivision (b)(1)(E) that prohibits a closed session emergency meeting. Emergency meetings in open session may be conducted by teleconference.

We emphasize that the law now requires every teleconference meeting location to be identified in the notice and agenda and be open to the public. Most importantly, the members of the agency must attend the meeting at a public location. Members are no longer able to attend the meeting via teleconference from their offices, homes, or other convenient location unless those locations are identified in the notice and agenda, and the public is permitted to attend at those locations. Nothing prohibits additional locations, where only the public is connected to the teleconference meeting.  
(§11123(b)(2))

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**DEPARTMENT OF CONSUMER AFFAIRS**  
**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 5**

**DCA Director's Report**



**DEPARTMENT OF CONSUMER AFFAIRS**  
**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 6**  
**Public Comment**



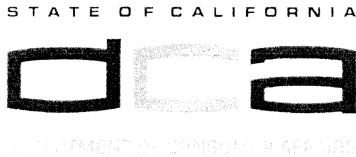
**DEPARTMENT OF CONSUMER AFFAIRS**  
**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 7.a**

**Applications for Referee and Judge License**

**Ed Collantes**





## California State Athletic Commission

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



Agenda Item 7.a  
February 4, 2011

**Applicants For MMA Referee/Judge****Subject:**

Ed Collantes - MMA Referee/Judge

**Summary:** I have reviewed the documentation that Mr. Collantes has provided to be licensed as a professional referee/judge for mixed martial arts. Mr. Collantes has been involved with mixed martial arts since 2004 and by his resume done an outstanding job. He has attended the five training courses/seminars that include John McCarthy's referees course approved by the Association of Boxing Commission (ABC), California State Athletic Commission Officials clinics, and International Professional Ringside Officials training within the last year and half. Mr. Collantes has provided a breakdown of all amateur MMA experience that has been included in the commission package for review.

**Recommendation:** According to rule 543, Mr. Collantes does meet the requirements for licensure as a referee/judge. Since Mr. Collantes has two years documented experience refereeing martial arts or kickboxing matches with a minimum of 100 matches, has been found to be physically and mentally fit to referee a martial arts contest, performed a demonstration of competency by performing as a referee in a martial arts match before a representative of the commission and has judged at least 50 martial arts contests. Mr. Collantes has worked closely with professional referee/judges who are currently licensed by the State Athletic Commission over the past three years. His recommendations come from current licensed judges, referees, and inspectors who have been involved with mixed martial arts since it started back in early 1990's. I would recommend Mr. Collantes for licensure as mixed martial arts referee/ judge.

## Log Sheet for Amateur MMA Referee / Judging Experience

#	Date	Place	<u>number of bouts</u>		\$\$	Comments
			Judge	Referee		
<b>2009</b>						
1	07/25/09	Reno NV	11	0	\$200	ISCF sanctioned event (Collup Event)
2	10/08/09	Las Vegas, NV	Completed IPRO Mixed Martial Arts Clinic			2 hour demonstration by Steve Mazzagatti
<b>TOTAL - 2009</b>			11	0	\$200	
<b>2010</b>						
						<b># of CAMO</b>
1	1/30-2/1	Valencia	Completed John McCarthy's MMA Referee course			<b>shows</b> 3 day referee course
2	02/20/10	San Francisco	5	4	\$10	1 Dragon MMA - San Francisco
3	02/26/10	San Jose	0	3	\$0	2 Strikeforce Pro/Am - San Jose
4	03/19/10	Salinas	5	6	\$96	3 La Palma HS - Salinas
5	04/10/10	San Francisco	6	6	\$10	4 Dragon MMA - San Francisco
6	05/01/10	Pleasanton, CA	3	0	\$111	Alameda County Fairgrounds (First PRO MMA)
7	05/02/10	Valencia	Attended CSAC MMA Officials Clinic			6 month clinic requirement
8	06/26/10	San Francisco	9	6	\$85	5 Kezar Pavillon-Dragon MMA
9	07/24/10	Salinas	6	5	\$165	6 La Palma HS - Salinas
10	08/01/10	Fremont	6	3	36	7 Saddlerack - Fremont
11	08/21/10	Sacramento	0	1	0	8 Cal Expo - Sacramento
12	08/29/10	Sacramento, CA	Attended CSAC MMA Officials Clinic			
13	09/11/10	Morgan Hill, CA	0	3	\$77	9 Bay Area Regionals -State Championships
14	09/18/10	Santa Clara, CA	0	2	\$250	First PRO MMA referee event (Hybrid MT/MMA)
15	10/07/10	Las Vegas, NV	Completed IPRO Mixed Martial Arts Clinic			1 hr ring demonstration by Big John McCarthy
16	10/09/10	San Jose, CA	4	2	\$0	10 Strikeforce Pro/Am - San Jose (Bay Area Finals)
17	10/16/10	Salinas	8	5	\$250	11 La Palma HS - Salinas
18	10/23/10	San Francisco	5	3	\$110	12 Northern Cal - Tournament Finals
19	11/07/10	Fremont	7	4	\$136	13 Saddlerack - Fremont
20	11/13/10	Santa Clara, CA	0	1	\$120	PRO MMA (Hybrid Show)
21	12/11/10	Watsonville, CA	6	2	\$240	14 Santa Cruz Fairgrounds
22	12/18/10	Salinas	8	3	\$296	15 Fox Theater
<b>TOTAL - 2010</b>			78	59	\$1,992	
<b>CAREER TOTAL</b>			89	59	\$2,192	

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<b>Log Sheet for Muay Thai Boxing Referee/Judge Experience</b>
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#	Date	Place	number of bouts			TK	\$\$	Comments
			Judge	Referee				
<b>2009</b>								
1	05/31/09	San Francisco	0	6	0	\$680	Kezar Stadium (Espinoza)(Muay Thai Boxing)	
2	10/24/10	Richmond, CA	0	4	0	\$250	Richmond Auditorium (Boxing/IKF)	
<b>TOTAL - 2009</b>			0	10	0	\$930		
<b>2010</b>								
1	05/01/10	Pleasanton, CA	11	4	0	\$500	Alameda County Fairgrounds (Muay Thai/MMA)	
2	07/02/10	Sacramento, CA	0	8	0	\$394	Doubletree Hotel I(IKF)	
3	08/21/10	Sacramento, CA	0	5	0	\$320	Cal Expo (IKF)	
4	09/18/10	Santa Clara, CA	0	6	0	\$250	Santa Clara Convention Center (Hybrid MT/MMA)	
5	10/08/10	Sacramento, CA	0	8	0	\$375	Doubletree Hotel I(IKF)	
6	11/13/10	Santa Clara, CA	0	4	0	\$366	Santa Clara Convention Center (Hybrid MT/MMA)	
<b>TOTAL - 2010</b>			11	35	0	\$2,205		
<b>CAREER TOTAL</b>			11	45	0	\$3,135		

**CAREER TOTAL**      11      45      0      \$3,135



**DEPARTMENT OF CONSUMER AFFAIRS**  
**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 7.b**

**Applications for Referee and Judge License**

**William Douglas**



California State Athletic Commission  
2005 Evergreen St., Ste. #2010  
Sacramento, CA 95815  
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(916) 263-2195 FAX (916) 263-2197



Agenda Item 7.b  
February 4, 2011

### Applicants For Referee and Judges

Subject:

William Douglas – Boxing/MMA Judge

**Summary:** Mr. Douglas came before the commission in July 2010 to be licensed as a Judge for both MMA/Boxing. I made the recommendation that Mr. Douglas go through a mentorship type program in order to demonstrate judging proficiency as required by rule 379.d and rule 543. Over the course of six months, Mr. Douglas has attended 21 events and mock scored over 477 rounds of both MMA/boxing bouts. The breakdown of the events that Mr. Douglas has attended and the rounds scored have been included in the commission package for review. During this mentorship process Mr. Douglas has worked closely with his two assigned mentors Mr. Steve Morrow and Mr. Jon Schorle both providing letters of recommendation to be licensed as a judge for MMA/boxing. Mr. Douglas has also provided letter of support to be licensed as an Official from other officials that he has worked on site with.

**Recommendation:** I have reviewed the documentation that Mr. Douglas has provided to be licensed as a professional judge for boxing/MMA. I believe that Mr. Douglas has shown the necessary proficiency required by rule 379(d) and rule 543. I would recommend that Mr. Douglas be granted a license as a professional MMA/boxing judge.

January 9, 2011

Mr. George Dodd, Executive Officer  
California State Athletic Commission  
2005 Evergreen Street, Suite 2010  
Sacramento, CA 95815

Dear Mr. Dodd,

Thank you for the opportunity to participate in the first CSAC Mentorship Program for new Judges. Per our discussion on August 4, 2010, I am submitting the following items for your review and for review by the members of the Commission:

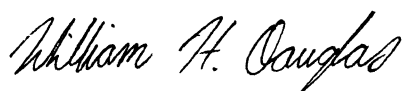
1. List of training events and number of bouts judged between July 26, 2010 and February 3, 2011 for boxing, kickboxing, and mixed martial arts
2. Performance recommendation from Mr. Steve Morrow (Assigned Mentor)
3. Performance recommendation from Mr. Jon Schorle (Assigned Mentor)
4. Performance recommendation from Mr. Max Deluca (On Site Mentor)
5. Performance recommendation from Mr. Raul Caiz Sr. (On Site Mentor)
6. Performance recommendation from Mr. David Mendoza (On Site Mentor)
7. Performance recommendation from Mr. Ray Balewicz (On Site Mentor)

Mr. Morrow had previously provided you with a number of the total rounds scored during the period of time between July 2010 and December 2010 when he officially submitted his recommendation to you in person in Fairfield, California on Friday, January 7, 2011. After the conclusion of training event #21 (bonus event 1), the number of total rounds scored increased from 477 to 505.

I may be submitting additional documentation to you for your review and for review by the members of the Commission relating to my upcoming license application hearing on February 4, 2011. If I have anything further to submit from additional licensed Officials, I will submit the documents to your attention via email or fax as I receive them.

Thank you for your time and for the opportunity to train with the professionals that have mastered their craft.

Sincerely,



William H. Douglas

BILL DOUGLAS – TRAINING EVENTS (JULY 26, 2010 – FEBRUARY 3, 2011)

Event #	Date	Location	Promoter	Type of Event	Number of Bouts
1	08/21/10	Placerville	Rebel Fighter	MMA	11
2	08/28/10	Sacramento	Israel Montes (Battle of the Badges)	Boxing	14
3	09/09/10	Lemoore	Gladiator Challenge (Tachi Palace Fights)	MMA	9
4	09/17/10	Ontario	Thompson Boxing	Boxing	6
5	09/18/10	Santa Clara	Fairtex (War of the Heroes)	Kickboxing / MMA	15 – Kickboxing 2 – MMA
6	09/25/10	Clovis	Pure Combat	MMA	9
7	09/30/10	Los Angeles	Golden Boy Promotions	Boxing	5
8	10/02/10	Roseville	Rebel Fighter	MMA	13
9	10/07/10	Lemoore	Goossen Tutor Promotions	Boxing	7
10	10/08/10	Sacramento	Johnny Davis / AK Promotions	Kickboxing	14
11	10/09/10	San Jose	StrikeForce	MMA	7
12	10/17/10	Long Beach	Topping Events LLC	MMA	8
13	10/22/10	Fresno	StrikeForce	MMA	12
14	10/28/10	Irvine	Roy Englebrecht Events	Boxing / MMA	Boxing – 4 MMA – 2
15	11/12/10	Stockton	Fight Militia	MMA	11
16	11/13/10	Santa Clara	Fairtex (War of the Heroes)	Kickboxing / MMA	Kickboxing – 13 MMA – 2
17	11/18/10	Los Angeles	Golden Boy Promotions	Boxing	6
18	11/19/10	Riverside	MEZ Sports Partners	MMA / Boxing	MMA – 7 Boxing – 4
19	12/05/10	Commerce	Stand Up Promotions	Kickboxing	11
20	12/16/10	Irvine	Roy Englebrecht Events	Boxing / MMA	Boxing – 5 MMA – 1
21 (Bonus 1)	01/07/11	Fairfield	Don Chargin Productions	Boxing	6

Total Bouts Judged July 26, 2010 – February 3, 2011

Boxing: 57

Kickboxing: 53

Mixed Martial Arts: 94

Total (All Bouts): 204

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Mr. George Dodd  
Executive Officer  
California State Athletic Commission  
January 7, 2011

Re: License applicant Bill Douglas

Dear Mr. Dodd,

In early August of 2010, at your request, I accepted the mentoring duties of Bill Douglas, a CSAC Judging license applicant for boxing and mixed martial arts. The following is a summary of the past four months.

Between August 21st and December 16th, 2010, Bill has attended a total of **twenty (20)** CSAC sanctioned shows, in 17 different cities throughout the state. All travel and lodging was on his own time and at his own expense. These shows ranged in discipline(s), from strictly boxing, to various combined shows, featuring kickboxing, mixed martial arts (MMA) and Muay Thai competitions. Throughout these shows, Bill was provided an opportunity to 'Shadow' judge both professional and amateur competitors in all four disciplines.

More specifically, these 20 shows resulted in the following statistics for Bill:

Pro Boxing- 117 total rounds scored.

Amateur Boxing- 36 rounds.

Pro MMA- 130 rounds scored.

Amateur MMA- 39 rounds.

Pro Kickboxing- 3 rounds scored.

Amateur Kickboxing- 78 rounds.

Pro Muay Thai-20 rounds scored.

Amateur Muay Thai-54 rounds.

**Total rounds scored: 477.**

Bills' scoring was very consistent and made based on applying the required criteria of each discipline. In the small number of split decisions, or in the case of one or two bouts wherein he was the 'out' score, Bill was able to clearly articulate his observations and reasons for his scores, without making excuses. Every show seemed to provide another learning opportunity, and Bill, in addition to being very receptive to criticism and direction, asked very solid and insightful questions. It became quickly evident to me, that Bill possesses the crucial abilities of focus and concentration, which will serve him well as a Judge.



At the end of each event where both of us were present, he and I had opportunities to discuss and 'debrief' the individual bouts we had scored, and any unique and/or important points that either felt needed to be addressed. After these and other shows where he was aided by various 'On-site' mentors, Bill always e-mailed me a very detailed, often round-by-round summary of the bouts he had worked, within 2 days time. Many conversations were held with Bill regarding these shows, and again any criticisms well received.

During these 20 events, Bill was presented with a number of 'challenges' which ringside officiating can often present, such as lighting, cramped conditions, overly zealous corner personnel and/or fans, as well as in-ring delays. In these instances, based on my personal observations, documentation and others present, Bill handled himself in the appropriate manner and without controversy.

During these past 4 months, in addition to myself, Bill was assisted by a substantial number of 'On-site' mentors. Without this group effort, this entire undertaking would not have been possible. Bill tells me that he was very well received by other CSAC personnel, many of whom noted their critiques and observations in a journal which Bill has maintained throughout. My thanks go out to the following officials for their help and willingness to impart their knowledge:

Max DeLuca  
Nelson 'Doc' Hamilton  
David Mendoza  
Dan Stell  
Susan Thomas-Gitlin  
John McCarthy  
Ray Balewicz  
Jon Schorle  
Raul Caiz Jr.  
Raul Caiz Sr.  
Ralph McKnight  
Abe Belardo  
Marty Sammon

All documentation relating to this mentoring period (every bout and every round) is available to your office and/or the Commission body, if desired.

In summary, it is my belief that Bill is extremely committed to the objective of obtaining his CSAC license, and that he is the type of individual who takes the attitude of 'Never stop learning.' During this short, but extremely intense four months of training, it is my opinion that he has shown himself to be a capable and consistent CSAC Judge.

Thank you for this opportunity.

Respectfully submitted,

Steve Morrow

[Redacted signature]

December 29, 2010

Dear Ca. State Athletic Commission members,

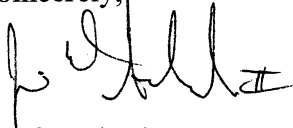
William Douglas has requested a license to become a professional boxing, kickboxing and mixed martial arts judge, I want to express my support for this application.

Bill has fulfilled the minimum requirements and all of his obligations. He has also done everything asked of him by the Executive Officer with great enthusiasm. Bill has demonstrated the unique ability to learn the various rules (and apply them while judging) in all three sports including the five styles of kickboxing. Bill's (mock) judging exercises have proven his accuracy. In fact, the techniques Bill has utilized to teach himself his craft and the tools needed should become mandatory for all new judging applicants.

Bill is an extremely honest and forthright individual with great leadership qualities. He has shown these attributes in his previous tenure at the Ca. State Athletic Commission.

It has been a pleasure working with Bill and answering his constant questions. Bill will become an asset to our officiating team.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon D. Schorle II". The signature is fluid and cursive, with a prominent initial "J" and a stylized "S".

Referee/Judge

Jon D. Schorle II

**From:** Max De Luca [REDACTED]  
**To:** George.Dodd@dca.ca.gov; george\_dodd@dca.ca.gov;  
**Date:** Mon, January 3, 2011 9:25:39 PM  
**Cc:** [REDACTED]  
**Subject:** Bill Douglas

Dear Executive Officer George Dodd, and Commissioners of the California State Athletic commission.

I am writing to you today in regards to Boxing judge license applicant Bill Douglas.

I believe Mr. Douglas is ready to receive his boxing judges license. On 3 separate occasions I met with Bill Douglas at a boxing event and acted as his mentor. Each time I went over different scenarios with Bill regarding many things such as 10-8 rounds without a knockdown and other criteria used in scoring a round. Bill is knowledgeable and has an understanding of all the scenarios I brought to him. More importantly Bill demonstrated the ability to score each fight with accuracy. Bill has documentation of each fight we scored and you will see that his scores are very accurate and reflect the actual scores of the judges that determined the outcome of the fight.

Bill Douglas has knowledge, understanding and has the passion and dedication one needs to be an outstanding boxing judge. I hope you strongly consider Mr. Bill Douglas application as a boxing judge for I have the utmost confidence in his ability and look forward to judging with him in the future.

Sincerely

Max DeLuca

Professional boxing Judge, California.

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December 13, 2010

Please let this serve as a letter of recommendation for Mr. Bill Douglas who I have had the pleasure of mentoring as a Boxing Judge for the last five months. Bill has been an excellent student eager and quick to learn. We have had the opportunity to work together in person and over the phone. We have discussed many different scenarios and we have judged numerous fights together that were on television. His scores have always been very consistent and he always has a sound reason for his particular score.

He has kept a meticulous record book with all the scores for all the fights he has judged. The record book is very structured and well organized. I highly commend Mr. Douglas for his dedication and hard work.

Bill would be an asset to any organization and I would be proud to have him as a colleague and fellow member of the California State Athletic Commission.

For any further information please do not hesitate to call the undersigned at



Sincerely,

Raul A. Caiz Sr.  
Boxing Official

**From:** [REDACTED]  
**To:** George\_Dodd@dca.ca.gov;  
**Date:** Tue, December 14, 2010 9:16:02 AM  
**Cc:** [REDACTED]  
**Subject:** Bill Douglas --Training as a Judge...

George:

On Nov. 19TH, The Riverside Convention Center had a Boxing/MMA show. Bill and I met a few hours before the bouts started to go over a few things. You were in attendance and busy helping out fastening the straps on the ropes so a fighter would not fall out of the ring.

Bill was excited and ready to learn even though this was his 18TH training session with a license official. Much of what I told him he already knew and was right on target. I moved quickly to reinforce that CONCENTRATION is the key element in

Judging a bout. And when judging you must keep the guidelines in mind at all times...1. Effective Punching.

2. Aggressiveness

3. Ring Generalship and 4. Defensiveness.

All the bouts ended in TKO or KO;s His scores on the previous rounds were the same as mine. I questioned him on how he came up with the scores and he explained it very well, and understood that each round is a fight. The Ref. dictates to the Judges on knockdowns, slips and Point deductions and always remember you are the eyes and ears of the Ref. and we all work as a team.

Bill showed that he can judge a fight and has the alertness, concentration and is not influenced by nationality, creed, color or location and more important he does not favor the House Fighter. I also mention that it would be good for him to learn the Rules & Reg's and Decisions.

George, I feel Bill will make an excellent Judge.

Thanks  
David Mendoza

**From:** Ray Balewicz [REDACTED]  
**To:** [REDACTED],  
**Date:** Mon, December 20, 2010 2:52:51 PM  
**Cc:**  
**Subject:** Fw: Bill Douglas

----- Original Message -----

**From:**  
**To:**  
**Sent:** Monday, December 20, 2010 2:51 PM  
**Subject:** Bill Douglas

Mr. Dodd,

I am writing to provide you with a reference for Bill Douglas. I have worked along side of Bill for a few shows and think he would make an excellent judge. After the bout we would talk about the fight and his knowledge of the judging was very accurate. I think he would make a valuable contribution to your team.

If you have any question please contact me.

Ray Balewicz  
[REDACTED]

January 11, 2011

Attn: George Dodd

From: Tom Taylor

Re: Bill Douglas

Mr. Dodd,

It is with great privilege that I write to you in recommendation of Bill Douglas. I met Bill back in the winter of 2006 when he was employed by the California State Athletic Commission as assistant executive officer. His knowledge in boxing than was very obvious and his passion for the sport was clear as well. Over the next couple years it was my pleasure to speak with Bill quite a few times about professional boxing going over many fights here in California as well as abroad and gaining knowledge from him about what goes on "behind" the scenes to make a professional show go off without a hitch. His attention to details and his focus are something I believe would transfer seamlessly over to his next interest, that being a professional boxing judge.

Over the past several months I have seen Bill at many of the local shows here in California and on a few occasions, I have been lucky to meet with him after a show for some food and great conversation about the event we just witnessed. Bill's score cards, reasoning for his scores and his knowledge of what to look for when scoring a profession boxing event are very evident. I believe Bill's passion, knowledge and integrity would be a real asset to our lineup of officials here in California. I look forward to the opportunity to work a show with him in the very near future.

Sincerely,

Thomas Taylor

Ringside Official State of California



**George Dodd**

**From:** Susan Thomas-Gitlin [REDACTED]  
**Sent:** Wednesday, January 12, 2011 8:05 PM  
**To:** George Dodd  
**Subject:** Fw: letter of reference for William Douglas

Attn: George Dodd Executive Officer CSAC  
RE: William Douglas

I have been fortunate to work with (Bill) William Douglas at many CSAC events in 2010. It has been my pleasure to talk with him & share knowledge of judging, scoring, and focusing on the event at hand whether it be MMA, Muay Thai or boxing events.

He came in with his (cup half filled), often spoken of in Martial Arts training. His open mind, willingness to learn all that he can, and put it into effective, professional use to be the best judge he can. His enthusiasm for giving all he can to the fighters is so refreshing, it flows over to everyone he works with.

His workbook that he came up with, to keep scores and notes regarding the fights, sets the standard that should be looked at for training new judges.

I have no doubt that he will be a great asset to CSAC for many years to come.

Respectfully submitted  
Susan Thomas Gitlin Professional Judge with CSAC



*Sutter Medical Group  
of the Redwoods*

A contracted provider of  
Sutter Medical Foundation  
North Bay

**Gary N. Furness, M.D.**  
*Family Medicine  
Medical Director, SMGR*

2455 Summerfield Road  
Santa Rosa, CA 95405  
(707) 523-2666  
(707) 523-3399 Fax

January 12, 2011

To: California State Athletic Commission

It is my pleasure to request the CSAC grant Mr. Bill Douglas a license to judge combat sports.

Bill has been a delight to work with as an inspector, lead inspector at many events, and during his tenure running the nuts and bolts of CSAC between Mr. Garcia, and Mr. Dodd.

His knowledge and enthusiasm for combat sports is relatively unique.

I have total confidence that he will be a very accurate, and proficient, as a licensed judge.

Sincerely,

Gary N. Furness, M.D.

**George Dodd**

**From:** William Douglas  
**Sent:** Friday, January 21, 2011 9:46 AM  
**To:** George Dodd  
**Cc:** Che Guevara  
**Subject:** Character Reference from Ed Collantes

**From:** [REDACTED]  
**Sent:** Friday, January 21, 2011 9:47 AM  
**To:** William Douglas  
**Subject:** Fw: Reference to CSAC

Sent from my Verizon Wireless BlackBerry

**From:** "Edward A. Collantes" [REDACTED]  
**Date:** Fri, 21 Jan 2011 09:39:50 -0800  
**To:** [REDACTED]  
**Subject:** Reference to CSAC

To members of the California State Athletic Commission and Executive Staff:

I am a licensed California official working in Northern California for the past 2 years. Prior to this, I worked as a USA Boxing official for 8 years. Over the course of my officiating career, I have met many aspiring and licensed officials.

I first met Bill about 4 years ago when he was the Assistant Executive Officer of CSAC. Bill was an excellent communicator and had a great ability to understand, analyze and solve complex issues. When Bill resigned, I felt that CSAC lost a valuable administrator. Recently, Bill has become an aspiring judge and I have seen him at many events over the past 7 months. Bill was punctual and conducted himself in a professional manner at all times. Impressively, Bill kept a log book of all his judging scores and notes documenting his shadowing work. In conversing with Bill about scoring fights, Bill has an in depth knowledge of the professional judging and in my opinion, and rationalizes his scores astutely.

I fully support the licensing of Bill Douglas as a professional judge and I would like to welcome him to our team

Best regards,

Ed Collantes  
San Francisco, CA  
January 21, 2011

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**DEPARTMENT OF CONSUMER AFFAIRS**  
**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 8.a**

**New Promoter Application for Permanent License**

**Brett Roberts – BAMMA USA**



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



Agenda Item 8.a  
February 4, 2011

**New Promoter Application for Licensure**

Brett Roberts – BAMMA USA

**Summary:** Mr. Roberts was granted a temporary license January 27, 2010 and conduct his first show in Sept 2010. After reviewing the documentation from the event and discussing the event with the lead supervisor, there was no issues noted and the event was ran professionally without any problems. No checks were returned and all fees were paid on time.

**Recommended:** I recommend that the Commission grant Mr. Roberts of BAMMA USA a license as a Promoter in California.



**DEPARTMENT OF CONSUMER AFFAIRS**

**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 8.b**

**Application for Promoter License**

**Jeff Benz/Andrew Madigan – Worlds Series of  
Boxing**

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## California State Athletic Commission

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



Agenda Item 8.b  
February 4, 2011

**New Promoter Application for Licensure**

Andrew Madigan – World Series of Boxing

**Summary:** The World Series of Boxing has conducted four events since being licensed as a professional promoter. The World Series of Boxing is working with USA Boxing and AIBA to allow these individuals to fight under professional rules, but maintain their status as amateurs to fight in the Olympics if they qualify. Under California rules, since they are being paid to participate and fighting under professional rules, the State Athletic Commission as regulatory authority for these events.

We have established a very good working relationship with the management at the World Series of Boxing. The events are ran professionally, safety, and without any major problems. As with most new promotions there are minor problems that include ring set up, medical documentation in a timely fashion, and obtaining Federal Identification numbers. None of the issues upon has put the health and safety of the fighters at risk. The lead inspector for each event has worked closely with the management of the World Series of Boxing and has been able to obtain all documentation needed prior to individual fights.

**Recommended:** I recommend that the Commission grant Mr. Madigan of World Series of Boxing a permanent license as a Promoter in California.



**DEPARTMENT OF CONSUMER AFFAIRS**  
**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 8.c**

**New Promoter Application for Permanent License**

**Joseph Vivo – Vivo Promotions**

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## California State Athletic Commission

Sacramento, CA 95815  
www.dca.ca.gov/csac/  
(916) 263-2195 FAX (916) 263-2197



Agenda Item 8.c  
February 4, 2011

**New Promoter Application for Licensure**

Joseph Vivo – Vivo Promotions

**Summary:** Vivo Promotions was granted a temporary license in May 26, 2010 and held its first event in August 14, 2010. The event was a amateur/professional Muay Thai event held at the Saugus Speedway. All necessary paperwork was received in a timely fashion and no problems were encountered by staff working this event. There were no issues with the promotions company concerning payments to fighters, officials, or the Athletic Commission.

**Recommended:** I recommend that the Commission grant Mr. Vivo of Vivo Promotions a license as a professional Promoter in California.



**DEPARTMENT OF CONSUMER AFFAIRS**

**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 8.d**

**Application for Promoter License**

**Marc Amon – Oxnard Peace Officer Association**



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



Agenda Item 8.d  
February 4, 2011

**New Promoter Application for Licensure**

Marc Amon – Oxnard Peace Officer Association

**Summary:** Was granted a temporary license on November 23, 2010 and held their first amateur event on December 11, 2010 at Ocean View Pavilion in Port Hueneme. The event ran smoothly without any problems dealing with security for this event. The lead inspector reported that he had a good working relationship with Mr. Amon and his staff ensured all the bouts were conducted in a safe manor. Mr. Amon did receive a copy of the new checklist required for new promoters and all necessary equipment was available.

**Recommended:** I recommend that the Commission grant Mr. Amon of Oxnard Peace Officer Association a license as an amateur Promoter in California.



**DEPARTMENT OF CONSUMER AFFAIRS**  
**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 9**

**License Application**

**Jamiah Williamson**



Agenda Item 9  
February 4, 2011

**License Renewal Request**

**Subject:**

Jamiah Williamson – Professional Fighter

**Summary:** Mr. Williamson was first licensed with the California State Athletic Commission in 2006. After being licensed Mr. Williamson has been suspended by the California State Athletic Commission three times for testing positive for marijuana usage. His last suspension was in 2007 in which a suspension and fine was given to Mr. Williamson for his positive test results. Mr. Williamson has completed his suspension and paid the fine that was given to him.

**Recommendation:** After reviewing the documentation that Mr. Williamson has provided I find that Mr. Williamson is sincere about being rehabilitated. As stated in his letter Mr. Williamson has graduated from the American Career College with honors in the optical program and completed spiritual counseling and drug counseling from his church. He makes no excuses for his prior drug abuse and wishes to get his career back on track as a professional fighter.

I would recommend to the commission that Mr. Williamson be given the opportunity to continue his career as a professional fighter with the following conditions. That for the next year, Mr. Williamson make himself available for random drug testing and that the cost to conduct the test be paid by Mr. Williamson.

Jamiah Williamson

[REDACTED]

[REDACTED]

July 29, 2010

Dear California State Athletic Commission:

I need to request to be at the CSAC next meeting in order to have the status of my professional boxing license reinstated. Please reach me at [REDACTED]. My email is [REDACTED]

Sincerely,

Jamiah Williamson

FAX

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CAC Letter

ATTN: George Dodds

Dear, California Athletic Commission

For as long as i can remember ive heard stories of my father being a former world Champion. Stories of him fighting in the Pan American games, and also being a Marine Champion. But even more so, i heard stories of his drug addiction. An addiction I started in

my life at the age of twelve. Growing up I loved to fight and was very good at it, but I

never wanted to be a world championship fighter. As far back as I can remember I always

wanted to be a good father. I guess maybe this was Do to the fact that I only heard stories

of a father, but never witnessed one. Through my teenage life, playing football, the military, or pretty much anything else ive done in life, Ive always smoked marijuana and

have tried other drugs also. At the age of 24 i found myself pretty much lost and homeless,

without any direction. It was at this time in my life I decided to get into boxing hoping I

could make some money fighting. I soon walked into the wild Card boxing gym and began to

train. Not soon after I learned that I would be a father. I faught a few ametuer fights and

turned pro in Boxing and MMA. At the same time partying and direspecting my mind and body,

Lacking the decipline of a true fighter! In result, I have been suspended from by the

California athletic Commission 3 times for testing positive for marijuana. One in MMA and 2

in boxing. Because of my actions my fight career has been bruised and slowed down. But my

love and understanding of being a good father has only grown. And so has my love and respect

for the sport of Boxing. Due to the economy it is hard to support my daughter, of whom I

have full custody of. My Hopes and Dreams of being the Next True American world Heavyweight

Champion came from the need and want to support my daughter and to follow in the footsteps

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CAC letter

of a great forgotten world Champion of the sport. My father. Since August 28th of 2008 I

have not done any drugs. I returned back to school Graduating from American Career College

with Honors, in the Optical Program. In my spare time sharpening my skills as a Bloodline

championship fighter! So that I may one day be the Greatest! My destiny has lead me to this

very point! I make no excuses for my mistakes and mishaps in life. I have only done my best

to learn and grow from them. Disrespecting ones mind and temple and the sport of boxing is

what lead to the destruction of my father. This will not happend to me! I first ask for forgivness from my Manager, Whitfield Hatton for slowing down our Goal and

progress. And also the California Atheletic Commission. I also ask that you find it in your

hearts to reinstate my liscense to fight, so that I may make my mark in History, and so

that my daughter does not only hear stories of what her father could have been!!

Thank YOU

Jamiah Williamson

THE NEXT GREAT AMERICAN WORLD HEAVYWEIGHT CHAMPION!!!





**DEPARTMENT OF CONSUMER AFFAIRS**  
**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 10**

**License Denial**

**Anthony Dorian**



January 20, 2011

Mr. Anthony Dorian



Mr. Dorian:

This letter shall serve as notice that you are hereby being denied a permanent professional boxer's license at this time. This action is being taken based upon reviewing the medical documentation that you provided.

Rule 281, PHYSICAL CONDITION OF BOXER states in pertinent part: . . ."(c) no license shall be issued to any boxer who has suffered cerebral hemorrhage or any other serious head injury."

If you wish to appeal this denial, you must request a hearing in writing within thirty (30) days of the date of this letter. Please direct your request to the Executive Officer, California State Athletic Commission, 2005 Evergreen Street Suite 2010, Sacramento, California 95815.

I wish you success should you decide to continue your pursuit of becoming a professional boxer. If you have any questions call me at (916) 263-2195.

George Dodd  
Executive Officer



**DEPARTMENT OF CONSUMER AFFAIRS**  
**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 11**

**Bout Appeal**

**Eddie Mendez vs. Kenny McCorkle**



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



Agenda Item 11  
February 4, 2011

**Bout Appeal – Eddie Mendez vs. Kenny McCorkle**

**Summary:** This event took place on November 20, 2010 in Pomona, CA. It was scheduled for three rounds, five minutes in length. Originally Eddie Mendez was placed in the red corner and Kenny McCorkle in the blue corner. Prior to the contest the fighters were instructed to switch corners by the promoter which usually does happen from time to time. When this does happen, the judge should be aware of this and change his scorecards accordingly. After the fight was completed the announcer said that Mr. McCorkle has won via unanimous decision, but I knew that one of the judges scored it for the other fighter, which would have made it a split decision. When reviewing the cards I was unable to verify the score cards of judge Gene Lebell since there were a lot of changes made on the score cards. I instructed Sid Segovia to verify with Mr. Lebell which fighters he had in the blue and red corners. Mr. Lebell took the score cards from Mr. Segovia and changed the score for round one. This caused more confusion and uncertainty as to who actually won the contest.

**Recommended:** After reviewing the score cards and discussing this situation with the acting Chief Athletic Inspector Che Guevara, I recommend the commission change the outcome of the bout to a “no decision” due to the inaccuracy of the score cards.



Promoter JOHN PENA City POMONA Date 11/20/2010  
Kenny McKorkic VS Eddie Mendez

MASTER SCORERS SHEET

JUDGE (White) Gene LeBell

Name: <u>McKorkic</u>		Name: <u>Mendez</u>				
Net Points	Points Deducted	Round Points	Round	Round Points	Points Deducted	Net Points
10		10	1	9		9
20		10	2	9		18
29		9	3	10		28
			4			
			5			
			6			
			7			
			8			
			9			
			10			
			11			
			12			
<u>29</u>	◀	TOTAL NET POINTS		TOTAL NET POINTS	▶	<u>28</u>

JUDGE (Blue) Luis Cobian

Name: <u>McKorkic</u>		Name: <u>Mendez</u>				
Net Points	Points Deducted	Round Points	Round	Round Points	Points Deducted	Net Points
9		9	1	10		10
19		10	2	9		19
29		10	3	9		28
			4			
			5			
			6			
			7			
			8			
			9			
			10			
			11			
			12			
<u>29</u>	◀	TOTAL NET POINTS		TOTAL NET POINTS	▶	<u>28</u>

JUDGE (Red) Lesia Griffin

Name: <u>McKorkic</u>		Name: <u>Mendez</u>				
Net Points	Points Deducted	Round Points	Round	Round Points	Points Deducted	Net Points
10		10	1	9		9
20		10	2	9		18
29		9	3	10		28
			4			
			5			
			6			
			7			
			8			
			9			
			10			
			11			
			12			
<u>29</u>	◀	TOTAL NET POINTS		TOTAL NET POINTS	▶	<u>28</u>

RESULTS: Kenny McKorkic  
UNANIMOUS ALL THREE 29/28

Remarks: \_\_\_\_\_

Referee's Name: [Signature]

Signature of Commission Representative: [Signature]

G. LeBell

Box 6

CALIFORNIA ATHLETIC COMMISSION



JUDGE'S ROUND CARD

Promoter: J P BWA City: Pomona Date: 11/20/10

Corner Blue Round # 1 vs Red Eddie Mendez

Points by Round: 10 vs 9 Points Deducted: vs NET TOTAL POINTS: vs

Judge's Name: Gene LeBell

Kenny McKonkle

Eddie Mendez

G. LeBell

Box 6

CALIFORNIA ATHLETIC COMMISSION



JUDGE'S ROUND CARD

Promoter: J P BWA City: Pomona Date: 11/20/10

Corner Red Round # 3 vs Blue Eddie Mendez

Points by Round: 9 vs 10 Points Deducted: vs NET TOTAL POINTS: vs

Judge's Name: Gene LeBell

Kenny McKonkle

Eddie Mendez

G. LeBell

Box 6

CALIFORNIA ATHLETIC COMMISSION



JUDGE'S ROUND CARD

Promoter: J P BWA City: Pomona Date: 11/20/10

Corner Blue Round # 2 vs Red Eddie Mendez

Points by Round: 10 vs 9 Points Deducted: vs NET TOTAL POINTS: vs

Judge's Name: Gene LeBell

Kenny McKonkle

Eddie Mendez

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CALIFORNIA ATHLETIC COMMISSION

JUDGE'S ROUND CARD

Promoter: J. PENNA City: POMONA Date: 11-20-10

Corner RED BLUE Round # 1 Corner RED BLUE Boxer's Name EDDIE MENDEZ vs KENNY MC. KORKLE

Points by Round 10 9 Points Deducted NET TOTAL POINTS 10 9

Judge's Name: [Signature]



CALIFORNIA ATHLETIC COMMISSION

JUDGE'S ROUND CARD

Promoter: J. PENNA City: POMONA Date: 11-20-10

Corner RED BLUE Round # 2 Corner RED BLUE Boxer's Name EDDIE MENDEZ vs KENNY MC. KORKLE

Points by Round 9 10 Points Deducted NET TOTAL POINTS 9 10

Judge's Name: [Signature]



CALIFORNIA ATHLETIC COMMISSION

JUDGE'S ROUND CARD

Promoter: J. PENNA City: POMONA Date: 11-20-10

Corner RED BLUE Round # 3 Corner RED BLUE Boxer's Name EDDIE MENDEZ vs KENNY MC KORKLE

Points by Round 10 9 Points Deducted NET TOTAL POINTS 10 9

Judge's Name: [Signature]



L. Grossen

CALIFORNIA ATHLETIC COMMISSION #16

JUDGE'S ROUND CARD

Promoter: J Pena City: Pomona Date: 11/20/10

Corner [Red] Round # [1] Corner [Blue]

Boxer's Name: K. McKonkle vs E. Mendez

Points by Round: [10] Points by Round: [9]
Points Deducted: [ ] Points Deducted: [ ]
NET TOTAL POINTS: [10] NET TOTAL POINTS: [9]

Judge's Name: [Signature]



L. Grossen

CALIFORNIA ATHLETIC COMMISSION

JUDGE'S ROUND CARD

Promoter: J Pena City: Pomona Date: 11/20/10

Corner [Red] Round # [2] Corner [Blue]

Boxer's Name: K. McKonkle vs E. Mendez

Points by Round: [10] Points by Round: [9]
Points Deducted: [ ] Points Deducted: [ ]
NET TOTAL POINTS: [10] NET TOTAL POINTS: [9]

Judge's Name: [Signature]



L. Grossen

CALIFORNIA ATHLETIC COMMISSION

JUDGE'S ROUND CARD

Promoter: J Pena City: Pomona Date: 11-20-10

Corner [Red] Round # [3] Corner [Blue]

Boxer's Name: K. McKonkle vs E. Mendez

Points by Round: [9] Points by Round: [10]
Points Deducted: [ ] Points Deducted: [ ]
NET TOTAL POINTS: [9] NET TOTAL POINTS: [10]

Judge's Name: [Signature]

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# **IRIDIUM**

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## **SPORTS AGENCY**

To Whom It May Concern,

Our client, Eddie Mendez fought in the main event against Kenny McCorkle for Respect in the Cage on November 20<sup>th</sup> in Pomona, CA. At the conclusion of the fight, the announcer erroneously read the scorecards and announced that the fight was awarded to Mr. McCorkle.

Upon further investigation, it was revealed that, two of the three judges scored the bout for Eddie Mendez 29-28. Due to last minute changes by the promotion, Judge Gene LeBell appropriately changed his scored, however it was misinterpreted.

The confusion occurred because at the same time the fight was being announced, the fighters were instructed to switch corners which required the judges to switch the sides on the scorecards to award points for the round winning fighter. Although Judge LaBelle corrected his scorecard, and immediately confirmed that he did in fact score the fight for Mr. Medez, the official result was recorded as a win for Mr. McCorkle.

Because it was the desire of the majority of judges to award the fight to Mr. Mendez we respectfully contest the official recording of this decision.

Thank you for your time and consideration.

My Best Always,

Jason House, Esq.  
Iridium Sports Agency  
Chief Executive Officer

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**George Dodd**

**From:** Jason House - Iridium Sports Agency [JHouse@iridiumsportsagency.com]  
**Sent:** Sunday, November 21, 2010 7:56 PM  
**To:** George Dodd  
**Subject:** Respect in the Cage - November 20th - Pomona, CA

Hi George,

Our client Eddie Mendez fought in the main event against Kenny McCorkle for Respect in the Cage on November 20<sup>th</sup> in Pomona, CA. At the end of the fight, the announcer stated that Mr. McCorkle had won the fight.

However, after the fight two of the three judges stated that the results of the decision were wrong and that they scored the bout for Eddie Mendez 29-28. It is for this reason that we respectfully contest the decision.

Further investigation demonstrated that there was a lot of confusion in filling out the scorecards because there was confusion regarding placing in the fighters in the proper corner before the fight and as a result the corners were switched. This confusion was clearly displayed in the scorecards. Again, when the judges were asked they clearly said that Eddie Mendez won the fight.

Thank you for your time and consideration. We will be sending a letter respectfully asking to contest the results of this fight as well.

My Best Always,

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Whittier Law School, J.D.  
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**DEPARTMENT OF CONSUMER AFFAIRS**

**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 12**

**Medical Advisory Committee**

**Establish Subcommittee for Selection Process**

**California State Athletic Commission**

2005 Evergreen St., Ste. #2010  
Sacramento, CA 95815  
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Agenda Item 13  
February 4, 2011

**Medical Advisory Committee****According to the Business and Profession Code 18645:**

There is hereby created within the jurisdiction of the State Athletic Commission an Advisory Committee on Medical and Safety Standards.

The committee shall consist of six licensed physicians and surgeons appointed by the commission. The commission may call meetings of those physicians and surgeons at such times and places as

it deems appropriate for the purpose of studying and recommending medical and safety standards for the conduct of boxing, wrestling, and martial arts contests.

It shall require a majority vote of the commission to appoint a person to the committee. Each appointment shall be at the pleasure of the commission for a term not to exceed four years.

**Office Status:** In mid-December working with the Medical Board of California, we sent out a request to approximately 80,000 physicians throughout California who might wish to be part of the advisory committee and response has been great. We have received over 400 curriculum vitae (CV) from physicians from various specialties and backgrounds.

The next step is to set up a subcommittee for the selection of the physicians to be on the advisory committee. The staff can narrow the search bases on the standards of what the subcommittee looking for.

I expect that the commission will be able to vote on the advisory committee at the April 18, 2011 meeting.

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**DEPARTMENT OF CONSUMER AFFAIRS**

**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 13**

**Medical Presentation Brain Trauma/Study  
Recommendation**

**Dr. Ben Newman/Dr. Van Lemon**

## Mortality Resulting From Head Injury in Professional Boxing

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Congress of Neurological Surgeons

**BACKGROUND:** The majority of boxing-related fatalities result from traumatic brain injury. Biomechanical forces in boxing result in rotational acceleration with resultant subdural hematoma and diffuse axonal injury.

**OBJECTIVE:** Given the inherent risk and the ongoing criticism boxing has received, we evaluated mortalities associated with professional boxing.

**METHODS:** We used the Velaquez Fatality Collection of boxing injuries and supplementary sources to analyze mortality from 1950 to 2007. Variables evaluated included age at time of death, association with knockout or other outcome of match, rounds fought, weight class, location of fight, and location of preterminal event.

**RESULTS:** There were 339 mortalities between 1950 and 2007 (mean age,  $24 \pm 3.8$  years); 64% were associated with knockout and 15% with technical knockout. A higher percentage occurred in the lower weight classes. The preterminal event occurred in the ring (61%), in the locker room (17%), and outside the arena (22%). We evaluated for significant changes after 1983 when championship bouts were reduced from 15 to 12 rounds.

**CONCLUSION:** There was a significant decline in mortality after 1983. We found no significant variables to support that this decline is related to a reduction in rounds. Rather, we hypothesize the decline to be the result of a reduction in exposure to repetitive head trauma (shorter careers and fewer fights), along with increased medical oversight and stricter safety regulations. Increased efforts should be made to improve medical supervisions of boxers. Mandatory central nervous system imaging after a knockout could lead to a significant reduction in associated mortality

**KEY WORDS:** Boxing, Head trauma, mortality

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www.neurosurgery-online.com

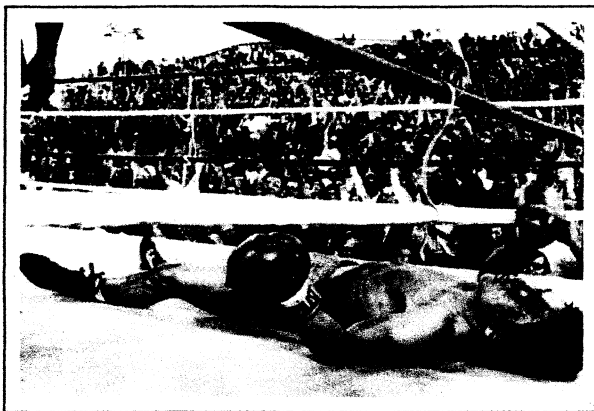
The sport of boxing has been subjected to substantial criticism from the medical establishment over the past 50 years. Boxing matches carry a high rate of injury for the fighters, and 15% to 40% of former boxers have symptoms of chronic brain injury.<sup>1–4</sup> One study determined that the force of a punch from a professional boxer could be compared with being struck by a 13-lb bowling ball swung at 20 mph.<sup>5</sup> Given the number of head blows a boxer sustains during a fight, it is not surprising that the majority of boxing-related deaths can be directly attributed to traumatic brain injury. Although there have been several high-profile deaths following prizefights, none have affected the sport as significantly as the death of

boxer Duk Koo Kim. Kim was a lightweight contender from south Korea who challenged Ray Mancini, then the current world lightweight champion, at Caesar's palace in Las Vegas on November 13, 1982. He lost consciousness minutes after losing the fight by technical knockout (TKO) in the 14th round and was taken to a nearby hospital where he was found to have a subdural hematoma severe brain swelling (Figure 1). Despite emergent evacuation of the hematoma, he died 4 days later.<sup>6</sup>

The World Boxing Council, as a consequence of the fight, claimed that a study with their medical advisors revealed that fighters are most severely injured during rounds 13 through 15. The council decided to immediately reduce the number of rounds in championship bouts from 15 to 12. The World Boxing Association,

**ABBREVIATIONS:** TKO, technical knockout

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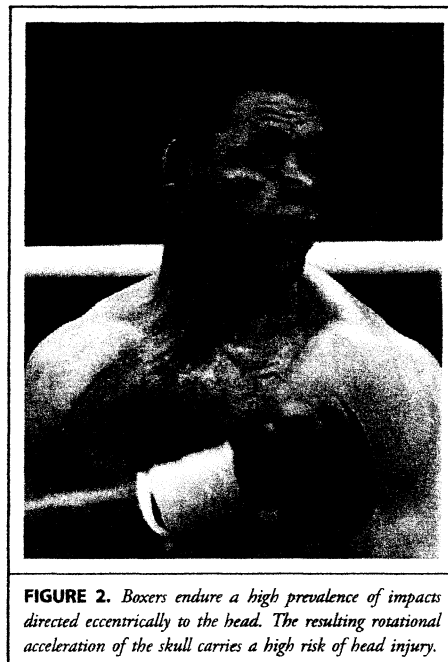


**FIGURE 1.** Korean lightweight Duk Koo Kim after being knocked out by Ray Mancini in the 14th round. Kim's death led to permanent changes in the structure of professional boxing matches in an attempt to improve the safety of fighters.

International Boxing Federation, and World Boxing Organization followed suit over the next several years.<sup>6,7</sup> Additional changes like an increase in the number of ring ropes and more extensive medical evaluations during prefight checkups were also made. The aftermath of Duk Koo Kim's death and emerging evidence that chronic brain damage was prevalent among fighters also led the *Journal of American Medical Association* to publish 2 editorials, including one by Lundberg,<sup>8</sup> calling for a ban on boxing. The association's scientific council made formal recommendations for increased medical supervision of the athletes and the fights.<sup>9</sup>

Much of the medical world's organized leadership has spoken out against boxing since that time, including the American, British, Canadian, and World medical associations; the American Neurological Association; the American Academy of Neurology; and the American Academy of Pediatrics. As with automobile accidents and other traumatic events, the biomechanical forces to the head encountered in boxing have been studied extensively.<sup>4,5,10-16</sup> Boxers endure a high prevalence of impacts directed eccentrically to the head, resulting in rotational acceleration.<sup>17,18</sup> This is different from the biomechanics involved in other contact sports such as football, where the impact is more commonly directed at the center of the head, resulting in a translational acceleration. Angular rotation of the skull carries a higher risk of severe head injury than linear movements, theoretically by creating greater tension on the bridging vessels and brain tissue<sup>19</sup> (Figure 2).

Punches directly to the jaw and forehead also may cause flexion and compression of the bridging veins, respectively. Clinical evidence in humans and animal studies has demonstrated that the majority of subdural hematomas are due to the effects of rotational forces stretching the bridging veins. It is thus not surprising that subdural hematomas account for approximately 75% of moderate and severe head injuries in boxers. A study by Ommaya



**FIGURE 2.** Boxers endure a high prevalence of impacts directed eccentrically to the head. The resulting rotational acceleration of the skull carries a high risk of head injury.

et al<sup>20</sup> determined that a rotational acceleration of 4500 rad/s<sup>2</sup> was required to produce concussion in an adult, whereas severe diffuse axonal injury occurred at 18 000 rad/s<sup>2</sup>, with mild and moderate diffuse axonal injury occurring at 12 500 and 15 500 rad/s<sup>2</sup>, respectively. Comparatively, a separate study by Pince-maille et al<sup>21</sup> measured rotational accelerations during boxing at 13 600 rad/s<sup>2</sup>. Diffuse axonal injury accounts for a significant amount of the remainder of traumatic brain injuries sustained by boxers, along with epidural hematomas, intracerebral hemorrhage, and cerebral contusions.

Striking the head on the ring floor after a KO may also contribute significantly to the injury. Given the ongoing criticism the sport of boxing has received from the medical establishment and the risks inherent in the sport, we evaluated the mortalities associated with professional boxing in addition to variables associated with mortality. In our review of available data, consideration of boxing fatalities and their associated causes was sorely lacking. Significant disparity also exists among published reports of mortality rates. This in part reflects the numerous organizations responsible for the sanctioning of fights at the professional level. Our goal was to provide a thorough review of the fatalities resulting from professional boxing.

## PATIENTS AND METHODS

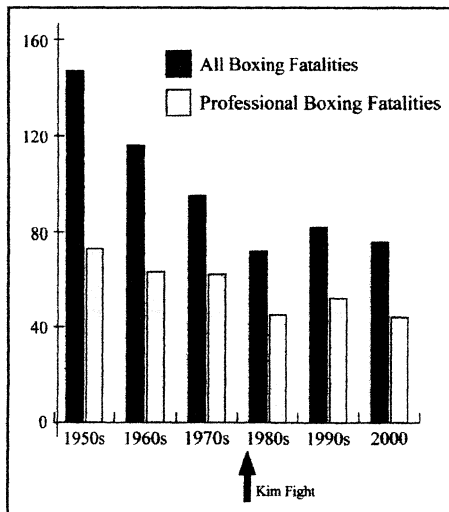
We sought to catalog mortalities resulting from head injury in professional boxing since 1950. A database was compiled using the Manuel Velazquez Boxing Fatality Collection<sup>7</sup> and *The Ring Record Book and Boxing Encyclopedia*.<sup>22</sup> The database was initially verified before our

review of the data points. Each entry was verified by review of the actual information reporting the specifics of each fatality. Data that remained unclear with regard to any of the variables noted in the study were not included in the analysis. The series included a total of 1607 fatalities occurring between the year 1741 to December 2007. The Velazquez collection originates from the extensive lifelong research of Manuel Velazquez, an anti-boxing activist, and has been expanded by J.R. Swinth. One of the most extensive databases available, the data from the Velazquez database have added a significant number of fatalities to previously reported figures. Critchely<sup>23</sup> reported 207 ring deaths before 1950, and *The Ring Record Book and Boxing Encyclopedia* reports 164 deaths between 1918 and 1950.<sup>24</sup>

Our review has found evidence of 711 deaths before 1950 and 377 deaths between 1918 and 1950. A total of 588 boxing fatalities resulting from head injury between 1950 and 2007 were analyzed. In total, 339 deaths occurred in professional boxers, 225 occurred in amateur boxers, and 15 were the result of Toughman competitions. Only mortalities in professional boxing were evaluated in this study (Figure 3). Variables analyzed included the age of the boxer at time of death; association with a KO, win, or loss; number of rounds fought; weight class; location of fight; and location of terminal event. These variables were further analyzed with the data from 1983 to 2007. The year 1983 is of significance because of the change in championship bouts from 15 to 12 rounds after the death of Duk Koo Kim. Between 1950 and 1983, only 3 mortalities were associated with KO in rounds beyond the 12th round: Casino "Blue Tornado" Sawyer in 1955 (KO in the 13th round), Jupp Elze in 1968 (TKO in the 15th round), and Duk Koo Kim in 1982 (TKO in the 14th round).

**RESULTS**

The mean age of the boxer at time of death was  $24 \pm 3.8$  years; the range was 17 to 34 years; and the mode was 22 years. There



**FIGURE 3.** Bar graph demonstrating boxing mortalities resulting from head injury by decade. Of the 588 boxing fatalities identified, 339 occurred in professional boxers. Only mortalities in professional boxing were evaluated in this study.

was no significant difference in age between the complete series and mortalities after 1983 (Table 1). When considering the entire historic series, we found that the youngest reported mortality was 10-year-old Francisco Velazquez in 1963 and the oldest was 91-year-old Thomas Dawson, who died in 1822. Four professional boxers were involved in 2 fatal fights, once as a survivor and once as fatality. These boxers were Sam Baroudi (died in 1947 at 23 years of age), Jack Burns (died in 1889), Bert McCarthy (died in 1921 at 21 years of age), and Isidro "Gino" Perez (died in 1981 at 25 years of age).<sup>7</sup> In the complete series, 64% of fatalities were associated with the fighter being knocked out, whereas 15% followed a TKO, 5% followed a decision win, 9% followed a decision loss, 1% followed a "no decision," and 2% were draws (Figure 4).

Of the fatalities that occurred after 1983, 62% were associated with a KO, 18% with a TKO loss, 1% with a TKO win, 12% with a decision loss, and 4% with a decision win, and 3% occurred after a draw. Looking only at fights in the United States after 1983, we found that 79% of fatalities occurred after a KO, 9% after a TKO loss, 2% after a TKO win, 8% after a decision loss, and 2% after a draw. The mean round for a KO was  $7 (\pm 3)$ , with the majority of KOs occurring in the 10th round. Table 2 lists professional boxing deaths by weight class. Evaluation of the complete series revealed mortalities in the flyweight (12%), bantamweight (16%), featherweight (20%), lightweight (16%), welterweight (19%), middle weight (12%), light heavyweight (1%), cruiserweight (1%), and heavyweight (5%) weight classes. The only significant differences after 1983 were seen in mortalities associated with flyweight (4% from 1950-1982 and 19% after 1982) and middleweight (12% from 1950-1982 and 3% after 1983) divisions. No comparison could be made in the cruiserweight division given its inception in 1980.

Mortality by country is noted in Table 3. The majority of deaths occurred in the United States. This finding is likely based on the increased number of fights scheduled in the United States each year. We have also documented the presence of mortality clusters based on location and year. It is difficult to understand what this represents, but it could be indicative of flaws in the management of the athletes at that time (Tables 4 and 5). Analysis of the location of the preterminal event (loss of consciousness) in the complete series revealed 61% of mortalities to be associated with a preterminal event in the ring, 17% in the locker room, 10% within 24 hours after the fight, and 12% > 24 hours after the fight. The only significant differences found before and after 1983 suggested that more terminal events occurred

	Complete Series, y	After 1983, y	P
Mean	$24 \pm 3.8$	$24 \pm 3.8$	NS
Mode	22	23	
Minimum	17	19	
Maximum	34	34	

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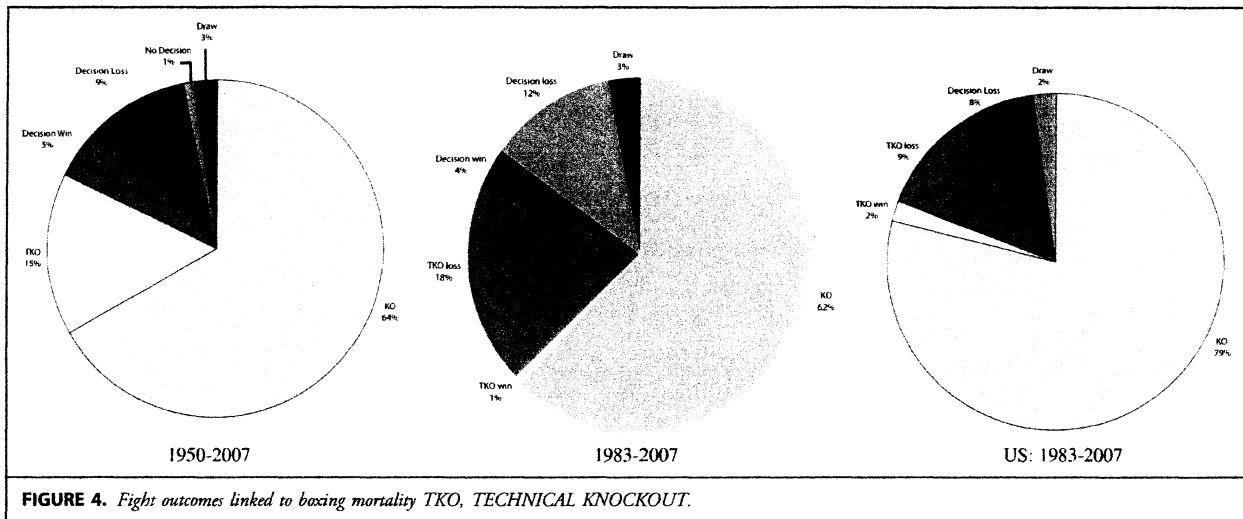


FIGURE 4. Fight outcomes linked to boxing mortality TKO, TECHNICAL KNOCKOUT.

temporally closer to the fight from 1950 to 1983 (in ring, 16%; > 24 hours, 17%) as opposed to after 1983 (in ring, 6%; > 24 hours, 34%; Table 6).

Logistic regression analysis was performed to generate a potential model of outcome. The dichotomous outcome variables were preterminal event in the ring, preterminal event in the locker room, preterminal event < 24 hours after the fight, and preterminal event > 24 hours after the fight. The only predictive variables included preterminal event > 24 hours after a KO after 1983 (odds ratio = 24.49), preterminal event in the ring after a KO in the fifth round (odds ratio = 5.89), preterminal event in the ring after a KO in welterweights (odds ratio = 1.58). No definitive model could be generated.

**DISCUSSION**

The modern era of professional boxing originated in the early 20th century around the time that Jack Dempsey's surprise

victory over the favored Jess Willard generated an enormous amount of media attention. Subsequent boxing movies, million-dollar purses, and extensive media coverage contributed to the enormous public interest in professional boxing and the subsequent growth of the sport. A sharp increase in the boxing mortality rate was observed during the 1950s relative to the prior decade and is likely reflective of the globalization of boxing after World War II, with the sport spreading to Indonesia, Japan, Mexico, the Philippines, and South Africa.<sup>7,25</sup> Our analysis of boxing fatalities since this time reveals a significant relationship between KO and mortality.

Weight Class	Weight Limit, lb	Entire Series, %	After 1983, %
Flyweight	<112	12	22
Bantamweight	118	16	22
Featherweight	126	20	19
Lightweight	135	16	13
Welterweight	147	19	13
Middleweight	160	12	6
Light heavyweight	175	1	1
Cruiserweight	200	1	1
Heavyweight	>200	5	1

Country	Mortality, % <sup>a</sup>
United States	23
Cuba	1
Canada	2
Japan	8
Martinique	1
Mexico	9
Thailand	2
Korea	1
Guam	1
Africa	9
East Europe	1
Europe	13
Australia	5
Philippines	9
Indonesia	6
South/Central America	10

<sup>a</sup>Twenty-three fatalities (10%) occurred during championship fights; 9 (17%) occurred during championship fights in the United States.

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**TABLE 4. Geographic Cluster of Multiple Mortalities Within a 12-Month Period**

Cluster	Mortality in Clusters <sup>a</sup>			
	Entire Series	Temporal Significance	US Series	Temporal Significance
2	30	11 <sup>b</sup>	12	4 <sup>b</sup>
3	13	3 <sup>b</sup>	3	1
4	2	2	2	0
5	1	0	0	0

<sup>a</sup>Noted are the number of mortalities (cluster) that occurred in the same location within a 12-month period. Of those clusters, some occurred at such short intervals between deaths that they reached significance. In New York, there were 8 fatalities from 1960 to 1962; in Massachusetts, there were 5 fatalities from 1954 to 1956. <sup>b</sup>*p* < .01.

The determination of KO is made when one of the fighters is unable to rise from the mat within 10 seconds. Although KOs are considered to be one of the more exciting elements of boxing, they are relatively uncommon, occurring in < 5% of professional fights.<sup>26,27</sup> This notably contrasts to the relationship between KOs and boxing fatalities in our series, which demonstrates that 64% of mortalities occurred after a KO in the ring. Attempts to improve boxing mortality rates should focus on either diminishing the repetitive impacts to the head that result in a KO or intervening immediately after a KO to expedite diagnosis and provide medical treatment.

Possible methods of reducing the damaging impacts to the head range from increasing the involvement of properly trained physicians at ringside who can appropriately determine when a fight should be stopped (most physician interventions to end a fight are the result of cuts and not alteration in mental status) to implementing standardized, objective methods of determining when a bout should be halted to more dramatic changes in boxing

**TABLE 5. Location of 51 US Fatalities in Series<sup>a</sup>**

No of Mortalities	Location
1	New Jersey, Baltimore, Canton, Colorado, Texas, Georgia, Rhode island, Indiana, New Orleans, Kansas city
2	Atlantic City, Orlando, Arizona
3	Philadelphia
4	Los Angeles, California
5	Massachusetts, Florida
8	Las Vegas, New York

<sup>a</sup>Noted are the number of mortalities (cluster) that occurred in the same location within a 12-month period. Of those clusters, some occurred at such short intervals between deaths that they reached significance. In New York, there were 8 fatalities from 1960 to 1962; in Massachusetts, there were 5 fatalities from 1954 to 1956.

**TABLE 6. Location of Preterminal Event**

	Complete Series, %	After 1983, %	US Series, %	United States After 1983, %
Ring	61	55	60	50
Locker room	17	28	23	40
<24 h	10	0	14	0
>24 h	12	18	3	10

policy such as equating head shots to punches below the belt.<sup>28</sup> Additionally, mandating all contenders who suffer a KO or TKO to undergo neuroimaging and requisite hospital evaluation not only will expedite diagnosis and treatment of a possible brain injury but also may provide sufficiently early intervention for those fighters who would have suffered a preterminal event after leaving the locker room (22% in our series) to have a considerable impact on their outcome. Our series suggests that KOs associated with mortality occur most frequently in the 10th round and generally trend toward the higher rounds of a match. A general belief exists in the sport of boxing that KOs occur more frequently than what has actually been documented. This assumption could lead to a failure to prioritize a fighter's safety during a match if a contender who is clearly losing the fight is allowed to continue through the rounds on the hope that he may reverse the outcome of the fight with a KO.

The combination of fatigue and cognitive compromise accumulating over the duration of a fight can lead to a dramatic increase in the risk of brain injury. When a boxer is "dazed," the cervical muscles relax, lowering the effective head mass in resisting a blow. This decrease in resistance translates to an increase in translational and rotational accelerations with every additional punch.<sup>19,29</sup> By the time a concussive blow lands, it can affect force severe enough to produce a fatal brain injury. It is hoped that a higher degree of scrutiny of the fighters during the match, along with careful evaluation of their mental status and overall condition, would prevent some of these injuries.<sup>23,30</sup> Despite the clear risks linked to boxing, there is indication in the literature that the frequency of fatalities compares favorably with those of other high-risk sports and falls below such sports as college football, scuba diving, and horse racing.<sup>31-35</sup> Advocates argue that improved medical supervision and tighter regulations have dramatically improved the safety of boxing, along with an overall reduction in general exposure to repetitive head trauma because of the evolving nature of the sport.<sup>36-38</sup>

In the beginning of the modern boxing era, careers generally lasted 10 to 20 years and included significantly more professional fights. Boxers also had long amateur careers before turning professional. Fighters were not necessarily matched by skill or weight, had minimal to no medical supervision, fought with 6-oz gloves, and competed in matches that may have lasted up to 40 rounds of 2 minutes.<sup>2</sup> The dramatic reduction in overall exposure to repetitive head trauma in a professional boxer's career and

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some improvements in safety regulations and ringside medical facilities have made boxing a safer sport than it was for prior generations of fighters.<sup>39-41</sup> Increased efforts to improve the medical supervision of boxers during a fight and to ensure that appropriate medical care is received after a KO or TKO will enhance the safety of these athletes and prevent potential future fatalities in professional boxing.

## CONCLUSIONS

A significant decline in mortality among professional boxers was observed after 1983. Of the 339 total fatalities analyzed, 219 occurred between 1950 and 1983 and only 120 after 1983. Despite the significance of this year for the sport, no significant change in deaths associated with a KO and no significant change in the mode or mean of the KO round were seen after 1983. We found no significant variables to support the notion that decreased mortality since 1983 was related to the reduction in the number of rounds during a match (Figure 5). Rather, we hypothesize the decline to be the result of a trend in reduced exposure to repetitive trauma because of shorter careers and fewer fights. Clausen et al<sup>2</sup> reported in 2005 that the average duration of a professional boxer's career in the United Kingdom and Australia has dropped from 19 to 5 years since the 1930s and that the mean number of career bouts has reduced from 336 to 13. Similar trends have been observed in the United States.

This has led to an overall reduction in exposure to repetitive head trauma among professional boxers. A higher percentage of

mortalities occurred in the lower weight classes relative to the heavier weight classes. Although it may seem that the heavier boxers deliver more traumatic punches, this trend is likely explained by an increased ability to resist punch forces by the heavier boxers who have more developed neck musculature. An interesting association was found between clusters of multiple mortalities within brief periods of time occurring in the same location (although not necessarily the same venue). Of these clusters, several reached significance given the brief intervals between mortalities. This is an interesting finding in that it could be indicative of a breakdown in officiating and/or medical scrutiny during fights.

Another consideration could be significant differences in the number of professional fights in these locales. Examination of the relationship between professional boxing mortalities and outcomes of the match unsurprisingly revealed that the majority of fatalities occur after a KO (64%), with 79% occurring after either a KO or a TKO. These data suggest that mandatory neuroimaging after a KO or TKO could lead to more expeditious diagnosis and intervention and could have a significant impact on associated mortality.

## Disclosure

No funding was received for this work from any of the following organizations: National Institutes of Health, Wellcome Trust, Howard Hughes Medical Institute, and other foundation(s) requiring open access. The authors have no personal financial or institutional interest in any of the drugs, materials, or devices described in this article.

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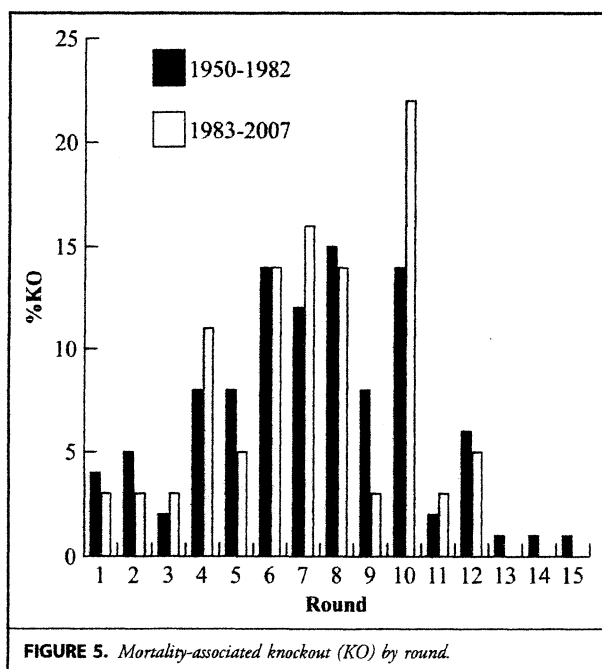


FIGURE 5. Mortality-associated knockout (KO) by round.

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**DEPARTMENT OF CONSUMER AFFAIRS**

**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 14**

**Amateur Muay Thai/Kickboxing Tournament  
Request**

**AK Promotions – Johnny Davis**



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



Agenda Item 15  
February 4, 2011

**Muay Thai/Kickboxing Tournament Request**  
**Johnny Davis – Ak Promotions**

The Commission has received a request from Johnny Davis to conduct an amateur Muay Thai tournament.

According to State Athletic Commission rule 515:

**Time Between Bouts.**

Unless written approval is obtained from the commission, a fighter who has competed in a bout or tournament format event anywhere in the world shall not be allowed to compete in this state until seven days have elapsed from the date of that bout or event. This limitation shall not be construed to prohibit a fighter from competing in a tournament format event that requires the fighter to rest a minimum of 30 minutes between bouts. In a tournament format event, a fighter shall be examined by a physician before each bout.

**Recommendation:** I have reviewed the safety requirements for this event as well as the logistics on how to ensure that it is properly regulated and the recovery cost of regulating the event is achieved. Every fighter will wear headgear, shin pads, and the necessary safety equipment for each bout. Fighters will not be allowed to continue to the next round unless the physician on site agrees that he is capable of doing so. There will be three physicians on site to oversee this event as well as California State Athletic Officials and Inspectors. The promotion company is keeping this to a single elimination tournament with eight men/women in each bracket. The most one fighter will fight in one day is twice on Saturday and once on Sunday. Working with the promotion company, we have estimated the timeframe for each day and the cost of inspectors for these events. The promotion company believes that they will be able to profit from this event and the commission will be able to recover costs to regulate the event. They estimate that this will bring between 100-175 fighters to this tournament, each requiring licensing and physicals to participate.

I recommend that the commission approved this request and allow AK promotion to put on this tournament.

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January 12<sup>th</sup>, 2011

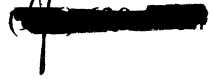
Mr. Dodd,

Thanks for your time in reviewing my proposal to bring one of the most prestigious Kickboxing events in the world to CA.

Thanks again

Always Giving My Best

  
Johnny Davis  
President AK Promotions



# • Proposal for IKF West Coast Classic

# 3000 - DO  
# 180 - HR  
IUSPEC  
# OFFICIALS -

- **Event will be promoted by AK Promotions** ✓
- Event will be sanctioned by International Kickboxing Federation (IKF) with certified officials would oversee entire event (including those that current work with the commission on individual bases)
- **This is a 100% Amateur Full Contact Kickboxing Event (Muay Thai, International and American High Kick styles)** ✓
- **Safety** - All precautions will be taken for fighter safety- **All FIGHTERS (regardless of record) MUST WEAR FULL GEAR (EVERYONE WEARS HEADGEAR**, shin guards, mouth piece, groin protection, Glove Size 10-12 oz. ✓
- Suspension protocol for any TKO, KO's or other injuries will be given. ✓
- Estimated Attendance from Competitors - 100 to 175 (first Year) ✓
- Fighters Travel from around the Country to Compete. (License in CA?) ✓
- CA Commission only have a rep. there to oversee the rules for the entire weekend...if needed - Fee?
- Qualified Officials for the event will be paid by me based on individual arrangements (could be extra money for CA officials in a strapped CA economy)
- Event will be for three days- First Day- Registration
- Second Day - Elimination Day (first and second round fighters compete)
- Third Day - Finals - Championship Day (final round competitors compete for championship)
- Fighters will fight 3 rounds (there can not be a draw fight) additional round fought if needed
- Fighters will fight down in Bracket Format to compete for the Championship on Sunday...May fight twice a day...most brackets will only require one fight per day.
- All Champions receive Championship Awards
- FL Dean- Medical will cover insurance for Fighters and Liability for venue etc.
- Hotel and Venue- The Doubletree in Sac.
- Ambulance service will be at the entire event while fights are in progress (2 Days)
- Doctor (s) will be available for entire event. (would like to work with commission Dr. but on a private, individual bases. In this economy some Dr's might appreciate the additional income that might not otherwise be there.)
- All fighters will be required to get full exams for their doctors or from Dr's we have at the event (all fighters get once over at the event)
- All participants sign Consent and Release Forms- Apply Assumption of the Risk Law

105  
3000

4-2-

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**DEPARTMENT OF CONSUMER AFFAIRS**

**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 15a and 15b**

**California Amateur Mixed Martial Arts  
Organization**

- Purpose rule change**
  
- Petition to return to amateur status**





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



Agenda Item 15  
February 4, 2011

**California Amateur Mix Martial Arts Organization**  
**Modification to Rules for under 18 year of age**  
**Petition to return to amateur status after fighting professional**

**Recommendation:**

**Modification to rules for under 18 years of age** – I recommend that the Athletic Commission establish a subcommittee or have the Medical Advisory Committee review the cause and effect of removing the headgear for participants under the age of 18. This would allow the commission to ensure that the health and safety of fighters under 18 years of age is maintained and that all areas of concern have been explored.

**Petition to return to amateur status after fighting professional** – I recommend that the commission not approve this request. According to Business and Professions Code 18750, “No person shall appear as a contestant in any amateur boxing contest who has received any compensation or reward, except for actual expenses or trophies, in any form, for displaying, exercising, or giving any example of his or her skill in knowledge of boxing exercises, or for rendering services of any kind to any boxing organization, or to any person or persons as trainer, coach, instructor or otherwise, or who shall have been employed in any manner professionally by reason of his or her boxing skill or knowledge.”

By allowing a professional to petition the Commission to return to the amateur rankings would require the Commission to establish a broad and rather unclear range of standards for each person. This would also require the law to be changed.

**George Dodd**

**From:** Jeremy Lappen [jeremy@camomma.org]  
**Sent:** Tuesday, January 11, 2011 3:49 PM  
**To:** George Dodd  
**Cc:** JT Steele  
**Subject:** february 4 agenda

Hey George – as we discussed, we would like to be put on the agenda for February 4<sup>th</sup> to discuss modifying our rules for under 18 year olds and putting a little more structure to our new “Division 2” mma rules – this is a no head strikes division (includes under 18). There will be a few issues to discuss including (a) the removal of the headgear requirement since no headstrikes are allowed and many people have voiced their concerns about the danger of wearing headgear in MMA, (b) removal of the blood test requirement and having a no bleeding rule, and (c) a shin pad requirement. We will send you the new rules in a few days.

The other thing that we would like to put on the agenda if possible, is about the petition to return to amateur status after 1-2 pro bouts. Here is what I received recently from a new Canadian organization when I told them we currently don’t allow it in California – “We are also following amateur boxing both US and Canada in that an amateur who goes pro and only fights 1 or 2 times and is obviously a mistake (promoter talked into etc etc) can make application to have his/her amateur status returned. This is done on a case by case and takes a whole lot into consideration (training exp, prior amateur exp, reason for the pro fight among the most important) and can only happen once (if at all). Matt Humme told me that Washington State is doing it the same way. I think that since there was NO amateur here and NO alternative to PRO that it is needed.” This makes a lot of sense to me and JT. Perhaps we can look on a case by case basis only for people who fought 1-2 pro fights prior to CAMO coming into existence (maybe January 2010). Since there really was no other avenue for these fighters at that time. Look forward to hearing your thoughts on this.

Please let us know if it is possible to get these on the agenda. Thanks.

Best,  
Jeremy

Jeremy Lappen | Chief Executive Officer  
California Amateur Mixed Martial Arts Organization, Inc.  
1010 Wilshire Boulevard, Suite #311, Los Angeles, CA 90017  
Office (213) 908-2185 | Fax (213) 908-2186  
[jeremy@camomma.org](mailto:jeremy@camomma.org) | [www.camo-mma.org](http://www.camo-mma.org)



**DEPARTMENT OF CONSUMER AFFAIRS**  
**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 16 a.**

**USA Boxing**

**Local Boxing Club Northern and Los Angeles -  
Report**



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



Agenda Item 17.a  
February 4, 2011

### USA Boxing

**Summary:** Che Guevara and I met with all the Local Boxing Clubs from California as well as the President for USA Boxing Harold Adonis in Los Angeles on January 10, 2011. We discussed the role that USA Boxing plays when it comes to regulating amateur boxing in California. There was an open exchange of ideas on how to ensure that commission requirements are being met without impacting the daily operations of USA Boxing. One of the major concerns that was discussed was all the necessary documents that are required after each event and the hours required to put this report together to be forwarded to the commission.

Anthony Bartkowski, the Executive Director of USA Boxing is working on a new form that will meet the requirements the commission. Karen Chappelle of the Attorney's General Office and I will review the new form and provide it to the commission at the next meeting in April.

A breakdown of discussion points provided by USA Boxing is included in the commission package. This will still require that a representative from one LBC appear before the commission to discuss any issue that the commission may have concerning that LBC.

**Recommendation:** Allow USA Boxing to continue regulating amateur boxing within California. By having a yearly meeting with all the LBCs within California, the executive office of USA Boxing, and the commission will ensure that the health and safety is maintained. And that a clear dialogue is opened to ensure all parties are aware of the requirements.



January 20, 2011

George Dodd  
California State Athletic Commission  
2005 Evergreen St., Suite 2010  
Sacramento, CA 95815

Email: [george.dodd@dca.ca.gov](mailto:george.dodd@dca.ca.gov)

Dear George;

To follow up the USA Boxing / California State Athletic Commission meeting in early January listed below are the various items we discussed and agreed to. Additionally I have attached the current By-Laws for each of the four California Local Boxing Committees (Northern; Central; Southern; and California Border).

We were very pleased with the direction of our discussion from January 10. It was my understanding that I would hear from you regarding the development of a new reporting form for each of the sanctioned events within the state. I am available on Friday morning or anytime on Monday to further discuss this with you and start the development process.

The LBCs will be required to file a quarterly report with the California State Athletic Commission based on the submission dates below. Could you please verify where each of the LBCs should submit these quarterly reports?

All California LBCs will be required to submit their individual reports to the USA Boxing National Office for record keeping.

**Information for LBCs Quarterly Reports:**

1. Total number of members registered to date
2. Total number of athletes registered to date
3. Total number of coaches registered to date
4. Number of sanctions issued to date
5. Report any major injuries that required emergency care
6. \* Financial Reporting Form for Sanctioned Events to date

*\* - USA Boxing will send the new Financial Reporting Form to each LBC once agreed upon with the California State Athletic Commission.*

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**LBC Quarterly Reports Submission Deadlines:**

April 30, 2012	Reports covering activity from January 1 – March 31, 2012
July 30, 2012	Reports covering activity from April 1 – June 30, 2012
October 31, 2012	Reports covering activity from July 1 – September 30, 2012
January 31, 2013	Reports covering activity from October 1 – December 31, 2012

**Other items of note and agreement from the January 10 meeting:**

1. If there are any injuries that require an emergency room visit, the LBC must report the nature of the incident to the California State Athletic Commission immediately.
2. If there are grievances files within or against a California LBC, the LBC president and/or USA Boxing must notify the California State Athletic Commission immediately.
3. Each LBC will be required to submit an annual report to the California State Athletic Commission on or before January 31. This report will cover all boxing activity in the respective LBC for the prior 12 months.
  - a. Annual Report Information to include, but not limited to:
    - i. Annual Financial Report of income and expenditures
    - ii. IRS 990 Form
    - iii. Total number of members registered
    - iv. Total number of athletes registered
    - v. Total number of coaches registered
    - vi. Total number of officials registered
    - vii. Total number of clubs registered
    - viii. Total number of coaches clinics conducted and total number of attendees
    - ix. Total number of officials clinics and total number of attendees
    - x. Number of sanctions issued
    - xi. \* Overview of Financial Reporting Form for Sanctioned Events
4. If the California State Athletic Commission is informed of any possible misconduct, allegation and/or grievance, the California State Athletic Commission will inform the respective LBC and USA Boxing. The LBC or USA Boxing will report back to the California State Athletic Commission its findings after the grievance process is complete. The California State Athletic Commission will hold all USA Boxing grievances and final decisions confidentially.
5. The California State Athletic Commission will meet with each of the four California LBCs at least once a year in their respective region.
6. The California State Athletic Commission, USA Boxing and the four California LBCs will meet in person at least once per 12 months to review various items. USA Boxing and the California State Athletic Commission will agree to a specific meeting date, time, location and agenda.

**United States Amateur Boxing, Inc.**

1 Olympic Plaza · Colorado Springs, Colorado 80909  
(719) 866-2301 · FAX: (719) 866-2132 · Website: [www.usaboxing.org](http://www.usaboxing.org)

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7. The USA Boxing contact for various inquiries and follow up is Anthony Bartkowski and contact information is below:
  - a. Anthony Bartkowski
    - Email: [abartkowski@me.com](mailto:abartkowski@me.com)
    - Office – 719-866-2301
    - Cell – 719-510-7331
  - b. Administrative Assistant – Rose Tenorio
    - Office – 719-866-2302
    - Email: [rtenorio@usaboxing.org](mailto:rtenorio@usaboxing.org)
  
8. The California State Athletic Commission will copy USA Boxing on all communication sent to each of the four California LBCs, which allows USA Boxing to communicate and keep the LBCs better informed, especially if there is a leadership change within the LBC structure.
  - a. Mailing address:
    - USA Boxing
    - 1 Olympic Plaza
    - Colorado Springs, CO 80909

Once again, thanks for taking the time to meet with USA Boxing and the California LBCs. We appreciate your willingness to work with us in developing a strong working relationship into the future. If you have any questions or concerns, please contact me at anytime.

Best regards,



Anthony Bartkowski  
Interim Executive Director

CC:

Harold Adonis, President, USA Boxing  
Venoria Lindsay, President, California Border LBC  
Joe Zanders, President, Southern California LBC  
Armando Mancinas, President, Central California LBC  
Bencel Bautista, President, Northern California LBC



**DEPARTMENT OF CONSUMER AFFAIRS**

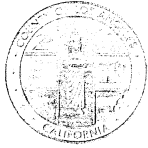
**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 16 b.**

**USA Boxing**

**Incident Report with USA Boxing**





# Board of Supervisors County of Los Angeles

MICHAEL D. ANTONOVICH  
MAYOR

December 20, 2010

Commissioner John Frierson, Chair  
California State Athletic Commission  
2005 Evergreen Street, Suite 2010  
Sacramento, CA 95815

Dear Commissioner Frierson:

I am writing this letter because I have been informed that there may be cases of widespread bribery regarding designated wins in Los Angeles County amateur boxing matches. I have also been told that the fees charged for youth to compete in amateur boxing have been used for questionable purposes.

In general, there are serious allegations of bribery, corruption and differential fees being charged in Los Angeles County boxing matches. For example, a recent bout at the Nokia Center involved the use of alcohol, even though it was a youth amateur match.

For details on specific allegations, please contact Charles Bereal at [REDACTED]

Thank you very much for your prompt investigation into these charges.

Sincerely,

MICHAEL D. ANTONOVICH  
Mayor, County of Los Angeles

MDA:lgh

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



January 4, 2011

Anthony Barkowski  
USA Boxing  
One Olympic Plaza  
Colorado Springs, CO 80909

Dear Mr. Barkowski:

Recently, the California State Athletic Commission has received a complaint about some very disturbing alleged practices at a local boxing club in the Los Angeles area. This is cause for great concern because it mentions issues of "widespread bribery, corruption, and differential fees were being charged" in the Los Angeles County boxing matches. I have enclosed a copy for your review.

The Athletic Commission wants USA Boxing to investigate these alarming allegations and provide a written report to the Commission before April 1, 2011. Additionally, we are also requiring USA Boxing to be in attendance in the upcoming April 18, 2011 Commission meeting in Sacramento.

I can be reached at (916) 263-2478 if you have any questions.

Sincerely,



George Dodd

Executive Officer

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



January 4, 2011

Mayor Michael D. Antonovich  
Board of Supervisors  
County of Los Angeles  
500 West Temple Street  
Los Angeles, CA 90012

Dear Mayor Antonovich,

I received your letter dated December 20, 2010 expressing concern regarding allegations of bribery and designated wins in amateur boxing matches within Los Angeles County. I have forwarded your concerns and allegations to the national headquarters for USA Boxing, so that they may investigate the situation at the national level.

Once their investigation is completed I will require USA Boxing to provide me a copy of the results. With the assistance of the Attorney General's Office, I will review report and make recommendation to the California State Athletic Commission.

If you have any other concerns questions please let me know. I can be reached at (916) 263-2478..

Sincerely,



George Dodd

Executive Officer

California State Athletic Commission

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**MEMO**

To: California LBC Presidents  
George Dodd, California State Athletic Commission

From: Anthony Bartkowski, Interim Executive Director

Date: January 7, 2011

CC: Hal Adonis, President, USA Boxing

In following up from our conversations earlier this week, we will be conducting a meeting with George Dodd of the California State Athletic Commission on Monday, January 10 at the Sheraton Gateway Los Angeles by the Los Angeles Airport (Address below).

This meeting will be informational for all parties in hopes of providing all a better understanding of what is expected to keep USA Boxing programs beneficial for athletes of all ages. As we have learned in the close of 2010, the California State Athletic Commission reports that the LBCs have not been supplying the proper reporting forms following competitions.

President Hal Adonis and I will meet with the California LBCs Monday morning prior to including Mr. Dodd for lunch. We will review various items in order to keep the meeting with the California State Athletic Commission moving progressively forward.

Below is the schedule. USA Boxing will be providing lunch. We hope to have the meeting completed by 2 p.m. on Monday if at all possible. I have scheduled myself to be available until 4 p.m. on Monday.

I am currently out of the office. I will be contacting each of you over the course of the next couple of days. If you have any questions, please contact me on cell phone at [REDACTED] to further discuss.

**MEETING LOCATION:**

Sheraton Gateway Los Angeles  
6101 W Century Blvd.  
Los Angeles, CA 90045  
Room: Salon 210

**SCHEDULE:**

10:00 a.m. USA Boxing and California LBCs  
12:00 p.m. USA Boxing, California LBCs, and George Dodd  
2:00 p.m. President Adonis departs  
4:00 p.m. Adjournment

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**DEPARTMENT OF CONSUMER AFFAIRS**

**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 17**

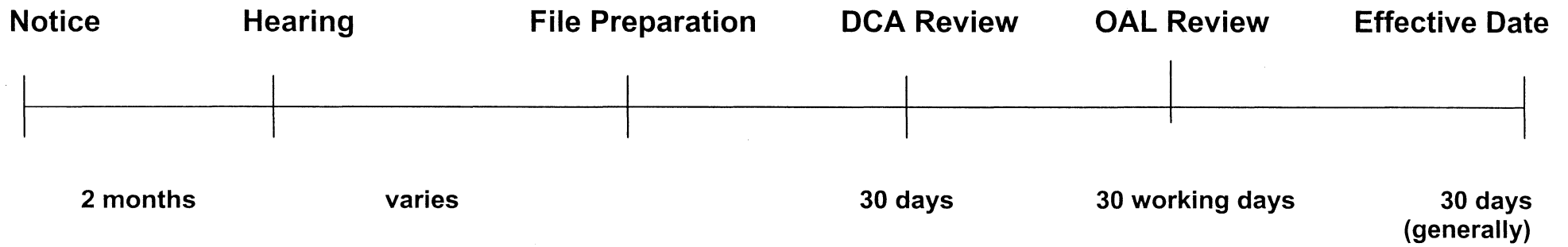
**Action on Proposed Rulemaking**

**Proposed Regulation Amend Section 221, 222,  
226, 230, 253, 262, 288, 300, 340**

**Amend Section 208, 323, 399**

**Adopting 511**

## FORMAL REGULATORY PROCESS



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**CALIFORNIA STATE ATHLETIC COMMISSION**  
**TEXT OF ORIGINALLY PROPOSED REGULATIONS**

**1. Amend Rule 221 to read as follows:**

221. Provisions of Contract.

(a) The original of all contracts entered into between managers and boxers and promoters and boxers shall be placed on file with the commission at the time it is approved pursuant to Rule 222. Except as provided below, a contract becomes null and void if at any time during its term the manager or promoter, after notice from the commission, is not licensed by the commission. If a manager or promoter is not licensed because the license has been revoked or suspended for 60 calendar days or more by the commission, all contracts with the manager or promoter shall become void on the 30th day after the date of the order of revocation or suspension unless a court of competent jurisdiction, upon notice to the commission, issues an order staying the commission's order within the 30-day period. If a manager or promoter is not licensed because the license has been suspended by the commission for less than 60 calendar days, all contracts with the manager or promoter are voidable by the boxer if written notice is given by the boxer to the manager or promoter and to the commission within the period of license suspension.

(b) No manager or group of managers shall be allowed to participate in more than 33 1/3 percent of the gross ring earnings of the boxer. No assignment of any part or parts of the boxer's or manager's interest in a contract, filed and approved by the commission, shall be permitted without the approval and consent of the commission. The consent to assign shall not be granted unless a copy of the proposed assignment is submitted to the commission for its approval. No manager may negotiate or sign for matches for a boxer not under contract to him. Any boxer not having a contract with a licensed manager shall sign for his own contests and receipt for his full purse. All disputes between the parties to the contract, including the validity of the contract, shall be arbitrated pursuant to the provisions of the contract.

NOTE: Authority cited: Section 18611, Business and Professions Code.  
Reference: Sections 18640, 18641, 18642, 18643 and 18854, Business and Professions Code.

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**2. Amend Rule 222 to read as follows:**

222. Execution of Contract.

Unless otherwise directed by the commission, a contract between a boxer and a manager or a boxer and a promoter is not valid unless both parties appear at the same time before the commission or a commission representative and it receives written approval. No contract shall be approved between a manager and a boxer or a promoter and a boxer for a period exceeding five years. No option to extend the initial period shall be permitted.

NOTE: Authority cited: Section 18611, Business and Professions Code.  
Reference: Sections 18640, 18641, 18642, 18643 and 18840, Business and Professions Code.

**3. Amend Rule 226 to read as follows:**

226. Expiration of Contract.

No manager shall be allowed to contract for the services of a boxer under his management for a match to take place on a date after the expiration of the contract between the boxer and manager.

No promoter shall be allowed to contract for the service of a boxer to take place on a date after the expiration of the contract between the boxer and the promoter.

Note: Authority cited: Section 18611, Business and Professions Code.  
Reference: Sections 18640, 18641 and 18642, Business and Professions Code.

**4. Amend Rule 230 to read as follows:**

230. Contract Provisions.

(a) No verbal agreement or written agreement other than a contract on the commission's official form shall be accepted by the commission.

(b) No contract between a promoter and manager or boxer shall be enforced by the commission until all contracts between the promoter and the contestants for a particular match are filed with the commission and meet the requirements of these rules and the provisions of the code applicable to professional boxing. All

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contracts for an event shall be filed with the commission no later than the time periods specified in Rule 240.

(c) Contracts are prohibited wherein a certain sum other than federal, state or local government taxes is taken by the club from the gate receipts or, where applicable, receipts from the sale, lease, transfer, or other exploitation of broadcasting and television rights, before a boxer is paid a percentage of the balance of said receipts for his or her services. Deductions may be allowed only if the amount to be deducted is clearly specified and itemized in the contract signed by the club with the boxer. If the commission determines that the deductions are not sufficiently itemized and specific, it may disallow such deductions.

(d) "Blanket contracts" or options on a boxer's services shall not be recognized unless written approval is obtained from the commission.

(e) Contracts wherein a boxer agrees to accept a certain percentage for his services with the understanding that at the same time he is to pay his opponent a stipulated amount of this percentage are not acceptable to the commission unless such a contract is submitted to the commission for examination and approval.

NOTE: Authority cited: Section 18611, Business and Professions Code.  
Reference: Sections 18640, 18641, 18642, 18660, 18661 and 18854, Business and Professions Code.

**5. Amend Rule 253 to read as follows:**

253. Drinks.

Clubs shall be responsible to see that all drinks are dispensed in paper cups containers that are not glass.

NOTE: Authority cited: Section 18611, Business and Professions Code.  
Reference: Sections 18640, Business and Professions Code.

**6. Repeal Rule 262.**

~~262. Courtesy Passes.~~

~~(a) Upon receipt of written permission from the commission, licensed clubs may issue script, exchange slips, courtesy or advertising passes or such other types of passes as may be approved by the commission.~~

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~~Approved passes shall have plainly printed thereon the date of the show, as well as the value and the number of seats to which the pass entitles the bearer thereof. The pass shall be exchanged at the box office for a ticket and the holder shall present such ticket for admission to the ticket taker at the door, the rest of the ticket other than the stub, remaining in the box office to be checked as unsold tickets against the passes in the locked ticket boxes. Both ends of the ticket and the pass must be punched or clipped.~~

~~(b) If a club issues passes good only for general admission tickets, such passes shall be printed as specified above. The bearer shall exchange the pass for a ticket which shall be sold from a special roll, the ticket shall be presented for admission to the ticket taker, who shall deposit it in the locked ticket box and passes shall remain in the ticket office, to be checked as unsold tickets against the number of tickets taken from the special roll as shown by the opening and closing numbers. No pass shall be issued for more than one general admission.~~

~~NOTE: Authority cited: Section 18611, Business and Professions Code.  
Reference: Sections 18640, 18824 and 18872, Business and Professions Code.~~

**7. Amend Rule 288 to read as follows:**

288. Ringside Physicians.

Ringside physicians shall meet all of the following criteria:

(a) The physician shall possess a current and unrestricted license issued by the Medical Board of California or the Board of Osteopathic Examiners.

(b) A physician who has not previously been a ringside physician shall hold staff privileges in medicine, surgery, or emergency medicine in a general acute care facility accredited by the Joint Commission on Accreditation of Health Organizations.

(c) A physician who has not previously been approved as a ringside physician shall attend at least two ringside physician training clinics which are sponsored by the commission.

(d) A physician who has not previously been approved as a ringside physician shall be precepted at six (6) contests by a ringside physician, and receive a satisfactory evaluation on at least five (5) of the precepted contests. The preceptee may act as the second physician in attendance at a contest.

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(e) "Ringside physician," as used in this section, means a ~~club~~ physician who is approved by the commission to attend boxing and martial arts contents as required by Section 18705 of the code.

NOTE: Authority cited: Sections 18611 and 18705.5, Business and Professions Code. Reference: Sections 18705 and 18705.5, Business and Professions Code.

**8. Amend Rule 300 to read as follows:**

300. Time for Examinations.

A thorough physical and eye examination shall be given each contestant by the ~~club~~ commission-appointed physician at least one hour before the contestant enters the ring to compete. Referees also shall be given physical examinations immediately before officiating at any match.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18705 and 18706, Business and Professions Code.

**9. Adopt Rule 340 to read as follows:**

340. Method of Scoring When There Is an Injury Not Resulting from a Foul.

(a) If the referee determines that the injured fighter was responsible for his own injury, the referee will not penalize his opponent in any manner. In this case, if the referee or ringside physician determines that the injured fighter is unable to continue, he will lose by "technical knockout."

(b) If the referee determines that no fault was attributable to either fighter, the referee shall allow the injured fighter reasonable recovery time, not to exceed 5 minutes. If, at the end of the recovery period, the referee or the ringside physician determines that the injured fighter cannot continue, the bout will be decided on the score cards if the bell has rung to begin the fourth round or, if the bell has not rung to start the fourth round, the bout will be called a technical draw.

NOTE: Authority cited: Sections 18611, Business and Professions Code. Reference: Sections 18640 and 18733, Business and Professions Code.

**CALIFORNIA STATE ATHLETIC COMMISSION**  
**ORIGINAL PROPOSED REGULATORY CHANGES**

**1. Amend Rule 208 to read as follows:**

208. License Fees.

Each application for a license to conduct or operate a professional boxer's gymnasium within the meaning of Section ~~48685~~ 18653 of the code shall be accompanied by the annual license fee of ~~\$10.00~~ one hundred dollars (\$100). Every such license expires at midnight ~~on December 31 of each year~~ one year from the date it was issued.

NOTE: Authority cited: Sections ~~18611 and 18648~~ 18817, Business and Professions Code. Reference: Sections ~~18640, 18641, and 18653,~~ 18817 and 18822, Business and Professions Code.

**2. Amend Rule 323 to read as follows:**

323. ~~Bandages.~~ Hand Wraps.

A hand wrap shall consist of only the following materials applied as specified in this regulation.

~~Bandages shall not exceed the following restrictions:~~

~~(a) One winding-~~ One winding of adhesive trainers tape, not ~~over one and one-half inches wide~~ to exceed two inches in width, may be placed directly on the hand near the wrist to act as an anchor that will prevent the standard soft cotton gauze used to wrap hands from slipping. Said adhesive trainers tape may cross the back of the hand twice but shall not extend within one inch of the knuckles when the hand is clenched to make a fist.

(b) Contestants shall use not more than thirty yards of standard soft cotton gauze, not over two inches wide, to wrap each hand. The standard soft cotton gauze may be held in place by a total of not more than ten ~~ten~~ twenty yards of adhesive trainers tape, not to exceed two inches in width, for each hand.

(c) Strips of adhesive trainers tape, not more than three quarters of an inch in width, may be placed between the contestant's fingers to anchor and keep the standard soft cotton gauze in place.

(d) Bandages Hand wraps shall be applied in the dressing room in the presence of a commission representative and both contestants. Either contestant may waive their respective privilege of witnessing the application of hand wraps to his opponent's hands.

NOTE: Authority cited: Section 18611, Business and Professions Code.  
Reference: Sections 18640 and 18714, Business and Professions Code.

**3. Amend Rule 399 to read as follows:**

399. Procedure When License Denied or Revoked.

(a) Any applicant who has been denied an application for a license may not file a similar application until one year from the date of the last previous denial by the commission. Any application filed within the one year period may be denied without the necessity of a hearing.

(b) Any ~~one~~ person who has had his or her license revoked may not petition for reinstatement or apply for a new license until one year after the date of such revocation. Any petition for reinstatement filed within the one year period may be denied without the necessity of a hearing.

(c) When considering the denial or reinstatement of a license, the commission, on a case by case basis, shall consider the following criteria in evaluating the rehabilitation of the applicant or petitioner and his or her present eligibility for a license:

(1) The nature and severity of the act(s) or crime(s) that led to license revocation or that are under consideration as grounds for denial.

(2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) that led to revocation or that are under consideration as grounds for denial.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsections (1) or (2).

(3) The extent to which the applicant or petitioner has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant or petitioner.

(4) Evidence, if any, of rehabilitation submitted by the applicant or petitioner.

NOTE: Authority cited: Section 18611, Business and Professions Code.  
Reference: Sections 18640, 18641, 18642, 18840 and 18841, Business and Professions Code.

**4. Adopt new Rule 511 to read as follows:**

511. Number of Rounds Scheduled.

Clubs shall not schedule less than 21 rounds, nor more than 36 rounds, except with the approval of the commission for any one program. A standby bout shall be provided in the event an arranged card breaks down, and if it is necessary to put on another bout in order to meet the minimum requirement.

NOTE: Authority cited: Section 18611, Business and Professions Code.  
Reference: Sections 18640 and 18725, Business and Professions Code.

DEPARTMENT OF CONSUMER AFFAIRS  
CALIFORNIA STATE ATHLETIC COMMISSION

INITIAL STATEMENT OF REASONS  
VARIOUS REGULATORY CHANGES #1 (221 ETC.)

Hearing Date: December 27, 2010

Subject Matter of Proposed Regulations:

(1) Section(s) Affected: Amend Sections 221, 222, 226, 230, 253, 288, and 300, of Title 4, Division 2 Chapter 1, Article 3, 4, 5, and 6 of the California Code of Regulations and Adopt Section 340 of Title 4, Division 2 Chapter 1, Article 8 of the California Code of Regulations and Repeal Section 262 of Title 4, Division 2 Chapter 1, Article 5, of the California Code of Regulations.

Specific Purpose of each adoption, amendment, or repeal:

**Amend Section 221 Provisions of Contract:** Rule 221 currently requires original copies of contracts entered into between managers and boxers be placed on file with the commission at the time of approval and delineates various provisions that must be included in all contracts between managers and boxers.

This proposed amendment would add reference to contracts between promoters and boxers.

Factual Basis/Rationale

Commission experience with enforcing current rules that require clarification to ensure all interested parties are aware of requirements that must be met in order to be in compliance with the proposed regulatory changes.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

Commission experience with enforcing current rules that require clarification to ensure all interested parties are aware of requirements that must be met in order to be in compliance with the proposed regulatory changes.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

Commission experience with enforcing current rules that require clarification to ensure all interested parties are aware of requirements that must be met in order to be in compliance with the proposed regulatory changes.

Description of alternatives which would lessen any significant adverse impact on business:

No alternatives as there are no significant adverse impact on business.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

No alternatives were considered.

Specific Purpose of each adoption, amendment, or repeal:

**Amend Section 222:** Rule 222 currently requires both the boxer and manager to appear before the commission at the same time for written approval, limits the contract period for no more than five years and allows no option to



extend the contract beyond the initial period.

### Factual Basis/Rationale

The proposed amendment would add reference to contracts between promoters and boxers.

### Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

Commission experience with enforcing current rules that require clarification to ensure all interested parties are aware of requirements that must be met in order to be in compliance with the proposed regulatory changes.

### Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The amendment language would add reference to contracts between promoters and boxers.

Description of alternatives which would lessen any significant adverse impact on business:

No alternatives as there are no significant adverse impact on business.

### Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

### Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

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Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- None.

Specific Purpose of each adoption, amendment, or repeal:

**Amend Section 226 Expiration of Contract:** Currently, Rule 226 does not allow a manager to contract for the services of a boxer under his management for a match to take place on a date after the expiration of the contract between the boxer and manager.

This proposed amendment would add reference to contracts between promoters and boxers.

Factual Basis/Rationale

The proposed amendment would add reference to contracts between promoters and boxers.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

Commission experience with enforcing current rules that require clarification to ensure all interested parties are aware of requirements that must be met in order to be in compliance with the proposed regulatory changes.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The amendment language would add reference to contracts between promoters and boxers.

Description of alternatives which would lessen any significant adverse impact on business:

No alternatives as there are no significant adverse impact on business.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- None.

Specific Purpose of each adoption, amendment, or repeal:

**Amend Section 230 Expiration of Contract:** Currently, Rule 230 delineates the provisions of bout contracts between promoter, manager and boxer.

This proposed amendment would add that all contracts for an event must be filed no later than the time specified in Rule 240.

Factual Basis/Rationale

The proposed amendment would add language requiring that all contracts for an event be filed no later than the time specified in Rule 240.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

Commission experience with enforcing current rules that require clarification to ensure all interested parties are aware of requirements that must be met in order to be in compliance with the proposed regulatory changes.

Business Impact

This regulation will not have a significant adverse economic impact on

businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The amendment language would add language requiring that all contracts for an event be filed no later than the time specified in Rule 240.

Description of alternatives which would lessen any significant adverse impact on business:

No alternatives as there are no significant adverse impact on business.

#### Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

#### Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- o None.

#### Specific Purpose of each adoption, amendment, or repeal:

**Amend Section 253 Drinks:** Currently, Rule 253 requires Clubs to dispense all drinks in paper cups.

This proposed amendment would change the language to reflect that all drinks be dispensed in containers that are not glass.

Factual Basis/Rationale

The proposed amendment would change the language to reflect that all drinks be dispensed in containers that are not glass.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

Commission experience with enforcing current rules that require clarification to ensure all interested parties are aware of requirements that must be met in order to be in compliance with the proposed regulatory changes.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The amendment language would change the language to reflect that all drinks be dispensed in containers that are not glass.

Description of alternatives which would lessen any significant adverse impact on business:

No alternatives as there are no significant adverse impact on business.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- o None.

Specific Purpose of each adoption, amendment, or repeal:

**Repeal Section 262 Courtesy Passes:** Currently, Rule 262 allows clubs to issue script, exchange slips, courtesy or advertising passes or other types of passes with the commissions' prior written permission.

This proposed amendment would repeal the use of courtesy passes.

Factual Basis/Rationale

The proposed amendment would repeal the use of courtesy passes.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

Commission experience with enforcing current rules that require clarification to ensure all interested parties are aware of requirements that must be met in order to be in compliance with the proposed regulatory changes.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The amendment language would repeal the use of courtesy passes.

Description of alternatives which would lessen any significant adverse impact on business:

No alternatives as there are no significant adverse impact on business.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

## Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- None.

## Specific Purpose of each adoption, amendment, or repeal:

7. **Amend Section 288 Ringside Physicians:** Currently, Rule 288 delineates the criteria Ringside Physicians shall meet for certification as a Ringside Physician.

This proposed amendment would strike the word club from the section to clarify the definition of a Ringside Physician as a physician approved by the commission to attend boxing and martial arts contests.

## Factual Basis/Rationale

The proposed amendment would strike the word club from the section to clarify the definition of a Ringside Physician as a physician approved by the commission to attend boxing and martial arts contests.

## Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

Commission experience with enforcing current rules that require clarification to ensure all interested parties are aware of requirements that must be met in order to be in compliance with the proposed regulatory changes.

## Business Impact

  X   This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The amendment language would strike the word club from the section to clarify the definition of a Ringside Physician as a physician approved

by the commission to attend boxing and martial arts contests.

  X   Description of alternatives which would lessen any significant adverse impact on business:

No alternatives as there are no significant adverse impact on business.

Specific Technologies or Equipment

  X   This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- None.

Specific Purpose of each adoption, amendment, or repeal:

**Amend Section 300 Time for Examinations:** Currently, Rule 300 refers to examinations given to contestants by the club physician.

This proposed amendment would replace reference from club to commission-appointed physician.

Factual Basis/Rationale

This proposed amendment would replace reference from club to commission-appointed physician.



Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

Commission experience with enforcing current rules that require clarification to ensure all interested parties are aware of requirements that must be met in order to be in compliance with the proposed regulatory changes.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

This proposed amendment would replace reference from club to commission-appointed physician.

Description of alternatives which would lessen any significant adverse impact on business:

No alternatives as there are no significant adverse impact on business.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- None.

Specific Purpose of each adoption, amendment, or repeal:

**Adopt Section 340 Method of Scoring When There Is an Injury Not Resulting from a Foul:** Currently there is no rule that addresses how to score when an injury occurs that is not the result of a foul.

This proposed section would address how to score when an injury occurs that is not the result of a foul.

Factual Basis/Rationale

Commission experience with enforcing current rules that require clarification to ensure all interested parties are aware of requirements that must be met in order to be in compliance with the proposed regulatory changes.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

Actual experience of commission staff.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The adoption of Rule 340 would address how to score when an injury occurs that is not the result of a foul.

Description of alternatives which would lessen any significant adverse impact on business:

No alternatives as there are no significant adverse impact on business.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

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### Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- None.

DEPARTMENT OF CONSUMER AFFAIRS  
CALIFORNIA STATE ATHLETIC COMMISSION

INITIAL STATEMENT OF REASONS  
NOTICE FILE NUMBER Z-2010-1005-10

Hearing Date: November 29, 2010

Subject Matter of Proposed Regulations:

(1) Section(s) Affected: Amend Sections 208, 323, and 399, of Title 4, Division 2 Chapter 1, Article 1, 6, and 7 of the California Code of Regulations and Adopt Section 511 of Title 4, Division 2 Chapter 2, Article 2 of the California Code of Regulations.

Specific Purpose of each adoption, amendment, or repeal:

**Amend Rule 208:** Rule 208 currently requires anyone that submits an application for license to conduct or operate a professional boxing gymnasium to submit with the application an annual license application fee of \$10 and indicates that every such license expires on December 31, 2010.

This proposed amendment would increase the annual application fee to \$100 as well as reflect all such licenses will now expire one year from the date issued.

Factual Basis/Rationale

Due to ongoing budget restrictions, a less than fully staffed commission, an increase in workload, the lack of an automated data base, the resultant overwhelming workload created by work arounds used by the commission to continue providing services, the commission has not issued licenses to conduct or operate a professional boxer's gymnasium and has conducted no annual gymnasium inspections nor provided training to gym owners regarding their respective responsibilities as a licensed gymnasium operator since at least 1999.

The current application fee of \$10.00 to obtain a license to conduct or operate a professional boxer's gymnasium is well below the expenditures the commission would incur to resume gymnasium inspections. For the commission to resume issuing licenses to conduct or operate a professional boxer's gymnasium conduct gymnasium inspections and provide training to the licensee, the commission estimates increasing the application fee to \$100.00 along with implementing gym inspection workload distribution guidelines intended to decrease the overall cost for each gym inspection

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would make it feasible.

The workload guidelines would include but not be limited to assigning Inspectors to conduct multiple licensed gym inspections of gyms that are in close proximity of each other, and are located near the respective residence of the assigned Inspector. This approach would decrease the per gym inspections overall costs for travel expenses, per diem, wages etc.

The potential positive impact on any health and safety issue concerns the direct contact between a commission representative and commission licensee's the resumption of issuing such licenses and conducting on site gym inspections would have for our licensed combatants and other commission licensees cannot be measured in dollars and cents.

The direct contact provides an exceptional opportunity to also strengthen the commissions outreach and education objectives by expanding the original purpose of the gym inspection to include specialized training for boxer's, kick boxer's, mixed martial artists, seconds, managers, promoters, judges, referees, ringside physicians, inspector's, lead inspectors, commissioners, commission staff, interested department and elected officials, and other interested parties such as the consumers that attend commission authorized combat sports events.

The proposed expansion will more than likely prove to be the commission's most effective outreach and education delivery system as well as the most cost effective. The commission believes that this approach will result in a better educated licensee and consuming public that will serve only to improve the overall quality of our industries combatants, improve their overall Health & Safety as well as improve the publics understanding of combat sports.

In keeping with current law, the proposed expiration date will reflect all such licenses will now expire one year from the date issued.

### Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

### Business Impact

  X   This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The amendment language would increase the annual license fee for all such license types by \$90. The potential positive impact on any health and safety issue concerns the direct contact between a commission representative and commission licensee's the resumption of issuing such

licenses and conducting on site gym inspections would have for our licensed combatants cannot be measured in dollars and cents. The direct contact between a commission representative and commission licensees provides an exceptional opportunity to strengthen the commissions outreach and education objectives by expanding the original purpose of the gym inspection to include specialized training for boxer's, kickboxer's, mixed martial artists, seconds, managers, promoters, judges, referees, ringside physicians, inspector's, lead inspectors, commissioners, commission staff, interested department and elected officials, and other interested parties such as the consumers that attend commission authorized combat sports events.

The proposed expansion will more than likely prove to be the commission's most effective outreach and education delivery system as well as the most cost effective. The commission believes that this approach will result in a better educated licensee, staff, officials and public which will serve only to improve the overall quality of our industries combatants, improve their overall Health & Safety as well as improve the publics understanding of combat sports.

Description of alternatives which would lessen any significant adverse impact on business:

No alternatives as there are no significant adverse impact on business.

#### Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

#### Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

#### Alternative #1

- Do not resume issuing such licenses, nor conduct inspections of gymnasiums nor train licensee regarding their respective responsibilities as a licensed gymnasium operator.

Reason Alternative #1 Rejected:

- This alternative was rejected in the interest of complying with the mandates required by law to issue such licenses and to improve the commission's overall ability to address any health and safety issues encountered as a result of conducting the inspections of gymnasiums and improving its outreach and educational activities by educating various licensee's and interested parties through specialized training.

Specific Purpose of each adoption, amendment, or repeal:

**Amend Rule 323:** Rule 323 currently describes the restrictions imposed on the materials used and includes guidelines that must be adhered to when applying bandages to the contestant's hands. Industry experts more commonly refer to the bandages placed on the hands of the combatants as "hand wraps".

This proposed amendment would revise the language to meet the current industry standard in regards to reference (hand wraps); application technique guidelines; increase the amount of surgeons adhesive tape that can be used from 10 yards to 20 yards for each hand; and change some of the language to eliminate confusion caused by the current language used to refer to the materials allowed from bandages, surgeons adhesive tape, soft surgical bandage, and tape to bandages, surgeons adhesive tape, gauze and tape.

Factual Basis/Rationale

The proposed amendment would clarify the hand wrap materials allowed and guidelines to follow when completing a hand wrap. The changes reflect current industry standards.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

Association of Boxing Commission hand wrap guidelines and a survey of selected seconds, managers, boxer's and commission enforcement staff that are considered some of best in the industry.

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Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The amendment language would eliminate confusion on the part of the contestants, seconds, managers and officials caused by the terminology and guidelines to follow when applying hand wraps currently used in Rule 323. The only cost increase that would only be realized by each contestant that **chooses** to use more than 10 yards of standard adhesive tape and 20 yards of gauze for each hand should the contestant **choose** to use more than 10 yards of adhesive tape and 20 yards of gauze on each hand.

Description of alternatives which would lessen any significant adverse impact on business:

No alternatives as there are no significant adverse impact on business.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- None.



Specific Purpose of each adoption, amendment, or repeal:

**Amend Rule 399:** Currently, Rule 399 delineates procedures the commission must follow when a license is denied or revoked.

This proposed amendment would add language to clarify the requirements that must be used, on a case by case basis, to evaluate an applicant who has been denied an application for a license and states that such applicant may not file a similar application until one year from the date of the last previous denial by the commission.

Factual Basis/Rationale

The proposed amendment would add language to clarify the requirements that must be used, on a case by case basis, to evaluate an applicant who has been denied an application for a license and states that such applicant may not file a similar application until one year from the date of the last previous denial by the commission.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

Actual experience of commission staff evaluating a denied licensee's license without the benefit of defined guidelines.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The amendment language would eliminate confusion on the part of the licensees that have been denied a license.

Description of alternatives which would lessen any significant adverse impact on business:

No alternatives as there are no significant adverse impact on business.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

### Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- None.

### Specific Purpose of each adoption, amendment, or repeal:

**Adopt Rule 511:** This proposed adoption of Rule 511 would establish 21 rounds as the minimum and 36 rounds as the maximum number of rounds, except with the approval of the commission for any one program, that a promoter must adhere to when scheduling bouts for an arranged card; would require the promoter to provide a standby bout in the event the card breaks down and it is needed to meet the minimum 21 rounds established by the adoption of the proposed language of Rule 511.

### Factual Basis/Rationale

Unlike Rule 242 which establishes a 26 round minimum and a 40 round maximum for any one boxing card, there currently is no rule that specifies the minimum and maximum number of rounds a promoter must adhere to when conducting a mixed martial arts or kickboxing event. The adoption of the proposed Rule 511 would address the need to ensure promoters have minimum and maximum guidelines to follow and the commission inspectors have a rule upon which to rely when approving the number of rounds for a mixed martial arts or kickboxing card.

### Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

- Unlike Rule 242 which establishes a 26 round minimum and a 40 round maximum for any one **boxing** card, there currently is no rule that specifies the minimum and maximum number of rounds for any one **mixed martial arts or kickboxing** card a promoter must adhere to when scheduling bouts for a **mixed martial arts or kickboxing** event.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

- The adoption of Rule 511 would provide a much needed minimum and maximum rounds guideline that would benefit the promoter when scheduling fights for a mixed martial arts and kickboxing events as well as provide a much needed minimum and maximum guidelines the commission inspectors can rely upon when approving the number of rounds for a mixed martial arts or kickboxing card.

Description of alternatives which would lessen any significant adverse impact on business:

No alternatives as there are no significant adverse impact on business.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- None.

JACOB DURAN - "STITCH"  
COMMENT: HAND WRAPPING

Sal Barajas

From: jacob duran [REDACTED]  
Sent: Monday, October 11, 2010 7:55 PM  
To: Sal Barajas  
Subject: Re: Technical Assistance Request

Sal, glad to hear that you guys are taking steps to further protect fighters with proper hand wraps and equipment.

Here is what I found out just now as I unrolled one roll each of 1 inch trainers tape and 1 roll of standard cotton gauze, both used to wrap the hands of a combatant for both boxing and MMA

(1) The roll of cotton gauze that I measured was 15 yards long and 2 inches wide. This is the standard and the preferred gauze used by just about everyone in the industry and can be ordered at distributors such as Ringside, Titleboxing, Everlast, etc.

(a) My recommendation is to allow up to 30 yards of gauze, which equals two rolls per hand. Most reputable trainers/cutmen use part of one roll to make a padding for the knuckles and then use the remaining gauze, if needed from that roll plus one more to complete the wrapping.

(2) One roll of trainers tape, 1 inch wide, measures 10 yards per roll and is available at distributors like Ringside, Titleboxing, Everlast, etc.

(a) My recommendation is to allow 20 yards of 1 inch tape per hand, which equals two rolls of trainers tape.

(3) 1 1/2 inch trainers tape or the Power Flex tape can be used as a combination with the 1 inch trainers tape. Some trainers do use 1 1/2 inch trainers tape as their only tape when they wrap a fighters hands. This is OK.

(4) I recommend that the tape used between the fingers should not be wider than 3/4 inches. I have seen some trainers use the whole 1 inch tape and they end up covering the restricted area on the knuckles because of the 1 inch width on each finger.

(5) I wish I could help you with the amateurs boxing program, but I have been out of contact with them that I have no idea on Amateur boxing. I would think that the same rules would apply for amateur MMA and Kickboxing as the rules used by Professional Boxers, MMA and Kickboxing. If it works for the pros, it should work for the amateur fighters.

Regarding the Power Flex 1 1/2 inch tape that I have used in California for over 20 years can be researched at <http://www.andovercoated.com> or you can call Christina Brown at 978 465 0044 and she can send you information. Tell her I said hola!

Good luck Sal and call me anytime if you have any questions. Always glad to help and it is a honor to be asked to be part of this project.

Stitch

From: Sal Barajas <Sal.Barajas@dca.ca.gov>

To: [REDACTED]

Sent: Mon, October 11, 2010 5:46:32 PM

Subject: Technical Assistance Request

Jacob:

Great talking to you today. Below is a bullet list of questions I believe responses from you as a well respected industry professional cut man and trainer will assist the commission in its' endeavor to improve the language of Rule 323 Hand Wraps.

- Maximum amount of gauze a boxer may use to wrap each hand. \_\_\_\_ 30 \_\_\_\_ 0 \_\_\_\_ Feet
  - o Recommended gauze - width \_\_\_\_ 2 \_\_\_\_ Inches
- Maximum amount of adhesive tape a boxer may use to wrap each hand. \_\_\_\_ 20 \_\_\_\_ 0 \_\_\_\_ Feet
  - o Recommended adhesive tape - width \_\_\_\_ 1 inch and 1 1/2 Inches
- Maximum width of adhesive tape a boxer may use to anchor gauze by applying the adhesive tape strips between the boxer's fingers.
  - o Recommended adhesive tape - width \_\_\_\_ 3/4 \_\_\_\_ Inches
- Describe - "How to properly complete Hand Wraps for a Professional Boxer" A  
A professional boxer should be able to use about 30 yards of gauze, or two rolls of gauze and about 20 yards of 1 inch trainers tape or about two rolls of trainers tape per hand. The boxer should also be permitted to have a padding made from the existing gauze placed on his knuckles as a padding. Trainers tape should be placed no closer than 1 inch from the knuckles. The 20 yards should also include a combination of 1 inch trainers tape and 1 1/2 inch trainers tape or Power Flex tape (water repellant).
- Describe - "How to properly complete Hand Wraps for a Professional Mixed Martial Arts Fighter"  
Wrapping a Professional MMA fighter should have the same rules made available to them as Professional Boxers. I use the same technique except I do not make the padding as thick because of the size of the glove.
- Describe - "How to properly complete Hand Wraps for a Professional Kick Boxer"  
Wrapping a Professional Kick Boxer should have the same rules made available to them as Professional Boxers. Kickboxers use the same size gloves as boxers.

- Describe - "How to properly complete Hand Wraps for an Amateur Boxer"
- Describe - "How to properly complete Hand Wraps for an Amateur Mixed Martial Arts Fighter"
- Describe - "How to properly complete Hand Wraps for an Amateur Kick Boxer"

If you believe the materials maximum allowable for use should be less for mixed martial arts fighters, please do so

Regards,

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Sal Barajas  
Associate Governmental Program Analyst  
California State Athletic Commission  
2005 Evergreen Street, Suite 2010  
Sacramento, CA 95815  
916-263-6529 Direct  
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916-263-2197 Fax

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JOHN IBARRA  
"JUANITO"

COMMENT: HAND WRAPPING

Dear Mr. Dodd,

On March 29, 2007 'called' Seconds and Trainers Informational Meeting there was suppose to be on the addenda under equipment of cut medicines to be used. I have researched this along with Brandon at CSAC office and cannot find any minutes or if the actual meeting occurred.

Attached are the changes that I feel should be made regarding hand wrapping and coagulants (cut medicines), in the professional and amateur fight world, throughout the nation.

✓ **Re: Hand wrapping**

My goal is accomplish a standard way to wrap professional and amateur fighters, nationwide.

(Problem: Every state has different rules and the rules are very vague\not very clear. In some cases are written backwards.)

Solution: California Rules 323, 324, 325 (CAMO rule 710), 326 & 18755 changes (attached)

**Re: Coagulants (cut medicines)**

My goal is to accomplish standard use of coagulants (cut medicines) that should be used nationwide in both professional and amateur fight events.

(Problem: In every state it is very unusual to find the same or if any language on coagulants (cut medicines) that are allowed to use in fight events. This has lead to problems such as inexperience corner personal or so called cutmen are using a product that can be bought over the counter or through fight equipment manufacture catalogs, called PRO QR (this is used for minor abrasions, nose bleeds and cuts) There are other celox and microfiular surgerical, not only very expensive but almost impossible to obtain. These should be elimated.

Solution: Adrenalin 1/1000, Thrombin, or Abentine (gel foam) Should be used across the board nationwide.

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Juanito has been training fighters in Big Bear for over two decades. Juanito Ibarra is a Hall-of-Fame inductee who has donated many service hours to youth, training and managing fighters of all categories.

In 1992, he received the California J.C. Penney Volunteer Award, recognized by the President of the United States, George Bush, Sr., for his Volunteer Boxing Program, established by Juanito at the San Pedro Boys and Girls Club Organization, a very successful program leading youngsters in the right direction.

In 1996, Juanito along with his mentor, the famous cutman 'CHUCK BODAK' formed the National Trainers and Cutman Association, to help bring standards to professional and amateur corners.

In 2006, Juanito received an award from the State of California, Lieutenant Governor, Cruz M. Bustamante, commendation for Outstanding Community Service (For serving the Athletes & Entertainers for Kids 'Heroes Award')

Also, Juanito helped Make-A-Wish Foundation, with his teaching and mentoring talents, to help make a child's dream come true.

In 2007, he was inducted into the MMA Hall of Fame as 'Teacher of the Year' and nominated as 'Trainer of the Year' as well.

Juanito has worked with over 15 World Champion fighters, both in the world's of Boxing and MMA combined. His client list is a virtual "who's-who" of respected individuals!

At the beginning of 2008, Juanito assisted the coaching staff on "The Ultimate Fighter Show" during Season 7. His legendary has was noticed on screen as he worked his mitts (training-targets) with many new MMA talents.

In early 2009, Ibarra opened his new World Class MMA/Boxing Gym in Orange County, CA, located at 14042 Locust St., Westminster, CA 92683. Originally owned by former Boxing champion Carlos Palomino, the renovated site boasts two regulation size boxing rings, a hexagon MMA cage, a large grappling cage and an impressive training staff!

For training information at Juanito Ibarra's WCMMA B Gym, please call: 714-892-3355

Recently, in 2010, the College Cage Series reality-based TV show held it's series tryouts at World Class MMA/Boxing Gym. The tryouts featured top MMA and Boxing celebrity judges, Royce Gracie, James "Light-Out" Toney, "Big" John McCarthy, along with owner Juanito Ibarra.

Juanito continues to guide, teach and mentor many fighters. He displays humility and integrity in his work and personal life.



**DEPARTMENT OF CONSUMER AFFAIRS**

**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 18**

**Request to Hold Regulation Hearing**

**Proposed Regulation Amend Section 371, 379,  
543, 547**

**Amend Section 303, 403**

**Adopting 303.1**



**California State Athletic Commission  
Specific Language of Proposed Regulations  
Therapeutic Use Exception  
Draft—1-7-2011**

(1) Amend Rule 303 to read as follows:

**303. Administration or Use of Drugs.**

(a) The administration or use of any drugs, alcohol or stimulants, or injections in any part of the body, either before or during a match, to or by any boxer is prohibited.

(b) A person who applies for or holds a license as a professional boxer and who has at any time had a positive drug test confirmed by any commission for any substance described in subsection (c) shall be required as a condition of licensure or renewal to provide a urine specimen. In addition, a licensed boxer shall provide a urine specimen for drug testing either before or after the bout, as directed by the commission representative.

(c) A positive test (which has been confirmed by a laboratory utilized by the commission) for any of the following substances shall be conclusive evidence of a violation of subsection (a):

- (1) Stimulants
- (2) Narcotics
- (3) Cannabinoids (marijuana)
- (4) Anabolic agents (exogenous and endogenous)
- (5) Peptide hormones
- (6) Masking agents
- (7) Diuretics
- (8) Glucocorticosteroids
- (9) Beta-2 agonists (asthma medications) except salbutamol (maximum 1600 micrograms over 24 hours) and salmeterol by inhalation
- (10) Anti-estrogenic agents
- (11) Alcohol

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Section 18640, Business and Professions Code.

2. Adopt new Rule 303.1 in Article 6 of Chapter 1 of Division 2, Title 4 to read as follows:

303.1. Therapeutic Use Exemption.

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(a) An applicant or licensee who believes he or she has a therapeutic reason to use a substance described in Rule 303(b) may request a therapeutic use exemption ("TUE") to permit continued use of that substance. Such a request may only be granted by the commission itself after a public hearing. The applicant or licensee shall submit the request in writing to the commission. The request shall be accompanied by supporting medical information sufficient to allow the commission to determine whether to grant the request. In reaching its decision, the commission will, at a minimum, determine whether all of the following criteria have been met:

(1) The applicant or licensee would experience a significant impairment to health if the prohibited substance were to be withheld in the course of treating an acute or chronic medical condition;

(2) The therapeutic use of the prohibited substance would produce no additional enhancement of performance other than that which might be anticipated by a return to a state of normal health following the treatment of a legitimate medical condition;

(3) Either reasonable therapeutic alternatives to the use of the otherwise prohibited substance have been tried or no reasonable alternative exists; and

(4) The necessity for the use of the otherwise prohibited substance is not a consequence, wholly or in part, of a prior non-therapeutic use of any substance described in Rule 303(b).

(b) The commission may, in its sole discretion, either grant or deny the request or refer the request to the Advisory Committee on Medical and Safety Standards ("committee") for its recommendation. The committee shall obtain such evaluation and expert consultation as the committee deems necessary. The committee shall present the commission with a written recommendation and a detailed basis for that recommendation.

(c) Failure to disclose the use of a substance described in Rule 303(b) constitutes a violation of Rule 390.

Note: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18645, Business and Professions Code.

**California State Athletic Commission  
Specific Language of Proposed Regulations  
Licensure Requirements for Officials  
Draft—1-12-2011**

1. Amend Rule 371 to read as follows:

371. Referee's License.

(a) In order to be licensed as a referee, an applicant shall meet all the following requirements:

~~(1) Have demonstrated prior experience in refereeing and judging boxing matches~~  
Have two years of documented experience refereeing boxing matches with a minimum of 100 matches refereed. It is not necessary that this experience be obtained by refereeing professional contests. and

~~(2) P~~perform in a series of training sessions as a referee to successfully demonstrate proficiency. Training sessions shall be conducted by a commission representative or commission appointed licensed referee(s) and shall be approved by the commission.

~~(2)~~ (3) Be found after examination by a licensed physician to be physically and mentally fit to referee a boxing contest and to have uncorrected visual acuity of at least 20/100 in both eyes. Weight shall be proportionate to height in accordance with the standards of the American Medical Association in effect at the time of the effective date of this regulation.

~~(3)~~ (4) Be in good physical condition with the speed and reflexes in the ring necessary for the protection of the boxers.

~~(4) Pass a written examination administered by the commission on the fundamentals of boxing, refereeing and judging boxing matches and contests, and California law and regulations relating to boxing.~~

~~(5) Perform in a series of training sessions as a judge to successfully demonstrate proficiency~~  
a demonstration of competence in judging by judging at least 100 boxing contests as verified by a representative of the commission. The demonstration of competence shall include a demonstration of the licensee's knowledge of California law and regulations relating to boxing. Training sessions shall be conducted by a commission representative or commission appointed licensed referees or judges.

~~(6)~~ (b) These experience requirements may be waived for any applicant who is has been licensed for at least five years by, and possesses a current valid license in good

standing with, another state athletic commission or any commission-approved sanctioning body such as the World Boxing Council, World Boxing Association, International Boxing Federation, and World Boxing Organization.

(7) (c) In order to renew a referee's license, a referee shall comply with subsections (b) and (c) in addition to any other requirements for renewal set forth in the law or these regulations.

(b) (d) A person who possesses a valid California license as a referee may judge a boxing contest without the need to obtain a judge's license.

Note: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18731 and 18734, Business and Professions Code.

2. Amend Rule 379 to read as follows:

379. Judge's License.

(a) In order to be licensed as a judge for boxing contests, an applicant shall meet all the following:

(a) (1) Shall have been assigned either by the California Athletic Commission or by an organization authorized by the commission pursuant to Section 18646 of the code to regulate amateur boxing contests for at least three years in such a capacity as to have judged boxing contests, or supervised or evaluated professional boxing judges.

(2) Be found after examination by a licensed physician to have uncorrected visual acuity of at least 20/100 in both eyes.

~~(b) Pass a written examination administered by the commission on the fundamentals of boxing, judging boxing contests and knowledge of California law and regulations relating to boxing.~~

~~(3) Must have demonstrated prior experience in judging boxing contests and must demonstrate judging proficiency. Proficiency shall be determined by a commission representative or commission-appointed licensed referees or judges and the method of evaluations shall be approved by the commission. by judging at least 100 boxing contests as verified by a representative of the commission. The demonstration of competence shall include a demonstration of the licensee's knowledge of California law and regulations relating to judging boxing.~~

~~(c) (b) These experience requirements may be waived for any applicant who has been licensed for at least five years by, and possesses a current and valid license as a boxing judge in another state or country and has not been the subject of any disciplinary action.~~

~~(d) Must have demonstrated prior experience in judging boxing contests and must demonstrate judging proficiency. Proficiency shall be determined by a commission representative or commission-appointed licensed referees or judges and the method of evaluations shall be approved by the commission.~~

Note: Authority Cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18641 and 18648, Business and Professions Code.

3. Amend Rule 543 to read as follows:

543. Referee's License.

(a) In order to be licensed as a referee, an applicant shall meet all of the following requirements:

~~(a) (1)~~ (a) (1) Have two years of documented experience refereeing martial arts and/or kickboxing matches ~~with a minimum of 100 matches~~ with a minimum of 100 matches refereed. It is not necessary that this experience be obtained by refereeing professional contests.

~~(b) (2)~~ (b) (2) Be found after examination by a licensed physician to be physically and mentally fit to referee a martial arts contest and to have uncorrected visual acuity of at least 20/100 in both eyes. Weight shall be proportionate to height in accordance with the standards of the American Medical Association in effect at the time of the effective date of this regulation.

~~(c) (3)~~ (c) (3) Be in good physical condition with the speed and reflexes in the ring necessary for the protection of the fighters.

~~(d) Pass a written examination administered by the commission on the fundamentals of martial arts and kickboxing, refereeing and judging martial arts matches and contests, and California law and regulations relating to martial arts and kickboxing.~~

~~(e) (4)~~ (e) (4) Perform a demonstration of competency by performing as a referee in a martial arts match before a representative of the commission and two licensed referees. The applicant shall demonstrate knowledge of California law and regulations relating to martial arts and kickboxing, refereeing techniques, and the ability to manage and control a martial arts match.

~~(f) (5)~~ (f) (5) Perform a demonstration of competence in judging by judging at least ~~50~~ 100 martial arts or kickboxing contests as verified by a representative of the commission.

~~(g) (b)~~ (g) (b) These experience requirements may be waived for any applicant who is licensed or approved as a referee ~~by the Professional Kickboxing Association or the World Kickboxing Association~~ another state athletic commission who meets or exceeds these standards.

~~(h)~~ (c) In order to renew a referee's license, a referee shall comply with subsections ~~(b)~~ and ~~(e)~~ (a)(2) and (3) in addition to any other requirements for renewal set forth in the law or these regulations.

NOTE: Authority cited: Sections 18611, 18763 and 18765, Business and Professions Code. Reference: Sections 18640, 18648, 18763 and 18765, Business and Professions Code.

4. Adopt Rule 547 in Article 4 of Chapter 2 of Division 2, Title 4, to read as follows:

547. Judge's License.

(a) In order to be licensed as a judge, an applicant shall meet all of the following:

(1) Shall have been assigned either by the California Athletic Commission or by an organization authorized by the commission pursuant to Section 18646 of the code to regulate amateur full contact martial arts contests for at least three years in such a capacity as to have judged full contact martial arts and kickboxing contests, or supervised or evaluated professional martial arts and kickboxing judges.

(2) Be found after examination by a licensed physician to have uncorrected visual acuity of at least 20/100 in both eyes.

(3) Must demonstrate judging proficiency by judging at least 100 martial arts and kickboxing contests as verified by a representative of the commission. The demonstration of competence shall include a demonstration of the licensee's knowledge of California law and regulations relating to judging.

(b) The experience requirements may be waived for any applicant who possesses a current and valid license as a martial arts or kickboxing judge in another state or country who meets or exceeds these standards and has not been the subject of any disciplinary action.

Note: Authority Cited: Section 18611, 18763 and 18765, Business and Professions Code. Reference: Sections 18640, 18648, 18763 and 18765, Business and Professions Code.

**California State Athletic Commission  
Specific Language of Proposed Regulations  
Pension Plan  
Draft—1-7-2011**

Amend Rule 403 to read as follows:

403. Funding and Contributions.

(a) Contributions.

Contributions shall be assessed as follows:

The promoter shall contribute 88 cents (\$.88) on every ticket, excluding a working complimentary ticket as described in section 264, up to a maximum contribution of \$4,600 per show. The commission shall adjust the assessment in January of each year to ensure that contributions meet the funding level prescribed by Section 18881(b) of the code.

(b) Formula for Allocation of Contributions.

Contributions shall be allocated to each participating boxer's account on the last day of the plan year in the following proportions:

(1) One half (1/2) of the contributions for the plan year shall be allocated among the regular accounts of participating boxers who have not incurred a break in service as of the last day of the plan year in the proportion that each such boxer's scheduled rounds fought for the plan year bears to the total scheduled rounds fought in the plan year; and

(2) One half (1/2) of the contributions for the plan year shall be allocated among the regular accounts of participating boxers who have not incurred a break in service as of the last day of the plan year in the proportion that each such boxer's total purses for the plan year bears to the total purses paid for all fights fought by participating boxers in the plan year.

(c) Formula for Allocation of Forfeitures.

Forfeitures which become available in a plan year for allocation shall be allocated to each participating boxer's account on the last day of the plan year in the following proportions:

(1) One half (1/2) of the forfeitures shall be allocated among all regular accounts as of the last day of the plan year in the proportion that each such regular account bears to the total regular accounts in the Plan; and

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(2) One half (1/2) of the forfeitures shall be added to the boxer, promoter and manager contributions for the plan year and shall be allocated among the regular accounts of participating boxers who have fought in the current plan year according to the formula set forth in subsection (b) above.

(d) Forfeiture and Reallocation of Unvested Amounts.

If any participating boxer incurs a break in service prior to becoming a covered boxer, then such participating boxer's regular account shall be held in a suspense account on the records of the Plan after incurring such break in service until such time as it shall be forfeited and reallocated.

Suspense account balances shall be forfeited and reallocated under the Formula set forth in subsection (c) above, as of the last day of the plan year following the plan year in which the participating boxer completes a break in service.

Note: Authority cited: Sections 18611 and 18881, Business and Professions Code.  
Reference: Sections 18881 and 18882, Business and Professions Code.





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**DEPARTMENT OF CONSUMER AFFAIRS**

**CALIFORNIA STATE ATHLETIC COMMISSION**

**Agenda Item 19**

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

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