STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

CALIFORNIA STATE ATHLETIC COMMISSION
2005 Evergreen Street, Suite 2010
P (916) 263-2195 F (916) 263-2195 www.dca.ca.gov/csac

Members of the Commission
Commissioner John Frierson, Chair
Commissioner Eugene Hernandez Vice-Chair
Commissioner Van Buren Lemons, M.D.
Commissioner Christopher Giza
Commissioner Mike Munoz
Commissioner Brian Edwards
Commissioner Linda Forster

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

COMMISSION MEETING
June 4, 2012

Front Street State Building
1320 Front Street, Room B109
San Diego, CA 92101

AGENDA
Monday, June 4, 2012
9:30 a.m. – 2:00 p.m.

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

2. Chairman Opening Remarks

3. Approval of Minutes
   a. February 6, 2012
   b. April 9, 2012

4. Executive Officer's Report
   a. Budget Update
   b. Status of Regulations
   c. Boxer's Pension Fund – Update/Outreach
   d. Response to Letter from Senator Curren D. Price, Jr.
   e. Sunset Review Report Status

5. 10:00 a.m. REGULATIONS – PUBLIC HEARING Hand Wraps. (CCR, Title 4, Division 2, Chapter 1, Article 7, section 323)

6. Therapeutic Use Exemption Proposed Regulation (Rule 303.1) – Discussion and/or Action

7. 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)]*

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 3 (a)
Approval of Minutes
February 6, 2012

Chairman John Frierson

George Dodd, Executive Officer

STATE OF CALIFORNIA
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DEPARTMENT OF CONSUMER AFFAIRS
STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
CALIFORNIA STATE ATHLETIC COMMISSION
2005 Evergreen Street, Suite 2010 Sacramento, CA 95815
P (916) 263-2195 F (916) 263-2197 website: www.dca.ca.gov/csac

CALIFORNIA STATE ATHLETIC COMMISSION MEETING MINUTES

Monday, February 6, 2012
9:30 A.M. – 3:00 P.M.
Junipero Serrra State Building
Carmel Room
320 West 4th Street
Los Angeles, CA 90013

Commissioners Present:
Chairman John Frierson
Commissioner Dr. Van Buren Lemons
Commissioner Dr. Christopher Giza
Vice Chairman Eugene Hernandez
Commissioner Mike Munoz
Commissioner Linda Forster

Staff Present:
George Dodd, Executive Officer
Anita Scuri, DCA Legal Office
Elizabeth Parkman, Program Analyst
Dorothea Johnson, Deputy Director, Office of Legal Affairs
Karen Chappelle, Supervising Deputy Attorney General
Kathi Burns, Assistant Executive Officer
Che Guevara, 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

A quorum was present. Commissioner Edwards was absent.

Agenda Item 2. Election of Officers

Commissioner Forster nominated Commissioner John Frierson for Chairman and Commissioner Eugene Hernandez for Vice-Chairman. Both nominations were accepted.

It was Moved/Seconded/Carried (M/S/C) to elect Mr. Frierson as Chairman and Mr. Hernandez as Vice-Chairman.

Agenda Item 3. Approval of Minutes

December 13, 2011

It was M/S/C to approve the minutes.

Agenda Item 4. Executive Officer Report

a. Budget Update

Mr. Dodd provided a report of the CSAC's fund condition as of December 31, 2011 and offered to answer any questions.

Mr. Dodd reported on the hiring of two new staff members: Shilo Wilson and Teryn Fleming; and announced Che Guevara's promotion to Chief Athletic Inspector.

b. Update of Status of Regulations

Ms. Burns provided a chart showing the status of regulations that are currently before the commission. The 45-day notice for the *Therapeutic Use Exemption* was posted and the commission is currently receiving public comment on this regulation package. The public hearing will be held during the April 9, 2012 meeting.

c. Strategic Plan Update

Mr. Dodd explained to the commission that it was time to prepare a new/updated strategic plan. He recommended that parameters and deadlines be set. Dates for plan development will be selected at the April 9, 2012 meeting.

d. Officials Yearly Event Totals

Mr. Dodd provided a report of the total number of events each official worked during 2011.

e. Inspector Recognition – Mo Noor and Sid Sigovia

Lead Inspector's Mohammed Noor and Sidney Sigovia were recognized for their years of superior service to the commission and leadership at events.

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

Official Jack Reiss spoke on behalf of the California Boxing Officials Association, a newly established association established to represent all licensed California officials. The next meeting of the association is February 19, 2012. The following members of the association were in attendance: Raul Caiz Jr.; Max De Luca; Pat Connolly; Gwen Adair; Marty Denkin; Jerry Cantu; Dr. Lou Moret; Sergio Caiz; Carla Caiz; Danny Sandoval

Agenda Item 6. Consideration of Amateur Boxing Rules

a. USA Boxing Input
b. Costs

Mr. Anthony Bartowski, USA Boxing Executive Director, addressed the proposed rule changes to amateur boxing. He discussed each rule separately and noted where similarities and contradictions to the USA boxing rules existed. After discussion, a CSAC task force was created to provide input on the issue, including what costs such rules may impose upon amateur athletes. The task force shall consist of a representative from USA boxing and commission members, Dr. Giza and Mr. Munoz.

It was M/S/C to continue development of amateur boxing rules after input from the newly formed CSAC task force.

Additionally, Mr. Dodd was asked to create a document to send to promoters of celebrity boxing events that would outline 1) the limitations of such events 2) activities that would require the event to be regulated by the commission, and 3) an acknowledgment as to the activities in which the celebrities will be engaged.

Agenda Item 7. USA Boxing Annual Report

Mr. Bartkowski submitted the final annual report for each of the four divisions of USA Boxings' Local Boxing Committees; California Border, Central, Northern and Southern California. He reported that membership had increased; no insurance claims were filed, nor were major injuries reported in the past year. He indicated that these clubs have prepared and ultimately have had several athletes selected for competition in the 2012 Olympics.

Agenda Item 9. New Promoter Applications for Licensure

a. Branden Ware – West Coast Fight Championship

Mr. Dodd stated that while there were some challenges at Mr. Ware's event there were no issues surrounding the health and safety of the fighter. Ms. Chappelle reviewed and questioned the accounting report the promoter submitted as it was missing relevant information. She suggested he submit a follow-up report with the missing information for further review and approval.

It was M/S/C to grant Mr. Ware a promoter's license contingent upon receipt of a revised CPA report.

Agenda Item 11. Proposed Modification to the Officials' Pay Scale

The Officials' subcommittee met and agreed that an increase in the pay scale for MMA Officials to match that of the pay scale for boxing officials was warranted as was an increase in the time-keeper pay, which also should include a pay structure for Pay-Per-View/Main events. A draft pay scale reflecting such changes was provided to the commission for review and is incorporated by reference.

It was M (Munoz)/S/C to adopt the new pay-scale.

Agenda Item 13. Discussion on Changing Mechanics Prior to Ending a Round

Commissioner Frierson stated that he believed it may be beneficial to fighter safety if the end of round warning was changed from 10 seconds to 5 seconds. The commission participated in discussion with present members of the public on the topic.

It was M/S/C to refer this topic to the Officials' subcommittee.

Agenda Item 8. CAMO Annual Report – Jeremy Lappen, Chief Executive Officer

Mr. Lappen reported on the continued growth of CAMO's organization, their annual seminar and detailed their participation in the hydration study. Also, he introduced two initiatives and explained the reasoning and goals behind CAMO's request for commission approval of the initiatives. They are as follows:

a. Combat Grappling (No striking while standing)

CAMO requested to establish a new division known as combat grappling where there will be no striking while standing allowed, and each round will be three minutes in length.

PUBLIC COMMENT:

Tony Altovilla (CAMO Promoter) supports the three minute round for combat grappling.

It was M/S/C to permit CAMO to establish a combat grappling division.

b. Amateur MMA Rules (Changing number of fights to 4 to allow 3 minute rounds

CAMO believes that many amateur athletes should be allowed to begin competing in three minutes rounds after their fourth fight as it is fairly common that an athlete will not compete ten times before turning professional.

PUBLIC COMMENT:

John McCarthy (Referee) explained that when fighters go pro they do 3-3 minute rounds and he believes that making this change would be helpful for the amateurs that are making their pro-debut.

Roy Engelbrecht (Promoter) believes the fighters should be able to choose either 2 or 3 minute rounds.

Tony Altovilla (CAMO Promoter) supports 4 fights instead of 10.

It was M/S/C to permit CAMO to reduce the number of fights from ten to four with each round being three minutes for all amateur MMA divisions except combat grappling unless the athletes agree to 2 minute rounds.

Agenda Item 10. Promoter's Promotional Contract Update

Mr. Dodd reported that he, several promoters, and Ms. Chappell met and discussed provisions of promotional contracts and found that changes to the contract may be necessary.

Eric Gomez, Golden Boy Promotions; Roy Englebrecht; and Dan Goosen, Goosen Tutor Promotions, commented on the logistical difficulties that exist since the contract must be signed in the presence of commission staff and also that having the contract filed with the commission exposes, to the inquiring public, items in the contract that should remain confidential between the parties.

It was M/S/C to direct the DCA Legal Office to prepare a proposal and then discuss options at an interested parties meeting.

Agenda Item 12. Neurological Fund

a. Request to Set Regulatory Hearing Assessment and Reimbursement

b. Recommendations for Legislative Change

c. Adjustment to Current Amount of Assessment

Ms. Burns presented the commissioners with the results of staff's analysis of the neurological examination account as requested at the December 2011 Commission meeting. She explained that the related law requires the payment of *all medical examinations*, not just neurological examinations, as was previously believed. A review of the budget of the account and the expenditures associated with funding *all medical exams* revealed that a significant increase in the assessment would be required to offset an increase in the commission's appropriation in order to fund all required exams. It was also determined that the possibility of only paying for neurological exams, rather than all exams would still require an increase to the assessment fee and the account's appropriation. With the account's current fee structure and appropriation level, the commission would only be able to fund neurological exams for approximately half the licensing population.

Dr. Giza presented the options developed at the Medical Advisory Committee meeting based upon staff's analysis of the account. The committee proposed the commission pursue legislation to remove the collection of medical exam assessment fees to pay for actual medical exams; and to authorize using the existing fund balance and assessment authority to pursue a pilot project to create a medical data base with future funding to be used to operate, maintain and analyze data from a new data base. Additionally, since the commission is not currently funding the neurological exams of fighters, to consider lowering the assessment fee from .60 cents per ticket to .01 cent per ticket since promoters have paid into to the account for years without benefit.

The pilot project will use existing appropriation to fund computerized neurological exams of approximately 200 volunteer licensed fighters over a two-year period, to study the type and usefulness of the data collected and to compare it to the neurological exam currently used. Information gained from that study, using existing appropriation, would then be used to create a useful medical data base designed to protect the health and safety of fighters by 1) tracking injuries; 2) assisting in determining when a fighter is safe to return to active participation after sustaining an injury; 3) identifying medical trends; and 4) assisting prevention of injury by identifying individuals who may be at a greater risk.

Currently, it appears there are sufficient funds in the account to conduct the study and create the medical data base. Eventually, the assessment fee will be recalculated to cover costs associated with the administration of the account, as well as the maintenance and operation of the data base and its information.

It was M/S/C to pursue legislation to remove the collection of medical exam assessment fees to pay for the actual medical exam; and instead, use the existing fund balance and assessment authority to create a medical data base with future funding to be used to operate, maintain and analyze data from a new data base; and in the meantime to lower the assessment fee from .60 cents per ticket to .01 cent per ticket.

It should be noted that all fighters must continue to meet all medical exam requirements, including the neurological exam requirement, in order to compete in California.

Agenda Item 14. Review of the No Gift Policy

Deputy Director of the DCA Legal Affairs Division, Dorothea Johnson, reminded the commissioners that "gifts" are subject to the Fair Political Practices Commission (FPPC) guidelines and addressed the requirement that if the Commissioners are not attending an event in a work capacity, entrance to the event is considered a gift.

Vice Chairman Hernandez explained that when any Commissioner attends an event, it is for audit purposes and they are in an official working capacity.

Official Lou Moret commented that the credentials issued to commissioners for attending events in their official capacity carry no value and therefore are not reportable as gifts.

It was M/S/C to modify the current "no gift" policy to be consistent with gift limitations under the guidelines of the FPPC.

Agenda Item 15. Agenda Items and Meeting Dates for Future Meetings

- Strategic Plan meeting dates
- Amateur Boxing Rules
- Review policy for *Promotional Contracts*
- Review the updated "No Gift" policy
- Commission Meeting – April 9, 2012 – Department of Consumer Affairs, Sacramento

Adjourned

3:A-6

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 3 (b)
Approval of Minutes
April 9, 2012

Chairman John Frierson

George Dodd, Executive Officer

STATE OF CALIFORNIA

dca

California State Athletic Commission
2005 Evergreen St., Ste. #2010
Sacramento, CA 95815
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Members of the Commission
Commissioner John Frierson, Chair
Commissioner Eugene Hernandez, Vice-Chair
Commissioner Van Buren Lemons, M.D.
Commissioner Christopher Giza, M.D.
Commissioner Brian Edwards
Commissioner Linda Forster
Commissioner Mike Munoz

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

CALIFORNIA STATE ATHLETIC COMMISSION MEETING MINUTES

Monday, April 9, 2012
9:30 A.M. – 1:00 P.M.
Department of Consumer Affairs
Hearing Room
1625 North Market Blvd.
Sacramento, CA 95834

Commissioners Present:
Chairman John Frierson
Vice Chairman Eugene Hernandez
Commissioner Dr. Van Buren Lemons
Commissioner Mike Munoz
Commissioner Brian Edwards
Commissioner Linda Forster

Staff Present:
George Dodd, Executive Officer
Kathi Burns, Assistant Executive Officer
Anita Scuri, Supervising Staff Counsel-DCA
Che Guevara, Chief Athletic Inspector
Elizabeth Parkman, Program Analyst
Karen Chappelle, Supervising Deputy Attorney General
Michael Santiago, Senior Staff Counsel-DCA

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

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

A quorum was present. Commissioner Giza was absent.

Agenda Item 2. Approval of Minutes

February 6, 2012

Commissioner Forster explained there was public comment missing from agenda item 14 and would like this information added to minutes. The meeting minutes will be updated and then resubmitted for approval at the June 4, 2012 Commission meeting.

March 5, 2012

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

Agenda Item 3. Executive Officer's Report

a. Budget Update

Mr. Dodd provided a spreadsheet for the current fiscal year budget and shared with the commissioners that CSAC is close to overspending this fiscal year (FY). He introduced Brian Skewis, CSAC budget analyst, who explained the revenue that was projected does not equal the revenue being collected. Mr. Skewis advised he and CSAC staff are working closely to identify areas to cut back expenditures in order to ensure a balanced budget by the FY end. Mr. Dodd stated current cutbacks are with the Athletic Inspector pay and on travel where possible. However, these cutbacks will not compromise the safety at events; however, event staffing levels are not ideal.

b. Update on Status of Regulations

Ms. Burns provided a chart indicating the status of pending regulations. She noted that later today, a public hearing would be held for the proposed modifications to Rule 303 and the adoption of the Therapeutic Use Exemption regulation. She also advised the Commission that the regulation for proposed modifications to the Hand Wrap rule is set for public hearing at the next commission meeting.

c. Strategic Planning Dates

The commission discussed possible dates for the first strategic plan meeting and settled on June 4, 2012 after the Commission holds its regular meeting.

d. Boxer Pension Fund

Mr. Dodd introduced Cyril Shah of Raymond James Financial Services, Inc., the investment officer for the Boxers' Pension Fund. Mr. Shah provided an investment proposal and discussed the investment strategy at length. Commissioner Edwards asked several questions and inquired about a potential discrepancy in the current investment data. A subcommittee was created to review the investment funds and the State Controller's Office (SMIF) account.

Mr. Dodd introduced Beth Harrington from Benefit Resources, Inc., the pension accounting administrator for the Boxers' Pension Fund. Ms. Harrington explained that she has been working with the commission since the late 90s, that the pension is a defined contribution plan and she described how boxers qualify for benefits.

The Commission expressed concern regarding the lack of payout to eligible boxers and requested commission staff step-up their efforts to locate eligible boxers. Several suggestions were brought forth.

PUBLIC COMMENT: Promoter Roy Englebrecht asked the Commission to consider ending the loss of benefits when a break in service occurs and allow boxers to collect their benefits five years after their last fight instead of it being based on age.

The subcommittee on the Boxers' Pension Fund will review the issues brought forth and make recommendations at the next Commission meeting.

e. Office Staff and Staff Counsel Introductions

Mr. Dodd introduced all CSAC staff members to the commissioners. Ms. Scuri introduced Mr. Michael Santiago as her successor, after her retirement in June. She indicated he was the best choice for the commission due to our uniqueness.

f. Staff Recognition – Nichole Bowles

Mr. Dodd commended Ms. Bowles for her dedication and service to the commission. Ms. Bowles continues to take on any task and see it through to its completion without question or compromise.

Agenda Item 4. 10:00 a.m. REGULATIONS – PUBLIC HEARING
Therapeutic Use Exemption and modification of prohibited substances list regarding asthma medication. (CCR, Title 4, Division 2, Chapter 1, Article 6, section 303 and 303.1).

Vice-chairman Hernandez opened the hearing at 10:56 am by addressing the public and advising that whoever wishes to address the commissioners regarding the regulation change need identify themselves and state their position on the regulation change.

Ms. Scuri described the rulemaking process and that the commissioners will make the final vote after public comment is considered; however there will be additional steps necessary to finalize the amendments/adoption, should the commission decide to move forward with the proposal.

PUBLIC COMMENT:

Tracy Rhine, Deputy Director of Legislative and Policy Review read a letter from Department of Consumer Affairs (Department) Director, Denise Brown. The Department has concerns that the Therapeutic Use Exemption (TUE) request does not make specific what is needed to complete the process, what tests will be used/considered and who will make the final review and approval. The policy appears to allow the legal use of a prohibited substance, including steroids. The Commission risks allowing fighters, with a medical condition, to enter into a situation where they will be subject to severe bodily injury which may cause further deterioration of a known medical condition. It also potentially puts the opponent of anyone who has been given a steroid TUE at a disadvantage. Essentially, the adoption of regulation 303.1 undermines the mission of the Commission which includes the health and safely of a fighter. The Department urged the Commission to delete proposed Rule 303.1 from the regulation.

Kathi Burns, Assistant Executive Officer, read public comment from Zach Arnold who opposes a TUE for testosterone. While he believes there is room for change regarding what substances may or may not be acceptable, his comment was specifically directed to testosterone use. Mr. Arnold believes an exemption would provide too many athletes the ability to circumvent the system and be granted exemptions when there is no true medical condition.

Public comment period closed at 11:11 am.

Via le-mail, submitted to staff due to him being unable to attend this meeting, Commissioner Giza suggested adding language to Rule 303.1 that clarifies if the athlete's condition is so severe that it puts him at additional risk when participating in a combative sport, a therapeutic use exemption may not be granted even if all other criteria has been met. Additionally, all records must be submitted timely for review and consideration.

Ms. Scuri explained that the regulation changes could be worked separately or at the same time, including the final vote. Commissioner Forster requested they be discussed and voted on separately.

The commission modified the language as attached.

3B-3

Agenda Item 14. Appeal of Suspension – Cris ("Cyborg") Justino

Ms. Christine Justino appealed the length of her suspension by requesting a reduction from one year to six months. She expressed remorse and explained that part of her rehabilitation was doing a public service announcement against the use of steroids. She claimed that she did not know that a supplement she was taking had a steroid in it until the positive drug test result. She believes the cause of the positive test was a weight loss pill she was taking. She is willing to submit to random drug testing at any time. The coach who provided her with the supplement is no longer working for her.

Attorney Robert Bartlett spoke to the Commission about Ms. Justino's rehabilitation process and that a medical doctor will perform tests on all supplements prior to her consumption.

Commissioner Frierson considered Ms. Justino's remorse and rehabilitation efforts and expressed an interest in granting the request to reduce the suspension period to six months.

Mr. Dodd provided to the commissioners past rulings to guide them if they chose to reduce the length of the suspension for Ms. Justino.

Commissioners Lemons, Munoz and Hernandez appreciated that she was remorseful, but stated that the effect of her using steroids prior to her fight could have had a detrimental effect on her opponent.

Vice-Chairman Hernandez moved to uphold the length of the suspension; s/Dr. Lemons; motion carried (Chairman Frierson and Commissioner Forster opposed).

Agenda Item 9. Appointments to the Advisory Committee on Medical Safety Standards (part two)

The appointment of Dr. Ettinger was tabled until the committee can re-evaluate the make up of the MAC at its next meeting.

It was M/S/C to table additional appointment recommendations to the next commission meeting.

Agenda Item 11. Proposed Revised Gift Policy

Vice-Chairman Hernandez moved to adopt the revised gift policy; s/Edwards; motion carried.

Agenda Items and Dates for Future Meetings

- Public hearing for Rule 323 amendment (Hand Wraps)
- Staff presentation on BreEZe
- Subcommittee update on the Boxers' Pension Plan
- Appointments to the Advisory Committee on Medical Safety Standards
- Response to Senator Price's letter
- Evaluation of Promoter McDaniel
- Report from subcommittee for promoter qualifications
- Sunset review report

Adjournment 1 pm

ATTACHMENT

3B–5

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 4 (a)
Budget Update

Chairman John Frierson

George Dodd, Executive Officer

CALIFORNIA STATE ATHLETIC COMMISSION (SUPPORT) FUND - 0326
Budget Report
FY 2011-12 Expenditure Projection

Current Fiscal Month: 10 | Months Remaining: 2

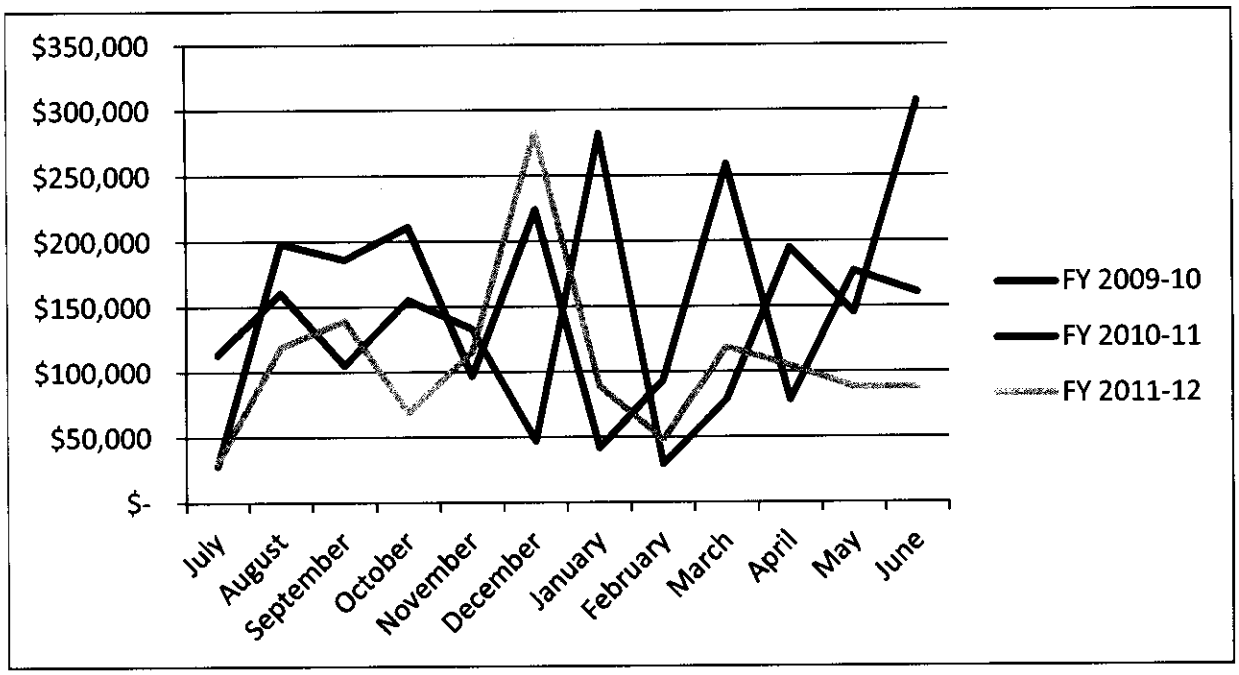
OBJECT DESCRIPTION	FY 2010/11 ACTUAL EXPENDITURES (MONTH 13)	FY 2010/11 EXPENDITURES AS OF 4/30/2011	FY 2011/12 BUDGET ALLOTMENT	FY 2011/12 EXPENDITURES AS OF 4/30/2012	FY 2011/12 PERCENT OF BUDGET SPENT	FY 2011/12 PROJECTIONS TO YEAR END	FY 2011/12 UNENCUMBERED BALANCE
PERSONAL SERVICES:							
Salaries and Wages							
Civil Service-Perm	284,050	242,075	377,789	254,455	67.4%	315,455	62,334
Athletic Inspectors	394,690	278,151	668,237	345,364	51.7%	425,864	242,373
Temp Help	51,314	41,074	0	34,985	0.0%	42,985	(42,985)
Statutory-Exempt (EO)	83,944	69,665	88,297	73,467	83.2%	88,467	(170)
Board/Commission	3,700	3,400	2,887	4,700	162.8%	5,500	(2,613)
Overtime	9,050	5,952	0	7,013	0.0%	7,013	(7,013)
Staff Benefits	176,773	159,439	275,248	157,139	57.1%	194,810	80,438
Salary Savings	0	0	(14,728)	0	0.0%	0	(14,728)
TOTAL, PERSONAL SVC	1,003,521	799,756	1,397,730	877,123	62.8%	1,080,094	317,636
OPERATING EXPENSE AND EQUIPMENT							
Fingerprints	0	0	0	519	0.0%	519	(519)
General Expense	41,239	30,140	65,582	29,001	44.2%	41,239	24,343
Printing	8,952	7,043	5,472	5,180	94.7%	6,907	(1,435)
Communication	9,704	6,977	12,362	4,446	36.0%	6,184	6,178
Postage	1,845	1,346	9,098	1,541	16.9%	2,112	6,986
Travel In State	201,282	108,093	397,098	159,061	40.1%	212,081	185,017
Training	8,250	0	5,472	1,049	19.2%	1,049	4,423
Facilities Operations	62,425	62,228	72,211	61,535	85.2%	62,425	9,786
C/P Services - Internal	0	0	2,360	3,750	158.9%	3,750	(1,390)
C/P Services - External	133,350	133,350	0	129,901	0.0%	60,000	(60,000)
DCA Pro Rata	328,368	146,262	214,160	178,381	83.3%	214,160	0
DEPERTMENTAL SERVICES							
DP Maintenance & Supplies	704	0	3,797	4,397	115.8%	5,000	(1,203)
Central (State) Adm Pro Rata	74,398	55,799	82,221	61,666	75.0%	82,221	0
ENFORCEMENT							0
Attorney General	145,890	136,022	95,697	14,845	15.5%	35,000	60,697
Court Reporters	3,129	1,849	0	1,315	0.0%	2,000	(2,000)
DOI Investigations	20,779	18,800	0	0		0	0
Major Equipment	0	0	0	0	0.0%	0	0
Minor Equipment	5,407	0	4,400	1,111	0.0%	1,111	3,289
TOTALS, OE&E	1,047,245	760,932	969,930	657,698	67.8%	735,758	234,172
TOTAL EXPENSE	2,050,766	1,560,688	2,367,660	1,534,821	64.8%	1,815,852	551,808
						SURPLUS/(DEFICIT):	**23.31%**

ATHLETIC COMMISSION FY 2012-13 EXPENDITURE PLANNING

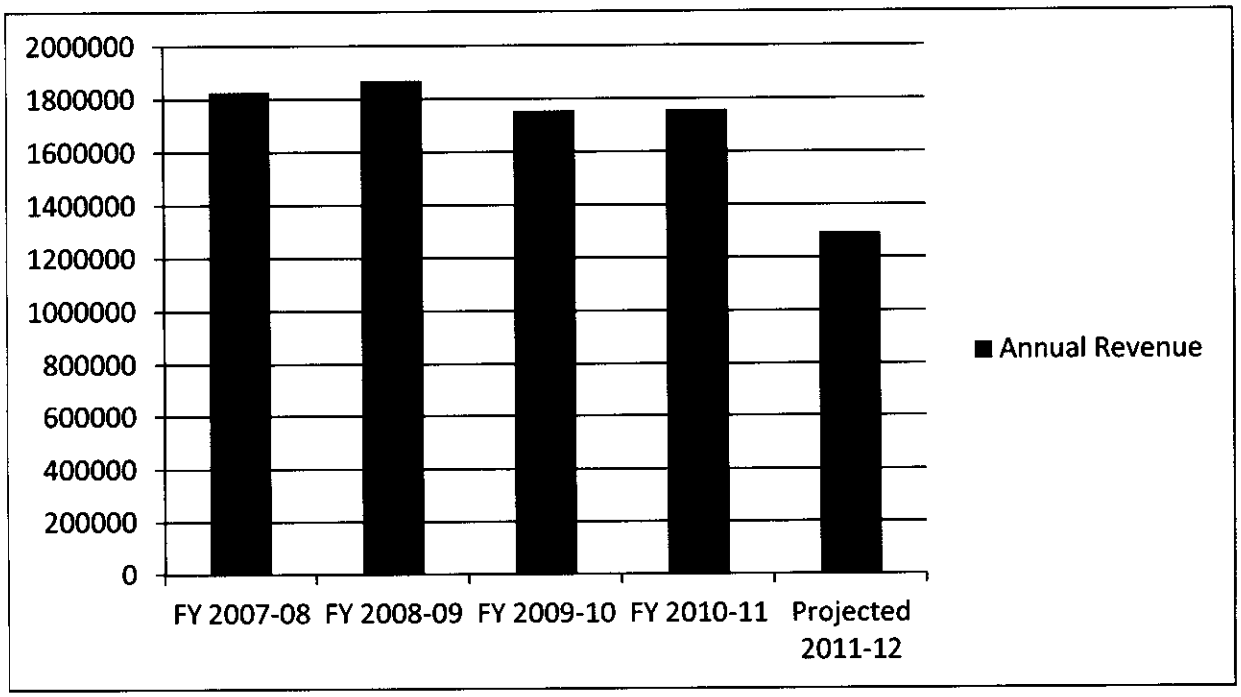
Line Item	12-13 Budget	Non Discretionary	Discretionary	Proposed Expenditures	Notes
PERSONAL SERVICES:					
Civil Service-Perm	407,722	407,722	-	215,556	Includes Manager, Chief AI, SSA, and OT (-5.0 Positions)
Statutory-Exempt (EO)	89,611	89,611	-	89,611	Executive Officer
Athletic Inspectors	299,279	-	299,279	150,000	cannot exceed $150,000
Temp Help	-	-	-	-	no temp help allowed
Board/Commission	2,887	2,877	-	2,877	no more than 3 board meetings (teleconferenced)
Staff Benefits	278,533	278,533	-	170,909	estimated benefit savings from 5 positions eliminated
TOTAL, PERSONAL SERVICES	**1,078,032**	**778,743**	**299,279**	**628,953**	
OPERATING EXPENSE AND EQUIPMENT					
General Expense	41,435	-	41,435	5,000	critical GE only (paper, toner, etc)
Printing	5,472	-	5,472	2,000	critical printing only (contracts, licensing docs, etc)
Communication	12,362	12,362	-	10,000	no new phones/additional charges
Postage	9,098	-	9,098	1,000	critical shipping only (show packages only)
Travel In State	287,098	-	287,098	100,000	cannot exceed $100,000
Training	5,472	-	5,472	-	no training
Facilities Operations	72,211	72,211	-	72,211	no moves, no buildouts
C/P Services - Internal	2,360	-	2,360	-	no interagency contracts
C/P Services - External	-	-	-	25,000	random drug testing only (must stay within $25,000)
DCA Pro Rata	200,146	200,146	-	200,146	no change
DEPERTMENTAL SERVICES					
DP Maintenance & Supplies	3,797	-	3,797	-	no software, hardware, etc
Central (State) Adm Pro Rata	122,920	122,920	-	122,920	no change
ENFORCEMENT					
Attorney General	95,697	-	95,697	30,000	cap AG at $30,000
Major Equipment	-	-	-	-	no equipment
Minor Equipment	2,900	-	2,900	-	no new computers, printers, scanners, etc.
TOTALS, OE&E	**860,968**	**407,639**	**453,329**	**568,277**	
TOTAL EXPENSE	**1,939,000**	**1,186,382**	**752,608**	**1,197,230**	Expenditures to Match $1.3M Estimated Revenue

*Target Appropriation of $1.2M

3-Year Monthly Revenue Comparison



5-Year Annual Revenue Comparison



Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 4 (b)
Executive Officer's Report
Status of Regulations

Chairman John Frierson

George Dodd, Executive Officer

California State Athletic Commission –Regulation Summary as of June 1, 2012

Regulation	Current Status	Next Steps	Comments
Procedure for denial/revocation & number of MMA Rounds (399 & 511)	Became effective May 30, 2012		
Hand Wraps, (323)	45-day public comment period ended 5/14/12	Regulatory hearing scheduled for 6/4/12	
Therapeutic Use Exemption (303 & 303.1)	15-day public comment period ended 5/8/12	Commission Review at 6/4/12 meeting as adverse comments received	
Boxer Pension Program (403)	Language drafted/approved – revisions forthcoming	Prep 45-day notice/set for hearing	May be including revisions to 403
Officials Licensure (372, 379, 543 & 547)	Language drafted/approved – Revisions forthcoming	Prep 45-day notice/set for hearing	GD has further revisions
Change mechanics prior to ending round (345)	Information/research stage-official's association	Submit draft language to Commission once available	

Department of Consumer Affairs

California State Athletic Commission

Commission Meeting

Agenda Item 4 (d)
Executive Officer's Report
Response to Letter from
Senator Curren D. Price Jr.

Chairman John Frierson

George Dodd, Executive Officer

California State Athletic Commission
2005 Evergreen Street Suite 2010
Sacramento, CA 95815
www.dca.ca.gov/csac/
(916) 263-2195 FAX (916) 263-2197

April 21, 2012

The Honorable Curren D. Price, Jr., Chair
Senate Committee on Business, Professions and Economic Development
State Capitol Room 2053
Sacramento, CA 95814

Dear Senator Price:

Thank you for your letter of March 20, 2012 relating to recent proposals by the California State Athletic Commission ("CSAC") to advance the neurological health and safety of combatant sports athletes in our state. We look forward to working with your committee and the legislature to maintain California's stature as a leader in the sports of boxing, Muay Thai and mixed martial arts.

In the last twelve months, after a period of leadership transition, CSAC has reconstituted a formal and well credentialed Medical Advisory Committee ("Committee"). As part of our Strategic Plan presented to your committee at the last sunset hearing, two important goals for CSAC are: with advice from the Committee, the establishment of an electronic medical/neurological database; and development of an improved neurological assessment. Both of these goals are the foundation of continuing our leadership in neurological health and safety, and in keeping with advances in the field of sports neurology.

It is well recognized that the area of neurological care for athletes has progressed substantially in the last five to ten years, particularly in contact sports such as football, hockey and soccer. During this evolution, greater medical attention has been focused on both neurological function after concussive head injuries, as well as the cumulative consequences of repeated blows to the head. Standardized assessment scales have been validated, advanced neuroimaging technologies have been developed and computerized neurocognitive assessment tools have become widely used in professional and, to a lesser degree, amateur athletics. Sporting organizations like the NFL, NHL and NCAA have all re-assessed their approach to sports-related neurological injuries and are moving ahead with new rules, improved neurological assessment and advances in research that are transforming the area of sports medicine. CSAC, recipient of the "Commission of the Year" honor in 2011, is well positioned to lead the way forward in the sports we regulate.

It is clear that the intent of Section 18711 of the Business and Professions Code is to provide the most up-to-date and thorough neurological care for combatant sports athletes licensed in our state. After careful review of this section, CSAC has determined that it is not possible to successfully achieve the intent of this section without thoughtful modifications. While multiple tests exist to assess neurological function, the proper use of these tests in a combatant sports setting is quite distinct from other contact team sports. For example, combatant sports athletes do not have a specific season, the timing of baseline testing before a bout may be complicated by ongoing sparring, combatant athletes may arrive in the state within a short time before their participation, and clear parameters for retirement from the sports due to neurological trauma have not been determined.

After several meetings, multiple presentations by experts, review of the medical literature and spirited but collegial discussions, we have come up with the plan the CSAC approved at its last meeting that would not only have the CSAC catch up to but then lead the way forward for neurological health standards for combatant sports.

First, it is impossible to monitor the neurological health of our athletes without an electronic database that incorporates not only neurological/medical examination results, but also fight records, MRI results, history of head injuries and neurocognitive test scores. The development of such a database would directly improve the medical care of the fighters, as pertinent data would be readily available at the time of licensing or fights, rather than being in paper files in the office where it is less accessible. Such a database would also allow better understanding of the consequences of repeated injury on neurocognitive function. Moving ahead, this important information could provide the basis for evidence-based parameters for returning to play or retirement from combatant sports, rather than the variable and often arbitrary existing guidelines.

Second, rather than simply administer any cognitive test battery (of which there are well over ten), we propose to review the tests available and then pilot them for a time period to determine their worthiness in our distinct sports. Once the evidence was gathered, then a definitive test could be recommended, and the expense of that test would be incorporated into the existing costs of medical tests. Thus, the Neurological Fund would, rather than pay to simply administer tests of unproven benefit to our athletes, actually support ongoing monitoring of our athletes (through the database) and allow the CSAC neurological/cognitive test battery to be based on science, setting the standard in the combatant sports world.

We are ready and willing to engage in discussions with your committee on how these concrete plans would directly lead to the goals and intent of the law and the CSAC Strategic Plan. We sincerely appreciate your interest in this issue, and we look forward to working closely together to achieve the ultimate goal of enhanced safety and improved neurological care in combatant sports.

Sincerely,

John Frierson, Chair

cc: Eugene Hernandez, Vice-Chair
Van Lemons, M.D., Commissioner
Christopher C. Giza, M.D., Commissioner
Mike Munoz, Commissioner
Linda Forster, Commissioner
Brian Edwards, Commissioner
George Dodd, Executive Officer

4D-2

Department of Consumer Affairs

California State Athletic Commission

Commission Meeting

Agenda Item 4e
Sunset Review Report Status

Chairman John Frierson
Vice-Chairman Eugene Hernandez
George Dodd, Executive Officer

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
CALIFORNIA STATE ATHLETIC COMMISSION
2005 Evergreen Street, Suite 2010
P (916) 263-2195 F (916) 263-2197 www.dca.ca.gov/csac

MEMORANDUM

DATE May 22, 2012

TO ALL COMMISSION MEMBERS

FROM Kathi Burns, Assistant Executive Officer
California State Athletic Commission

SUBJECT **DRAFT Sunset Review Report – Working Document**

The Senate Committee on Business and Professions and Economic Development (Committee) will begin its review of the California State Athletic Commission (Commission) in the Fall of 2012. The attached report is the format that was provided by the Committee and partially completed (**in grey highlighting**) with *preliminary* information by Commission staff. The final report will be provided for your review and approval at the August Commission meeting.

Please review the document to familiarize yourself with the information being sought by the Committee and in anticipation that you may be contacted by Commission staff to assist with the development of certain sections. If you are particularly interested in contributing, please contact me or George. Also, if you notice any information that you feel is inaccurate regarding your dates of appointment and attendance, please let us know immediately.

Please note that some sections of the attached draft report have no data entered; are partially completed with possible points to be included; and some sections have not been completed at all. This document is being provided today so that you are aware of staff's progress with completion of the report and to solicit your feedback.

Attachment

CALIFORNIA STATE ATHLETIC COMMISSION
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of June 30, 2012

Section 1 – Background and Description of the Commission and Regulated Profession

Provide a short explanation of the history and function of the commission.[1] Describe the occupations/profession that are licensed and/or regulated by the commission (Practice Acts vs. Title Acts).

The California Athletic Commission (Commission) was created by an initiative in 1924 and is now a part of the Department of Consumer Affairs (DCA). The Commission was established because of the increasing number of boxer, kick-boxer and mixed martial art athlete injuries/deaths occurring in the ring; and the involvement of unethical persons, management and promoters in the sports. Prior to the Commission, no government agency existed to provide oversight of managers, promoters, event officiating; or to protect the health and ensure the safety of the participants. Today, the Commission oversees the licensing, prohibited substance abuse testing, and event regulation throughout the state with a seven member Commission panel; five appointed by the Governor, one by the Senate Rules Committee, and one by the Speaker of the Assembly. The commission meets at least six times a year to 1) handle matters related to licensure and appeals of license denials, suspensions and fines; propose and review regulations or legislation focused on maintaining the health and safety of fighters; 3) consider issues related to the Boxer's Pension Program and the Neurological Examination Account; 4) evaluate funding and revenue strategies; and 5) address a variety of topics brought forth by stakeholders. The commission licenses fighters, promoters, managers, seconds, matchmakers, referees, judges, timekeepers and approves ringside physicians. The commission regulates professional events that employ or utilize the services of its licensees and regulates each event by staffing the production with several specialized and well trained athletic inspectors to enforce the regulations related to combat sporting events.

1. Describe the make-up and functions of each of the commission's committees (cf., Section 12, Attachment B).

Advisory Committee on Medical and Safety Standards Specifically authorized by Business and Professions Code section 18645. Consists of six licensed physicians and surgeons appointed by the Commission. The purpose is to recommend medical and safety standards for the conduct of boxing and mixed martial arts contests. The current members are: Paul Wallace, MD (Chair), Joyce Liao, MD (Vice-Chair), Richard Gluckman, MD, Manish Upadhyay, MD, and Ruby Skinner.

[1] The term "board" in this document refers to a board, bureau, commission, committee, department, division, program or agency, as applicable. Please change the term "board" throughout this document to appropriately refer to the entity being reviewed.

Officials Subcommittee (Commissioners Dr. Lemons and Hernandez) Formed to evaluate and request any changes deemed necessary to the training, evaluation, and pay of all officials. Priority is to ensure proper training and education so that the officials in California are aware of and skilled in the rules and regulations within the state.

Muay Thai Subcommittee (Commissioners Frierson and Dr. Giza) Assigns rules and regulations to the sport of Muay Thai kickboxing and evaluates the effectiveness of such rules keeping in mind that the health and safety of the fighters is the priority.

Mixed Martial Arts Subcommittee Similar to the Muay Thai Subcommittee, the Mixed Martial Arts Subcommittee evaluates the rules and regulations of the sport and moves to change any regulations unnecessary or detrimental to the sport or its participants.

Pension Plan Subcommittee (Commissioners Munoz and Edwards) Work with Investment and Pension Accounting to ensure proper processes are followed and contract scope is adhered to.

Legislative Subcommittee – (Commissioners Hernandez and Forster) Formed to evaluate and work with staff concerning legislative issues related to regulations of combat sports.

Table 1a. Attendance			
John Frierson			
Date Appointed: 05/30/2002			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Regular Meeting	06/04/2012	San Diego, CA	Y
Regular Meeting	04/09/2012	Sacramento, CA	Y
Special Meeting	03/05/2012	Los Angeles, CA	Y
Regular Meeting	02/06/2012	Los Angeles, CA	Y
Regular Meeting	12/13/2011	Van Nuys, CA	Y
Regular Meeting	10/03/2011	Oakland, CA	Y
Regular Meeting	08/15/2011	Los Angeles, CA	Y
Regular Meeting	06/20/2011	Van Nuys, CA	Y
Special Meeting	05/18/2011	Los Angeles, CA	Y
Regular Meeting	04/18/2011	San Diego, CA	Y
Regular Meeting	02/04/2011	Van Nuys, CA	Y
Regular Meeting	12/02/2010	Sacramento, CA	Y
Regular Meeting	09/20/2010	Los Angeles, CA	Y
Special Meeting	08/18/2010	Los Angeles, CA	Y
Regular Meeting	07/26/2010	Sacramento, CA	Y
Strategic Planning Meeting	05/17/2010	Los Angeles, CA	Y
Regular Meeting	04/20/2010	Van Nuys, CA	Y
Regular Meeting	02/22/2010	Los Angeles, CA	Y
Regular Meeting	12/21/2009	Los Angeles, CA	Y
Regular Meeting	10/26/2009	Los Angeles, CA	Y
Regular Meeting	08/24/2009	Los Angeles, CA	Y

Regular Meeting	06/22/2009	Oakland, CA	Y
Special Meeting	06/01/2009	Various	Y
Regular Meeting	04/13-14/2009	Los Angeles, CA	N
Regular Meeting	02/10/2009	Van Nuys, CA	Y
Special Meeting	12/15/2008	Various	N
Regular Meeting	11/18/2008	Los Angeles, CA	Y
Special Meeting	10/22/2008	Los Angeles, CA	Y
Regular Meeting	09/19/2008	Van Nuys, CA	N
Regular Meeting	06/17/2008	Los Angeles, CA	N

Table 1a. Attendance

Eugene Hernandez

Date Appointed: 04/20/2010

Meeting Type	Meeting Date	Meeting Location	Attended?
Regular Meeting	06/04/2012	San Diego, CA	Y
Regular Meeting	04/09/2012	Sacramento, CA	Y
Special Meeting	03/05/2012	Los Angeles, CA	Y
Regular Meeting	02/06/2012	Los Angeles, CA	Y
Regular Meeting	12/13/2011	Van Nuys, CA	Y
Regular Meeting	10/03/2011	Oakland, CA	Y
Regular Meeting	08/15/2011	Los Angeles, CA	Y
Regular Meeting	06/20/2011	Van Nuys, CA	N
Special Meeting	05/18/2011	Los Angeles, CA	Y
Regular Meeting	04/18/2011	San Diego, CA	Y
Regular Meeting	02/04/2011	Van Nuys, CA	Y
Regular Meeting	12/02/2010	Sacramento, CA	Y
Regular Meeting	09/20/2010	Los Angeles, CA	Y
Special Meeting	08/18/2010	Los Angeles, CA	Y
Regular Meeting	07/26/2010	Sacramento, CA	Y
Strategic Planning Meeting	05/17/2010	Los Angeles, CA	Y
Regular Meeting	04/20/2010	Van Nuys, CA	Y
Regular Meetings	06/17/2008 - 02/22/2010	Various	Prior to Appt.

Table 1a. Attendance

Christopher Giza, M.D.

Date Appointed: 05/23/2007

Meeting Type	Meeting Date	Meeting Location	Attended?
Regular Meeting	06/04/2012	San Diego, CA	Y
Regular Meeting	04/09/2012	Sacramento, CA	N
Special Meeting	03/05/2012	Los Angeles, CA	N
Regular Meeting	02/06/2012	Los Angeles, CA	Y
Regular Meeting	12/13/2011	Van Nuys, CA	Y
Regular Meeting	10/03/2011	Oakland, CA	Y

Regular Meeting	08/15/2011	Los Angeles, CA	Y
Regular Meeting	06/20/2011	Van Nuys, CA	Y
Special Meeting	05/18/2011	Los Angeles, CA	Y
Regular Meeting	04/18/2011	San Diego, CA	Y
Regular Meeting	02/04/2011	Van Nuys, CA	Y
Regular Meeting	12/02/2010	Sacramento, CA	N
Regular Meeting	09/20/2010	Los Angeles, CA	Y
Special Meeting	08/18/2010	Los Angeles, CA	Y
Regular Meeting	07/26/2010	Sacramento, CA	Y
Strategic Planning Meeting	05/17/2010	Los Angeles, CA	Y
Regular Meeting	04/20/2010	Van Nuys, CA	Y
Regular Meeting	02/22/2010	Los Angeles, CA	Y
Regular Meeting	12/21/2009	Los Angeles, CA	Y
Regular Meeting	10/26/2009	Los Angeles, CA	Y
Regular Meeting	08/24/2009	Los Angeles, CA	Y
Regular Meeting	06/22/2009	Oakland, CA	Y
Special Meeting	06/01/2009	Various	Y
Regular Meeting	04/13-14/2009	Los Angeles, CA	Y
Regular Meeting	02/10/2009	Van Nuys, CA	Y
Special Meeting	12/15/2008	Various	N
Regular Meeting	11/18/2008	Los Angeles, CA	N
Special Meeting	10/22/2008	Los Angeles, CA	Y
Regular Meeting	09/19/2008	Van Nuys, CA	Y
Regular Meeting	06/17/2008	Los Angeles, CA	Y

Table 1a. Attendance

Van Buren Lemons, M.D.

Date Appointed: 10/21/2009

Meeting Type	Meeting Date	Meeting Location	Attended?
Regular Meeting	06/04/2012	San Diego, CA	Y
Regular Meeting	04/09/2012	Sacramento, CA	Y
Special Meeting	03/05/2012	Los Angeles, CA	Y
Regular Meeting	02/06/2012	Los Angeles, CA	Y
Regular Meeting	12/13/2011	Van Nuys, CA	Y
Regular Meeting	10/03/2011	Oakland, CA	Y
Regular Meeting	08/15/2011	Los Angeles, CA	Y
Regular Meeting	06/20/2011	Van Nuys, CA	Y
Special Meeting	05/18/2011	Los Angeles, CA	Y
Regular Meeting	04/18/2011	San Diego, CA	Y
Regular Meeting	02/04/2011	Van Nuys, CA	Y
Regular Meeting	12/02/2010	Sacramento, CA	Y
Regular Meeting	09/20/2010	Los Angeles, CA	Y
Special Meeting	08/18/2010	Los Angeles, CA	Y
Regular Meeting	07/26/2010	Sacramento, CA	Y

Strategic Planning Meeting	05/17/2010	Los Angeles, CA	Y
Regular Meeting	04/20/2010	Van Nuys, CA	Y
Regular Meeting	02/22/2010	Los Angeles, CA	Y
Regular Meeting	12/21/2009	Los Angeles, CA	Y
Regular Meeting	10/26/2009	Los Angeles, CA	Y
Regular Meeting	08/24/2009	Los Angeles, CA	N
Regular Meeting	06/22/2009	Oakland, CA	N
Special Meeting	06/01/2009	Various	N
Regular Meeting	04/13-14/2009	Los Angeles, CA	N
Regular Meeting	02/10/2009	Van Nuys, CA	N
Special Meeting	12/15/2008	Various	N
Regular Meeting	06/17/2008 - 11/18/2008	Various	Prior to Appt.

Table 1a. Attendance

Mike Munoz

Date Appointed: 07/12/2011

Meeting Type	Meeting Date	Meeting Location	Attended?
Regular Meeting	06/04/2012	San Diego, CA	Y
Regular Meeting	04/09/2012	Sacramento, CA	Y
Special Meeting	03/05/2012	Los Angeles, CA	Y
Regular Meeting	02/06/2012	Los Angeles, CA	Y
Regular Meeting	12/13/2011	Van Nuys, CA	Y
Regular Meeting	10/03/2011	Oakland, CA	Y
Regular Meeting	08/15/2011	Los Angeles, CA	Y
Regular Meeting	06/17/2008 - 06/20/2011	Various	Prior to Appt.

Table 1a. Attendance

Linda Forster

Date Appointed: 07/18/2011

Meeting Type	Meeting Date	Meeting Location	Attended?
Regular Meeting	06/04/2012	San Diego, CA	Y
Regular Meeting	04/09/2012	Sacramento, CA	Y
Special Meeting	03/05/2012	Los Angeles, CA	Y
Regular Meeting	02/06/2012	Los Angeles, CA	Y
Regular Meeting	12/13/2011	Van Nuys, CA	Y
Regular Meeting	10/03/2011	Oakland, CA	Y
Regular Meeting	08/15/2011	Los Angeles, CA	Y
Regular Meeting	06/17/2008 - 06/20/2011	Various	Prior to Appt.

Table 1a. Attendance

Brian Edwards

Date Appointed: 07/31/2011

Meeting Type	Meeting Date	Meeting Location	Attended?
Regular Meeting	06/04/2012	San Diego, CA	Y
Regular Meeting	04/09/2012	Sacramento, CA	Y
Special Meeting	03/05/2012	Los Angeles, CA	Y
Regular Meeting	02/06/2012	Los Angeles, CA	N
Regular Meeting	12/13/2011	Van Nuys, CA	Y
Regular Meeting	10/03/2011	Oakland, CA	Y
Regular Meeting	08/15/2011	Los Angeles, CA	N
Regular Meeting	06/17/2008 - 06/20/2011	Various	Prior to Appt.

Table 1b. Commission/Committee Member Roster

Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
John Frierson	05/30/2002	01/01/2011	01/01/2015	Speaker of Assembly	Public
Eugene Hernandez	04/20/2010	N/A	01/01/2013	Governor	Public
Christopher Giza, M.D.	08/25/2011	N/A	01/01/2015	Governor	Public
Van Buren Lemons, M.D.	10/21/2009	01/01/2011	01/01/2015	Senate Rules Committee	Public
Mike Munoz	07/12/2011	N/A	01/01/2014	Governor	Public
Linda Forster	07/18/2011	N/A	01/01/2013	Governor	Public
Brian Edwards	07/13/2011	N/A	01/01/2014	Governor	Public

2. In the past four years, was the commission unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations? No
3. Describe any major changes to the commission since the last Sunset Review, including:
   - Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)
     - Completed Strategic plan for years 2013-2015
     - Hired a new Assistant Executive Officer
     - Hired a new Chief Athletic Inspector
     - Filled positions of the Committee on Medical and Safety Standards
   - All legislation sponsored by the commission and affecting the commission since the last sunset review.
     - None
   - All regulation changes approved by the commission since the last sunset review. Include the status of each regulatory change approved by the commission.

     Effective 06/15/2011:

     Adopted:

     340 – Method of scoring when there is an injury not resulting from a foul

Amended:

221 – Provisions of contract

222 – Execution of contract

226 – Expiration of contract

230 – Contract provisions

253 – Drinks

288 – Ringside physicians

300 – Time of examinations

Repealed:

262 – Courtesy Passes

Effective 5/30/2012

Amended:

399 – Procedure/rehabilitation criteria for when a license is denied or revoked

Adopted:

511 – Number of scheduled rounds for a Mixed Martial Arts event

Approved by Commission – currently in regulatory process

323 – Hand wrap regulations

371, 379, 543 and 547 – Criteria for licensure of officials

403 – Boxers' Pension Program

4. Describe any major studies conducted by the commission (cf. Section 12, Attachment C).
   - Weight Study (expand)
   - Computerized Neurological Testing (expand)

5. List the status of all national associations to which the commission belongs.

   Association of Boxing Commissions

   - Does the commission's membership include voting privileges? Yes
   - List committees, workshops, working groups, task forces, etc., on which commission participates.

     Canadian Commission Full Membership Committee

     USA Boxing Committee

     MMA Judging and Refereeing Training Criteria Committee

Regulatory Guidelines

Drug and Steroid Testing Committee

- How many meetings did commission representative(s) attend? When and where?

  One (1) – July 11, 2011 in Washington DC (Costs to attend paid by Commission's EO)

- If the commission is using a national exam, how is the commission involved in its development, scoring, analysis, and administration? No national exam.

Section 2 – Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report as published on the DCA website.

   The Commission's enforcement activity differs from the methods and procedures used by the DCA and its other boards and bureaus. Reporting of this type of performance measure did not apply to the Commission and is, therefore, not displayed on the DCA website.

7. Provide results for each question in the customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

   The Commission is preparing to send surveys in July.

Section 3 – Fiscal and Staff

Fiscal Issues

8. Describe the commission's current reserve level, spending, and if a statutory reserve level exists.
9. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the commission.

Table 2. Fund Condition

(Dollars in Thousands)	FY 2008/09	FY 2009/10	FY 2009/10	FY 2011/12	FY 2012/13	FY 2013/14
Beginning Balance						
Revenues and Transfers						
Total Revenue	$	$	$	$	$	$
Budget Authority						
Expenditures						
Loans to General Fund						
Accrued Interest, Loans to General Fund						
Loans Repaid From General Fund						
Fund Balance	$	$	$	$	$	$
Months in Reserve						

10. Describe history of general fund loans. When were the loans made? When were payments made? What is the remaining balance? None.

11. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the commission in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

Table 3. Expenditures by Program Component

	FY 2008/09		FY 2009/10		FY 2010/11		FY 2011/12	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement*								
Examination								
Licensing			BUDGET	OFFICE	PREPING			
Administration **								
DCA Pro Rata								
Diversion (if applicable)								
TOTALS	$	$	$	$	$	$	$	$

*Includes Athletic Inspector wages, travel and all AG, evidence/witness fees, and court reporter services.
**Administration includes costs for executive staff, commission, administrative support, and fiscal services.

12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the commission.

Table 4. Fee Schedule and Revenue

Fee	Current Fee Amount	Statutory Limit	FY 2008/09 Revenue	FY 2009/10 Revenue	FY 2010/11 Revenue	FY 2011/12 Revenue	% of Total Revenue
Amateur (Club) Promoter	250						
Professional (Club)Promoter	1,000						
Amateur Referee/Judge	N/A		BUDGET	OFFICE	PREPING		
Professional Referee	150						
Professional Manager	150						
Second	50						
Timekeeper	50						
Professional	60						

Fighter							
Professional Judge	150						
Matchmaker	200						
Asst. Matchmaker	200						
*Renewal Fees are the same as original application fees.							

13. Describe Budget Change Proposals (BCPs) submitted by the commission in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				(
			# Staff Requested (include classification)	# Staff Approved (include classification)	$ Requested	$ Approved	$ Request
	2013/2014	Move .5PY from Neuro Exam Acct. to CSAC General Acct					

Staffing Issues

14. Describe any staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

Expand on issues with hiring Chief and Assistant Chief - low rate of pay/unusual area of expertise needed.

15. Describe the commission's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

Staff is encouraged to attend the DCA's training classes (in accordance with travel restrictions) and does so. Most of these classes are free of charge. In _____, __staff attended the CLEAR Basic training course at a cost of _____. This course teaches basic enforcement and investigatory techniques. Due to training and travel restrictions, courses or classes with a fee or reimbursable travel expenses were not attended. *(expand)*

Section 4 – Licensing Program

16. What are the commission's performance targets/expectations for its licensing[2] program? Is the commission meeting those expectations? If not, what is the commission doing to improve performance?

[2] The term "license" in this document includes a license certificate or registration.

There is no backlog in application processing at the commission. Once the application has been completed, fees paid and required supporting documentation submitted; the license is issued. The commission is seeking ways to improve the license process to avoid last minute licensing that occurs on site at weigh ins or events. When the BreEZe system is in place, the commission envisions having laptops or tablets available for licensees to use on site; thus speeding up the licensing process at weigh ins and events.

17. Describe any increase or decrease in average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done to address them? What are the performance barriers and what improvement plans are in place? What has the commission done and what is the commission going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

Again, the commission does not have backlogs in processing applications. However, when the application process occurs during weigh ins or at events, instead of being complete at the office prior to the event, it complicates the weigh in or event and takes time away from focusing on event regulation in order to get the necessary licenses issues to that applicants can participate in the event. BreEZe implementation should substantially relieve this issue as licensees will be able to complete licensure in the comfort to their home, prior to the event, or use a commission laptop at the event to complete the application and pay the fee.

18. How many licenses or registrations does the commission issue each year? How many renewals does the commission issue each year?

Table 6. Licensee Population

		FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Fighter	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
Promoter	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
Manager	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
Second	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
Gym	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
Referee	Active				

	Out-of-State				
	Out-of-Country				
	Delinquent				
Judge	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
Timekeeper	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
Promoter Temporary	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
[Enter License Type]	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				

Table 7a. Licensing Data by Type

	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Commission control*	Within Commission control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2009/10	(Exam)					-	-	-	-	-	-
	(License)					-	-	-	-	-	-
	(Renewal)			n/a		-	-	-	-	-	-
FY 2010/11	(Exam)										
	(License)										
	(Renewal)			n/a							
FY 2011/12	(Exam)										
	(License)										
	(Renewal)			n/a							

* Optional. List if tracked by the commission.

Table 7b. Total Licensing Data

	FY 2009/10	FY 2010/11	FY 2011/12
Initial Licensing Data:			
Initial License/Initial Exam Applications Received			
Initial License/Initial Exam Applications Approved			
Initial License/Initial Exam Applications Closed			
License Issued			

Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)			
Pending Applications (outside of commission control)*			
Pending Applications (within the commission control)*			
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)			
Average Days to Application Approval (incomplete applications)*			
Average Days to Application Approval (complete applications)*			
License Renewal Data:			
License Renewed			
* Optional. List if tracked by the commission.			

19. How does the commission verify information provided by the applicant?
    a. What process is used to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

       Prior criminal history checks are performed on all applicants for manager or promoter. The applicant must undergo a Livescan fingerprint process for the Department of Justice and Federal Bureau of Investigation.

    b. Does the commission fingerprint all applicants?

       No, only manager and promoter applicants.

    c. Have all current licensees been fingerprinted? If not, explain.

       Yes, all manager and promoters have been fingerprinted.

    d. Is there a national databank relating to disciplinary actions? Does the commission check the national databank prior to issuing a license? Renewing a license?

       Expand on the reporting requirements for boxing and MMA events.

    e. Does the commission require primary source documentation?

       The commission accepts original or FAXed original documentation.

20. Describe the commission's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

    It is not uncommon to have applicants from out-of-state and out-of-country. The licensing process does not differ in this circumstance.

21. Does the commission send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

    The commission has not submitted No Longer Interested notification to DOJ because an applicant can renew or continue in the licensing process at any time; therefore, the commission maintains

an interest in receiving subsequent arrest notifications. The commission's statutes do not designate an abandonment period for applications or expired licensees.

Examinations

Table 8. Examination Data				
California Examination (include multiple language) if any:				
	License Type	CHE – stats	CHE – stats	CHE – stats
	Exam Title			
FY 2008/09	# of 1st Time Candidates			
	Pass %			
FY 2009/10	# of 1st Time Candidates			
	Pass %			
FY 2010/11	# of 1st Time Candidates			
	Pass %			
FY 2011/12	# of 1st time Candidates			
	Pass %			
	Date of Last OA			
	Name of OA Developer			
	Target OA Date			
National Examination (include multiple language) if any:				
	License Type			
	Exam Title			
FY 2008/09	# of 1st Time Candidates			
	Pass %			
FY 2009/10	# of 1st Time Candidates			
	Pass %			
FY 2010/11	# of 1st Time Candidates			
	Pass %			
FY 2011/12	# of 1st time Candidates			
	Pass %			
	Date of Last OA			
	Name of OA Developer			
	Target OA Date			

22. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required?

The examinations required for licensure are medical examinations performed by medical professionals and fighter evaluations performed by commission representatives. The fighter evaluation is required only if an applicant is unable to demonstrate through participation in a minimum number of amateur or out-of-country/state bouts at time of licensure. Or, if returning to

the sport after suspension for lack of skills, or time off from fighting. The evaluation is performed by one or more commission representatives.

23. What are pass rates for first time vs. retakes in the past 4 fiscal years? *(Refer to Table 8: Examination Data)* N/A

24. Is the commission using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

    The commission does not itself administer applicant testing; however, the commission is looking to identify and encourage the use of computer based neurocognitive testing as meeting one of the medical examinations necessary for licensure as a professional fighter. This is further expanded upon in section ????.

25. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

School approvals

26. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the commission work with BPPE in the school approval process? N/A

27. How many schools are approved by the commission? How often are schools reviewed? N/A

28. What are the commission's legal requirements regarding approval of international schools? N/A

Continuing Education/Competency Requirements

29. Describe the commission's continuing education/competency requirements, if any. Describe any changes made by the commission since the last review.

    a. How does the commission verify CE or other competency requirements? N/A

    b. Does the commission conduct CE audits on its licensees? Describe the commission's policy on CE audits. N/A

    c. What are consequences for failing a CE audit? N/A

    d. How many CE audits were conducted in the past four fiscal years? How many fails? N/A

    e. What is the commission's course approval policy? N/A

    f. Who approves CE providers? Who approves CE courses? If the commission approves them, what is the commission application review process? N/A

    g. How many applications for CE providers and CE courses were received? How many were approved? N/A

    h. Does the commission audit CE providers? If so, describe the commission's policy and process. N/A

    i. Describe the commission's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensees' continuing competence. N/A

Enforcement Program

30. What are the commission's performance targets/expectations for its enforcement program? Is the commission meeting those expectations? If not, what is the commission doing to improve performance?

    Expand: illegal event enforcement/increase in cite and fines for repeat offenders/safe, accident free, injury free events.

31. Explain trends in enforcement data and the commission's efforts to address any increase in volume, timeframes, ratio of closure to pending, or other challenges. What are the performance barriers? What improvement plans are in place? What has the commission done and what is the commission going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

Table 9a. Enforcement Statistics			
	FY 2009/10	FY 2010/11	FY 2011/12
COMPLAINT			
Intake (Use CAS Report EM 10)			
Received			
Closed			
Referred to INV			
Average Time to Close	-		
Pending (close of FY)			
Source of Complaint (Use CAS Report 091)			
Public			
Licensee/Professional Groups			
Governmental Agencies			
Other			
Conviction / Arrest (Use CAS Report EM 10)			
CONV Received			
CONV Closed			
Average Time to Close	-		
CONV Pending (close of FY)			
LICENSE DENIAL (Use CAS Reports EM 10 and 095)			
License Applications Denied			
SOIs Filed			
SOIs Withdrawn			
SOIs Dismissed			
SOIs Declined			
Average Days SOI	-		
ACCUSATION (Use CAS Report EM 10)			
Accusations Filed			
Accusations Withdrawn			
Accusations Dismissed			
Accusations Declined			
Average Days Accusations	-		
Pending (close of FY)			

Table 9b. Enforcement Statistics (continued)			
	FY 2009/10	FY 2010/11	FY 2011/12
DISCIPLINE			
Disciplinary Actions (Use CAS Report EM 10)			
Proposed/Default Decisions			
Stipulations			
Average Days to Complete	-		
AG Cases Initiated			
AG Cases Pending (close of FY)			
Disciplinary Outcomes (Use CAS Report 096)			
Revocation			
Voluntary Surrender			
Suspension			
Probation with Suspension			
Probation			
Probationary License Issued			
Other			
PROBATION			
New Probationers			
Probations Successfully Completed			
Probationers (close of FY)			
Petitions to Revoke Probation			
Probations Revoked			
Probations Modified			
Probations Extended			
Probationers Subject to Drug Testing			
Drug Tests Ordered			
Positive Drug Tests			
Petition for Reinstatement Granted			
DIVERSION			
New Participants			
Successful Completions			
Participants (close of FY)			
Terminations			
Terminations for Public Threat			
Drug Tests Ordered			
Positive Drug Tests			

Table 9c. Enforcement Statistics (continued)			
	FY 2009/10	FY 2010/11	FY 2011/12
INVESTIGATION			
All Investigations (Use CAS Report EM 10)			
First Assigned			
Closed			
Average days to close	-		
Pending (close of FY)			
Desk Investigations (Use CAS Report EM 10)			
Closed	-		
Average days to close	-		
Pending (close of FY)	-		
Non-Sworn Investigation (Use CAS Report EM 10)			
Closed	-		
Average days to close	-		
Pending (close of FY)	-		
Sworn Investigation			
Closed (Use CAS Report EM 10)			
Average days to close	-		
Pending (close of FY)			
COMPLIANCE ACTION (Use CAS Report 096)			
ISO & TRO Issued			
PC 23 Orders Requested			
Other Suspension Orders			
Public Letter of Reprimand			
Cease & Desist/Warning			
Referred for Diversion			
Compel Examination			
CITATION AND FINE (Use CAS Report EM 10 and 095)			
Citations Issued			
Average Days to Complete	-		
Amount of Fines Assessed			
Reduced, Withdrawn, Dismissed			
Amount Collected			
CRIMINAL ACTION			
Referred for Criminal Prosecution			

Table 10. Enforcement Aging						
	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
1 Year						
2 Years						
3 Years						
4 Years						
Over 4 Years						
Total Cases Closed						
Investigations (Average %)						
Closed Within:						
90 Days						
180 Days						
1 Year						
2 Years						
3 Years						
Over 3 Years						
Total Cases Closed						

32. What do overall statistics show as to increases or decreases in disciplinary action since last review.

33. How are cases prioritized? What is the commission's compliant prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

34. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report actions taken against a licensee. Are there problems with receiving the required reports? If so, what could be done to correct the problems?

35. Does the commission operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases were lost due to statute of limitations? If not, what is the commission's policy on statute of limitations? N/A

36. Describe the commission's efforts to address unlicensed activity and the underground economy.

Cite and Fine

37. Discuss the extent to which the commission has used its cite and fine authority. Discuss any changes from last review and last time regulations were updated. Has the commission increased its maximum fines to the $5,000 statutory limit? The commission plans on seeking authority to increase its maximum fines to $5,000 as soon as possible.

38. How is cite and fine used? What types of violations are the basis for citation and fine?

    Cite and fines are used as penalty and are usually accompanied by a suspension or order to correct conduct. They are commonly issued against fighters for using prohibited substances and conduct that brings discredit to combative sports.

39. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals in the last 4 fiscal years?

40. What are the 5 most common violations for which citations are issued?

    1) Over weight fines
    2) Marijuana useage
    3) Steroid Usages
    4) Cease and Desist citations

41. What is average fine pre and post appeal?

42. Describe the commission's use of Franchise Tax Board intercepts to collect outstanding fines.

[redacted]

Cost Recovery and Restitution

43. Describe the commission's efforts to obtain cost recovery. Discuss any changes from the last review. N/A

44. How many and how much is ordered for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain. N/A

45. Are there cases for which the commission does not seek cost recovery? N/A Why?

46. Describe the commission's use of Franchise Tax Board intercepts to collect cost recovery.

47. Describe the commission's efforts to obtain restitution for individual consumers, any formal or informal commission restitution policy, and the types of restitution that the commission attempts to collect, i.e., monetary, services, etc. Describe the situation in which the commission may seek restitution from the licensee to a harmed consumer. N/A

Table 11. Cost Recovery

	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13
Total Enforcement Expenditures				
Potential Cases for Recovery *				
Cases Recovery Ordered				
Amount of Cost Recovery Ordered				
Amount Collected				

* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.

Table 12. Restitution

	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Amount Ordered				
Amount Collected				

48. How does the commission use the internet to keep the public informed of commission activities? Does the commission post commission meeting materials online? When are they posted? How long do they remain on the website? When are draft meeting minutes posted online? When does the commission post final meeting minutes? How long do meeting minutes remain available online?

The Commission posts it meetings, trainings and events on its Web site, as well as notifies interested parties via e-mail notification. All meeting agenda's and packet materials are posted on-line, as draft and final meeting minutes. The commission keeps at least the last 5 years of information on its website, including meeting webcasts.

49. Does the commission webcast its meetings? What is the commission's plan to webcast future commission and committee meetings? Yes; whenever possible.

50. Does the commission establish an annual meeting calendar, and post it on the commission's web site? YES

51. Is the commission's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the commission post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

The Commission's complaint activities do not generally fall within this standard for disclosure. Actions take by the Commission are currently displayed on applicable boxing and mixed martial art websites; however, once the Commission begins using the DCA's BreEZe project (October 2013), this information will be displayed on the Commission's website. Until then, the Website encourages consumer to contact the Commission's office either by phone or e-mail to verify the status of a licensee or to obtain public information related to discipline or suspensions.

52. What information does the commission provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The Commission provides to the public, upon request, information related to licensure; disciplinary and non-disciplinary actions; and income, taxes, purses, and penalty fees paid. *(expand)*

53. What methods are used by the commission to provide consumer outreach and education?

The Commission Web casts its meeting when possible, the EO attends professional association meeting when possible, e-mail notifications are sent out regularly announcing events and information related to the professions. Regular stakeholder meetings are held, in person and via telephone. *(expand)*

Section 7 – Online Practice Issues

54. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the commission regulate online practice? Does the commission have any plans to regulate Internet business practices or believe there is a need to do so? N/A

Section 8 –
Workforce Development and Job Creation

55. What actions has the commission taken in terms of workforce development?

The combat sporting profession and related jobs are not typical and therefore, workforce development, per say, does not apply. However, the Commission promotes diversity by ensuring that the primary communities from which the industry derives its participants are made aware of the job opportunities that are available among the profession and the office. E-mail notifications are sent out to interested parties and the commission hopes to step up its outreach efforts once the gym inspection program gets off the ground. *(expand – include on top of making CA a top place to host events/encourage promotion companies to hold events in CA)*

56. Describe any assessment the commission has conducted on the impact of licensing delays.

No assessment has occurred as the commission does not experience licensing delays.

57. Describe the commission's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process. N/A

58. Provide any workforce development data collected by the commission, such as:

    a. Workforce shortages N/A

    b. Successful training programs. Judge/referee schools??? (expand) – Lets discuss

Section 9 –
Current Issues

59. What is the status of the commission's implementation of the Uniform Standards for Substance Abusing Licensees?

The Uniform Standards apply to specifically healing arts boards and bureaus; however, all licensed athlete's are required to submit to random drug testing (or regular drug testing if a prior test was failed). Athlete's who are found to have used a prohibited substance are simply not permitted to participate in a California regulated combat sport again until their suspension period has ended and fine been paid; and have come before the Commission and proved rehabilitation and fitness for licensure. *(expand)*

60. What is the status of the commission's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations? N/A

61. Describe how the commission is participating in development of BreEZe and any other secondary IT issues affecting the commission.

The Commission is slated to come on-line with BreEZe in late 2013 - during phase three of a three phase role-out. As such, the Commission staff attends regular meeting with BreEZe representatives, has attended earlier boards and bureau working sessions to observe the process and is scheduled to begin work on the BreEZe procedure manual for the Commission. The BreEZe staff has made presentations before the Commission and is well aware of the Commission's specific needs for its data base *(expand-lack of computers/software and web display issues)*.

Section 10 –
Commission Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the commission.
2. Short discussion of recommendations made by the Committee/Joint Committee during prior sunset review.
3. What action the commission took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the commission has for dealing with the issue, if appropriate.

Section 11 –
New Issues

This is the opportunity for the commission to inform the Committee of solutions to issues identified by the commission and by the Committee. Provide a short discussion of each of the outstanding issues, and the commission's recommendation for action that could be taken by the commission, by DCA or by the Legislature to resolve these issues (i.e., legislative changes, policy direction, budget changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the commission in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committee.

Section 12 –
Attachments

Please provide the following attachments:

A. Commission's administrative manual.

B. Current organizational chart showing relationship of committees to the commission and membership of each committee (cf., Section 1, Question 1).

C. Major studies, if any (cf., Section 1, Question 4).

D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 5
10:00 a.m. Regulations
Public Hearing
Hand Wraps

Chairman John Frierson

George Dodd, Executive Officer

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
CALIFORNIA STATE ATHLETIC COMMISSION
2005 Evergreen Street, Suite 2010
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MEMORANDUM

DATE	May 22, 2012
TO	ALL COMMISSION MEMBERS
FROM	Che Guevara Che Guevara, Chief Athletic Inspector California State Athletic Commission
SUBJECT	**Hand Wrap – Rule 323**

In reviewing the comments received in response to the proposed changes to the hand wrap regulation and my recent observations watching hand wraps occurring at actual events and listening to fighters, managers, and the commission's own inspectors, I am requesting the Commission consider making a few revisions to the proposed language. They are as follows:

1. Regarding a base layer. The wording should reflect 1) that ONLY surgical tape and NOT gauze can be wrapped around the hand and wrist a maximum of 10 times but shall not extend within one inch of the knuckles when hand is clenched to make a fist and 2) that three winding of gauze may be applied on the area of the wrist where the hand and wrist meet prior to application of the allowed base layer of surgical tape. *This simply prevents the hair on the arm from being pulled off when removing the surgical tape and does not affect the opponent in any way.*

2. The last sentence of part three should read: Knuckle pads are to be prepared using a folding method. Gauze tightly rolled to form a cylinder or tube to form a knuckle pad is prohibited. *There is a concern that a tightly rolled knuckle pad is too hard and may result in injury to the opponent; which is not the purpose of a hand wrap. A hand wrap is to protect the hand of the fighter.*

TITLE 4. CALIFORNIA ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission ("commission") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held on:

June 4, 2012 at 10:30 a.m.
Front Street State Building Auditorium
1350 Front Street, San Diego, California 92101

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the commission at its office not later than 5:00 p.m. on May 14, 2012, or must be received by the commission at the hearing. The commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640 and 18714 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Amend section 323. Currently this rule explains the bandage requirements for wrapping the hands of professional boxing, mixed martial art, Muay Thai and kickboxing athletes. This rule details the amount of tape and gauze used when completing the bandage. It also includes instructions on how to complete the application of a bandage on an athlete's hand.

The proposed amendment would revise the language to meet the current industry standards for hand wrap(s), formerly known as "bandages". The rule clarifies the amount and placement of the gauze and tape used. It further clarifies the maximum number of times and the area of the hand and wrist the gauze can be placed. This rule explains how knuckle pads made from gauze are to be formed and applied and that they cannot extend to the knuckle. This rule requires that a hand wrap(s) be completed in the presence of a commission inspector, before an athlete's glove can be positioned on the hand, and be signed off by the commission inspector as meeting the

requirements.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Existing law at Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts. The proposed amendment to section 323 clarifies the exact requirements for hand wrap(s), including the type and amount of material to be used.

The specific benefits anticipated by the proposed amendment include greater protection of the health and safety of athletes, by making certain that the wrist is protected at all times, that no contestant has an unfair advantage and that no foreign objects are applied or inserted into the hand wrap(s). Additionally, the amendment allows for transparency by making the commission's expectations for hand wrap(s) clear and concise for all stakeholders.

C. Consistency and Compatibility with Existing State Regulations

This commission has evaluated this regulatory proposal and it is not inconsistent nor incompatible with existing state regulations. The commission has sole jurisdiction over the regulation of boxing and full-contact martial arts.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

The commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: Hand wraps are currently required and these changes would not

result in any additional costs to business.

Cost Impact on Representative Private Person or Business:

The commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The commission has determined that the proposed regulations would not affect small businesses as the amendments do not change, reduce or add additional requirements on small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The commission has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The commission has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

This regulation clarifies and makes specific the requirements for completing hand wraps used in regulated combat sports. Hand wraps protect the health and safety of the participant by providing support to the hand and wrist. Clear and concise regulations provide health and safety to the opponent so that hand wraps support the hand and wrist but do not contain any substance that might increase injury to the opponent. No benefit to the state's environment was identified.

CONSIDERATION OF ALTERNATIVES

The commission must determine that no reasonable alternative it considers to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The commission has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the commission at 2005 Evergreen Street, Ste. 2010, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Elizabeth Parkman
Address:	2005 Evergreen Street, Suite 2010 Sacramento, CA 95815
Telephone No.:	(916) 263-2195
Fax No.:	(916) 263-2197
E-Mail Address:	Elizabeth.Parkman@dca.ca.gov

The backup contact person is:

Name:	Kathi Burns
Address:	2005 Evergreen Street, Suite 2010 Sacramento, CA 95815
Telephone No.:	(916) 263-2195
Fax No.:	(916) 263-2197

E-Mail Address: Kathi.Burns@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.dca.ca.gov.

CALIFORNIA STATE ATHLETIC COMMISSION

INITIAL STATEMENT OF REASONS

Hearing Date: June 4, 2012

Subject Matter of Proposed Regulations: Hand Wraps

Section Affected: 4 CCR Section 323

Specific Purpose of each adoption, amendment, or repeal:

1. Problem being addressed:

   This rule addresses the wrapping of the hands of professional boxing, mixed martial arts, Muay Thai and kickboxing athletes. Currently, this rule does not provide specifics regarding the placement or type of materials allowed when wrapping hands, which has led to inconsistency and confusion amongst the athletes and those who are charged with regulating the wraps.

2. Anticipated benefits from this regulatory action:

   This proposed amendment would specify what types of materials can be used for a hand wrap; where the materials can and cannot be placed; and how much of each material can be used. Specifically, addressing how the base layer of gauze is to be applied and how to form a knuckle pad and properly apply it. Clarification regarding the rules will assist participants in knowing what is expected when fighting in California and will help inspectors to apply the rules consistently throughout the sport. Proper hand wraps protect the health and safety of the participant by protecting the hand and by ensuring that the hand wrap does not injure the opponent.

Factual Basis/Rationale

Factual basis for determination that each proposed change is reasonably necessary to address the problem for which it is proposed:

Currently rule 323 is vague and open to interpretation. Amending this rule establishes solid guidelines on the use of tape, the use and amount of gauze used to wrap a hand and how to do it in a way that the fighter's hand is protected but does not injure the opponent. Additionally, the amendment requires the commission's athletic inspectors to sign off on all hand wrap(s), signifying that it was completed in compliance with the regulation, which will ensure the health and safety of the participants, as well as ensure compliance with the regulations.

Underlying Data

Technical, theoretical or empirical studies, reports, or documents relied upon (if any):

Association of Boxing Commission hand wrap guidelines dated July 27, 2005

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: Hand wraps are already required and these changes would not result in any additional costs to business.

Description of alternatives which would lessen any significant adverse impact on business (which includes small business):

No alternatives were considered as there are no significant adverse impacts on businesses.

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because this proposed regulation simply clarifies existing industry practice.
- It will not create new business or eliminate existing businesses within the State of California because this proposed regulation simply clarifies existing industry practice.
- It will not affect the expansion of businesses currently doing business within the State of California because this proposed regulation simply clarifies existing industry practice.
- This regulatory proposal benefits the health and welfare of California residents because it provides clarity to the hand wrap requirements, which are designed and intended to protect the health and safety of participants in regulated combat sports.
- This regulatory proposal benefits worker safety because it provides clarity to hand wrap requirements, which are designed or intended to protect the health and safety of participants in regulated combat sports.
- This regulatory proposal does not benefit or affect the state's environment because this proposed regulation simply clarifies existing industry practice.

Specific Technologies or Equipment

This regulation mandates the use of specific technologies or equipment. Such mandates or prescriptive standards are required for the following reasons: For protection of the athlete's hand and wrist and to protect the opponent by ensuring proper formation of the knuckle pad and that no foreign objects are applied to or inserted into the hand wrap, as inspection by the commission's athletic inspector will be required.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected: None

CALIFORNIA STATE ATHLETIC COMMISSION

Specific Language - Hand Wraps

Amend Section 323 of Division 2 of Title 4 of the California Code of Regulations to read as follows:

323. ~~Bandages.~~ Hand Wraps.

~~Bandages shall not exceed the following restrictions:~~

(a) A hand wrap shall consist of only the following materials applied as specified in this regulation.

(1) Size of Gauze and Tape.

Unless otherwise specified, gauze shall not exceed two inches in width and surgical tape shall not exceed one and one-half inches in width.

(2) Base Layer of Gauze or Tape. ~~One winding of surgeon's adhesive tape, not over one and one-half inches wide, placed directly on the hand to protect that part of the hand near the wrist. Said tape may cross the back of the hand twice~~ Gauze or surgical tape may be wrapped around the hand and wrist a maximum of 10 times but shall not extend within one inch of the knuckles when hand is clenched to make a fist. The gauze may be secured with one winding of surgical tape that does not overlap more than one inch..

(3) Hand Wrap.

~~Contestants shall use soft surgical bandage not over two inches wide,~~ Not more than 20 yards of gauze (including gauze used for a knuckle pad) may be used to complete the hand wrap, and the gauze may be held in place by not more than ten yards of ~~surgeon's adhesive~~ surgical tape for each hand. The

surgical tape shall not extend within one inch of the knuckles when hand is clenched to make a fist. Knuckle pads shall be prepared only in the presence of a commission representative. ~~Not more than twenty yards of bandage may be used to complete the wrappings for each hand.~~

(4) Knuckle Pad Anchors.

Strips of surgical tape, not to exceed ¾ inch in width, may be placed between the boxer's fingers in the joint to anchor the knuckle pad in place, but shall not extend on to the knuckles.

(5) Final Supportive Layer.

The hand and wrist area may be wrapped with a maximum of two layers of flexible non-adhesive tape which does not extend within one inch of the knuckles when hand is clenched to make a fist.

(b) ~~Bandages~~ Hand wraps shall be applied in the dressing room in the presence of a commission representative and both contestants. Before a boxer's gloves are put on, a commission representative shall inspect the hand wraps to ensure they have not been altered. Either contestant may waive his privilege of witnessing the ~~bandaging~~ wrapping of his opponent's hands.

NOTE: Authority cited: Section 18611, Business and Professions Code.
Reference: Sections 18640 and 18714, Business and Professions Code.

Regulatory Guidelines

Modified July 27, 2005

5-12

ASSOCIATION OF BOXING COMMISSIONS

REGULATORY GUIDELINES AND RULES FOR ALL

WORLD AND REGIONAL CHAMPIONSHIP BOUTS

The following regulatory guidelines and rules govern all championship professional boxing competitions held within the United States of America , Puerto Rico, The Virgin Islands, District of Columbia , and any Indian reservation.

In the event of a dispute regarding the guidelines, rules, or any other issue that is not clearly covered under the ABC rules, the supervising Commission of the bout will be the final authority.

5-13

Duration of Rounds

No professional boxing contest shall be scheduled for more than twelve (12) rounds for males or ten (10) rounds for females. Each round shall be three (3) minutes in duration for male boxers and two (2) minutes for female boxers and have a one (1) minute rest period between rounds.

Approved Ring Attire

Boxers shall box in boxing shorts, abdominal guard, foul proof cup, shoes and a custom-made, individually fitted mouthpiece. In addition, female boxers shall wear a body shirt while breast protection is optional (see *Female Boxing Rules*).

Hand Wraps

Hand wraps shall be restricted to no more than twenty (20) yards of soft gauze, not more than two (2) inches wide. The gauze shall be held in place by no more than eight (8) feet of adhesive tape, no more than one and one-half (1 ½) inches wide. The adhesive tape shall not cover any part of the knuckles when the hand is clenched to make a fist. The use of water, or any other liquid or material, on the tape is strictly prohibited.

Hand wraps shall be applied in the dressing room in the presence of a Commission representative and, if requested, one representative of the other boxer.

Gloves

Gloves must have the distal portion of the thumb attached to the body of the glove so as to minimize the possibility of injury to an opponent's eye. A glove, or set of gloves, shall only be used once during each boxing event. All gloves are subject to inspection by the supervising Commission. Gloves found to be twisted, manipulated, altered, unfit or ill-fitting, shall be replaced.

5–14

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2008)

See SAM Section 6601 - 6616 for Instructions and Code Citations

DEPARTMENT NAME	CONTACT PERSON	TELEPHONE NUMBER
Consumer Affairs-Athletic Commission	Elizabeth Parkman	916-263-2195
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400		NOTICE FILE NUMBER
Hand Wraps		Z

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS (Include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:

- ☐ a. Impacts businesses and/or employees
- ☐ b. Impacts small businesses
- ☐ c. Impacts jobs or occupations
- ☐ d. Impacts California competitiveness
- ☐ e. Imposes reporting requirements
- ☐ f. Imposes prescriptive instead of performance
- ☑ g. Impacts individuals
- ☐ h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.)

h. (cont.) _____

(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: None Describe the types of businesses (Include nonprofits.): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

3. Enter the number of businesses that will be created: None eliminated: _____

Explain: _____

4. Indicate the geographic extent of impacts: ☑ Statewide ☐ Local or regional (List areas.): _____

5. Enter the number of jobs created: _____ or eliminated: _____ Describe the types of jobs or occupations impacted: None

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes ☑ No If yes, explain briefly: _____

B. ESTIMATED COSTS (Include calculations and assumptions in the rulemaking record.)

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $ N/A

a. Initial costs for a small business: $ _____ Annual ongoing costs: $ _____ Years: _____

b. Initial costs for a typical business: $ _____ Annual ongoing costs: $ _____ Years: _____

c. Initial costs for an individual: $ _____ Annual ongoing costs: $ _____ Years: _____

d. Describe other economic costs that may occur: _____

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

2. If multiple industries are impacted, enter the share of total costs for each industry: N/A

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. (Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.): $ N/A

4. Will this regulation directly impact housing costs? ☐ Yes ☑ No If yes, enter the annual dollar cost per housing unit: _____ and the number of units: _____

5. Are there comparable Federal regulations? ☑ Yes ☐ No Explain the need for State regulation given the existence or absence of Federal regulations: see attached

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: $ 0.00

C. ESTIMATED BENEFITS (Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. Briefly summarize the benefits that may result from this regulation and who will benefit: See attached

2. Are the benefits the result of : ☑ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: See attached

3. What are the total statewide benefits from this regulation over its lifetime? $ _____

D. ALTERNATIVES TO THE REGULATION (Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: See attached

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit: $ _____	Cost: $ _____
Alternative 1:	Benefit: $ _____	Cost: $ _____
Alternative 2:	Benefit: $ _____	Cost: $ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives:

N/A

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☑ Yes ☐ No

Explain: see attached

5-16

E. MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.) Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million ? ☐ Yes ☑ No (If No, skip the rest of this section.)

2. Briefly describe each equally as an effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

   Alternative 1: _____

   Alternative 2: _____

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation:	$ _____	Cost-effectiveness ratio: $ _____
Alternative 1:	$ _____	Cost-effectiveness ratio: $ _____
Alternative 2:	$ _____	Cost-effectiveness ratio: $ _____

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately $ _____ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

   ☐ a. is provided in _____, Budget Act of _____ or Chapter _____, Statutes of _____

   ☐ b. will be requested in the _____ Governor's Budget for appropriation in Budget Act of _____
   (FISCAL YEAR)

☐ 2. Additional expenditures of approximately $ _____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

   ☐ a. implements the Federal mandate contained in _____

   ☐ b. implements the court mandate set forth by the _____

   court in the case of _____ vs. _____

   ☐ c. implements a mandate of the people of this State expressed in their approval of Proposition No. _____ at the _____ election;
   (DATE)

   ☐ d. is issued only in response to a specific request from the _____

   _____, which is/are the only local entity(s) affected;

   ☐ e. will be fully financed from the _____ authorized by Section
   (FEES, REVENUE, ETC.)

   _____ of the _____ Code;

   ☐ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;

   ☐ g. creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

☐ 3. Savings of approximately $ _____ annually.

☐ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law regulations.

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ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

☑ 5. No fiscal impact exists because this regulation does not affect any local entity or program.

☐ 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately $ _____ in the current State Fiscal Year. It is anticipated that State agencies will:

☐ a. be able to absorb these additional costs within their existing budgets and resources.

☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.

☐ 2. Savings of approximately $ _____ in the current State Fiscal Year.

☐ 3. No fiscal impact exists because this regulation does not affect any State agency or program.

☑ 4. Other. see attached

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately $ _____ in the current State Fiscal Year.

☐ 2. Savings of of approximately $ _____ in the current State Fiscal Year.

☑ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

☐ 4. Other.

FISCAL OFFICER SIGNATURE		DATE March 13, 2011
AGENCY SECRETARY [1] APPROVAL/CONCURRENCE		DATE
DEPARTMENT OF FINANCE [2] APPROVAL/CONCURRENCE	PROGRAM BUDGET MANAGER	DATE

1. *The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

2. *Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD.399.*

Std. 399 Attachment for Rule 323

Economic Impact Statement

B.5 – The Association of Boxing Commission's federal regulations are vague and non-specific. California's current standards meet or exceed these federal regulations. This amendment makes specific California's expectations and current industry standards for hand wraps.

C.1 – The amendment will specify and make clear to both athletes and regulators alike the requirements for hand wraps. This will ensure consistency amongst participants and ensure fairness of bouts. These requirements represent current hand wrap practices and are designed to protect the health and safety of the participant by providing support to the hand and wrist and preventing injury to the opponent by preventing faulty hand wrapping.

C.2 – Per Business and Professions Code 18611 the commission is authorized to adopt, amend or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts.

D.1 – The only alternative would be not pursuing the regulation changes. This alternative is not reasonable given that the current industry practices are not reflected in the current wording of the regulation which may contribute to inconsistencies which may lead to unfair bouts and unsafe hand wraps. Due to lack of specificity and oversight authority, enforcing the existing rule is difficult.

D.4 – The existing rule specifies equipment, and prescribed specific actions or procedures that represent current/accepted standards. This regulation merely specifies the current industry practice, places necessary limits, and provides authority for ensuring uniform compliance with the rule.

Fiscal Impact Statement

B.4 – This amendment specified the current industry practice, places necessary limits, and provides for authority for ensuring uniform compliance with the rule. No fiscal impact exists to any State agency or program.

PUBLIC COMMENT ON 323 HAND WRAPS

by. J. DeLaGuerra

RULE 323. BANDAGES

Bandages herein called **Hand Wraps (Gauze and Tape)** shall consist of only the following materials applied as specified in this regulation. **Hand Wraps** shall not exceed the following restrictions:

(a & b) One winding of **trainers adhesive tape, not to exceed one and one-half inches (1½") 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.

(a & b) Said **trainers adhesive 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.

(c & d) Contestants shall not use more than **twenty (20) yards maximum of standard soft cotton gauze not over two inches wide.**

(e) Said gauze will be held in place by not more than **ten (10) yards of trainer's adhesive tape, not to exceed two inches (2") in width,** for each hand. **Strips of trainers adhesive tape,** not more than **three quarters of an inch (3/4") in width,** may be placed **between the contestant's fingers in the joint** to anchor and keep the **standard soft cotton gauze** in place, but will not extend on to the knuckles.

Hand Wraps (**Gauze and Tape**) shall be applied in the dressing room in the presence of a commission representative and both contestants. After observing the application of the wraps, the Inspector is to mark and sign the wraps with a felt-tip marker (on both sides of the hand) in such a way that if the wraps were altered it would be recognizable. Either contestant may waive their privilege of witnessing the application of hand wraps to his opponent's hands.

No **tape** may be applied across the knuckles of any participant.

The **tape** portion of the hand wrap must not extend past the top of the hand when a fist is made.

Alternating (stacking) between **tape** and **gauze** is prohibited, three layers maximum.

The application of any liquid or substance to the hand wraps is prohibited.

Report any violations immediately to the dressing room supervisor or event lead.

Once a participant's hands are wrapped, he or she must not leave the dressing room unless an Inspector escorts them.

Before the participant's gloves are put on, the inspector will inspect the wraps and gloves for altering.

Immediately after the contest ends, the Inspector is to observe the removal of the gloves in the ring, and carefully examine the wraps and gloves to ensure that they have not been altered.

If the Inspector believes the wraps or gloves have been altered, he must immediately advise the Event Lead and not release the participant from his immediate supervision until the issue has been resolved.

The type of adhesive tape used to wrap hands is subject to the commission's prior written approval by the Executive Officer or his assigned commission representative if it is not included on the commission's list of approved types of adhesive tape that may be used.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18714, Business and Professions Code.

RULE 323. BANDAGES

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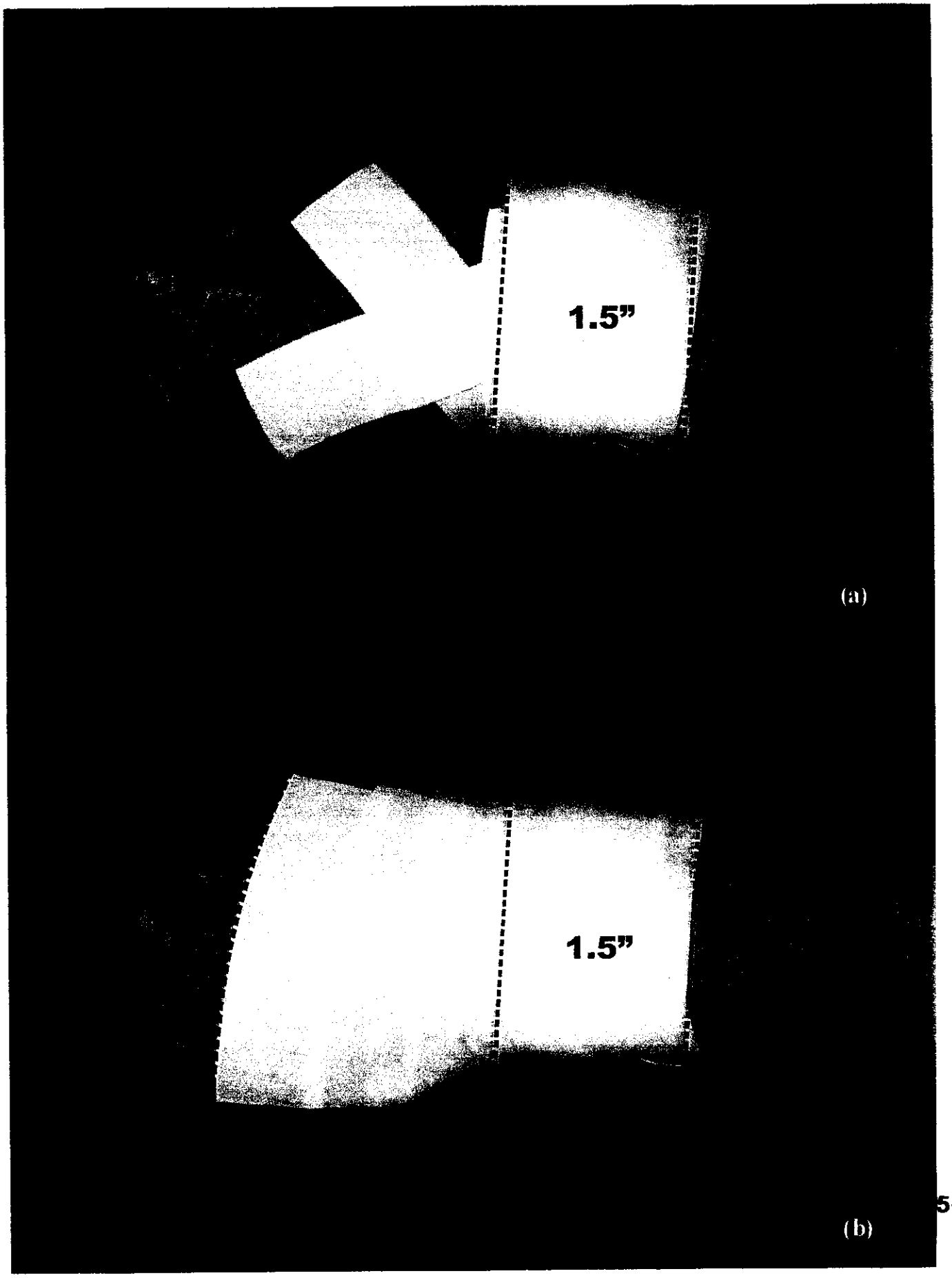
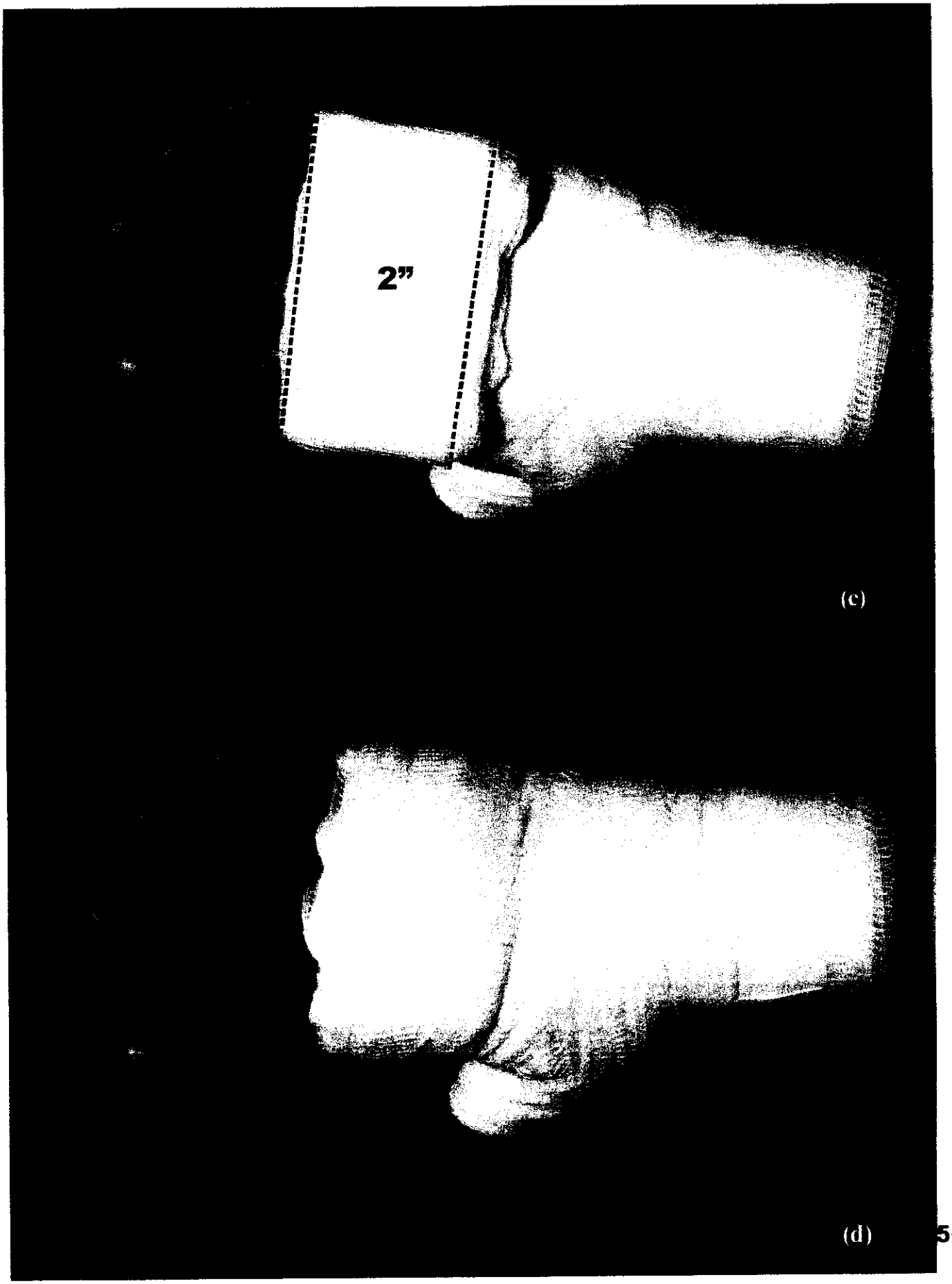
NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18714, Business and Professions Code.



5-23



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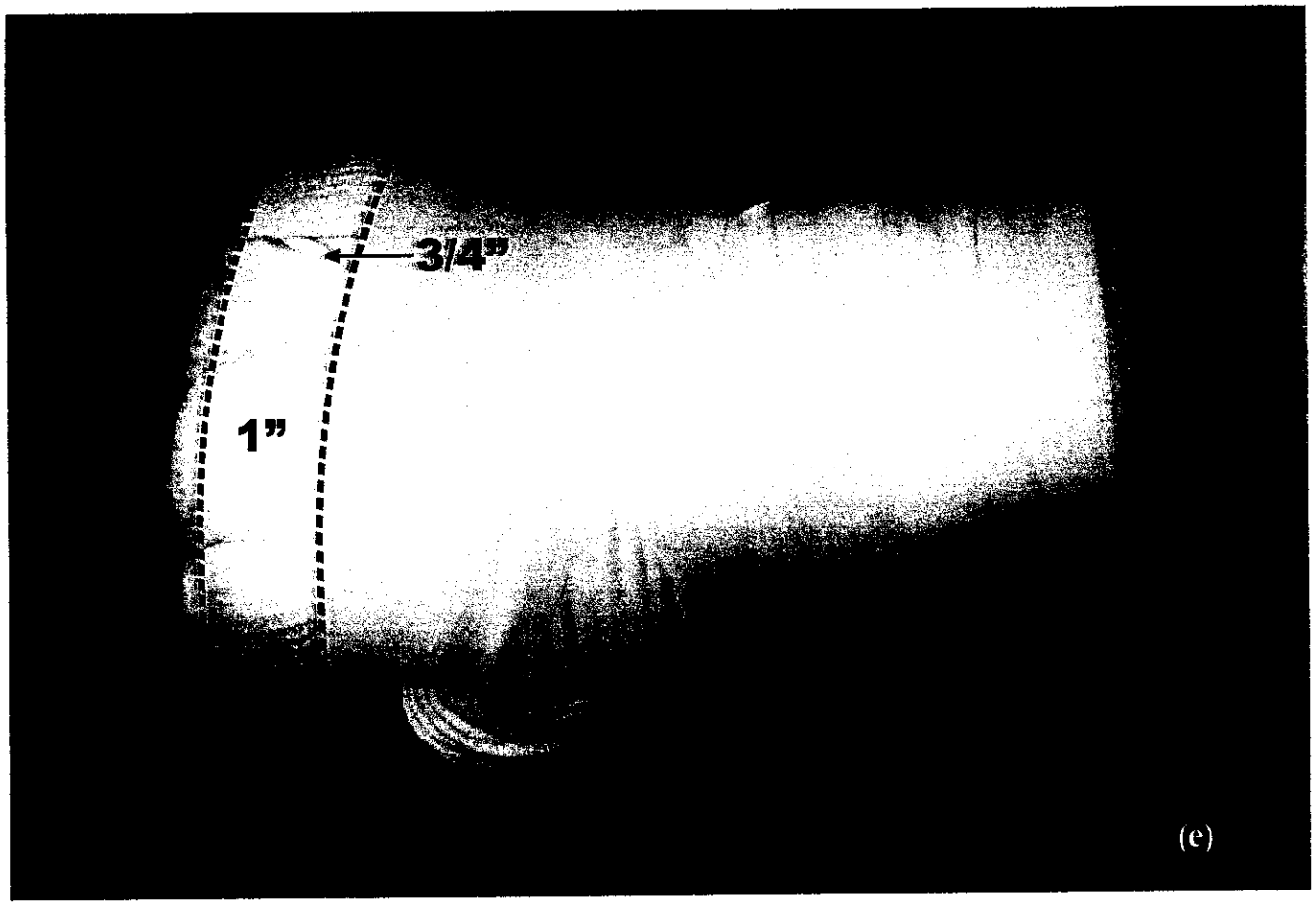

5–25

Burns, Kathi@DCA

From: sidney segovia [pssegovia@roadrunner.com]
Sent: Tuesday, April 03, 2012 8:56 PM
To: Burns, Kathi@DCA
Cc: Guevara, Che@DCA; Dodd, George@DCA; Sid Segovia
Subject: Re: Rule 323 Hand Wrap Regulations - Open for Public Comment

Importance: High

Kathi, my puplic comment is we should add that a winding of gauze spread out from the wrist area but shall not extend within one inch of the knuckles is to be allowed before number (2) the base layer of Gauze or tape to protect those contestants who's wrist and hand areas that are hairy so that when tape is taken off after the fight it does not burn and tear the fighters hair off the skin.

I do not know of this happening in central or northern CA but down hear in the South we are always butting heads with Fighters and trainers who want to do this and they tell us every where else around the world and the country they are allowed to do this to protect the fighters wrist and hand areas that are hairy so that when tape is taken off after the fight it does not burn and tear the fighters hair off and it makes sense and does not give any advantage to the fighter who does this.

This not only would help tremendously the current Inspectors on the field but it will help ensure the future Inspectors and Management of CSAC from present and future headaches in this area that we are currently butting heads with on, I hope this is added it is strongly needed thanks,

Sid Segovia
Supervisor
CSAC
Cell (626) 589-7149
Fax (626) 257-3600
pssegovia@roadrunner.com

to read as follows:

323. Bandages. Hand Wraps. Bandages shall not exceed the following restrictions:

(a) A hand wrap shall consist of only the following materials applied as specified in this regulation.

(1) Size of Gauze and Tape. Unless otherwise specified, gauze shall not exceed two inches in width and surgical tape shall not exceed one and one-half inches in width.

(2) Base Layer of Gauze or Tape. One winding of surgeon's adhesive tape, not over one and one-half inches wide, placed directly on the hand to protect that part of the hand near the wrist. Said tape may cross the back of the hand twice Gauze or surgical tape may be wrapped around the hand and wrist a maximum of 10 times but shall not extend within one inch of the knuckles when hand is clenched to make a fist. The gauze may be secured with one winding of surgical tape that does not overlap more than one inch..

From: Huff, Timothy A.@DMV [mailto:Timothy.Huff@dmv.ca.gov]
Sent: Wednesday, April 04, 2012 11:38 AM
To: Parkman, Elizabeth@DCA
Subject: 323

Gauze or surgical tape may be wrapped around the hand and wrist a maximum of 10 times : **This is still vague as to what portion of hand and wrist? All on hand, some on wrist or vice versa?**

The hand and wrist area may be wrapped with a maximum of two layers of flexible non-adhesive tape which does not extend within one inch of the knuckles when hand is clenched to make a fist. **Vague. How closely tightly can it be wrapped? Very close together, and two layers is a lot for this wrap. What is the max amount that can be used?**

Note: I agree with Joe Guevara and his proposal which shows illustrations. It is very clear and can be posted at every event to refer to, therefore, no more confusion.

Thank you.

Tim Huff
DMV Investigator #157
Terrorism Liaison Coordinator
(916) 774-4508

4/4/2012

Burns, Kathi@DCA

From: Gilbert Urbano [g.urbano@att.net]
Sent: Wednesday, April 04, 2012 11:58 AM
To: Guevara, Joseph@DGS
Cc: Burns, Kathi@DCA;

Subject:

I can't think of anybody more qualified. We have dialogue every drive home on this topic. We have dialogue every event with trainers. We have dialogue every post fight meeting.

Think McDonalds. You order a basic hamburger. You Know exactly what you are getting no matter where you are. There is no grey area. Clear, precise and no alterations.

Sent from my iPhone

On Apr 4, 2012, at 10:42 AM, "Guevara, Joseph@DGS" <Joseph.Guevara@dgs.ca.gov> wrote:

> Good morning People,
>
> I've attached our current rules that I've batched together regarding the handwraps and the Inspectors roles in inspecting the handwraps (3-times) not just the two as advised in the proposed rules. Please review the attachment.
>
> The attachment has clear precise illustrations and language for all involved (fighters, inspectors, and trainers).
>
> How hard would it be to get these Hand Wrap Regulations under control and correct?
>
> The new proposed language is too vague and has too much gray area to even make an illustration let alone being able to explain.
>
> As an inspector or even better as a former boxer, trainer, and gym owner with over 50 years of experience why not let me help you in bettering our commission with some valid handwrap regulations and illustrations.
>
> For those of you that agree with me, please step forward, for those of you that don't, again, please step forward. I look forward to ending this mess with the handwraps.
>
> If you feel I am over stepping my boundary then I apologize, I am just trying to find a solution to our never ending Rule 323 Hand Wrap Regulations.
>
> Sincerely,
>
>
> Joseph F. de la Guevara
> State Administrative Manual (SAM) Consultant Dept. of General

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Burns, Kathi@DCA

From: Michael Guzman [mxgpar4@yahoo.com]

Sent: Wednesday, April 04, 2012 1:03 PM

To: Burns, Kathi@DCA

Cc: Guevara, Che@DCA; Dodd, George@DCA

Subject: Re: Rule 323 Hand Wrap Regulations - Open for Public Comment

Kathi, I've read rule 323 and it is ambiguous to say the least. As the rule is written there is a grey area that exists between enhancing a fighters equipment vs. protecting a fighters hand. As Inspectors it is the biggest problem to enforce and be consistent. The rule needs to be specific on how gauze/tape is applied. I'm familiar with what Joe has presented to CSAC and it is precisely what CSAC needs for rule 323. Rewriting rule 323 will continue CSAC mission of putting the fighter's health and safety first.

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 6
Therapeutic Use Exemption
Proposed Regulation

Chairman John Frierson

George Dodd, Executive Officer

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
CALIFORNIA STATE ATHLETIC COMMISSION
2005 Evergreen Street, Suite 2010
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MEMORANDUM

DATE	May 11, 2012
TO	ALL COMMISSION MEMBERS
FROM	Kathi Burns, Assistant Executive Officer California State Athletic Commission
SUBJECT	**Therapeutic Use Exemption Regulation – Rule 303.1**

As you know at the last Commission meeting, the Commission voted to adopt language (attachment 1) related to the implementation of a regulation to allow licensees to apply for a therapeutic use exemption (TUE) prior to competing in California – Rule 303.1 and to amend the regulations to allow the use of certain asthma medications – Rule 303. The motion was to authorize the executive officer to adopt the regulations at the expiration of the 15-day comment period if there were no adverse comments. The language adopted at the meeting was modified from its original form; therefore, notice of the modifications was sent out to the public and an opportunity to comment was provided.

During this public comment period, two (2) adverse comments were received related to Rule 303.1 and are attached (attachment 2) for your review. Given the concerns raised in the letters, some options to be considered are:

1) Modify Rule 303.1 to prohibit granting a TUE for testosterone use and move forward with the regulatory process.

2) Remove the proposal to adopt Rule 303.1 in its entirety and do not implement a TUE process at all. Move forward with the regulatory process only for the amendments to Rule 303 regarding asthma medications.

3) Separate the two rule changes into two regulation packages.

   a. Vote to adopt Rule 303 (asthma medication) so it can continue on with the regulatory process as is; and

   b. using the standards and guidelines of the World Anti-Doping Agency (attachment 3) and the US Anti-Doping Agency (attachment 4) modify Rule 303.1 to be more specific regarding 1) how to apply for a TUE; 2) what information is needed and who should provide it; and 3) the criteria the Commission is to use when granting or denying a TUE. Considering the detailed research and expertise necessary to identify these specifics, assign this task to an ad hoc committee to come back with a recommendation and draft language to be submitted at the Commission's August 6, 2012 meeting.

4) Adopt the language as originally modified (thus rejecting the comments) and move forward with the regulatory process.

Staff recommends Option 3, given that it does not further delay the new asthma medication provisions; has the potential to allow the commission to move forward with establishing a TUE process in a manner that would satisfy most of the concerns brought forth in the adverse comments.

Attachments:
1. Modified Language
2. Comments – Denise Brown, Director of the Department of Consumer Affairs and Zach Arnold
3. World Anti-Doping Agency – Therapeutic Use Exemptions
4. US Anti-Doping Agency – Therapeutic Use Exemptions

ATTACHMENT 1

CALIFORNIA STATE ATHLETIC COMMISSION

Modified Text - Therapeutic Use Exemption

Changes to the originally proposed language are shown in double underline for new text and double strikethrough for deleted text.

1. Amend Rule 303 in Article 6 of Chapter 1 of Division 2, Title 4, 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) ~~Glucoc~~Corticosteroids
(9) ~~Beta-2 agonists (asthma medications) except salbutamol (maximum 1600 micrograms over 24 hours) and salmeterol by inhalation~~
Beta-2 agonists (including both optical isomers where relevant) are prohibited except salbutamol (maximum 1600 micrograms over 24 hours), formoterol (maximum 36 micrograms over 24 hours) and salmeterol when taken by inhalation in accordance with the manufacturers' recommended therapeutic regime
(10) Anti-estrogenic agents
(11) Alcohol

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 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.

(a) An applicant or licensee who believes he or she has a therapeutic reason to use a substance described in Rule 303~~(b)~~(c) 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. The applicant or licensee shall pay all costs for medical examinations or tests that may be required by the committee or commission. In reaching its decision, the commission ~~will~~ shall, 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).

(5) The underlying condition that requires the use of the prohibited substance is not so severe that it puts the applicant or licensee at additional risk of injury from participating in any combative sport despite the use of the prohibited substance.

(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)~~(c) constitutes a violation of Rule 390.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18645, Business and Professions Code.

ATTACHMENT 2

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS
STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
Executive Office
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May 7, 2012

John Frierson
Chair
California State Athletic Commission
2005 Evergreen Street, Suite 2010
Sacramento, CA 95815

RE: Modified Text for 4 CCR Sections 303 and 303.1 Administration or Use of Drugs and Therapeutic Use Exemption

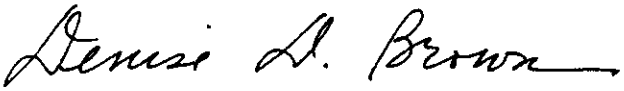
Dear Chairman Frierson,

The Department of Consumer Affairs (Department) has concerns regarding the modified text to the California State Athletic Commission's (Commission) proposed regulations for the administration or use of drugs and establishment of a therapeutic use exemption (exemption) process. In reviewing the modified text, we continue to have concerns as to whether or not the proposed regulations meet the standards of necessity, clarity, and consistency. In an effort to meet these standards, I urge the Commission to incorporate all of the attached standards set forth by the World Anti-Doping Agency to enhance these regulations, with respect to clarity and consistency. In addition we urge the Commission to expound upon the rationale to demonstrate that there is a need for this proposed regulation permitting a therapeutic use exemption, otherwise, we question whether or not the proposed regulations meet the "necessity" criteria. Moreover, it is our belief that the regulations must clearly set forth how those directly impacted will apply for the exemption. We believe that this deficiency can be addressed by setting forth the step-by-step process that will be used in the application phase as well as all other phases of the therapeutic use exemption process. Without the foregoing we do not believe that the six standards: "necessity", "authority", "clarity" "consistency", "reference" and "non-duplication", have been met by these proposed regulations.

With regard to the application itself, the Commission must ensure that the public understands exactly what it is that fighters are required to submit for an exemption. There must be clarity as to the types of tests that must be done as part of the application, a timeline of how long the condition must be monitored prior to application and what types of medical personnel will be allowed to conduct, not only the testing on the athlete, but also permitted to write the actual prescription for the prohibited substance and perform the necessary monitoring of thereafter. This gives the public the ability to weigh in on

For the reasons stated above, the Department urges the Commission to add further modifications to align the proposed regulation language with the national standards on therapeutic use exemptions and to further modify the text so that the mandatory standards set forth by the Office of Administrative Law are met. Thank you for the opportunity to comment on your proposed rulemaking. If you have any questions, please contact Reichel Everheart, Deputy Director for Board and Bureau relations at (916) 574-8200.

Sincerely,



Denise Brown, Director
Department of Consumer Affairs

cc: Reichel Everheart, Deputy Director for Board and Bureau Relations
Tracy Rhine, Deputy Director, Division of Legislative and Policy Review
George Dodd, Executive Officer, California State Athletic Commission

Burns, Kathi@DCA

From: Zach Arnold [puroresupower@hotmail.com]

Sent: Wednesday, May 02, 2012 4:09 AM

To: Burns, Kathi@DCA; Parkman, Elizabeth@DCA; Zach Arnold

Subject: Public comment re: Amended section 303.1 (TUE) for testosterone

Below is the text of my response to the latest revisions/amendment to section 303.1 about Therapeutic Use Exemptions. Thanks for your cooperation in getting my response on the record.

****

After April's hearing in Sacramento for the California State Athletic Commission, the focus on drug testing in Mixed Martial Arts was squarely on one of UFC's highest-profile fighters, Alistair Overeem, because he tested positive for elevated levels of testosterone while being drug tested in Nevada. On April 24th, Mr. Overeem testified in front of the Nevada State Athletic Commission that a doctor from Texas, Hector Oscar Molina, had given him a 'tetra mix' shot for pain killing. The doctor admitted that testosterone was part of this shot. Other drugs in the 'tetra mix' included ketoralac and dexamethasone. Quickly, the media and fight fans did background checks on the doctor in question and found out that his professional medical record was rather controversial. At the Nevada hearing, Mr. Overeem admitted that he had met the doctor through the recommendation of a retired MMA fighter.
The proliferation of fan boy/mark doctors in the fight game is nothing new. However, it is a dangerous situation that remains a threat to the health & safety of professional fighters alike. These doctors often give fighters what they are looking for in terms of prescriptions & treatment in exchange for photographs, tickets, and other perks to increase social status. These are the kinds of doctors who are currently writing prescriptions for drugs such as testosterone, the base chemical for anabolic steroids.

It is the proliferation of mark doctors who are General Practitioners, chiropractors, or age management specialists who are hooking up fighters & trainers with prescriptions for drugs that only medical specialists should be allowed to give. When fighters use drugs like testosterone and steroid in excess, they are damaging their endocrine system. By damaging their endocrine systems, the fighters then get their blood levels tested and end up with prescriptions for testosterone. In essence, this is a process of double-dipping. As has been demonstrated over the last few years by MMA fighters who are proclaiming a need for testosterone usage, the doctors who are writing the prescriptions are not board-certified endocrinologists.

Because of the rampant usage of steroids, testosterone, and other performance-enhancing drugs in Mixed Martial Arts, we now have a wave of MMA fighters who are asking various state athletic commissions for Testosterone Replacement Therapy exemptions. On the same April 24th hearing in Nevada that Mr. Overeem testified at, an entry-level MMA fighter who failed his drug test proclaimed that he was suffering from low testosterone levels. The Nevada commission admitted that they are seeing a rising amount of interest by fighters for Therapeutic Use Exemptions to use testosterone. Incredibly, Nevada's policy on granting TUEs requires only a three-week review before a determination is made on whether to give the exemption to a fighter.

The reaction from both boxers and MMA fighters who are not drug users towards those who are publicly asking for a TUE has been incredulousness at just how little shame there is about past drug usage that led us to this tipping point. The amount of muscular athletes in Mixed Martial Arts who are asking for an exemption in order to use testosterone is so much greater than other major professional sports.

To say that there isn't an performance advantage for fighters using testosterone would be an incorrect assessment. There is clearly a benefit to using testosterone -- otherwise, fighters wouldn't be wanting to use it in the first place. Fighting is a hurt sport. If you give a fighter an edge with testosterone usage, you're giving that fighter extra KO power to inflicting damage on their opponent. The irony with testosterone usage amongst older fighters is that it is allowing fighters to take more concussive damage at an older age, which therefore decreases their testosterone levels and requires them to use more

testosterone just to keep up with the levels of a normal human being. It's a vicious cycle.

The revised text for 303.1 states that the fighter will have to pay for all medical costs incurred for examinations in order to determine qualification for an exemption to use testosterone. Well, in the case of Mixed Martial Arts, so many of the fighters who are admitted testosterone users are very high-profile names that can be of substantial financial value to the two main MMA promoters, UFC and Bellator. UFC is the biggest promoter in the sport, backed by the Fertitta family in Las Vegas. Bellator is backed by Spike TV & Viacom. These promotions have deep pockets. How can any athletic commission be sure that the costs are not being picked up by the promoters instead of the fighters in question? If a big-name fighter wants an exemption to use testosterone and a company can make a lot of money promoting that fighter, the promoter is inclined to be happy to pick up the financial tab. The potential for a conflict of interest is very high here. I don't know how an athletic commission can ensure that a promoter won't pay for the fighter's medical testing to get an exemption for testosterone.

The current process of arbitrarily letting fighters use Testosterone Replacement Therapy without any official guidelines is unacceptable. The proposed amendments to 303.1 might sound good in theory but in reality will just encourage more drug users in combat sports to be shameless in their proclamations of needing testosterone in order to fight. If you want to help clean up drug usage in combat sports, implementing a zero-tolerance policy for testosterone usage would be a productive start.

I oppose any policy that allows a commission to grant Therapeutic Use Exemptions for testosterone usage under any circumstances.

Zach Arnold
fightopinion.com

ATTACHMENT 3

THERAPEUTIC USE EXEMPTIONS

WORLD ANTI-DOPING AGENCY

PREAMBLE

The World Anti-Doping *Code International Standard* for Therapeutic Use Exemptions (TUE) is a Level 2 mandatory *International Standard* developed as part of the World Anti-Doping Program.

The official text of the *International Standard* for TUE shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

The *International Standard* for TUE (version 5.0) will come into effect on 1 January 2011.

6–12

PART ONE: INTRODUCTION, *CODE* PROVISIONS AND DEFINITIONS

1.0 Introduction and Scope

The purpose of the *International Standard* for Therapeutic Use Exemptions is to ensure that the process of granting therapeutic use exemptions is harmonized across sports and countries.

The *Code* permits *Athletes* to apply for therapeutic use exemptions (TUE) i.e. permission to use, for therapeutic purposes, substances or methods contained in the List of *Prohibited Substances* or *Methods* where *Use* would otherwise be prohibited.

The *International Standard* for TUE includes criteria for granting a TUE, confidentiality of information, the formation of Therapeutic Use Exemptions Committees and the TUE application process.

This Standard applies to all *Athletes* as defined by and subject to the *Code* i.e. able-bodied *Athletes* and *Athletes* with disabilities.

[Comment: This Standard will be applied according to an individual's circumstances. For example, an exemption that is appropriate for an Athlete with a disability may be inappropriate for other Athletes.]

The World Anti-Doping Program encompasses all of the elements needed in order to ensure optimal harmonization and best practice in international and national anti-doping programs. The main elements are: the *Code* (Level 1), *International Standards* (Level 2), and Models of Best Practice (Level 3).

In the introduction to the *Code*, the purpose and implementation of the *International Standards* are summarized as follows:

> "*International Standards* for different technical and operational areas within the anti-doping program will be developed in consultation with the *Signatories* and governments and approved by *WADA*. The purpose of the *International Standards* is harmonization among *Anti-Doping Organizations* responsible for specific technical and operational parts of the anti-doping programs. Adherence to the *International Standards* is mandatory for compliance with the *Code*. The *International Standards* may be revised from time to time by the *WADA* Executive Committee after reasonable consultation with the *Signatories* and governments. Unless provided otherwise in the *Code, International Standards* and all revisions shall become effective on the date specified in the *International Standard* or revision."

Standard for Therapeutic Use Exemptions, *WADA* may reverse the decision.

If, contrary to the requirement of this Article, an International Federation does not have a process in place where *Athletes* may request therapeutic use exemptions, an *International-Level Athlete* may request *WADA* to review the application as if it had been denied.

Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (Article 2.1), *Use* or *Attempted Use* of a *Prohibited Substance* or a *Prohibited Method* (Article 2.2), *Possession of Prohibited Substances* and *Prohibited Methods* (Article 2.6) or Administration or *Attempted* Administration of a *Prohibited Substance* or *Prohibited Method* (Article 2.8) consistent with the provisions of an applicable therapeutic use exemption issued pursuant to the *International Standard* for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation.

Code Article 13.4 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption

Decisions by *WADA* reversing the grant or denial of a therapeutic use exemption may be appealed exclusively to *CAS* by the *Athlete* or the *Anti-Doping Organization* whose decision was reversed. Decisions by *Anti-Doping Organizations* other than *WADA* denying therapeutic use exemptions, which are not reversed by *WADA*, may be appealed by *International-Level Athletes* to *CAS* and by other *Athletes* to the national-level reviewing body described in Article 13.2.2. If the national-level reviewing body reverses the decision to deny a therapeutic use exemption, that decision may be appealed to *CAS* by *WADA*.

When an *Anti-Doping Organization* fails to take action on a properly submitted therapeutic use exemption application within a reasonable time, the *Anti-Doping Organization's* failure to decide may be considered a denial for purposes of the appeal rights provided in this Article.

Code Article 14.5 *Doping Control* Information Clearinghouse

WADA shall act as a central clearinghouse for *Doping Control Testing* data and results for *International-Level Athletes* and national-level *Athletes* who have been included in their *National Anti-Doping Organization's Registered Testing Pool*. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organizations*, each *Anti-Doping Organization* shall report all

Substance in his body but the period of Ineligibility applied is shorter than the period provided for in the Code, then all Signatories should recognize the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organization should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]

3.0 Terms and Definitions

3.1 Defined Terms from the *Code*

ADAMS: The Anti-Doping *Admi*nistration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and *WADA* in their anti-doping operations in conjunction with data protection legislation.

Adverse Analytical Finding: A report from a laboratory or other *WADA*-approved entity that, consistent with the *International Standard* for Laboratories and related Technical Documents, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method.*

Anti-Doping Organization: A *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organizations* that conduct *Testing* at their *Events*, *WADA*, International Federations, and *National Anti-Doping Organizations.*

Athlete: Any Person who participates in sport at the international level (as defined by each International Federation), the national level (as defined by each *National Anti-Doping Organization*, including but not limited to those Persons in its *Registered Testing Pool*), and any other competitor in sport who is otherwise subject to the jurisdiction of any *Signatory* or other sports organization accepting the *Code*. All provisions of the *Code*, including, for example, *Testing* and therapeutic use exemptions, shall be applied to international- and national-level

competitors. Some *National Anti-Doping Organizations* may elect to test and apply anti-doping rules to recreational-level or masters competitors who are not current or potential national caliber competitors. *National Anti-Doping Organizations* are not required, however, to apply all aspects of the *Code* to such *Persons*. Specific national rules may be established for *Doping Control* for non-international-level or non-national-level competitors without being in conflict with the *Code*. Thus, a country could elect to test recreational-level competitors but not require therapeutic use exemptions or whereabouts information. In the same manner, a *Major Event Organization* holding an *Event* only for masters-level competitors could elect to test the competitors but not require advance therapeutic use exemptions or whereabouts information. For purposes of Article 2.8 (Administration or

International-Level Athlete: *Athlete*s designated by one or more International Federations as being within the *Registered Testing Pool* for an International Federation.

International Standard: A standard adopted by *WADA* in support of the *Code*. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any Technical Documents issued pursuant to the *International Standard.*

National Anti-Doping Organization: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings, all at the national level. This includes an entity which may be designated by multiple countries to serve as regional *Anti-Doping Organization* for such countries. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

National Event: A sport *Event* involving international- or national-level *Athlete*s that is not an *International Event*.

Out-of-Competition: Any Doping Control which is not In-Competition.

***Possession*:** The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the Person does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the Person knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an Anti-Doping Organization. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.

[Comment to Possession: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization shall establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in

Therapeutic: Of or relating to the treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure.

TUE: Therapeutic Use Exemption approved by a Therapeutic Use Exemption Committee based on a documented medical file and obtained before *Use* or *Possession* of, a substance or method that would otherwise be prohibited by the *Code*.

TUEC: Therapeutic Use Exemption Committee is the panel established by the relevant *Anti-Doping Organization*.

***WADA* TUEC**: *WADA* Therapeutic Use Exemption Committee is the panel established by *WADA*.

[Comment: Each TUE will have a specified duration as decided upon by the TUEC. There may be cases when a TUE has expired or has been withdrawn and the Prohibited Substance subject to the TUE is still present in the Athlete's body. In such cases, the Anti-Doping Organization conducting the initial review of an Adverse Analytical Finding will consider whether the finding is consistent with expiry or withdrawal of the TUE.]

4.3 An application for a TUE will not be considered for retroactive approval except in cases where:

a. Emergency treatment or treatment of an acute medical condition was necessary, or

b. Due to exceptional circumstances, there was insufficient time or opportunity for an applicant to submit, or a TUEC to consider, an application prior to *Doping Control*.

[Comment: Medical emergencies or acute medical situations requiring administration of an otherwise Prohibited Substance or Prohibited Method before an application for a TUE can be made, are uncommon. Similarly, circumstances requiring expedited consideration of an application for a TUE due to imminent competition are infrequent. Anti-Doping Organizations granting TUEs should have internal procedures that permit such situations to be addressed.]

5.0 Confidentiality of Information

5.1 The collection, storage, processing, disclosure and retention of Personal Information in the TUE process by *Anti-Doping Organizations* and *WADA* shall comply with the *International Standard* for the Protection of Privacy and Personal Information.

5.2 An *Athlete* applying for a TUE shall provide written consent for the transmission of all information pertaining to the application to members of all TUECs with authority under the *Code* to review the file and, as required, other independent medical or scientific experts, and to all necessary staff involved in the management, review or appeal of TUEs, and *WADA*. The applicant shall also provide written consent for the decision of the TUEC to be distributed to other relevant *Anti-Doping Organizations* and National Federations under the provisions of the *Code*.

[Comment to 5.2: Prior to collecting Personal Information or obtaining consent from an Athlete, the Anti-Doping Organization shall communicate to the Athlete the information set forth in Article 7.1 of the International Standard for the Protection of Privacy and Personal Information.]

Should the assistance of external, independent experts be required, all details of the application will be circulated without identifying the *Athlete* concerned.

7.0 Responsibilities of International Federations and *National Anti-Doping Organizations*

7.1 Each International Federation shall:

Establish a TUEC as provided in Article 6.

Publish a list of *International Events* for which a TUE granted pursuant to the International Federation's rules is required.

Establish and publish a TUE process whereby any *Athlete* who is in the International Federation's *Registered Testing Pool* or who is entered in an *International Event* described in Article 7.1(b) may request a TUE for a documented medical condition requiring the *Use* of a *Prohibited Substance* or a *Prohibited Method.* Such TUE process shall comply with Article 4.4 of the *Code,* this *International Standard* and the *International Standard* for the Protection of Privacy and Personal Information.

Publish any rule pursuant to which the International Federation will accept TUEs granted by other *Anti-Doping Organizations.*

Promptly report to *WADA,* through *ADAMS*, the granting of all TUEs, including the approved substance or method, dosage, frequency and route of administration, the duration of the TUE, any conditions imposed in connection with the TUE, and its entire file.

Promptly report the granting of a TUE to the relevant *National Anti-Doping Organization* and National Federation.

At *WADA's* request, promptly provide its entire file on any TUE which has been denied.

7.2 Each *National Anti-Doping Organization* shall:

Establish a TUEC as provided in Article 6.

Identify and publish those categories of *Athletes* within its jurisdiction who are required to obtain a TUE before *Using* a *Prohibited Substance* or a *Prohibited Method.* At a minimum, this shall include all *Athletes* in the *National Anti-Doping Organization's Registered Testing Pool* and other national-level *Athletes* as defined by the *National Anti-Doping Organization.*

Establish and publish a TUE process whereby any *Athlete* who is in the *National Anti-Doping Organization's Registered Testing Pool* or who is described in 7.2(b) may request a TUE for a documented medical condition requiring the *Use* of a *Prohibited Substance* or a *Prohibited Method.* Such TUE process shall comply with Article 4.4 of the *Code,* this *International Standard* and the *International Standard* for the Protection of Privacy and Personal Information.

8.0 TUE Application Process

8.1 Unless the rules of their International Federation provide otherwise, the following *Athletes* shall obtain a TUE from their International Federation:

a. *Athletes* in the International Federation's *Registered Testing Pool;* and

b. *Athletes* participating in an *International Event* for which a TUE granted pursuant to the International Federation's rules is required.

8.2 *Athletes* not identified in Article 8.1 shall obtain a TUE from their *National Anti-Doping Organization.*

[Comment to 8.1 and 8.2: Unless the rules of an International Federation provide otherwise, an Athlete who already has a TUE from a National Anti-Doping Organization, but later becomes a member of the International Federation's Registered Testing Pool or seeks to participate in an International Event which the International Federation has identified as requiring an International Federation TUE, shall obtain a new TUE from the International Federation.

The phrase "unless the rules of an International Federation provide otherwise" takes into account the fact that some International Federations, through their rules, are willing to recognize TUEs granted by National Anti-Doping Organizations and do not require a new TUE application at the International Federation level. Where such rules are in place, the Athlete should obtain a TUE from the Athlete's National Anti-Doping Organization.]

8.3 The *Athlete* should submit an application for a TUE no less than thirty (30) days before he/she needs the approval (for instance, an *Event).*

8.4 A TUE will only be considered following the receipt of a completed application form that shall include all relevant documents (see Annex 1 - TUE form). The application process shall be dealt with in accordance with the principles of strict medical confidentiality.

8.5 The TUE application form(s), as set out in Annex 1, can be modified by *Anti-Doping Organizations* to include additional requests for information, but no sections or items shall be removed.

8.6 The TUE application form(s) may be translated into other language(s) by *Anti-Doping Organizations*, but the English or French text shall remain on the application form(s).

8.7 The application shall identify the *Athlete*'s level of competition (e.g., International Federation *Registered Testing Pool),* sport and, where appropriate, discipline and specific position or role.

10.0 Review of TUE Decisions by WADA

10.1 The *WADA* TUEC may, at any time, review the grant of a TUE to an *Athlete* in the International Federation *Registered Testing Pool,* entered in an *International Event* as described in 7.1(b), or a *National Anti-Doping Organization Registered Testing Pool*. In addition to the information to be provided as set forth in Articles 7.1 and 7.2, the *WADA* TUEC may also seek additional information from the *Athlete*, including further studies as described in Article 8.10. If a decision granting a TUE is reversed by *WADA* upon review, the reversal shall not apply retroactively and shall not disqualify the *Athlete's* results during the period for which the TUE had been granted and shall take effect no later than fourteen (14) days following notification of the decision to the *Athlete*.

10.2 An *Athlete* in an International Federation *Registered Testing* Pool, entered in an *International Event* as described in 7.1(b), or *National Anti-Doping Organization Registered Testing Pool* may request that *WADA* review the denial of a TUE by submitting a written request for review to *WADA* within twenty-one (21) days of the date of the denial. An *Athlete* submitting such a request for review to *WADA* shall pay an application fee as established by *WADA* and shall provide to the *WADA* TUEC copies of all information that the *Athlete* submitted to the *Anti-Doping Organization* in connection with the TUE application. The *WADA* TUEC will assess the request based on the file that was available to the *Anti-Doping Organization* that has denied the TUE but may, for the sake of clarification, seek additional information from the *Athlete*, including further studies as described in Article 8.10. Until the *WADA* review process has been completed, the original TUE denial remains in effect. If *WADA* reverses the denial of a TUE, the TUE shall immediately go into effect in accordance with the conditions set forth in the *WADA* decision.

10.3 Decisions by *WADA* to affirm or reverse the TUE decisions of an *Anti-Doping Organization* may be appealed to *CAS* as provided in Article 13 of the *Code*.

11.0 Previously Granted Abbreviated Therapeutic *Use* Exemptions (ATUEs)

11.1 All previously granted ATUEs that have not already expired or been cancelled shall expire on December 31, 2009.

2. Medical information

Diagnosis with sufficient medical information (see note 1):

_____

_____

_____

_____

If a permitted medication can be used to treat the medical condition, provide clinical justification for the requested use of the prohibited medication

_____

_____

_____

3. Medication details

Prohibited substance(s): Generic name	**Dose**	**Route**	**Frequency**
1.			
2.			
3.			

Intended duration of treatment: (Please tick appropriate box)	once only ☐ emergency ☐ or duration (week/month): _____

Have you submitted any previous TUE application: **yes** ☐ **no** ☐

For which substance?

_____

To whom? _____ When? _____

Decision: Approved ☐ Not approved ☐

6. Note:

Note 1	**Diagnosis** *Evidence confirming the diagnosis shall be attached and forwarded with this application. The medical evidence should include a comprehensive medical history and the results of all relevant examinations, laboratory investigations and imaging studies. Copies of the original reports or letters should be included when possible. Evidence should be as objective as possible in the clinical circumstances and in the case of non-demonstrable conditions independent supporting medical opinion will assist this application.*

Incomplete Applications will be returned and will need to be resubmitted.

Please submit the completed form to the ADO and keep a copy for your records.

ATTACHMENT 4

USADA POLICY FOR THERAPEUTIC USE EXEMPTIONS.
Effective January 1, 2011.

1) **General Principles**

USADA's Policy for Therapeutic Use Exemptions is based upon the relevant provisions of the World Anti-Doping Code (the "*Code*")[1] and the provisions of the World Anti-Doping Agency ("WADA") International Standard for TUEs ("IS TUE") which are incorporated herein as if fully set forth. This Policy is informed by the following general principles which provide the context for USADA's Policy.

It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. **Source:** *Code*, Article 2.1.1.

Athletes with documented medical conditions requiring the use of a *Prohibited Substance* or a *Prohibited Method* must request a therapeutic use exemption ("*TUE*") from their International Federation ("IF") or USADA. For certain major competitions such as the Olympic Games and the Pan American Games TUEs must be sought directly from the event organizer and a USADA TUE or TUE from an IF will not be sufficient. **Source:** *Code*, Article 4.4.

Athletes who are in the IF's *Registered Testing Pool* or who intend to compete in an *International Event* may only obtain *TUEs* in accordance with the rules of their IF or the event organizer. **Source:** *Code*, Article 4.4.

Each IF shall publish a list of those *International Events* for which a *TUE* from the IF is required. **Source:** *Code*, Article 4.4.

All *Athletes* in the USADA *Registered Testing Pool* ("USADA RTP") who require a *TUE* and who have not gotten a *TUE* from their IF must contact USADA. USADA will recognize a valid *TUE* obtained from an *Athlete's* IF.

An application for a *TUE* will not be considered for retroactive approval except in cases where:

a. emergency treatment or treatment of an acute medical condition was necessary, or

b. due to exceptional circumstances, there was insufficient time or opportunity for an applicant to submit, or a therapeutic use exemption committee ("*TUEC*") to consider, an application prior to doping control.

---

[1] Capitalized and italicized terms have the meaning set forth in the Definitions Section of the World Anti-Doping Code or the International Standard for Therapeutic Use Exemptions.

3) **International Level Athletes**
USADA's TUE Policy does not apply to *International-Level Athletes*. USADA will assist *International-Level Athletes* in the USADA RTP with forwarding applications for *TUEs* if such requests for USADA assistance are made at least 21 days in advance of the *Athlete's Use* of the medication where prohibited in sport.

Some IFs have granted USADA authority to process *TUEs* for *International-Level Athletes* who are U.S. citizens; USADA will process their *TUE* applications in accordance with the rules of the IF and the IS TUE.

WARNING: If a National Level Athlete competes in an *International Event* they may be required to obtain a TUE in advance from the relevant IF. It is the responsibility of every *Athlete* to investigate the applicable TUE requirements before competing in an *International Event*.

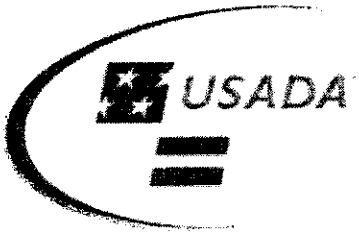
4) **National Level Athletes**
USADA will process *TUE* applications for National Level Athletes in accordance with the IS TUE.

a) A National Level Athlete may apply to USADA for a *TUE* for any substance at any time, however, such applications must be complete and received by USADA at least twenty-one (21) days in advance of any use prohibited in sport.

b) TUEs will only be considered for retroactive approval in accordance with the strict criteria set forth in the IS TUE.

5) **Non-National Level Athletes**
a) Non-National Level Athletes are required to obtain a TUE in advance for all prohibited substances with the exception of a **first** *AAF* caused by one or more of the following:
   i) substances prohibited only in-competition or prohibited by particular sports,
   ii) the class of "Diuretics and Other Masking Agents",
   iii) Beta-2 agonists,
   iv) Insulin where the athlete can demonstrate diagnosis of insulin-dependent diabetes.

TUEs will be obtained in the same manner as for National Level Athletes as set forth in Section 4 above.



UNITED STATES ANTI-DOPING AGENCY

Substances

WADA Prohibited List

Therapeutic Use Exemptions (TUE)

Determine If You Need a TUE

How to Apply for a TUE

TUE FAQs

USADA TUE Policy

Wallet Card

Nutritional Supplements

Effects of Substances

Global DRO

Drug Reference Phone Line

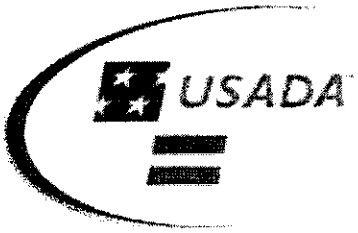
Energy Drink Awareness

Determine If You Need a Therapeutic Use Ex

1. Research your medication using Global DRO and note the status, route, a testing pool, it's important to note the difference between substances whi those substances which are prohibited at all times.
2. Determine your athlete category.
3. Consult the table below to determine the requirements for that substance

DETERMINE IF YOU NEED A Therapeutic Use Exemption

Athlete Category	The substance is PROHIBITED In -Competition Only	The subst at all time Out-of-Co
International Federation Registered Testing Pool (or any athlete competing in an Internationally sanctioned event) **(Level 1 Athlete)**	You need a TUE prior to using any prohibited substance or method.	You need a prohibited s
USADA Registered Testing Pool (Level 1 athlete)	You need a TUE prior to using any prohibited substance or method.	You need a prohibited s
All other athletes not in a testing pool (Non-National Level Athletes) **(Level 2 athlete)**	A TUE is not needed in advance of a competition for only those substances which are prohibited only during competition. **Why Not**	A TUE is ne prohibited- except for a include: 1 - Diuretic 2 - Beta-2 3- Insulin (diagnosed diabetes.)



UNITED STATES ANTI-DOPING AGENCY

Substances

WADA Prohibited List

Therapeutic Use Exemptions (TUE)

Determine If You Need a TUE

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Effects of Substances

Global DRO

Drug Reference Phone Line

Energy Drink Awareness

How to Apply for a TUE

1. **Download appropriate application form (Left column)**

   AND

2. **Download specific medical information (Right column)**
3. **Bring ALL forms to your doctor.**
4. **Submit COMPLETED application to USADA.**

Step 1

Therapeutic Use Exemption Application Form PDF

Sport Specific TUE Application Forms:

Archery (FITA) PDF

Badminton (BWF) PDF

Basketball (FIBA) PDF

Bobsled and Skeleton (FIBT) PDF

Cycling (UCI) PDF

Field Hockey (FIH) PDF

Paralympics (IPC) PDF

Rowing (FISA) PDF

Tennis (ITF) PDF

Track and Field (IAAF) PDF

Volleyball (FIVB) PDF

World Masters Athletics (WMA) PDF

Wrestling (FILA) PDF

Adrenal I

Anaphyla

Androger (testoste

Asthma (

ADD/ADH

Chronic i

Diabetes

Growth h

Growth h children

Growth h

Hyperten

Infertility Syndrom

Intraven

Musculos

Narcolep

Post Infe

Renal Tra

Sinusitis/

6–40

USADA

Athlete Name:_____

Therapeutic Use Exemption (TUE) Application

The following sports require a different application form (found on www.usada.org/tue-apply): Badminton(BWF); Basketball(FIBA); Bobsled and Skeleton (FIBT); Canoe (ICF); Field Hockey (FIH) Paralympics (IPC); Tennis(ITF); Track and Field(iAAF); Wrestling(FILA); Volleyball(FIVB).

1. Basic Athlete Information

Last Name: ..... **First Name:** .....

Female ☐ **Male** ☐ **Date of Birth (month/day/year):** .....

Mailing Address: .....

City: ..... **State:** ..... **Zip Code:** .....

Daytime Phone: ..... **Sport:** .....

Email: .....
(by entering an email address, you agree to receive communication about this TUE by email.)

If you would like to nominate someone else to speak to USADA regarding this TUE application, please list their name(s) and relationship here :

Please list any upcoming National/International Events you intend to participate in (INCLUDE DATES):

☐ **I plan to compete in the London 2012 Olympic and/or Paralympic Summer Games**

2. Athlete Declaration:

I, ..., certify that the information is accurate and that I am requesting approval to use a Substance or Method from the World Anti-Doping Agency (WADA) Prohibited List. I authorize the release of personal medical information to USADA including its Therapeutic Use Exemption Committee (TUEC) as well as to WADA staff, to the WADA TUEC, and to the appropriate International Federations and their TUEC under the provisions of the WADA Code. I understand that if I ever wish to revoke the right of the Anti-Doping Organization TUEC or WADA TUEC to obtain my health information on my behalf, I must notify my medical practitioner in writing of that fact.

By completing and submitting this form I consent to the use for legitimate anti-doping purposes of the information provided in this form and in all past or future filings or documents submitted to USADA (including all whereabouts filings, updates, doping control forms, TUE filings and other filings) by USADA and other anti-doping organizations.

I understand that International and National-Level Athletes should submit the Form to USADA and USADA will forward the Form to the appropriate Governing Body and/or TUEC. I understand that using any prohibited substance is at my own risk of committing a doping violation until my request has been approved and I receive approval in writing from USADA and/or my IF (if applicable).

Athlete's signature: _____ **Date:**_____

Parent's/Guardian's Signature: _____ **Date:** _____
(If the athlete is a minor or has a disability preventing him/her to sign this form, a parent or guardian shall sign together with or on behalf of the athlete.)

Office Use only:
Assigned #_____ TUEC Case #_____ TUE Authority:_____ Pool Status : ITP NTP NNP None

USADA

Athlete Name:_____

4. Medical practitioner's declaration (CAPITAL LETTERS)

I certify that the above-mentioned treatment is medically appropriate and that the use of alternative medications not on the Prohibited List would be unsatisfactory for this condition.

Name: .....

Medical Speciality:.....

Address, State, Zip: .....

Tel.: ..... **Fax *(optional)*:** .....

E-mail: .....

Signature of Medical Practitioner: ..... **Date:** ..... .

No TUE will be in effect until the athlete is notified following review of the documentation.

Please submit your application to the U.S. Anti-Doping Agency and keep a copy for your records.

By Mail:
United States Anti-Doping Agency
ATTN: TUE Department
5555 Tech Center Dr Suite 200
Colorado Springs, CO 80919

By Fax: (719) 785-2029

By E-mail: tue@usada.org

If you do not receive confirmation of receipt within 3 business days, please contact the TUE Administrator on 719 785-2045 immediately.

For more information, check your medications GlobalDRO: www.GlobalDRO.com
Or contact the Drug Reference Department: (800) 233-0393, or drugreference@usada.org

Office Use only:
Assigned #_____ TUEC Case #_____

Therapeutic Use Exemption – TUE Application Form

for Wrestling

Please complete all sections in capital letters or typing

1. Athlete Information

First Name:	☐ Male ☐ Female	**Nationality:**
Last Name:	**Discipline (GR/FS/FW):**	**Weight category:**
Address:	**Postcode:**	**City:**
	Country:	
Date of birth (day/month/year):	**FILA License Number:**	
Phone:	**Mobile Phone:**	
Email:		

Please mark the appropriate box:

☐ I am part of FILA Registered Testing Pool
☐ I am part of a National Anti-doping Organization Testing Pool
☐ I am participating in an International Federation event for which a TUE granted pursuant to FILA's rules is required[1] - Name of the competition:
☐ None of the above

If athlete with disability, indicate disability:

6–45

[1] Refer to our website www.fila-wrestling.com for the list of designated events

4. Medical practitioner's declaration

I certify that the above-mentioned treatment is medically appropriate and that the use of alternative medication not on the prohibited list would be unsatisfactory for this condition.	
First Name:.....	Last Name:.....
Medical speciality:.....	
Address:.....	
Tel:.....	Fax:.....
Email:.....	
Signature:	Date:.....

5. Athlete's declaration

I, ... certify that the information under *1* is accurate and that I am requesting approval to use a Substance or Method from the WADA Prohibited List. I authorize the release of personal medical information to the Anti-doping Organization (ADO) as well as to WADA authorized staff, to the WADA TUEC (Therapeutic Use Exemption Committee) and to other ADO TUEC and authorized staff that may have a right to this information under provisions of the Code.

I understand that my information will only be used for evaluating my TUE request and in the context of possible anti-doping violation investigations and procedures. I understand that if I ever wish to (1) obtain more information; (2) exercise my right of access and correction or (3) revoke the right of these organizations to obtain my health information, I must notify my medical practitioner and my ADO in writing of that fact. I understand and agree that it may be necessary for TUE-related information submitted prior to revoking my consent to be retained for the sole purpose of establishing a possible anti-doping rule violation, where this is required by the Code.

I understand that if I believe that my personal information is not used in conformity with this consent and the International Standard for the Protection of Privacy and Personal Information I can file a complaint to WADA or CAS.

Athlete's signature:.....	Date:.....

Parent's/Guardian signature:.....

(if the athlete is a minor or has a disability preventing him/her to sign this form, a parent or guardian shall sign together with or on behalf of the athlete)

6–47

USADA

U.S. Anti-Doping Agency

TUE applications for Testosterone-Physician Worksheet

Attention Physicians- USADA will not process any Therapeutic Use Exemption for an athlete for the use of Testosterone unless we receive all of the requested documents in the checklist below. As you prepare the medical file, please keep the following points in mind:

- The Therapeutic Use Exemption Committee (TUEC) must review the entire work-up for hypogonadism. They need enough medical information, clinic notes and laboratory testing notes *to make the same diagnosis, and arrive at the same treatment plan as you without ever seeing the patient*.
- It is extremely unlikely that a Therapeutic Use Exemption will be approved for "functional" hypogonadism (a diagnosis of hypogonadism based on low testosterone levels but without a defined etiology).
- The International Standard for Therapeutic Use Exemptions specifically states that "low-normal" levels of any hormone will not justify the granting of a TUE.
- USADA will not grant TUEs for testosterone to females, including Hormone Replacement Therapies that contain testosterone, because there are permitted therapeutic alternatives available.
- The use of testosterone as an anti-aging medication for men is not justification for a TUE. Similarly, generalized fatigue, slow recovery from exercise and a decreased libido are not, in isolation, justification for the granting of a TUE for testosterone.

Required Documentation for a TUE application (please check these items as you add them to the application- if any items are unchecked, the application is incomplete and will be returned to the athlete):

- ☐ A completed TUE application form. Note, there are sections of the TUE application form that should be filled out by the physician.
- ☐ The tables on the next page completely filled out. You must provide *at least two baseline T measurements* (i.e measurements of T without any T therapy). If the athlete has been on T therapy, it should be discontinued for 1-2 months and then two baseline T measurements should be taken in the morning on two separate visits)
- ☐ A letter from the doctor clearly stating:
  - The diagnosis and the pertinent medical history
  - The conclusions made by the doctor based on the physical exams
  - The conclusions made by the doctor based on these lab tests.
- ☐ An appendix with copies of ALL PERTINENT LAB TESTS IN CHRONOLOGICAL ORDER.
  - A cover sheet for this appendix is provided in this packet. Please place this cover sheet on top of the lab tests before you scan, mail, or fax the packet to USADA so that we can clearly identify them.
- ☐ An appendix with copies of ALL RELEVANT CLINICAL NOTES IN CHRONOLOGICAL ORDER
  - A cover sheet for this appendix is provided in this packet. Please place this cover sheet on top of the lab tests before you scan, mail, or fax the packet to USADA so that we can clearly identify them.

Office Use Only: Assigned #_____ Case #_____

USADA

U.S. Anti-Doping Agency

Attachment 1: Laboratory Tests organized in Chronological order.

Please place this coversheet on top of the copies of the laboratory tests that you have noted in the Hormone Measurements table, and that you are using as the basis of your diagnosis.

Office Use Only: Assigned #_____ Case #_____

WORLD ANTI-DOPING AGENCY

ANDROGEN DEFICIENCY/MALE HYPOGONADISM

1. Medical Condition

Hypogonadism in men is a clinical syndrome that results from failure of the testes to produce physiological levels of testosterone (androgen deficiency) and in some instances normal number of spermatozoa (infertility) due to disruption of one or more levels of the hypothalamic-pituitary-testicular axis. The two distinct yet interdependent testicular functions, spermatogenesis and steroidogenesis (androgen production), operate and can fail independently. Androgen deficiency is the focus of this document.

2. Diagnosis

A. Etiology

Androgen deficiency may be primary, due to a problem with the testes, or secondary, due to a problem with the hypothalamic-pituitary-gonadal axis or combined primary and secondary. The etiology of androgen deficiency may be organic, in which there is a pathological physical change in the structure of an organ or within the hypothalamic-pituitary-testicular axis. Androgen deficiency may be functional in which there is no observable pathological change in the structure of an organ or within the hypothalamic-pituitary-testicular axis. Organic defects are usually long lasting or permanent while functional defects are potentially reversible.

Organic causes of androgen deficiency *

Organic primary androgen deficiency may be due to:

1. Genetic abnormalities – Klinefelter's Syndrome and variants (i.e. 47,XYY/46XY, 46,XX testicular DSD, 45,X/46,XY), dysgenetic testes, myotonic dystrophy

2. Developmental abnormalities – cryptorchidism, congenital anorchia

3. Metabolic abnormalities – hemochromatosis (usually consistent with secondary hypogonadism)

4. Direct testicular trauma, surgical bilateral orchidectomy, testicular torsion

5. Orchitis – severe bilateral with subsequent testicular atrophy due to mumps or other infections.

6. Radiation treatment or chemotherapy

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TUE should only be approved for androgen deficiency that has an organic etiology. TUE should not be approved for androgen deficiency due to functional disorder. TUE for androgen deficiency should not be approved for females.

* The list is representative of observed conditions and not necessarily complete

** May be approved for limited time until puberty is attained

B. Medical Evaluation

The TUE application must include the following information submitted to the appropriate Antidoping organization (ADO). This information must be submitted in a letter from the treating physician (preferably a specialist in endocrinology). This submission must include information listed below, dates of evaluation, copies of laboratory and testing results. If androgen deficiency is iatrogenic in origin (orchiectomy, pituitary surgery or irradiation, radiotherapy or chemotherapy), details of the diagnosis and treatment including surgery reports should be submitted. The evaluation for androgen deficiency, unless otherwise stated, must include:

1. History:
   a. Pubertal progression - incomplete or delayed sexual development
   b. Reduced libido and sexual activity
   c. Decreased spontaneous erections and/or ejaculations
   d. Hot flushes, sweats
   e. Non specific symptoms – decreased energy, depressed mood, dysthmia, poor concentration, sleep disturbance, hypersomnolence, mild anemia, reduced muscle bulk & strength, increased body fat and BMI, diminished work performance
   f. Low or zero sperm count (may not be associated with low testosterone)
   g. Low bone density (loss of height or low trauma fractures)
   h. History of cryptorchidism, torsion or significant testicular injuries
   i. History of significant head injuries
   j. History of orchitis
   k. Family history of delayed puberty

2. Physical Exam:
   a. Gynecomastia
   b. Changes in hair pattern (axillary & pubic), reduced shaving, absence of temporal recession
   c. Decreased testicular volume (small testes) <15cc by orchidometry or ultrasound

3. Testing/Laboratory evaluation (blood drawn in the morning) to demonstrate consistent androgen deficiency should be provided with the TUE application including:
   a. Total testosterone – assay using an accurate and reliable method

3. Testosterone may be administered by oral preparation testosterone undecanoate, usually twice or thrice daily with meals. 17α-methyl testosterone is not suggested due to hepatotoxic side effects and potential liver toxicity.

4. Human Chorionic Gonadotropin (hCG) may be used in doses of 1000-2000 IU IM 2-3 times per week for those individuals requesting fertility. Higher doses may be needed in some men in order to maintain physiological testosterone levels. FSH, if required, is not a prohibited substance.

C. Monitoring dosage

The dosage and frequency are to be determined by the prescribing endocrinologist utilizing standard dosage regimens. The dosage should be monitored with trough serum testosterone levels for injectable testosterone. The testosterone product, dosage and timing of the previous treatment with injectable testosterone products must be recorded and submitted for annual review or for dosage changes. Gel testosterone can be monitored by serum testosterone levels at any time. HCG should be monitored with trough serum testosterone levels. The dosage and timing of treatments with hCG must be recorded and submitted for annual review or for dosage changes. Any change in product, dosage or treatment schedule of testosterone or hCG should be approved by ADO.

D. Duration of treatment

The duration of treatment may be lifelong but annual renewal including evidence of well-controlled therapy including dosage and timing of treatments, serum testosterone levels must be submitted for review.

4. Other non-prohibited alternative treatments?

If the diagnosis is confirmed, there is not a non-prohibited substance alternative treatment.

5. Consequences to health if treatment is withheld

Under developed genitals (if before puberty), muscle weakness, osteoporosis, diminished libido, erectile dysfunction/impotence, infertility, depression.

9. References

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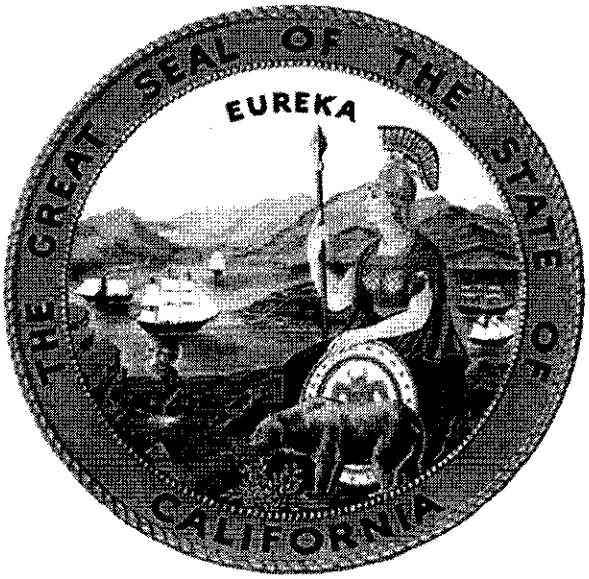
Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 8
Applicants for Referee and Judge



Chairman John Frierson

George Dodd, Executive Officer

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

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 8a
June 4, 2012

Applicant For MMA Judge

Subject:

Wade Vierra - MMA Judge

Summary: I have reviewed the documentation, including a breakdown of all amateur MMA experience that Mr. Vierra has provided to be licensed as a professional judge for mixed martial arts. Mr. Vierra has been involved with mixed martial arts since 1976. Mr. Vierra was a professional kick boxer with the Professional Kickboxing Association, the Athletic Amateur Union and the International Sports Kickboxers Association for eleven years and he is a certified official for the International Sports Combat Federation.

Recommendation: According to rule 543, Mr. Vierra meets the requirements for licensure as a judge. Mr. Vierra has two years documented experience referring mixed martial arts or kickboxing matches with a minimum of 50 matches; has been found to be physically and mentally fit to referee a mixed martial arts contest; and performed a demonstration of competency by performing as a judge. Mr. Vierra has worked closely with professional referee/judges who are currently licensed by the State Athletic Commission over the past two years. His recommendations come from current licensed officials who have been involved with mixed martial arts since it started back in the early 1990's.

Since Mr. Vierra's experience is from working professional events I recommend Mr. Vierra be granted a permanent license as judge for mixed martial arts.

November 15, 2010

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

RE: MMA Judging and Referee License.

Mr. George Dodd,

I am interested in becoming a MMA Judge and Referee, and would like to apply for a MMA Judging and Referees License.

To give you some background: After working as a Martial Arts Instructor for several years in North Highlands karate school (1979 to 1983), I then opened my own Martial Arts school, in Citrus Heights in 1984, and have had one of the most successful Martial Arts schools in the area.

I am certified in Martial Arts and a licensed instructor. I have trained in advance levels of self-defense since 1976, training in several different styles. At present, I am a seventh degree black belt in Taekwondo Karate AAU/UWTA. I also have black belts in Kodenkan Judo, Dan Zan Ryu Ju-Jitsu and a Brown belt in Gracie Jiu-Jitsu.

I was professional kick boxer with the PKA, AAU and ISKA from 1979 thru 1990, and, I even fought BOXING\MMA referee Dan Stell (TRULY one of The BEST Kickboxing Referees in the Nation) back in 1989 in Fairfield, CA.

I have judged and participated in Martial Arts events all over the Nation and World. I was a two time World Champion, ten time National Champion, and I have been training MMA fighters for the past 15 years.

Sincerely,

Wade Vierra
[redacted]

George Dodd

From: [redacted]
Sent: Tuesday, April 05, 2011 11:39 AM
To: George Dodd
Subject: letter

----- Forwarded Message -----
From: [redacted]
To: [redacted]
Sent: Monday, March 21, 2011 1:52:30 PM
Subject: letter

Dear George,

This is a letter of recommidation for Wade Vierra. I've know Vierra for 20 some years now. He has been active in Martial Arts even was a fighter.
He has been working with us in Reno officiating mma bouts, also i know he knows how to judge kickboxing.

thank you
Dannie Stell

8A-3

ISCF

INTERNATIONAL SPORT COMBAT FEDERATION

P.O. BOX 1205, 9250 Cypress Street
NEWCASTLE, CA, 95658, USA
(916) 663-2467 - FAX: (916) 663-4510
ISCFMMA.com

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

Hi George,
I would like to take an opportunity to offer a formal recommendation for Wade Vierra. As the President and CEO of International Fight Sports, I have known Wade for approximately 25 years and feel that he is a deserving candidate to be a licensed MMA Official for the California State Athletic Commission (CSAC).

Wade has been involved with Martial Arts for over 40 years. Since being an ISCF MMA Officials he has demonstrated an incredible initiative and a strong dedication to MMA as part of our ISCF MMA organization. He has worked hard with successful results to be an important part of the ISCF Officials team.

Wade leads by example and many people here find his enthusiasm and dedication both inspiring and motivating. As an ISCF Certified Official, Wade has also worked hard to build authentic relationships with other Officials and Inspectors and in doing so he has created a more productive team.

I believe Wade exhibits many of the qualities that are essential to be a CSAC licensed MMA Official. I highly recommend Wade Vierra for your program and hope that you will consider his application.

Sincerely,

ISCF MMA, President
International Fight Sports, CEO/President, IFightSports.com

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

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 8b
June 4, 2012

Applicant For MMA Referee/Judge

Subject:

Mark Lawley - MMA Referee/Judge

Summary: I have reviewed the documentation that Mr. Lawley has provided to be licensed as a professional referee/judge for mixed martial arts which included a breakdown of all amateur MMA experience. Mr. Lawley has been involved with mixed martial arts since 1997 and has attended John McCarthy's referee course, approved by the Association of Boxing Commission.

Recommendation: Mr. Lawley has two years documented experience refereeing amateur mixed martial arts or kickboxing matches with a minimum of 100 matches; has been found to be physically and mentally fit to referee a mixed martial arts contest; has performed a demonstration of competency by performing as a referee in mixed martial arts matches before a representative of the commission; and has judged at least 50 mixed martial arts contests. Mr. Lawley has worked closely with professional referee/judges who are currently licensed by the State Athletic Commission over the past two 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.

Mr. Lawley's experience is only with amateur events. I, therefore, recommend Mr. Lawley be issued a temporary permit as a mixed martial arts referee/judge since there is a different skill level required for a professional referee/judge. This will allow Mr. Lawley to demonstrate his competency at the professional level.

I am prior military and have been working as a Police Officer for the state of California for the last ten years. I have been involved in Mixed Martial Arts since 1982. I haved trained in Boxing, Kickboxing, Shootboxing, Karate, Judo, Jui-Jitsu, Kali and Jeet Kune Do.

I am a 4th degree black belt in Japanese Goju-Ryu Karate.

I am a certified weaponless defense instructor per P.O.S.T. (Peace Officers Standards and Training).

I am a level 1 certified Army Combatives instructor.

I am a certified M.M.A. referee through Big John McCarthy and C.O.M.M.A.N.D.

I am a Mixed Martial Arts Referee and Judge for C.A.M.O.

I ran a Mixed Martial Arts school and fight team from 2002 to 2009 with a team record of 49 wins and 13 losses. I have coached, cornered and fought in the cage myself with success.

With my experience in Mixed Martial Arts and my strong work ethic I think I would make a valuable pro referee. I would continously strive to improve my skills as a referee and improve Mixed Martial Arts as a whole.

Thank you,

Mark Lawley

THIS IS TO CERTIFY THAT

Mark Lawley

HAS SUCCESSFULLY MET THE REQUIREMENTS
FOR THE COMMAND PROGRAM
AND IS NOW CERTIFIED AS A MIXED MARTIAL ARTS REFEREE

Valencia, CA
COURSE LOCATION

October 27, 2009
DATE

JOHN MCCARTHY – HEAD INSTRUCTOR

Sacramento Regional Public Safety Training Center

Certificate of Completion

Mark A. Lawley

has satisfactorily completed a course in

Weaponless Defense Instructor

POST Certification #2970-21635-09001
STC Certification #0218-008086

consisting of 80 hours of instruction

dated this 25th day of September, 2009

Leo Green

Leo Green
Training Program Coordinator

American River College / Los Rios Community College District

8B-4

天使剛柔会

剛柔流空手道

I, THE TEACHER, CERTIFY THAT:

_____

HAS ACHIEVED THE LEVEL OF:

_____

In the hard and soft Karate style of the Tenshi Goju Kai

on this _____ **day of** _____ **19**____

It is expected that this person will continue to achieve and develop throughout his life in the way of Karate.

魂

_____

Lou Angel, Hanshi

_____

Instructor

8B-5

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

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 8c
June 4, 2012

Applicant For MMA Referee/Judge

Subject:

Michael Bell - MMA Referee/Judge

Summary: I have reviewed the documentation that Mr. Bell has provided to be licensed as a professional referee/judge for mixed martial arts which included a breakdown of all amateur MMA experience. Mr. Bell has been involved with mixed martial arts since 1996 and has attended John McCarthy's referee course, approved by the Association of Boxing Commission.

Recommendation: According to rule 543, Mr. Bell meets the requirements for licensure as a referee/judge. Mr. Bell has two years documented experience refereeing mixed martial arts or kickboxing matches with a minimum of 100 matches; has been found to be physically and mentally fit to referee a mixed martial arts contest; has performed a demonstration of competency by performing as a referee in mixed martial arts matches before a representative of the commission; and has judged at least 50 mixed martial arts contests. Mr. Bell has worked closely with professional referee/judges who are currently licensed by the State Athletic Commission over the past two 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.

Since Mr. Bell experience is from working amateur events, I recommend Mr. Bell be issued a temporary permit as a mixed martial arts referee/judge since there is a different skill level required for a professional referee/judge. This will allow Mr. Bell to be mentored; working closely with professional referees and judges while allowing Mr. Bell to demonstrate his competency at the professional level.

Michael Bell
[redacted]

March 30th, 2012

To the Honorable Chairman and Members of the California State Athletic Commission:

My name is Michael Bell, and I applying for my license as a Professional Mixed Martial Arts Judge and Referee in the state of California. I am aware of rule 543(f) that requires anybody applying for a license as a judge in Mixed Martial Arts to at least have judged 50 MMA contests. I have judged 236 bouts, and have been a referee for 107 bouts., and continue to do so with CAMO.

- I have taken and passed the COMMAND Referee and Judging course, and have passed both.
- I have judged 38 events and judged a total of 236 fights. I have been a referee for 25 events and have been a referee for 107 fights.
- I have taken Doc Hamilton's class for the MAAS scoring system on January 22, 2011, and have used that scoring system in CAMO ever since.
- I started taking Brazilian Jiu-Jitsu in 1996, and have been involved in Mixed Martial Arts ever since.

I am a firm believer in being a team player and continually developing your skills. My work habits have transferred to CAMO, as I have taken several assignments with CAMO. I have been very fortunate to work with some of the best officials in the business, as their feedback and coaching has aided in my development tremendously. My experience with CAMO, as well as my long tenure of involvement in the sport, has led me to where I believe I will be a valuable asset to the California State Athletic Commission. When given the opportunity to obtain my professional license as a judge and/or referee, I will demonstrate the skills that I have developed, and will continue to develop them. I will display an intense work ethic, and will be a dependable member of this team. Thank you for this opportunity, and I look forward to working with even more great officials in the sport that I am truly passionate about.

Sincerely yours,

Michael Bell

David Michael Bell I[redacted]
(No Subject)
March 30, 2012 5:15 PM

January 3, 2012

Dear Mr. Dodd,

This letter confirms our support of referee/judge Michael Bell as he pursues a professional license to referee/judge with the California State Athletic Commission ("CSAC").

Mr. Bell is licensed as a referee/judge with the California Amateur Mixed Martial Arts Organization, Inc. ("CAMO") and his performance has been exceptional. As a prerequisite to become a CAMO-licensed judge, Mr. Bell successfully completed the COMMAND referee/judge course which is the most comprehensive and intense official training in the country. Per our records, Mr. Bell has never been subject to any disciplinary action or grievance proceedings. He has never been late for an assignment, rejected an assignment or otherwise failed to perform his duties. During his time in the CAMO program, Mr. Bell has judged/refereed in a wide variety of venues that range from small outdoor venues to large crowds.

In our opinion, Mr. Bell has a profound understanding of mixed martial arts and is a tremendous asset to the CAMO team. In additional to his work as an official, Mr. Bell has worked extensively as a licensed inspector with CAMO where he has excelled as well. If you need any additional information, we will be immediately available to assist you.

Best,

J.T. Steele | President

1010 Wilshire Blvd #311 Los Angeles CA 90017 • T/213.908.2185 • F/ 213.908.2186 • www.camo-mma.org

To Mr. George Dodd, Executive Officer of the California State Athletic Commission

Dear Mr. Dodd

This letter is to inform you of my association and dealings with Mr. Mike Bell who is currently applying for a license as a judge with the California State Athletic Commission for Mixed Martial Arts.

Mike has been raised around the martial arts and has been active in Mixed Martial Arts for as long as I have known him, which is over 6 years. Mike currently trains in Brazilian Jiu-Jitsu and has done so for many years. His level of knowledge in both the grappling arts and the striking arts is at a level that far exceeds many people who are currently licensed by our state right now. Approximately two years ago Mike took and successfully passed my judging course in Valencia California. My course consists of two days of at least 12 hours classes that focus on the sport of MMA along with the techniques used by the fighters. The judging of numerous videotaped fights take place with a back and forth critique of the actual fight and the way the judges are viewing the fight. At the end of the course the participants are given three separate tests, which they must pass with a score of 90% or better. Mike has also taken and completed my referee course showing his passion and desire to better himself and to gain as much knowledge as possible. Mike has since moved on to judging and refereeing for the CAMO organization.

During his time with the CAMO organization I have personally worked with Mike, watched and reviewed fights scored and refereed by Mike and would have scored those fights exactly the same as he did. His knowledge in the sport of MMA is at a very high level comparable to judges that have years of experience in our sport. Mike would be an outstanding addition to the pool of judges currently licensed by the California State Athletic Commission. He could step right in and judge any fight fairly and with the highest degree of knowledge and integrity. I would not be writing this letter if I were not 100% confident in Mike's abilities as a judge or his character as a person. Mike would step into this position with a personality that allows him to get along with everyone he comes in contact with and desire to help out in anyway that could help make the "Team" better.

Mike is absolutely ready for this next step and deserves your consideration and the consideration of the Honorable Members of the California State Athletic Commission to become a licensed judge for our state.

Sincerely,

John McCarthy

Mike Beltran

[redacted]

November 25. 2011

Dear California State Athletic Commission.

The purpose of this letter is to provide information regarding Mr. Michael David Bell for the position of Professional Mixed Martial Arts Judge. First, I have known Mr. Bell for over three years. I know Mr. Bell is very active and continuously trains in the fields of Mixed Martial Arts. He is extremely knowledgeable when it pertains to striking and most importantly can identify the ever changing aspects of the submission game. Due to the fact Mr. Bell takes the time to physically train in Mixed Martial Arts and has done so for an extended period of time, I believe this makes him aware, knowledgeable, and can articulate what he is seeing when judging a Mixed Martial Arts fight.

*Second, I have also had the opportunity to work side by side for the past year with Mr. Bell while working C*A*M*O* Amateur Mixed Martial Arts events. I have also had the opportunity to evaluate, question and discuss Mr. Bell's score cards in detail during events we've worked together. I have been working as a Professional Mixed Martial Arts Referee and Judge for the California State Athletic Commission since 2007 and as a senior lead Referee and Judge for C*A*M*O* since late 2009. I can honestly say, Mr. Bell's score cards have been accurate and right on with my score cards. Mr. Bell has acquired the experience he needed through judging C*A*M*O* events which well make him an excellent professional judge.*

In closing, Mr. Bell is an intelligent, professional, knowledgeable, physically fit young man that I respect and has the ability to go far in the sport that I value and treasure dearly. I believe Mr. Bell will represent California well if given the opportunity. I hope this letter will shed so light and Mr. Bell will be strongly considered for the position of Professional Mixed Martial Arts Judge. Any questions, please feel free to call me.

Sincerely,
Mike Beltran

To: Mr. George Dodd, Executive Officer of the California State Athletic Commission

Dear Mr. Dodd

This letter is to inform you of my association and dealings with Mr. Mike Bell who is applying for a license as a referee and judge with the California State Athletic Commission for Mixed Martial Arts.

I have known Mike Bell personally for five years and he has always demonstrated great integrity and character.

Mike has been involved in the mixed martial arts community since the early 2000's, training in mixed martial arts, and brazilian jiu jitsu, where he is a purple belt. Mike is still an active participant in many jiu jitsu and other classes.

On a professional level, I have worked with Mike in the amateur mixed martial arts circuit with CAMO (California Amateur Mixed Martial Arts Organization), and have witnessed him in action as an amateur referee and judge for the past year and a half.

Mike Bell took John McCarthy's first COMMAND (Certification of Officials for Mixed Martial Arts National Development) course three years ago. He applied to be a judge with CAMO because of his love and understanding of the sport. He began inspecting for CAMO and eventually became a full time judge. Mike then retook the COMMAND course, having passed the first course, to learn the additional material which was added to the course. Mike passed the new, harder course, and became a referee for the CAMO program.

I have worked over 20 CAMO shows with Mike and have witnessed him as a referee/ judge for about 15 shows. Mike has always made sound decisions in the ring as a referee, and our scores for judging the fights have been almost identical each time he judged.

Mike is very knowledgeable of the sport, and the rules of the sport. Each time I have worked with Mike, he has given the rules meetings to the fighters, and each time, he has done so from memory, and has always done an excellent job.

I highly recommend Mr. Mike Bell gets licensed as a professional referee and/or judge with the California State Athletic Commission.

Sincerely,

Ron McCarthy

Judge CSAC, CAMO

Jack Reiss
[redacted]d.
[redacted]

My name is Jack Reiss. I am a professional Boxing and Mixed Martial Arts Referee, Judge and Inspector with the California State Athletic Commission. I am also the President of the California Boxing Officials Association. I have been asked to write letters of reference for David Bell II and Raymond Rothfelder.

I have known David Bell II and Raymond Rothfelder for approximately three years on a professional basis. I first met David and Ray while attending a California State Athletic Commission approved Mixed Martial Arts Certification Class given by Referee John McCarthy.

Over the past three years at MMA seminars and events I have watched David and Ray develop their skills and consistently strive to improve their performance. At amateur MMA events I witnessed instances where David and Ray have had to stop fights when a fighter was taking unnecessary punishment, followed by verbal harassment from the fighter, manager, trainer and or the audience. David and Ray handled themselves in a disciplined, dignified and professional manner, and represented the sport of MMA in exemplary fashion.

David and Ray are both practitioners of Mixed Martial Arts. This has assisted them in developing new strategies to evolve as the sport of Mixed Martial Arts evolves. Additionally, they both exhibit a complete understanding and application of the Rules and Regulations which govern Mixed Martial Arts.

I would like to say that I am very selective in whom I recommend to become an Official in the Combative Sports Industry. I feel that David and Ray have proven themselves to be reliable, consistent performers at the amateur level, and with mentorship from industry professionals, will both grow to be outstanding Officials for the CASC. Based on my observations and experiences with David Bell II and Raymond Rothfelder, I believe that they should be granted licenses as Professional Mixed Martial Arts Referees and Judges.

If you have any further questions, please feel free to call me at the above phone number.

Department of Consumer Affairs

California State Athletic Commission

Commission Meeting

Agenda Item 9 (a)
New Promoter Application
Extreme Fighters World Championship, LLC

Chairman John Frierson

George Dodd, Executive Officer

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
CALIFORNIA STATE ATHLETIC COMMISSION
2005 Evergreen Street, Suite 2010 Sacramento, CA 95815
P (916) 263-2195 F (916) 263-2197 website: www.dca.ca.gov/csac

Agenda Item 9a
June 4, 2012

New Promoter Application for Licensure

Promotion Name: Extreme Fighters World Championship, LLC (EFWC)

President: David Brock

Required Licensing Documentation:	
1 Photo of each applicant- **Completed**	Personal Resume - **Completed**
Copy of Form BC11 8016 (Fingerprints) – **Completed**	Bond/Assignment of Saving - Completed
Financial Statement of each applicant – **Complete**	Article of Incorporation/Minutes: **N/A**

Summary: Extreme Fighters World Championship, LLC (EFWC) was given an extension of their temporary permit to through May 1, 2012, after providing all the necessary documentation required for a professional promoter's license. EFWC conducted their first event on March 30, 2012 at The Groove in Anaheim, CA where EFWC grossed over $37,000 in ticket sales. Shortly after the event, Commission staff was contacted by numerous fighters on the card indicating their check for the event had bounced; as had the check made out to the Commission. I contacted Mr. Brock who indicated that the money he received from The Groove had a five-day hold and that the funds wouldn't be available until the hold period passed. I informed Mr. Brock that the funds should have been available when the checks were issued and that this arrangement was unacceptable. Staff contacted the fighters to inform them that the checks should be good after five days and to attempt to cash the checks again. After the five days had passed some fighters were able to cash their checks but a large number where rejected due to insufficient funds. I contacted Mr. Brock again who stated that he did not receive as much money as he expected from the event and was working with investors to pay the fighters.

After approximately three weeks of fighters not getting paid their purses, I contacted Mr. Brock to inform him that the Commission would be contacting the bond company to start the claim process in order to obtain monies owed to the fighters and the Commission. Mr. Brock indicated that he would contact the bond company to inform them and that he was not going to dispute the claim.

A week later I contacted Mr. Brock and left a message indicating that I would be recommending denial of his application as a promoter for non payment to the fighters and the Commission. A day later I was contact by his attorney and he indicated that Mr. Brock was receiving money from another investor and that all fighters and the Commission would be paid via cashier's check. Within the week the Commission staff did receive a cashier's check for all monies owed.

Recommendation: I recommend that the commission deny the promoter application of Extreme Fighters World Championship, LLC and any further promoter application associated with Mr. Brock. Mr. Brock was well aware of the funding requirements of a promoter and knowingly failed to meet those requirements prior to holding the event, leaving many fighters without pay for several weeks. In addition, only when I informed EFWC that I would be recommending the promoter license be denied did EFWC to steps to pay the fighters and the Commission.

CALIFORNIA STATE ATHLETIC COMMISSION
2005 Evergreen Street, Suite 2010 Sacramento, CA 95815
P (916) 263-2195 F (916) 263-2197 website: www.dca.ca.gov/csac

May 7, 2012

Extreme Fighters World Championship, LLC
9114 Adams Ave
Ste 111
Huntington Beach, CA 92646

Dear Mr. Brock:

This letter is to inform you that you must appear before the California State Athletic Commission prior to receiving your permanent license. The next available date is June 4, 2012, to be held 1320 Front Street, Room B109 San Diego, CA 92101 at 09:30 a.m.

Please contact me to let me know if you or a qualified representative will be able to attend. If you or a representative is not unable to attend, then you will not be able to schedule any future events until you appear.

At the Commission hearing, please be prepared to answer questions concerning your past experience, especially in handling your event.

If you have any questions, please feel free to contact me at (916) 263-2195.

Respectfully,

George Dodd
Executive Officer

cc: Che Guevara, Chief Athletic Inspector

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

CALIFORNIA STATE ATHLETIC COMMISSION
2005 Evergreen Street, Suite 2010 Sacramento, CA 95815
P (916) 263-2195 F (916) 263-2197 website: www.dca.ca.gov/csac

December 28, 2011

Extreme Fighters World Championship, LLC
9114 Adams Ave
Ste 111
Huntington Beach, CA 92646

Dear Mr. Brock:

Thank you very much for submitting a professional promoter application to the California State Athletic Commission.

Section 219 of Title 4 Article 2 of the California Code of Regulations states that the Commission may grant a temporary permit to act in the capacity for which a license is required, and that such temporary license shall be valid for a period not to exceed 120 days or extend from one license year to another.

Due to your recent medical condition, your temporary permit has been extended until May 1, 2012, as a professional promoter and can plan your first event. My staff and I look forward to ensuring that your first event is a safe and successful one.

Additionally, you must appear in front of the Commission at the next meeting following your event. You may not schedule a second event until you appear in front of the Commission. At that meeting, you may be granted your permanent license. I will advise you of the meeting location and date as the time draws closer.

If you have any further questions, please do not hesitate to contact me at (916) 263-2195.

Respectfully,

George Dodd
Executive Officer

cc: Che Guevara, Acting Chief Athletic Inspector

714.984.9560 WWW.EFWC.TV

December 27, 2011

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

Re: Letter dated November 2, 2011

Dear Mr. Dodd,

First of all thank you for approving my temporary license as we look forward to bringing back again some of the best MMA events to Southern California.

Unfortunately, during this six month period I was diagnosed with [redacted] and underwent major surgery on August 25, 2011, setting me back two months for recovery. We are asking if you could please extend our opportunity to promote and market our first event as professionally as we can by extending our temporary time to April 2012.

With our main event featuring an incredible talented fighter named Chad Dietmeyar, (he trains under UFC Champion Dominick Cruz) who feels it's time to step up to the elite level by upsetting former IFL Champion Antonio McKee. It would make for a great first show at the beautiful Grove of Anaheim. Also, this will give us a solid three months of planning and making our first event a success.

We look forward to your response as soon as possible.

Respectfully,
David Brock
EFWC-President

9114 Adams Avenue, Suite 111 Huntington Beach, CA 92646

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

CALIFORNIA STATE ATHLETIC COMMISSION
2005 Evergreen Street, Suite 2010 Sacramento, CA 95815
P (916) 263-2195 F (916) 263-2197 website: www.dca.ca.gov/csac

November 2, 2011

Extreme Fighters World Championship, LLC
9114 Adams Ave
Ste 111
Huntington Beach, CA 92646

Dear Mr. Brock:

Thank you very much for submitting a professional promoter application to the California State Athletic Commission.

Section 219 of Title 4 Article 2 of the California Code of Regulations states that the Commission may grant a temporary permit to act in the capacity for which a license is required, and that such temporary license shall be valid for a period not to exceed 120 days or extend from one license year to another.

Therefore, it is my pleasure to inform you that you have been issued a temporary permit, valid until, March 2, 2012, as a professional promoter and can plan your first event. My staff and I look forward to ensuring that your first event is a safe and successful one.

Additionally, you must appear in front of the Commission at the next meeting following your event. You may not schedule a second event until you appear in front of the Commission. At that meeting, you may be granted your permanent license. I will advise you of the meeting location and date as the time draws closer.

If you have any further questions, please do not hesitate to contact me at (916) 263-2195.

Respectfully,

George Dodd
Executive Officer

cc: Che Guevara, Acting Chief Athletic Inspector

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 10 (a)
Request for Find Appeal
Thor Skancke

Chairman John Frierson

George Dodd, Executive Officer

California State Athletic Commission
2005 Evergreen Street, Suite 2010, Sacramento, CA. 95825
P 916-263-2195 F 916-263-2197 www.dca.ca.gov/csac

May 9, 2012

Thor Skancke
[redacted]

Notice To Appeal $2,500 Fine

Dear Mr. Skancke:

Pursuant to your request, the California State Athletic Commission has placed you on the agenda to hear your appeal to lessen the fine imposed on you. The next Commission meeting is schedule for June 4, 2012 at Front Street State Building 1320 Front Street, Room B109 San Diego, CA 92101. It is scheduled to start at 09:30 a.m.

If you would like to submit anything in writing for the Commissioners to consider other than what has already been presented, please submit a copy to the above address no later than May 15, 2012 so that it can be included in the commission package.

If you have any questions, please feel free to contact me at any time (916) 263-2195.

Respectfully,

George Dodd
Executive Officer
California Athletic Commission
2005 Evergreen St. Suite 2010
Sacramento, CA 95815
Office (916) 263-2195
Fax (916) 263-2197

Dodd, George@DCA

From: thor skancke [redacted]
Sent: Monday, May 07, 2012 10:00 PM
To: Dodd, George@DCA
Subject: RE: FW: Next meeting.

So I am on the docket for the next meeting?

On May 7, 2012 8:32 PM, "Dodd, George@DCA" <George.Dodd@dca.ca.gov> wrote:

Yes, the request can be by email. Any documents that you wish the commission to review will need to to be in the office by the 15th of May.

George Dodd
Executive Officer
California State Athletic Commission
916-263-2195
george.dodd@dca.ca.gov

----- Original Message -----
From: thor skancke <[redacted]
To: "Dodd, George@DCA" <George.Dodd@dca.ca.gov>
Sent: 05/07/2012 19:59
Subject: Re: FW: Next meeting.

Mr Dodd,

Can I request by eMail? Can this be my request?

On May 7, 2012 3:38 PM, "Dodd, George@DCA" <George.Dodd@dca.ca.gov> wrote:

Thor,

As requested in the past if you are requesting to appear before the commission you must send a request to my office by the Wednesday.

The next commission meeting is June 4, 2012 in San Diego, CA. You will have to travel there and appear before the commission to answer any

questions concerning your request.

10A-2

George Dodd

Executive Officer

California State Athletic Commission

2005 Evergreen St

Suite 2010

Sacramento, CA 95815

(916) 263-2195

Our Mission: The California State Athletic Commission is dedicated to the health, safety and welfare of participants in regulated competitive sporting events through ethical and professional service.

From: CSAC@DCA
Sent: Monday, May 07, 2012 3:33 PM
To: Dodd, George@DCA
Subject: FW: Next meeting.

FYI

California State Athletic Commission
2005 Evergreen St. Suite #2010
Sacramento, CA 95815
P 916.263.2195
F 916.263.2197

From: thor skancke [redacted]
Sent: Monday, May 07, 2012 1:05 PM
To: CSAC@DCA
Subject: Next meeting.

I would like an opportunity to be seen before the athletic commission during the next available meeting. I have served my 1 year suspension for having a higher than normal testosterone level and I would like to have my license back. I will also ask to have my fine waved or reduced because of financial hardships. This year I only grossed about $13,000 and without the ability to fight I am having trouble surviving.
I have been put in collections for unpaid medical bills due to a knee surgery I had in July 2012. I can't even pay my bills.

Thor Skancke
[redacted]

10A-3

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

California State Athletic Commission
2005 Evergreen Street, Suite 2010, Sacramento, CA, 95825
P 916-263-2195 F 916-263-2197 www.dca.ca.gov/csac

June 14, 2011

Thor Skancke
[redacted]

Notice of Suspension and Fine

Dear Mr. Skancke:

The results of your steroid test taken on May 1, 2011 were received on May 2, 2011 and tested positive for steroid use. Attached are the results from the Lab.

Title 4 California Code of Regulations, Section 303 states in part:

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.

Based on the positive laboratory findings, your California license as a Mixed Martial Arts athlete is herby suspended for 1 year, beginning on May 1, 2012 and you are fined $2,500.

Per Business and Professions Code section18842, you have a right to appeal this denial before the Athletic Commission. You must submit your appeal request, in writing, within 30 days of the date of this letter. Upon receipt of your request, your appeal will be included on the agenda for the next available commission meeting.

If you have any questions, please feel free to contact me at any time (916) 263-2195.

Respectfully,

George Dodd
Executive Officer
California Athletic Commission
2005 Evergreen St. Suite 2010
Sacramento, CA 95815
Office (916) 263-2195
Fax (916) 263-2197

UCLA Olympic Analytical Laboratory
UCLA School of Medicine
2122 Granville Ave. Los Angeles, CA 90025
Phone (310) 825-2635 Fax (310) 206-9077

WORLD ANTI-DOPING AGENCY
ACCREDITED
ISO/IEC 17025:2005
Chemical Testing
Certificate: 1420.01

CONFIDENTIAL
DRUG TESTING REPORT CSAC72

California State Athletic Commission
Attn: Sarah Waklee
2005 Evergreen Street, Ste. 2010
Sacramento, CA 95815
Fax: (916) 263-2197

UCLA code: TVD
Sport: MMA
Number of samples: 2
Date of laboratory receipt: 05/02/11
Date of analysis: 05/03/11

The laboratory analyzed the urine specimens listed below using method 1001 anabolic and masking agents.

The specimen condition and custody (C) is acceptable if indicated by 'Y'.

UCLA Code	Specimen#	Results	C
TVD03	2488018	>>>>>>>>>	Y SEE LETTER OF MAY 19, 2011
TVD04	2488027	NEGATIVE	Y

Sanja Starcevic Ph.D. S. Starcevic 5/20/11

Certifying Scientist Signature Date

10A-5

This report shall not be reproduced, except in full, without the written approval of the laboratory.

UCLA Olympic Analytical Laboratory
UCLA School of Medicine
2122 Granville Ave. Los Angeles, CA 90025
Phone (310) 825-2635 Fax (310) 206-9077

WORLD ANTI-DOPING AGENCY
ACCREDITED
ISO/IEC 17025:2005
Chemical Testing
Certificate: 1420.01

CONFIDENTIAL

DRUG TESTING REPORT CSAC72(TVD03)

May 19, 2011

California State Athletic Commission
Attn: Sarah Waklee
2005 Evergreen Street, Ste. 2010
Sacramento, CA 95815
Fax: (916) 263-2197

Dear Ms. Waklee:

This is a supplemental report for an atypical finding for **CSAC 2488018 = UCLA TVD03**, MMA, collection date May 01, 2011 and date received May 02, 2011.

Urine specimen number CSAC 2488018 = UCLA TVD03 has T/E ratio of 29.6 ± 17% (k=2). The threshold T/E ratio is 4.0. We recommend carbon isotope ratio analysis and/or longitudinal follow-up.

Sanja Starcevic Ph.D.	S. Starcevic	5/20/11
Certifying Scientist	Signature	Date

10A-6

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UCLA Olympic Analytical Laboratory
UCLA School of Medicine
2122 Granville Ave. Los Angeles, CA 90025
Phone (310) 825-2635 Fax (310) 206-9077

WORLD ANTI-DOPING AGENCY
ACCREDITED
ISO/IEC 17025:2005
Chemical Testing
Certificate: 1420.01

CONFIDENTIAL

Carbon Isotope Ratio Report – CSAC72 (TVD03)

June 06, 2011

California State Athletic Commission
Attn: Sarah Waklee
2005 Evergreen Street, Ste. 2010
Sacramento, CA 95815
Fax: (916) 263-2197

Specimen number: 2488018
UCLA Code: TVD03
Sport: MMA
Collection date: 05/01/11
Date Received at Lab: 05/02/11
Date of Analysis: 06/01/11
Condition and custody of sample: Acceptable

Analysis: The urine sample was analyzed using method 8001, steroids by carbon isotope ratio by GC/IRMS.

Analytical Findings:

	Δ (Pdiol-Etio)	Δ (Pdiol-Andro)	Result*
IRMS Laboratory Result:	6.9 ± 0.9	5.9 ± 0.8	Adverse

* Where "Inconclusive" or "Negative" indicates results are consistent with endogenous origin and "Adverse" indicates results are consistent with administration of a steroid.

Unit of measurement for the two values is $\delta^{13}C$ [‰]. The value after the ± is the uncertainty of measurement (k=2).

Anthony Butch, Ph.D. — Anthony Butch — 6/6/11

Certifying Scientist — Signature — Date

10A-7

This report shall not be reproduced, except in full, without the written approval of the laboratory.

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 11 (a)
Appeal of License Denial
Anthony Figueroa

Chairman John Frierson

George Dodd, Executive Officer

CALIFORNIA STATE ATHLETIC COMMISSION
2005 Evergreen Street, Suite 2010 Sacramento, CA 95815
P (916) 263-2195 F (916) 263-2197 website: www.dca.ca.gov/csac

May 22, 2012

Mr. Anthony Figueroa
[redacted]

Mr. Figueroa:

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.

Sincerely,

George Dodd
Executive Officer

April 17, 2012

California State Athletic Commission:

My name is Anthony Figueroa. I'm writing you in regards of my professional license that has been revoke as of February 2012. I have been a license professionally under the CSAC since 2006 with 13 professional MMA fight in the state. My last fight was December 2, 2011. My license was renewed August 2011.

Due to new guide line that was implemented I had to get an MRI reading. An old brain hemorrhage that existed when I was initially license to fight had appeared as it should have. It was from an injury I had as a young teens (13yrs old). In 2007 when I renewed my license to fight in state of California, I was told I needed to go see CSAC board Dr. Gluckman for clearance. I then traveled to DR Gluckman office went thru a series of test to get cleared to fight. Dr Gluckman sign off on my license and I have been fighting ever since. I have made this a way of living, quitting my job, opening a gym and became full time fighter.

I'm asking the CSAC to please take a look at all documents and facts so I may get my license back to compete as professional athlete. This is how I made my living. It is a means to provide for my family.

Please put me on the CSAC June 4th agenda to appeal your decision of revoking my license due to medical clearance of old injury.

Sincerely,

Anthony Figueroa
Professional MMA Fighter
Cell - [redacted]

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 13 (a)
Legislation – Commission Position Decision
AB 2100 (Alejo)

Chairman John Frierson

George Dodd, Executive Officer

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS
STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
CALIFORNIA STATE ATHLETIC COMMISSION
2005 Evergreen Street, Suite 2010
P (916) 263-2195 F (916) 263-2197 www.dca.ca.gov/csac

MEMORANDUM

DATE May 24, 2012

TO ALL COMMISSION MEMBERS

FROM George Dodd, Executive Officer
California State Athletic Commission

SUBJECT **Legislation – AB 2100 (Alejo)**

Attached is a copy of the most recent version of AB 2100 (Alejo). Please review the bill and be prepared to discuss it and take a position on it at the June 2012 meeting.

My concerns are outlined below.

AB 2100 would require the commission to consult with the Association of Boxing Commissions to establish a professional code of ethics for mixed martial arts promoters and fighters and, upon receiving a complaint, to enforce the code of ethical conduct. This is an unnecessary provision as existing regulation already provides these protections. Title 4 of the California Code of Regulation (CCR) sections 390 and 391 gives the Commission authority to suspend, revoke or deny the license or application of licensees or applicants who violate the laws of the State of California, with the exception of minor traffic violations, or who conduct themselves in a manner deemed by the commission to discredit the sports regulated by the Commission.

AB 2100 imposes a limit to the number of years that a contract may be enforced on a promoter or fighter. This limitation too, already exists. Title 4, CCR section 222 limits the length of a contract between a manager and a boxer or a promoter and a boxer to a period not to exceed five years and specifically states that "No option to extend the initial period shall be permitted."

Additionally, the contract restrictions that would be imposed by AB 2100 would apply only to California contracts; therefore, individuals who chose to include a prohibited term or condition within their contract could do so by simply stepping into another state to execute the contract. If this were to occur, than the protections already afforded to fighters signing in California, pursuant to Title 4, CCR, Article 3 – Contracts and Financial Arrangements, would be unenforceable and fighters would be left less protected than before. Currently, California contracts are executed by fighters and managers and mangers and promoters on

forms approved by the commission. These forms are pre-printed and contain none of the prohibited terms and conditions contained in AB 2100. It should be noted that when a combative athlete reaches the skills level where he or she is signing a promotional contract, the Commission highly recommends and encourages the athlete to seek legal guidance prior to signing any contract or agreement.

Finally, the part of the bill that prohibits the promoter from receiving compensation related to an event until information is provided to the commission is unenforceable as the commission is unable to affect the actions of third party payers.

Furthermore, the privacy protections afforded in AB 2100 regarding contract disclosure should apply to all contracts under the purview of the Commission, not just those involving mixed martial arts fighters.

Implementation of AB 2100 will put California at a serious disadvantage by discouraging contract signing in California, which could result in a loss of mixed martial arts events held in California. Mixed martial arts events currently make up nearly half of the revenue received by the Commission.

AMENDED IN ASSEMBLY MAY 17, 2012

AMENDED IN ASSEMBLY MAY 2, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL No. 2100

Introduced by Assembly Member Alejo

February 23, 2012

An act to amend Section 18849 of, and to add Section 18649 to, the Business and Professions Code, relating to athletes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2100, as amended, Alejo. Athletes: mixed martial arts fighters.

Existing law, the State Athletic Commission Act, creates the State Athletic Commission and makes it responsible for licensing and regulating boxing, kickboxing, and martial arts matches and wrestling exhibitions. Existing law prohibits a promoter from having a proprietary interest in a boxer or mixed martial arts fighter without the approval of the commission.

This bill would declare the intent of the Legislature to protect mixed martial arts fighters from exploitive, oppressive, or coercive contracts and to support the establishment of standards to protect these fighters. This bill would require a *licensed* promoter to provide a copy of any written agreement with a professional athlete as well as a written and sworn statement, made under penalty of perjury, that *there are* no other agreements between the promoter and athlete with respect to that contest, and a list of any fees charged or reductions in the amount paid to the

athlete, to the commission before the promoter can receive compensation from a boxing or mixed martial arts contest. By requiring a statement to be made under penalty of perjury, the bill would expand that crime and would thereby impose a state-mandated local program. The bill would require the commission to establish *and enforce, upon receiving a complaint,* a professional code of conduct for licensees, *and* would require the commission to suspend, revoke, or refuse to renew the license of a mixed martial arts promoter who enters into a coercive contract, as defined, with a mixed martial arts fighter~~,~~. *The bill would also require the commission to suspend, revoke, or refuse to renew the license of a mixed martial arts promoter or fighter* who has been convicted of a felony or other specified crimes, or who has engaged in certain other actions.

This bill would also exempt documents provided to the commission by promoters from disclosure to the public based on a finding by the Legislature that these documents contain proprietary business information.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature in enacting this
2 act to protect mixed martial arts fighters from being subjected to
3 exploitive, oppressive, or coercive contractual practices that violate
4 the athletes' freedom to work and their ability to support
5 themselves and their families as professional athletes. Therefore,
6 it is necessary and appropriate to establish standards to protect the
7 rights and welfare of mixed martial arts fighters licensed under
8 this chapter.
9 SEC. 2. Section 18649 is added to the Business and Professions
10 Code, to read:
11 18649. To ensure that individuals and entities licensed under
12 this act observe common standards of decency, the commission
13 shall, in consultation with the Association of Boxing

Commissioners, establish a professional code of ethical conduct for mixed martial arts promoters and fighters. Notwithstanding any other provision of this code, *upon receiving a complaint,* the commission shall enforce the code of ethical conduct and may suspend, revoke, or refuse to issue or renew the license of any mixed martial arts promoter or fighter that it finds has violated this code of conduct. Violations of this code shall include, but not be limited to, the following:

(a) Engaging in actions or activities such as acts resulting in felony convictions or convictions for crimes involving moral turpitude, sexual assault, ethnic or religious slurs, hate speech, or obscene language, failing to respond to a subpoena, or incurring sanctions imposed by a judge or court of law.

(b) Entering into a promotional contract *in California, or into a contract for a contest to take place in California,* with a mixed martial arts fighter licensed in the State of California if the contract contains one or more coercive provisions. For purposes of this section, a coercive contract provision includes, but is not limited to, a provision that does any of the following:

~~(1) Assigns any exclusive future merchandising rights to a promoter for an unreasonable period beyond the term of the promotional contract.~~

~~(2) Automatically renews a promotional contract or extends the term without good faith negotiation, or extends the term of any promotional contract of a fighter who participates in a championship contest for a period greater than 12 months beyond the existing contract termination period.~~

~~(3) Unreasonably restricts a mixed martial arts fighter from obtaining outside sponsorship from a firm, product, or individual.~~

~~(4) Requires a mixed martial arts fighter to relinquish all legal claims that the fighter has, or may acquire in the future, against the promoter beyond assumption of the risks inherent in the sport of mixed martial arts and the fighter's participation in pre and post bout events and activities.~~

~~(5) Requires a fighter to grant or waive any additional rights not contained in the promotional contract as a condition precedent to the fighter's participation in any contest.~~

(1) Is for a period exceeding five years.

(2) Automatically extends the term or conditions of the contract.

(3) Requires a party to negotiate exclusively with the other party.

(4) Grants a party the right to match the term of an offer.

(5) Grants a party unrestricted rights to use the identity of the other party.

SEC. 3. Section 18849 of the Business and Professions Code is amended to read:

18849. (a) No promoter *licensed in the State of California,* nor any person having a proprietary interest in the promoter, shall have, either directly or indirectly, any proprietary interest in a boxer or martial arts fighter competing on the premises owned, leased, or rented by the promoter without written approval from the commission.

(b) No promoter *licensed in the State of California* shall be entitled to receive any compensation directly or indirectly in connection with a contest until the promoter provides to the commission the following:

(1) A copy of any written agreement to which the promoter is a party with any professional athlete or contestant licensed under this act.

(2) A statement, made under penalty of perjury, that there are no other agreements, written or oral, between the promoter and the athlete with respect to that contest.

(3) All fees, charges, and expenses that will be assessed by or through the promoter on the athlete participating in the event, including any portion of the athlete's purse that the promoter will receive.

(4) Any reduction in the athlete's purse contrary to a previous agreement between the promoter and the athlete.

(c) Neither the commission nor any person acting on its behalf may disclose to the public any agreement furnished by a promoter under this section except to the extent required to comply with an order in a legal, administrative, or judicial proceeding.

SEC. 4. The Legislature finds and declares that Section 3 of this act, which amends Section 18849 of the Business and Professions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to

demonstrate the interest protected by this limitation and the need for protecting that interest:

The Legislature finds and declares that the limitation upon the disclosure of contracts between promoters and mixed martial arts fighters is necessary to protect proprietary business and trade secret information.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O

May 21, 2012

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

Re: Assembly Bill 2100 (Alejo) - As Amended May 17, 2012

Dear Executive Officer Dodd:

On behalf of Zuffa, LLC, d/b/a Ultimate Fighting Championship, and Forza, LLC, d/b/a Strikeforce, we write to inform you that we are in opposition to Assembly Bill 2100. We understand that the California State Athletic Commission (Commission) will be asked to provide an official position on AB 2100 and we urge the Commission to oppose the bill.

Zuffa, LLC (Zuffa) first became a licensed promoter in the State of California in February, 2006. Zuffa's subsidiary, Forza, LLC (Forza) became a licensed California promoter in March, 2011. Over the past six years, Zuffa and its affiliates have promoted over 20 mixed martial arts (MMA) events in the State of California, and to our knowledge, we are one of the highest tax-paying promoters of unarmed combat in the state.

As a licensed promoter, Zuffa has paid well over a million dollars in direct taxes to the Commission. In addition to the direct taxes, UFC events have generated millions of more dollars for the State of California in indirect revenue through tourism, retail shopping, restaurants, hotels, car rentals, etc. Zuffa is proud that our professional sporting events create work and jobs for so many Californians, and that we generate an enormous economic impact for host cities like Anaheim, Los Angeles, Oakland, Sacramento, San Diego and San Jose.

Zuffa has enjoyed bringing world class events to California because the state's regulatory system has provided certainty in how events are regulated, overseen and taxed. Indeed, the California legislature was one of the first states to specifically pass legislation encouraging promoters to bring major events to California. Such legislation requires the Commission to regularly solicit input from its stakeholders to determine what actions can be taken to entice major events to come to California. In addition, recognizing that

financial certainty is critical to California's economic competitiveness, existing law caps the taxes on ticket sales and television broadcasting that promoters pay to the Commission when events are held in California.

It is therefore troubling that AB 2100 would specifically impede bringing business to California and would intentionally drive the business to states that provide a clearer and more certain regulatory framework.

Zuffa is only one of approximately 30 MMA promoters licensed by the Commission. However, Zuffa has paid more to MMA athletes, and has generated more opportunities for MMA athletes, than any other promoter in history. Moreover, Zuffa routinely and voluntarily pays bonuses and other compensation that are above and beyond the written agreements with its athletes. Since Zuffa purchased the UFC brand in 2001, compensation for UFC athletes has increased over 35-fold, and more than 50 UFC athletes have received compensation over $1,000,000 directly from Zuffa. Beyond pure monetary compensation, Zuffa was also the first and, to our knowledge, the only promoter to provide non-event related accident insurance for its roster of athletes; a costly benefit that was believed to be impossible for combat sports.

With regard to AB 2100, the bill would place significant new workload and expenses on the Commission. AB 2100 would also make California an unattractive environment for MMA events, which will result in substantial lost revenue to the state and reduced economic impact for the numerous cities in California that host large MMA events.

Under the May 17 version of AB 2100, the Commission would be required to perform substantial new duties with no additional funding to accomplish those obligations. Included among such duties would be a mandate for the Commission to study and develop regulations to "establish a code of conduct." Thereafter, the Commission would be mandated to assume the daunting task of enforcing such a "code". So, the Commission would have to hold public hearings every time someone alleged various "actions or activities," including that an MMA athlete or promoter may have used "obscene language." Additionally, the Commission would be compelled to draft regulations creating an as-yet unknown list of "coercive provisions." Thereafter, the Commission would be required, perhaps at every Commission meeting, to conduct quasi-judicial hearings when someone, possibly not even a party to the agreement, alleged that a provision in a private contract is "coercive," and even though the provision might have been intentionally sought by the athlete. And finally, presuming that any alleged violations did occur, the Commission would need to decide if promoters and fighters must have their licenses revoked, suspended or not renewed. Obviously, the Commission's workload could become enormous based on the volume of meritless allegations.

It is important to point out that the provisions relating to a perceived prevention of alleged "coercive" contracts will not benefit athletes, but rather will simply interject the

UFC.COM
ZUFFA, LLC P.O. BOX 26959 LAS VEGAS, NV 89126-0959

government into private contract matters. What the bill refers to as "coercive provisions" are in fact standard clauses in MMA and Boxing contracts, and are legal and enforceable under federal law, state laws throughout the country, and in international jurisdictions. Furthermore, most of the professional athletes at the UFC level have skilled management and legal counsel that assist with contract review and negotiations, and any contracts are the result of negotiated and agreed upon provisions between two independently represented parties.

The California Commission is a well-respected regulatory body that has done a fine job of overseeing more unarmed combat events than probably any other athletic commission in the country. As a result, promotional companies like the UFC voluntarily choose to bring MMA events to California, which has helped grow MMA into a worldwide sport, a sport that literally did not exist 15-20 years ago. It is through thoughtful oversight and regulation by state athletic commissions that the sport of MMA will continue to grow. AB 2100 will stifle that growth, create new expenses and workload for the Commission, and will drive events, tax revenue and economic impact outside of the State of California.

For the foregoing reasons, we respectfully oppose AB 2100, and we encourage the Commission to likewise oppose the bill.

Thank you for your consideration.

Sincerely,

Lorenzo J. Fertitta
Chairman of the Board
Chief Executive Officer

UFC.COM
ZUFFA, LLC P.O. BOX 26959 LAS VEGAS, NV 89126-0959

May 15, 2012

The Honorable Felipe Fuentes
California State Assembly
State Capitol
Sacramento, CA 95814

AB 2100 (Alejo) – OPPOSE

Dear Assembly Member Fuentes:

On behalf of Golden Boy Promotions, we are writing to oppose AB 2100 as proposed to be amended.

Golden Boy Promotions is a California-based company with dozens of California-based fighters under contract. We are proud to host events in our home state and proud of the opportunities we offer our fighters. However, we are concerned that AB 2100 (Alejo) will weaken California as a boxing state and will diminish the opportunities available to athletes in combat sports.

We are concerned that the bill gives the Commission the authority to disrupt legal contracts between promoters and fighters. Prohibiting certain contracting relationships between fighters and promoters will do nothing to enhance the sport of boxing or offer further protection to fighters.

Over the years we have worked with the Commission to make California one of the nation's leading boxing states. We are home to a robust training ground for young fighters and maintain one of the best health and safety records in the world. California's Commission is the most active in the country and already takes steps to ensure contract terms are well understood.

We have worked with the Commission over the years to fulfill its mandate to attract boxing events to California. Unfortunately, AB 2100 takes the state in the wrong direction. The bill simply makes California an unattractive place to host boxing and MMA events and we must respectfully oppose.

Sincerely

Oscar de la Hoya

Cc: Assembly Member Luis Alejo
Members of the Assembly Appropriations Committee

626 Wilshire Blvd., Suite 350 • Los Angeles, CA 90017 • Tel: (213) 489-5631 • Fax: (213) 489-4057

Goossen Tutor
BOXING

www.goossentutor.com

May 21, 2012

The Honorable Felipe Fuentes
California State Assembly
State Capitol
Sacramento, California 95814

Re: AB 2100

Dear Assembly Members:

I am the President of Goossen Tutor Promotions, LLC one of the longest California licensed boxing promoters today. I again write in opposition to the proposed AB 2100 Amendment to the Business and Professions Code.

For over thirty years, the Goossen's have promoted thousands of events at all levels in California. In addition, the Goossen's have owned the "Ten Goose Gym" since the early 1980's where thousands of boxers have taken center stage in California bouts. I mentioned in my previous letter the excitement of California's new Executive Officer, Mr. George Dodd and his aggressiveness in bringing even more major events to California. Unfortunately, AB 2100 would essentially thwart those goals for high-profile boxing events in California.

California's boxing promoters have been in the forefront of providing opportunities to their boxers throughout the years in this state, but with the possibility of AB 2100 being passed, it would adversely affect that relationship and the commitment of your California licensees with an even greater concern on the promotion of major events in the state of California.

Being a longtime promoter in California, our first choice for placing major boxing events is in California. AB 2100, if successful, would directly impact that thinking in the future. Accordingly, our company respectfully opposes AB 2100.

Please feel free to contact me in regard to any questions you may have.

Respectfully,

Dan Goossen
Goossen Tutor Promotions, LLC

13-12

DG:im

Goossen Tutor Promotions, LLC :: 15300 Ventura Blvd. Suite 400 - Sherman Oaks, CA 91403 :: Phone: 818-817-8001 - Fax: 818-817-8005

Goossen Tutor
B O X I N G

www.goossentutor.com

April 17, 2012

Assembly Member Chair Nora Campos
Assembly Arts, Entertainment, Sports, Tourism, and Internet Media Committee
1020 N Street, Room 152
Sacramento, California 95814

Assembly Member Vice Chair Kristin Olsen
Assembly Arts, Entertainment, Sports, Tourism, and Internet Media Committee
1020 N Street, Room 152
Sacramento, California 95814

Dana Mitchell, Chief Consultant
Assembly Arts, Entertainment, Sports, Tourism, and Internet Media Committee
1020 N Street, Room 152
Sacramento, California 95814

California Athletic Commission

APR 18 2012

Re: AB 2100

Dear Assembly Members:

I am the President and owner of Goossen Tutor Promotions, LLC, one of the oldest and largest boxing promoters in California. I write in opposition to the proposed Amendment to Section 18881 of the Business and Professions Code.

I am proud to be a Californian, born and raised. I take pride in having a California business that hires local employees, promotes local events, and brings revenue into this great state. As a boxing promoter, I am also proud of California's glorious past as a leader in our sport. But I am also aware of California's decline as a leader in our sport.

Despite the best efforts of the California State Athletic Commission and its new Executive Officer, Mr. George Dodd, many factors have made California less hospitable for the boxing industry. Most major events these days are held in other states. We need the California State Athletic Commission and the legislature to support California's boxing Promoters, and help us bring California back to the forefront of hosting major World Championship events. The boxing industry does not need more obstacles, burdens, and taxes, which AB 2100 seeks to impose.

The last few years have brought tremendous strain on our company trying to work within the framework of our commission tax regulations, forcing some of our biggest events out of California, even with our home-grown Californian fighters in the main bouts. The proposed Amendment to Section 18881 of the

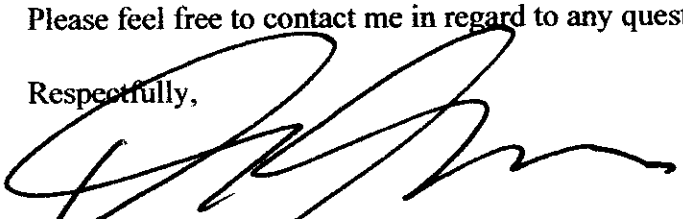
Goossen Tutor Promotions , LLC :: 15300 Ventura Blvd. Suite 400 - Sherman Oaks, CA 91403 :: Phone: 818-817-8001 - Fax: 818-817-8005

Business and Professions Code, if passed, would have an even greater adverse affect on major events being promoted in the state of California.

As it is, the taxation hurdles in California are far greater than many of the states that hold major boxing events such as Nevada, New Jersey and Texas, which have more-friendly environments. I am confident when I say, another increased tax burden on our event-driven revenue, could in-fact, be the final blow in trying to keep and maintain California as our home for future major boxing events. While the goals of AB 2100 are commendable, the reality is it would drive boxing promotions out of California and make it even more difficult for the few boxing promoters in California to keep their businesses here.

Please feel free to contact me in regard to any questions you may have.

Respectfully,



Dan Goossen
Goossen Tutor Promotions, LLC

DG:im

April 12, 2012

The Honorable Luis Alejo
State Capitol, Room 2137
Sacramento, CA 95814

FAX: (916) 319-2128

Re: **AB 2100 (Alejo)** – Support if Amended

Dear Assemblymember Alejo:

The Center for Public Interest Law (CPIL) supports AB 2100, concerning mixed martial arts (MMA) regulation, with a request for several clarifying and technical amendments.

CPIL is a nonprofit, nonpartisan academic and advocacy center based at the University of San Diego School of Law. Since I founded it in 1980, CPIL has examined and critiqued California's regulatory agencies, including the Athletic Commission. We have a longstanding interest in this regulatory subject matter. I personally chaired the Athletic Commission during the previous Jerry Brown administration. We were the sponsor of the bill creating the boxer pension plan, the first — and regrettably still the only — such plan for boxers in the world. It has long been a point of pride for California to obtain these basic benefits for a group that has little political power and has not succeeded in securing protection in so many other states and jurisdictions.

The purpose behind the regulation of both boxing and MMA has always been three-fold: to prevent corruption or fixed fights, to protect the health and safety of the participants, and to limit the traditional adhesive contract power of promoters over the inherently unorganized and often vulnerable fighters. All three of these purposes are well justified by the history of the sport.

The development of MMA has raised some new issues, and renewed some old ones, relevant to these longstanding areas of abuse. First, as with boxers, MMA fighters are highly dependent on matchmakers, managers, trainers, and promoters — especially the last. Fighters are not organized into any labor group. Until a fighter achieves championship status, he or she has little bargaining power — and is dependent on others to secure the basic opportunity to compete. Second, boxers have traditionally been subject to onerous labor conditions — often bordering on indentured servitude — to promoters. Accordingly, contracts have been reviewed and limited by the Commission where they unfairly take advantage of the weak bargaining power of the athlete.

Center for Public Interest Law ■ Children's Advocacy Institute ■ Energy Policy Initiatives Center
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Reply to: ☒ San Diego ☐ Sacramento

There is some evidence that this is happening with MMA. Both in terms of statutes and in regulatory policy of the Commission, all of the MMA contracts require review. For example, we have seen some adhesive contracts applicable to MMA athletes that purport to cede to a promoter the value of the athlete's name, imprimatur, films, voice, *et al*., not just for the life of the contract or for a reasonable period, but for the entire lifetime of the athlete. That kind of contract is not only appropriately voided, but is properly the subject for promoter discipline in our view. Section 1 of the bill sets forth the proper limitations in this regard, but we would suggest an explicit instruction that all existing MMA contracts be reviewed for compliance with those standards within 12 months following the effective date of this statute.

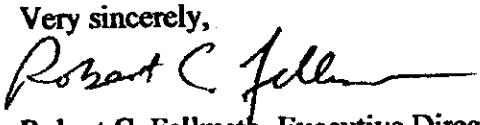
Similarly, MMA fighters are now subject to injury incidence that is unacceptable outside of the Roman coliseums of 500 B.C. The danger to fists, and especially to eyes and vision, is alarming to those familiar with injuries in this sport. We would urge the Legislature to instruct the Commission to evaluate and provide appropriate equipment or rule safeguards to limit the evolving pattern of such injuries.

Finally, we note that MMA fighters are now beginning to work full-time in the sport for more than just a few years — a proper qualification for some pension benefits. We are concerned that the boxer pension fund is currently underfunded already. We support the addition of MMA fighters as beneficiaries, but only if this bill requires the Commission to assess the gate or raise other revenue in an amount sufficient to fully fund their participation. It is not properly cross-subsidized from an already inadequate fund, but must have its own monies. The bill would allow such collection, but should be amended to explicitly require the Commission to assess gate or other audience-related revenue in an amount sufficient to fund it. Ideally, the MMA fund might have some different rules concerning disability assistance, given the somewhat quicker manifestation of the injuries suffered here.

Accordingly, we would urge clarifying amendments to (a) instruct the Commission to review all MMA contracts in effect for fairness under its standards within 12 months of the effective date of the bill; (b) require and authorize the Commission to set gate or other audience-related charges in an amount to meet the anticipated expenses of the MMA addition to the pension plan, or to assure the solvency of the pension fund as a whole, and (c) clearly state the Athletic Commission's authority and legislative expectation that it will adopt appropriate rules to implement an MMA pension system consistent with the varying needs for its particular beneficiaries.

If you have questions or need additional information, please feel free to call me at CPIL's San Diego office, or CPIL's legislative advocate, Ed Howard, at (916) 844-5646.

Very sincerely,



Robert C. Fellmeth, Executive Director
Center for Public Interest Law
Price Professor of Public Interest Law

Department of Consumer Affairs
California State Athletic Commission

Commission Meeting

Agenda Item 14
Neurological Examination Account/
Boxer Pension Fund Report

Chairman John Frierson

George Dodd, Executive Officer

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS
STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
CALIFORNIA STATE ATHLETIC COMMISSION
2005 Evergreen Street, Suite 2010
P (916) 263-2195 F (916) 263-2197 www.dca.ca.gov/csac

June 4, 2012

The Honorable Curren Price, Chair
Senate Committee on Business, Professions and Economic Development
State Capitol Room 2053
Sacramento, CA 95814

DRAFT

The Honorable Mary Hayashi, Chair
Assembly Committee on Business, Professions, and Consumer Protection
State Capitol, Room 3013
Sacramento, CA 95814

Sir and Madame Chairs:

This report is submitted pursuant to the California Business and Professions Code Section 18618, which was enacted in Assembly Bill 329/Nakanishi (Chapter 2, stats. of 2007).

This bill requires the California State Athletic Commission (Commission) to report to the Governor and the Legislature findings and recommendations concerning the State Athletic Commission Neurologic Examination Account on or before July 30, 2012. This report shall include the amount collected from each promoter pursuant to Section 18711, the purpose for which moneys in the account are expended, and findings and recommendation on the amounts, appropriateness, and effectiveness of these assessments. Additionally, this report will discuss the condition of the Boxers' Pension Fund. It will include a recommendation on whether the fund should be continued and, if so, whether it should be expanded to include all athletes licensed under this chapter and appropriate fees paid into the funds.

Thank you for your letter of March 20, 2012, relating to recent proposals by the California State Athletic Commission to advance the neurological health and safety of combatant sports athletes in our state. We look forward working with your committee and the legislature to maintain California's stature as a leader in the sports of boxing, Muay Thai and mixed martial arts.

In the last 12 months, after a period of leadership transition, The Commission has reconstituted a formal and well credentialed Advisory Committee on Medical and Safety Standards (MAC). As part of our Strategic Plan presented to your committee at the last sunset hearing, two important goals for The Commission are, under the advisement of the MAC, the establishment of an electronic medical/neurological database and development of an improved neurological assessment. Both of these goals are the foundation of continuing our leadership in neurological health and safety, and in keeping with advances in the field of sports neurology.

It is well recognized that the area of neurological care for athletes has progressed substantially in the last 5-10 years, particularly in contact sports such as football, hockey and soccer. During this evolution, greater medical attention has been focused on both neurological function after concussive head injuries, as well as the cumulative consequences of repeated blows to the head. Standardized assessment scales have been validated, advanced neuroimaging technologies have been developed and computerized neurocognitive assessment tools have become widely used in professional and, to a lesser degree, amateur athletics. Sporting organizations like the NFL, NHL and NCAA have all re-assessed their approach to sports-related neurological injuries

and are moving ahead with new rules, improved neurological assessment and advances in research that are transforming the area of sports medicine. The Commission, recipient of the "Commission of the Year" honor in 2011, is well positioned to lead the way forward in the sports we regulate.

It is clear that the intent of Section 18711 of the Business and Professions Code is to provide the most up-to-date and thorough neurological care for combatant sports athletes licensed in our state. After careful review of this section, The Commission has determined that the proposed plan would not only have the Commission catch up to, but also then lead the way forward in neurological health standards for combatant sports.

We are ready and willing to engage in discussions with your committee on how these concrete plans would directly lead to the goals and intent of the Business and Professions Code and the Commission Strategic Plan.

Regarding the Boxer Pension Fund, The Commission has established a Pension Fund Committee (Committee) that met and reviewed the current status of the Boxer's Pension Fund. It reviewed the investments and practices of the Raymond James Company and found them prudent and conservative while meeting the needs of keeping the Boxer's Pension Fund sound and solvent. In addition, the Committee reviewed the Pension Fund's Annual Reports and concerns regarding pension payout were addressed. It was noted that $3,899,707 (73%) of the pension fund is vested but not eligible for payout due to the number of participants who do not yet meet the minimum age to receive payment from the fund. In the past, the Senate Business and Professions Committee expressed concerns with the low number of eligible boxers applying for their pension. This has been a concern for the Commission as well, and over the last two years the Commission staff has been aggressively seeking out eligible boxers by working with sanctioning organizations, various boxing hall of fame organizers and stakeholders, and the Commission has increased its ability to locate eligible boxers. The Commission will continue seeking creative and innovative ways to locate eligible boxers and make the necessary payments. The Commission also expresses the need to increase the number of eligible boxers through rule changes to the qualifying criteria. The Commission recommends the continuance of the Boxer's Pension Fund and Legislation to include other professional athlete regulated by the Commission.

Sincerely,

John Frierson
Chairman

cc: Members of the Commission
Denise Brown, Director of the Department of Consumer Affairs
George Dodd, Executive Officer