



CALIFORNIA STATE ATHLETIC COMMISSION MEETING MINUTES

Monday, August 15, 2011

9:30 A.M. – 4:00 P.M.

Ronald Reagan State Building

Auditorium

300 South Spring Street

Los Angeles, CA 90013

Commissioners Present:

Chairman John Frierson

Commissioner Dr. VanBuren Lemons

Commissioner Eugene Hernandez

Vice Chairman Dr. Christopher Giza

Commissioner Mike Munoz

Commissioner Linda Forster

Staff Present:

George Dodd, Executive Officer

Anita Scuri, DCA Legal

Elizabeth Parkman, Program Analyst

Kathi Burns, Assistant Executive Officer

Che Guevara, Assistant Chief Athletic Inspector

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

Agenda Item 1. Call to Order / Roll Call / Pledge of Allegiance

George Dodd, Executive Officer, performed the ceremonial swearing-in of Commissioner Mike Munoz.

Agenda Item 2. Chairman's Reports

Chairman Frierson welcomed the members of the audience and congratulated the two new Commissioners recently appointed – Linda Forster and Mike Munoz. Mr. Frierson emphasized that the Commission strives to be transparent and reiterated that the primary goal of the Commission is protecting the health and safety of all athletes.

Agenda Item 3. Approval of Minutes

a. May 18, 2011

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

b. June 20, 2011

M/S/C to approve the minutes.

Agenda Item 4. Executive Officer Report

a. Budget Update

Mr. Dodd reported that the Commission ended FY 2010/2011 with an 11.76% budget surplus. He referred the members to the budget table provided and offered to answer any questions.

b. Update of Status of Regulations

Mr. Dodd introduced Kathi Burns, the new Assistant Executive Officer, and she gave a brief update on the status of regulation packages currently in process. Specifically, she advised that the therapeutic use exemption language, previously approved by the Commission to be set for hearing, will be noticed for public comment in October 2011.

Mr. Dodd performed the ceremonial swearing-in of Commissioner Linda Forster.

c. Staff Update – New Assistant Executive Officer and Office Tech

Mr. Dodd reported that the Commission's new assistant executive officer began in August 2011 and a new office technician began in July 2011.

d. Stakeholders Conference Call

Mr. Dodd reported that he and Mr. Guevara arranged a conference call on July 17, 2011, to discuss issues related to officials, promoters and the Commission. It was estimated that 60 individuals participated and it was decided that both parties will form subcommittees to discuss identified issues and recommend solutions.

e. Medical Documentation - MRI and EKG Every Five Years

Mr. Dodd recommended that the Commission ensure the MRIs and EKGs provided by fighters be submitted every five years, instead of only upon initial licensure or when requested. Hopefully this will assist in effectively assessing a fighter's ability to safely enter the ring.

After discussion with and information provided by members of the Advisory Committee on Medical Safety Standards, it was decided the current time requirements of MRI and EKG will remain the same. However, it would be more effective to require the Gradient Recall Echo (GRE) sequence report to be included with submittal of the MRI exam results. This requirement shall begin January 1, 2012, and notice to the public should be disseminated quickly.

M/S/C to require the GRE sequence data to be submitted to the Commission with the MRI exam results beginning January 1, 2012.

f. Executive Officer Evaluation

Mr. Dodd provided examples of the DCA's executive officer performance evaluation survey and indicated that the evaluation process would begin department-wide shortly.

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

Chairman Frierson reminded the public that no action can be taken on public comments at this time; however, the topic can be placed on the agenda for a future commission meeting.

Roy Englebrecht, licensed promoter, thanked Mr. Dodd and Mr. Guevara for the July 17, 2011, stakeholder's conference call and reminded the Commission that promoters are not immune to the state's economic downturn. For this reason he requested that officials' pay be discussed as soon as possible, by the Official's subcommittee.

Agenda Item 6. Request to Appeal Bout Decision

a. Frankie Gomez vs. Khadaphi Proctor

Mr. Proctor appealed the bout and is requesting the final decision be changed to a “no contest” due to violation of California Code of Regulations (CCR) Title IV, Rule 337 (2). Mr. Proctor argued that an illegal blow affected the outcome of the bout. Mr. Proctor’s trainer, Mr. Piccione, reported that the boxer did not respond to subsequent blows from Mr. Gomez after the foul.

Referee Eddie Hernandez, and lead athletic inspector Brian Morris, agreed that the foul did not appear to change the course of the fight.

Mr. Dodd and Mr. Guevara agreed that a foul did occur, but did not change the landscape of the bout or contribute to the fight being stopped.

Commissioners determined it was unclear which blow to the head affected Mr. Proctor’s ability to fight and evidence did not exist to change the decision.

PUBLIC COMMENT:

Miguel Diaz, former boxer/current manager, questioned how anyone can determine how injured Mr. Proctor was from the blow and advised that flagrant fouls affect fighters the worst.

M/S/C (4-0-2—Forster and Giza abstained) to uphold the decision.

b. Christy Martin vs. Dakota Stone

Ms. Martin appealed the decision in her June 4, 2011 fight against Dakota Stone. Ms. Martin was present and was represented by Ms. Gloria Allred and Mr. John West. Mr. Dodd was represented by Supervising Deputy Attorney General Karen Chappelle.

Ms. Chappelle called the following witnesses: Referee David Mendoza and ringside physician Paul Wallace, M.D.

Ms. Allred and Mr. West called the following witnesses: Christy Martin, Miguel Diaz and Sherry Lusk.

The Commission viewed the videotape of the fight in question several times. The Commission found that grounds did not exist under Rule 368 to change the decision in the Christy Martin v. Dakota Stone match held on June 4, 2011.

M/S/C (5-0—Commissioner Munoz abstained) to deny the appeal and uphold the initial decision.

Agenda Item 9. Ringside Physician Association Presentation on Mission and Purpose – Dr. Paul Wallace

Dr. Wallace informed the Commission that the purpose of the association is to present a mechanism for providing malpractice insurance and to train, discipline and govern ringside physicians. The Association has not yet instituted the malpractice insurance aspect because they still need to come up with the estimated \$55,000-60,000 in premiums. Dr. Wallace presented ringside physician criteria that were used at the ringside physician training seminar.

Agenda Item 11. Incident Report from Fox Theater – Pomona, CA, June 4, 2011

Mr. Dodd indicated that the Commission will have procedures in place to address the issues raised from this incident before the next commission meeting.

Paul Wallace, M.D., ringside physician, addressed the Commission and requested that decisions regarding an athlete's fitness to fight be final after examination by the ringside physician. He explained that decisions such as these should not be overturned by any inspector as physicians are trained in medical evaluation and have years of experience in these matters whereas the inspector's do not. Dr. Wallace suggested that the Advisory Committee on Medical and Safety Standards review these procedures.

Agenda Item 7. Appeal of License Suspension – Steroid/Drug of Abuse

a. Karl Mahealania Santiago

Mr. Santiago's license was suspended due to testing positive for marijuana metabolites. He appealed the suspension. Mr. Santiago was present and explained that he has a medical recommendation from a licensed physician to use marijuana, although he had not used the drug the day of his event and was not under the influence during the bout.

It was determined that Mr. Santiago falsified pre-bout documents by marking "no" to having taken any drugs of abuse; that he was in violation of the Commissions position on marijuana; and that he was subject to suspension and fine for use of illegal drugs.

M/S/C to uphold suspension and fine.

b. Thor Skancke

Mr. Skancke's license was suspended due to testing positive for steroids. He appealed the suspension. Mr. Skancke was advised of today's hearing date, but failed to appear.

M/S/C to uphold suspension and fine.

c. Mat Conte

Mr. Conte's license was suspended due to testing positive for using opiates. He appealed the suspension. Mr. Conte was present and explained that he had been given a prescription for the medication Lortab (which resulted in the positive test) by a licensed physician and disclosed this on his pre-bout questionnaire.

It was determined that Mr. Conte did disclose his legal use of the drug and the ringside physician failed to address it at the time of the fight. This issue will be addressed at the next ringside physician's training.

PUBLIC COMMENT:

Jason De La O expressed concern regarding the variations of fines and suspension periods and felt they should be more consistent.

M/S/C to reduce the suspension period from six months to time served and to uphold the fine.

Agenda Item 8. California Police Athletic Federation Request to Regulate Event

California Police Athletic Federation (CPAF) was recently granted a promoter's license in the state of California. CPAF has one event per year. CPAF is requesting the Commission delegate, to CPAF, its authority to regulate their amateur boxing event per Business and Professions Code section 18646.

Upon review of the documents submitted by CPAF and an opinion provided by DCA senior legal counsel Anita Scuri, it was determined that CPAF meets the necessary criteria to receive delegation of authority.

M/S/C to delegate the Commission's authority to CPAF, to regulate its amateur boxing event, in so far as CPAF limits its participants to police and fire personnel only and that the delegation is limited to the US Police and Firefighter Championship games held annually. CPAF shall adhere to the requirements of Business and Professions Code 18646.

Agenda Item 10. Report from Advisory Committee on Medical and Safety Standards - Update

The first committee meeting was held August 14, 2011. The six selected physicians developed and prioritized a list of goals for the committee and created subcommittees to address the identified goals.

Dr. VanBuren Lemons presented information on brain MRI evaluations of active athletes in combative sports. He introduced the idea of collecting the "Gradient Recall Echo" (GRE) sequence report with submittal of the MRI exam results upon licensure, beginning January 1, 2012.

Dr. Christopher Giza presented information on the dehydration of an athlete and reported that the California Amateur Mixed Martial Arts Organization (CAMO) volunteered to have their athletes begin a dehydration testing pilot.

Agenda Item 12. Policy for Handling Allegation of Illegal Activities

M/S/C to approve the policy on handling illegal activities.

Agenda Item 13. Procedure for Handling Unregulated Events

M/S/C to adopt the procedure for handling unregulated events.

Agenda Item 14. Previous Promoters Request

Mr. Dodd reported on Mr. Englebrecht's written request to change several current California rules and regulations.

Mr. Dodd reported that items three, five and nine of the request would require regulatory changes and changing Rule 242 would require substantial evidence supporting the need for change. An audit of past bouts for all promoters would be required and was requested of staff.

Items four, six and eight will be placed on the agenda for the Advisory Committee on Medical and Safety Standards to discuss.

For item two a subcommittee for officials was formed consisting of Commissioners Dr. Lemons and Mr. Hernandez. Ms. Scuri recommended that this subcommittee hold a public

meeting within the next three weeks if a recommendation is to be presented to the Commission at its October meeting.

Item seven will be placed on the agenda for the next Commission meeting.

Agenda Item 15. Annual Report of CAMO

Jeremy Lappen and JT Steele, CEO and CFO respectively, presented the annual report for CAMO.

CAMO reported only 3 insurance claims for the past year. Chairman Frierson requested the number of suspensions and injuries for the past year.

Agenda Item 16. Ethics Training (Open Meeting Act) – DCA

This item was not reported on and was placed on the agenda for the October 3, 2011, Commission meeting.

Agenda Item 17. Agenda Items and Meeting Dates for Future Meeting

- Ethics training
- Officials subcommittee report
- Officials training – September 18, 2011
- Commission meeting - October 3, 2011 – Oakland (location TBD)
- Advisory Committee on Medical and Safety Standards meeting - November 6, 2011 – Sacramento (location TBD)

ADJORNED