



California State Athletic Commission

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CALIFORNIA STATE ATHLETIC COMMISSION

Tuesday, February 5, 2008

10:00 A.M. – 5:00 P.M.

**Department of Consumer Affairs
 Hearing Room
 1625 North Market Boulevard
 Sacramento, California 95834**

Minutes

Commissioners Present:

June Collison	Howard Rose
Mario Rodriguez	Peter Lopez
Timothy Noonan	Julio Ramirez
Christopher Giza, M.D.	

Staff Present:

Armando Garcia, Executive Officer	Bill Douglas, Associate Governmental Program Analyst
Dean Lohuis, Chief Athletic Inspector	Che Guevara, Office Technician
Frank Munoz, Management Services Technician	Danielle Scott, Office Technician
Lilia Galvez, Management Services Technician	Dwayne Woodard, Athletic Inspector
JD Foreman, Athletic Inspector	Nate Arnold, Athletic Inspector
Pete Arnold, Athletic Inspector	Mike Figueroa, Athletic Inspector
Jeff Ervin, Athletic Inspector	David Rasmussen, Athletic Inspector
Todd Smith, Athletic Inspector	Mike Bray, Athletic Inspector
Richard Novoa, Athletic Inspector	Antonette Sorrick, Deputy Director of Board Relations
Spencer Walker, Legal Counsel, DCA	Anita Scuri, Legal Counsel, DCA
Karen Chappelle, Deputy Attorney General	

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

Agenda Item 1. The meeting was called to order at 10:00 a.m. Executive Officer, Armando Garcia, called the roll. Commissioners present and accounted for: Collison, Noonan, Lopez, Rodriguez, Rose, Ramirez, and Giza.

Agenda Item 2. All Commissioners led the attendees in the Pledge of Allegiance.

Agenda Item 3. Approval of Meeting Minutes

Commissioner Noonan referenced Referee Raul Caiz Sr. being placed on a future agenda for review and the associated correction of the minutes for the October 31, 2007 meeting. A motion was made and seconded to approve the October meeting minutes as corrected and approve the December meeting minutes. The motion passed unanimously.

Agenda Item 4. Election of Chair and Vice-Chair

A motion was made and seconded to elect Commissioner Noonan as Chairman of the California State Athletic Commission. Commissioners Lopez, Rose, Ramirez, and Noonan voted aye. Commissioners Collison, Rodriguez, and Giza did not vote.

A motion was made to elect Commissioner Collison as Vice-Chair. Commissioner Collison declined the position of Vice-Chair.

A motion was made to elect Commissioner Rodriguez as Vice-Chair. Commissioner Rodriguez declined the position of Vice-Chair.

A motion was made and seconded to elect Commissioner Ramirez as Vice-Chairman of the California State Athletic Commission. Commissioners Lopez, Rose, Ramirez, and Noonan voted aye. Commissioners Collison, Rodriguez, and Giza did not vote.

Agenda Item 5. Executive Officer's Report

Executive Officer Garcia addressed the Event Schedule noting that it is updated frequently and posted on the CSAC internet site.

Executive Officer Garcia addressed the relocation of the Commission Office due to be completed by the end of March 2008.

Executive Officer Garcia addressed the Strategic Plan and recommended a facilitator for the new plan. The newly selected facilitator would subsequently be placed on a future agenda to speak before the Commission.

Executive Officer Garcia addressed the January 9 Promoter Information Meeting in Los Angeles and the success of the Commission's outreach activities.

Executive Officer Garcia addressed the Inspector program and discussed the training session held on January 26, 2008.

Agenda Item 6. Anti-Doping Disciplinary Guidelines

Executive Officer Garcia discussed his recommendations for the anti-doping program.

Commissioner Rose recommended a first steroid offense to be six months and a \$500 fine and recommended a first drug of abuse offense to be six months and a \$500 fine.

Commissioner Giza recommended the creation of a level playing field stating that reducing a penalty is sending a wrong message across the board. Commissioner Giza discussed a study that was prepared for Congress and is making it available to the rest of the Commission.

Commissioner Rodriguez stated that a strong message needs to be sent to the athletes where no steroid use is going to be tolerated.

Commissioner Rose stated that he wanted consistency.

Commissioner Rodriguez is recommending that the standards stay the same at the very least or possibly increasing across the board.

Commissioner Giza addressed the Olympic level penalties and stated that California's policies are definitely not the most severe.

Chairman Noonan recommended a committee to oversee the penalties for prohibited substances in California. A motion was made and seconded for Commissioners Giza and Rose to work with Executive Officer Garcia for standardization of the penalties for prohibited substances.

Agenda Item 7. Appeals of Suspensions and Fines

Jason Winther

Mr. Winther was sworn in by Mr. Walker. Ms. Chappelle read the timeline of events to the Commission pertaining to Mr. Winther's suspension and fine.

Mr. Winther admitted that it had been some time before he took the steroids and thought they would be out of his system. Mr. Winther apologized for the offense and was hoping to be placed on probation resulting in lowering the time of his suspension and the amount of the fine.

Commissioner Collison asked Mr. Winther if this was the first time that he was tested. Mr. Winther confirmed it was the first time that he was tested.

Commissioner Rodriguez clarified Mr. Winther's answers on whether he knew he took the steroids or not.

Commissioner Giza addressed Mr. Winther's positive tests for drugs of abuse.

Mr. Winther stated that he needed methadone to sleep.

Commissioner Giza stated that he believes there was deception from the beginning on the part of the athlete so he was inclined not to look favorably at this appeal. Commissioner Giza then addressed therapeutic use exemptions in sports.

Vice-Chair Ramirez motioned and Commissioner Rodriguez seconded to uphold the suspension and fine across the board. The motion passed unanimously.

Alexander Crispim

Mr. Crispim's attorney had previously sent a request asking for Mr. Crispim's hearing to be held in the afternoon session of the Commission meeting. The Commission agreed to hear the appeal in the afternoon after lunch.

Dennis Hallman

Mr. Hallman did not attend his requested appeal hearing. The appeal was dismissed and the suspension and fine were upheld.

Agenda Item 8. Native Government Contract for Services

Mr. Walker addressed the concept of the Native American Government Contract for Services being approved.

Executive Officer Garcia recommended that each promoter should be contacted to set up a meeting between the governments and the promoters to discuss the details of the events. EO Garcia stated the meetings should begin as soon as possible. EO Garcia referenced the prior agreements between the governments, promoters, and Commission.

Commissioner Collison asked for a timeline of when the contract would be completed.

EO Garcia stated the contract should be completed by the next Commission meeting in April as the goal is to comply with Senate Bill 247 and keep all parties happy so that business can continue uninterrupted.

During the public comment portion of this agenda item, Promoter Roy Englebrecht addressed the events on tribal land and discussing the raise in the Commission's fees.

EO Garcia stated the raise in fees is in compliance with Senate Bill 247 which became effective on January 1, 2007.

Mr. Englebrecht inquired why everything was being changed since agreements historically are items that "may be" entered into rather than "shall be" entered into.

Mr. Walker stated using the word "may" tells the Commission that they can provide services to the Native Government if needed.

Mr. Englebrecht stated that anxiety is happening among everyone because of the changes and is hoping for something simple between the Commission and the promoter.

Mr. Walker stated that options are being explored and the law cannot be avoided.

EO Garcia states that he has been in contact with Mr. Englebrecht and many of the other promoters regarding this issue.

Mr. Walker asked Mr. Englebrecht if he has made contact with any of the tribal government's representatives.

Mr. Englebrecht stated that he would initiate discussion with two of the tribes.

A motion was made, seconded, and carried directing the Executive Officer to work with stakeholders to reach resolution on the Native American contract for services.

Agenda Item 10. Advisory Committee on Medical and Safety Standards

Commissioner Giza addressed the December 8, 2007 meeting in Los Angeles, California. In regard to Malpractice Insurance, a committee was created with Dr. Wallace and Dr. Gluckman to organize the Ringside Physicians Organization. Commissioner Giza would then report back to the Commission. One key item discussed was reimbursement to physicians to incorporate malpractice insurance premiums.

Medical Review of Athletes – Discussion occurred at the December 8 meeting to change the neurological exam and incorporate neuro psych testing into the battery of licensing tests. No particular test was favored over the other but the tests would determine a return to competition after the exam was completed. Detailed testing would be beneficial in the long run to California.

It was advised at the December 8 meeting that the Commission should take the opportunity to create an injury database for use by the physicians to determine what parameters are used for future cases. The Commission should commit funds to creating such a database. A research subcommittee was set up between Dr. Lemons and Dr. Rao from UC San Diego.

Dr. Wallace discussed malpractice insurance information with the Commission. He stated that physicians want to form an organization but wants to know what type of organization would be approved by the Commission for the costs of the premium to be picked up.

Ms. Scuri and Mr. Walker stated more information is needed on this topic before any decisions can be made.

Chairman Noonan addressed Commissioner Giza stating that the Commission needed to obtain more information in order to move forward on this item.

Executive Officer Garcia stated the injury database could be might be able to be addressed by using funds from the neurological fund.

Agenda Item 11. Medical Examination Results From Other Commissions

Executive Officer Garcia addressed the use of medical information from other Commissions in the United States. He recommended that medicals from other states should be approved for use as long as confirmation from the treating physician is received and the athlete is licensed in that particular state. He further recommended that the medicals should not be more than 365 days old and the use of medicals from other Commissions does not compromise health and safety. EO Garcia stated that each instance would be viewed on a case by case basis and any medical test not performed for another Commission would have to be performed in California in order to complete the licensing process.

Dr. Wallace asked if any brain imaging would be conducted and blood results would conform to current policy.

EO Garcia stated that international medicals would not be accepted.

Dr. Wallace addressed the positive direction the Commission has taken in the past three years. He stated that medical evidence cannot be provided to the Commission without the injury database. Dr. Wallace thanked EO Garcia for assembling what has taken years to put together, which is a safe program.

EO Garcia restated his position on medical documents from other Commissions.

It was moved (Ramirez), seconded (Rodriguez), and unanimously carried to permit the Executive Officer to accept, in his discretion, out of state physical and eye examinations from applicants licensed elsewhere in the United States if the examinations are less than 365 days old, the exam results are sent directly from one state jurisdiction to the California Commission, the results are certified by the physician, and the exams are equivalent in scope to those required by California.

Agenda Item 12. Request to Set Regulatory Hearing

Executive Officer Garcia provided a briefing on each of the proposed additions and amendments to the California Code of Regulations pertaining to the Athletic Commission.

A motion was made and seconded to approve the regulatory hearing for the next Commission meeting. The motion passed unanimously.

Agenda Item 9. Pension Plan Update

Chairman Noonan indicated the committee is reviewing the investment policy and that current vendor's investments are not consistent with the Commission's investment policy. Vice-Chair Ramirez asked whether he could use a third party pro bono expert in trusts, endowments, and pensions to help evaluate the investments, especially since the current vendor has only one investment class. It was moved, seconded, and unanimously carried to ask a third party pro bono expert to evaluate and make recommendations to the committee regarding pension investments.

Agenda Item 13. Public Comment

David Mendoza – Addressed the performance of Executive Officer Armando Garcia. He believes that EO Garcia and the staff should be given support to continue the job.

Pat Russell – States that he is troubled by the allegations against Mr. Garcia and they have not been investigated. Would like conflict of interest and violations of laws to be cleared and/or enforced and is calling for an investigation into these matters. Stated that the Athletic Commission should actively fact find and should support its Executive Officer if the charges are refuted.

Jon Schorle – Addressed the performance of Executive Officer Armando Garcia.

Jack Reiss – Disagreed with the favorable comments for EO Garcia. He stated that fear and intimidation are the reason why people do not speak out publicly against the Executive Officer. Suggested a private inquiry so people don't fear retaliation.

Steve Fossum – Requested that amateur mixed martial arts should be reviewed by the California State Athletic Commission. Asked if a sanctioning body could oversee amateur mixed martial arts.

Dwayne Woodard – Addressed the situation involving EO Garcia's employment as Executive Officer with CSAC. Addressed the sinister operations against EO Garcia and the "sleazy" reporting that was used to supplement the operations.

Richard Novoa – Read comments from Timekeeper Ed Collantes submitted for consideration by the Commission. Read comments from Judge Fritz Werner submitted for consideration by the Commission. Mr. Novoa addressed the performance of Executive Officer Armando Garcia.

Nate Arnold – Addressed the performance of Executive Officer Armando Garcia. Stated that the Commission now has a great leader so let him lead.

Pete Arnold – Addressed the performance of Executive Officer Armando Garcia. Stated that he is proud to work for the Commission and for Armando.

Mike Figueroa – Addressed the performance of Executive Officer Armando Garcia.

David Rasmussen – Addressed the performance of Executive Officer Armando Garcia.

Jeff Ervin – Addressed the performance of Executive Officer Armando Garcia and stated that health and safety has always ruled the day.

Todd Smith – Addressed the performance of Executive Officer Armando Garcia.

Agenda Item 7. Appeals of Suspensions and Fines (con't)

Alexander Crispim

Tom Prountzos is representing Alexander Crispim during this hearing. Mr. Prountzos stated that the basis of their appeal is that Mr. Crispim did not knowingly take performance enhancing substances. They are looking for leniency to allow him to continue competing in California.

Mr. Prountzos submitted documents for the Commission's review. Mr. Prountzos confirmed that tests on the supplements that Mr. Crispim used had not been performed nor submitted to the Commission for their review.

Ms. Chappelle inquired why Mr. Crispim did not disclose any supplement use on this pre-fight medical questionnaire.

Mr. Prountzos stated that Mr. Crispim does not make much money and is asking for a reduction of the fine to \$500.

Commissioner Giza questioned the supplements and the use of a designer steroid contaminating the supplement. Further, he asked if Mr. Crispim is prepared to submit laboratory paperwork to inform the Commission that the supplement was, in fact, tainted.

Mr. Prountzos confirmed that laboratory confirmation is not available today.

Commissioner Collison asked how long Mr. Crispim was using the supplement.

Mr. Crispim stated that he had been taking it for about one month prior to the fight.

Commissioner Giza is stating that the process of appeal is to be used for compelling evidence to overturn a decision.

Mr. Crispim explained his reasoning behind the internet articles that he presented.

Commissioner Giza stated that Mr. Crispim's case has fallen short compared to the documentation provided by the Commission.

Ms. Chappelle stated that Mr. Crispim's argument would be compelling if he stated everything from the beginning. However, he did not mention anything when it came to the disclosures.

AGPA Bill Douglas presented Mr. Crispim's entire drug testing history to the Commission.

A motion was made and seconded to uphold the suspension and fine. Commissioners Giza, Rodriguez, Rose, and Noonan voted to uphold the suspension and fine. Commissioners Collison and Lopez and Vice-Chair Ramirez did not vote.

Agenda Item 14. Agenda Items for Future Meetings

The following items were discussed as future agenda items:

- Pregnancy testing for female athletes
- Assignment of officials
- Malpractice insurance update
- Neurological injury database
- Pension Plan update
- Regulatory Hearing regarding proposed additions and amendments to the CCR
- Ringside Physicians' compensation
- Officials' compensation
- Review of USA Boxing to regulate amateur boxing
- Amateur mixed martial arts
- Native American Government Contract for Services

Agenda Item 15. Future Meeting Dates

The following dates were discussed as future meeting dates:

- April 22, 2008 in Los Angeles, California
- June 17, 2008 in Los Angeles, California (tentative)

Closed Session

Agenda Item 16. Evaluation of the Executive Officer

Reconvene to Open Session

The meeting was adjourned at 5:00 pm.