



**California State Athletic Commission**

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**CALIFORNIA STATE ATHLETIC COMMISSION  
MEETING MINUTES**

December 16, 2013

**10:00a.m. - Conclusion of Business**

Location:

2005 Evergreen Street, Hearing Room  
Sacramento, California 95815

**Commissioners Present**

Chairman John Frierson  
Christopher Giza, MD, Vice Chair  
VanBuren Lemons, MD  
Martha Shen-Urquidez  
John Carvelli

**Commissioners Absent**

Mary Lehman

**Staff Present**

Andy Foster, Executive Officer  
Spencer Walker, Staff Counsel, DCA  
Sophia Cornejo, Assistant Executive Officer  
Vern Hines, Special Project Coordinator, CSAC

**Agenda Item 1 – Call to Order / Roll Call / Pledge of Allegiance / Roll Call**

The meeting was called to order at 10:00 a.m. and a quorum was present.

**Agenda Item 2 – Chairman’s Opening Remarks**

Chairman Frierson welcomed all who were present and those on the panel for their attendance.

**Agenda Item 3 – Approval of October 7, 2013 Meeting Minutes**

Commissioner Lemons requested agenda item 5d to be revised. The agenda item noted the concern that Commissioner Lemons had over the cost of regulating youth pankration. Additionally, Commissioner Lemons requested the notes to reflect his concern over the appropriateness of the Commission regulating youth pankration.

Commissioner Carvelli made a motion to approve the October 7, 2013 minutes as revised.

Commissioner Shen-Urquidez seconded the motion and the commission approved the motion by a 5-0 vote.

**Agenda Item 4 – Executive Officer’s Report**

**a) Budget Update**

Executive Officer Andy Foster stated the spike in expenditures in November 2013 was due to pro-rata charges. He further stated that he was concerned over the Attorney General (AG) fees and that it would not be long before the commission exceeds its expenditure authority. Commissioner Shen-Urquidez asked Mr. Foster about the \$40,000 credit due to the commission from the AG's

office. Chairman Frierson asked Mr. Foster to follow-up with the AG's office and report the status of the AG credit at the next commission meeting in February.

Mr. Foster stated that for the current fiscal year, the commission has deposited \$648,000 and expended \$539,000 leaving the fund balance at \$426,000. December will show a spike in revenue due to late November deposits not credited until December.

Commissioner Carvelli asked Mr. Foster if the commission would be charged a fee for sending DCA investigators out to investigate youth pankration events while the cease and desist order is active. Mr. Foster stated he believes the commission will not be charged a separate fee as this is covered in the pro-rata charges. Mr. Foster stated that the commission is running a little over budget right now. Expenditures up to this point in the fiscal year have slightly exceeded expenditure authority. Commissioner Carvelli asked Mr. Foster if the commission has at least four months of reserve in its support account. Mr. Foster stated the commission has 4.3 months worth of expenditures in cash reserves. Commissioner Shen-Urquidez asked Mr. Foster if the commission pro-rata charges are still based on the commission staffing level of 11 full-time-equivalents (FTE). Mr. Foster stated that according to his knowledge, the pro-rate assessment is about a year behind. As a result, the staffing reductions the commission took in the recent past, should result in a decrease in pro-rata charges next fiscal year.

**b) Boxer's Pension Fund/Neurological Examination Account Update**

Executive Officer Foster stated that the boxer pension fund has approximately \$5.6 million and the Neurological fund has slightly under \$700,000.

**c) Staffing Update**

Executive Officer Foster stated that athletic inspectors hired under the temporary authority are about to expire and must apply to be a permanent athletic inspector. The commission currently has an exam under way for temporary athletic inspectors to apply for permanent intermittent status.

**d) Past Audit Recommendations Progress Report**

Executive Officer Foster stated the commission informed the Bureau of State Audits (BSA) that it will not implement recommendation #10. The recommendation asked the commission to obtain multi-million dollar broadcast contracts from promoters. Commissioner Carvelli asked why we cannot get these contracts. Executive Officer Foster stated the promoters would not give them to us as it is an industry practice. He further stated the commission compromised on BSA recommendation #10 by increasing the maximum dollar amount the commission receives from broadcast contracts.

Executive Officer Foster provided a summary of the actions taken to address all of the BSA audit recommendations. Chairman Frierson asked the Executive Officer to ensure the neurological assessment is on the February commission meeting agenda in response to BSA recommendation #22.

**e) Officials Evaluation Reports**

The Officials Evaluation Subcommittee have continued evaluating officials and the process had been mostly positive.

**f) Scoring in Mixed Martial Arts**

Executive Officer stated concerns with the scoring system in mixed martial arts (MMA). Some of the scoring problems related to MMA are because of the system. We need to better define what a

10-8 round is because we have a lack of an objective indicator like in boxing and ensure it is scored when needed. In boxing, a judge can easily score a round 10-8 due to the objective indicator of a knockdown. MMA has no such objective indicator that would help a judge easily identify and score a 10-8 round.

Commissioner Lemons stated for the record that the open letter that Executive Officer Foster wrote regarding scoring problems in MMA do not represent ideas from the commission and only represented Mr. Foster's personal ideas.

Mr. Foster stated he was part of a teleconference with the Association of Boxing Commissioners (ABC) in December 2013 and expects another meeting in January to continue dialogue on scoring problems in MMA. California needs to be a leader in the discussions with the ABC and other commissions on this issue and keep this moving forward. The commission will continue its work on this issue and ensure any new MMA scoring rules are vetted, and to the extent possible, ensure all stakeholders are on board and make the smallest changes possible. Commissioner Shen-Urquidez and Carvelli are on the official subcommittee to work on this issue.

**PUBLIC COMMENT:**

- Anthony Morales - Trains under Uriah Faber and wants trained people from the industry to provide input.
- John McCarthy - I helped write the rules for MMA and the rules need updated - in boxing the referee has an objective indicator (knockdown) to assist in scoring a 10-8, we need to work on getting an objective indicator for MMA.
- JT Steele from CAMMO - Would love to work with the commission in trying different scoring options and implement something and test it.

**g) Report of Chavez Jr. vs. Vera video review**

Executive Officer Foster stated the commission asked him to have a top official review the Chavez vs. Vera score.

**h) Subcommittee Reports**

**1. Legal Oversight Subcommittee (Carvelli, Shen-Urquidez)**

Commissioner Shen-Urquidez will defer to closed session.

**2. Youth Pankration Subcommittee (Lehman, Carvelli)**

Commissioner Carvelli provided a brief update. The Commission requests community participation and solicits any organization that is interested in regulating youth pankration. USFL has been working with the Executive Officer and the subcommittee and their work is appreciated. The Commission will invite stakeholders to a future meeting as we move forward.

**3. Therapeutic Use Exemption Subcommittee (Lemons, Shen-Urquidez)**

Commissioner Shen-Urquidez will defer this action to agenda item 8.

**4. Amateur MMA Oversight Subcommittee (Carvelli, Shen-Urquidez)**

Commissioner Shen-Urquidez will defer this action to agenda item 6.

**5. Amateur Boxing Oversight Subcommittee (Lehman, Shen-Urquidez)**

Commissioner Shen-Urquidez will defer this action to agenda item 10.

**6. Ringside Officials Oversight Subcommittee (Carvelli, Shen-Urquidez)**

Commissioner Shen-Urquidez stated the commission created a policy pertaining to selection of officials. In MMA, the commission shall assign officials where appropriate, for professional MMA events, the commission shall assign officials that poses no less than a blue belt in Brazilian jujitsu and a purple belt or better for amateur or as determined by the commission or executive officer. The commission shall dictate criteria for the continued use of any official. Officials will be required to attend a training session on February 9th. Another training session will be conducted six months after. Officials that attend the February 9th meeting will receive preference in future assignments over those officials that do not attend the February 9th training.

**7. Boxers Pension Fund Subcommittee (Carvelli, Shen-Urquidez)** Commissioner Carvelli provided an update on the boxer pension fund. The committee has draft revisions to the forfeiture provisions for the boxer pension fund. The committee is not prepared to make specific recommendations at this time and is continuing to work on this issue.

**8. Anti-Bullying Campaign Subcommittee (Carvelli, Shen-Urquidez)**

Commissioner Carvelli stated the committee is getting a lot of good feedback from school districts in implementing an anti-bullying campaign. A prominent MMA athlete is being filmed and once complete, the L.A. Unified School district has agreed to show the film.

**9. Large Event Incentive Subcommittee (Frierson, Carvelli)**

Commissioner Carvelli stated several meetings have taken place with stakeholders for ideas and progress has been made. We want California to be more competitive with other big states such as Texas and Nevada to gain a competitive advantage for attracting large events that generate significant revenue for the state.

**10. Transgender Licensing Subcommittee (Lehman, Giza)**

Commissioner Giza will defer this action to agenda item 9.

**11. Neurological Fund Subcommittee (Giza, Lemons)**

Commissioner Giza stated the commission will be able to use neurological funds for testing as soon as January 1, 2014. The Commission has sent out bids for necessary licensing and testing equipment to begin a pilot study. The commission is thinking about a pilot study to develop a reliable test where athletes might volunteer and get partial reimbursement of their licensing fees. Legal Counsel Spencer Walker advised the commission to continue with ordering approximately \$5,000 worth of initial tests to begin the pilot study and put a discussion and possible action agenda item on the next commission meeting agenda to further discuss the use of neurological funds.

**Agenda Item 5 – Report from the Division of Investigation regarding Pankration Cease and Desist and investigation enforcement**

Stephanie Whitely, Supervising Investigator with the DCA Division of Investigations stated the division has been working with the commission on the youth cease and desist. There are several open investigations on youth pankration events that happened after the cease and desist. once the investigations are resolved, the investigative reports will be shared with the commission.

**Agenda Item 6 – Discussion and Possible Action - New Delegation Letter to CAMO**

Commissioner Shen-Urquidez discussed the new CAMO delegation letter. CAMO has revamped their systems and complied with every commission request. DCA staff counsel has reviewed the new delegation letter. Commissioner Lemons requested an injury report be added as a requested document in the CAMO delegation letter. Commissioner Carvelli thanked J.T. Steele (CAMO) for his cooperation and dedication to the new delegation process.

Commissioner Lemons made a motion to approve the new CAMO delegation letter to award CAMO another year of delegation authority and to amend the letter as follows:

- a. Re-number the document to make it correct.
- b. Add a request for injury report documentation.
- c. Add an annual review requirement.

Commissioner Carvelli seconded the motion in (g) above, as amended, and the commission approved the motion on a 5-0 vote.

Legal Counsel Spencer Walker advised the commission that the requirement for an annual review does not need to be in the revised delegation.

#### **Agenda Item 7 – Discussion of delegating amateur kickboxing to a sanctioning body**

Executive Officer Andy Foster analyzed the profit and loss financials on small events. The commission continues to lose money on amateur kickboxing events. He recommended the commission delegates amateur kickboxing and open up the bidding process.

Executive Officer Andy Foster stated it would be cost effective and practical to delegate this activity out as the commission has limited expenditure authority and limited access to kickboxing databases.

#### **PUBLIC COMMENT:**

Jarad Correa PAK FIGHTS stated that he has worked with IKF for many years and thinks they would do a great job. He believes this move would help promote the sport. He does not think that requiring a certain color belt in mixed martial arts is a good idea for being a judge / referee in California.

#### **Agenda Item 8 – Review and possible action of Therapeutic Use Exemption proposed regulation language**

Commissioner Lemons introduced this topic and said he has worked long on this issue and wants to do it right, not issue more exemptions. Commissioner Shen-Urquidez made a correction to the document to ensure the language is proper. Chairman Frierson instructed the Executive Officer to put this issue on the agenda for the commissioners to review the document at the next meeting.

Commissioner Carvelli made a motion to approve the document as is. Commissioner Giza seconded the motion. The motion passed on a 4-1 vote.

Chairman Frierson voted against the motion.

Commissioner Carvelli withdrew his motion due to lack of timely public notification of the proposal.

Commissioner Giza made a motion to move this item to the February agenda, Commissioner Carvelli seconded the motion and the commission approve the motion on a 4-0 vote. Commissioner Lemons abstained.

**Agenda Item 9 – Review and possible action of Transgender Licensing regulation language**

Commissioner Giza wants to move a document forward for review by the Medical Advisory Committee. The goal of the new policy is to not discriminate while providing a safe environment for all athletes. Commissioner Giza instructed the Executive Officer to advance the language drafted by Commissioner Giza to the Medical Advisory Committee for further review and analysis. Legal Counsel Spencer Walker advised the commission that Rule 201.5e needs to be amended for consistency purposes. The definitions associated with the transgender language need to be incorporated into rule 201.5 for consistency purposes.

**Agenda Item 10 – Discussion and possible action - delegation of amateur boxing to USA Boxing**

Anthony Bartkowski (Executive Director USA Boxing) and Steve Smith (Counsel) stated they had a productive meeting with Commissioner Shen-Urquidez. Commissioner Shen-Urquidez stated USA Boxing has provided many of the requested documents and checklists have been created to ensure processes are properly followed. Commissioner Shen-Urquidez believes that going forward the commission and USA Boxing should be able to get to a workable solution. Another working session will be scheduled soon.

**Agenda Item 11 – Review of Internal Investigation of altered gloves confiscated on September 20, 2013**

Executive Officer Foster stated this item needs to be moved to the February commission meeting.

**Agenda Item 12 – Request for early medical retirement benefit for Jose Celya**

Executive Officer Foster provided summary information related to boxer Jose Celya's early retirement application. Commissioner Giza stated the commission has not come up with any standards for these types of requests. Commissioner Shen-Urquidez stated the commission should come up with a process for approving early retirement requests, similar to how Social Security Administration does it. Chairman Frierson asked what is the recommendation of the Executive Officer and the Executive Officer stated he recommends the early retirement application. Commissioner Giza stated the commission needs to come up with a process because there is very little information in this application and a process would help clarify the information needed. Commissioner Lemons stated the commission should be mindful of the limited resources athletes have and it could be hard for them to get detailed reports and information. Chairman Frierson stated the commission needs to get a policy for awarding these early retirement and stated he would like to award this early retirement.

Commissioner Lemons made a motion to approve the request.

The motion was seconded by Commissioner Giza and approved by a 5-0 vote.

**Agenda Item 13 – Special commendation award for John McCarthy and Mark Relyea**

The commission gave a commendation award to John McCarthy and Mark Relyea.

**Agenda Item 14 – Public Comment on Items not on the Agenda**

Steve Fossum, President of IKF - The IKF has been regulating amateur kickboxing worldwide since 1992. We have a lot of experience and officials and would love to assist in this process.