



CALIFORNIA STATE ATHLETIC COMMISSION
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California State Athletic Commission Meeting

Monday, June 25, 2007

10:00 A.M. - 4:00 P.M

Sacramento River Hearing Room
400 R Street, First Floor
Sacramento, California 95814

Minutes

Commissioners Present:

June Collison
Christopher Giza, M.D.
Timothy Noonan

Mario Rodriguez
Howard Rose
Julio Ramirez

Commissioners Absent:

Peter Lopez

Staff Present:

Armando Garcia, Executive Officer
Susan Lancara, Asst Executive Officer
William Douglas, Staff Services Analyst
Frank Munoz, Office Technician
Lilia Galvez, Office Technician

Danielle Scott, Office Technician
Antonette Sorrnick, Deputy Director, DCA
Anita Scuri, Legal Counsel, DCA
Spencer Walker, Legal Counsel, DCA
Karen Chappelle, Deputy Attorney General

Guests:

David C. Lohsen
Don & Lorraine Chargin
Roy Englebrecht
Damien Douglas
John George
Dan Collins
Steve English

Dennis Warner
Tom Khamvongsa
Baxter Humby
Sonja Parajdovic
Tim Lynch, UFC
Jon Schorle
Rebecca Alvarez

Open Session:

Agenda Item 1. The meeting was called to order by Chair, June Collison, at 10:00 a. m. Executive Officer, Armando Garcia called the roll and Commissioner Chris Giza led the attendees in the Pledge of Allegiance.

Agenda Item 2. A motion was made, seconded and the Commission voted unanimously to approve the minutes of the May 23, 2007 meeting.

Closed Session:

The Commission went into closed session pursuant to Government Code Section 11126(a) (1) as required by Business and Professions Code Section 18613(a), to determine whether to retain the services of the current executive officer.

Chair Collison announced in open session that the commission had voted to retain the services of Executive Officer Armando Garcia and will complete a performance review at the end of 2007.

Reconvene to Open Session:

Agenda Item 1. Chairperson's Report – Chair Collison appointed Commissioner Noonan to chair the Pension Committee and directed him to select committee members.

Agenda Item 2. Executive Officer's Report

- **Toughman Events:** Mr. Garcia reviewed the issue with toughman events and informed the Commission that they are not being approved at this time because they do not conform to present regulations. Mr. Garcia recommended the moratorium on toughman events continue unless they are presented under amateur rules and through USA Boxing until those promoters propose new regulations and the rulemaking process is completed. Legal Counsel Anita Scuri noted that since the 1980s, toughman promoters have been instructed to comply with the Commission's rules as amateur promoters.

A motion was made, seconded and the Commission voted unanimously to continue the moratorium on toughman events unless they are presented under amateur rules.

- **Martial Arts Committee:** Mr. Garcia discussed the need for a committee to discuss all mixed martial arts regulations and provide clarification for new rulemaking. There is a need to review rules based on the specialty of each discipline, such as kickboxing, full Muay Thai, mixed martial arts, and multiple sports in one ring. Mr. Garcia recommended that he serve as facilitator of this committee along with one Commissioner and five subject matter experts to be presented at the meeting in August 2007

A motion was made, seconded and the Commission voted unanimously to support the Executive Officer's recommendation for the Mixed Martial Arts Committee.

- **Officials' Training:** Mr. Garcia discussed the training sessions held for officials over the last two years and those scheduled for the fall of 2007. He also noted that staff is developing an evaluation process for referees and judges that will be included on a future agenda.
- **Medicinal marijuana –** Mr. Garcia reported that no medicinal marijuana recommendations have been submitted prior to the event but rather in response to suspensions for positive marijuana drug tests. He further noted that The California

Compassionate Use Act of 1996 recommends medical marijuana be treated in the same fashion as other prescribed drugs; however, the Commission must determine from the prescribing physicians what condition the athlete has that warrants medical marijuana and if the drug is being used in a timely fashion because the athlete may be eligible for a Therapeutic Exemption Use (TUE). Mr. Garcia recommended that the Commission require any athlete who submits a medicinal marijuana exemption to appear before the Health and Safety Committee for review. Commissioner Giza noted that it may not be feasible to examine each case because of the growing number of situations and the infrequent meetings of the Committee. He stated that medicinal marijuana should be viewed in the same fashion as other prescription drugs. This review was for informational purposes and the subject will be included as a future agenda item.

- **Anti-Doping Process:** Mr. Garcia presented an overview of the new anti-doping program that began on March 31, 2007 and mirrors the World Anti-Doping Association (WADA). He reported that steroids and drugs of abuse are being used by athletes in both boxing and mixed martial arts. A \$2500 fine and one-year suspension of the athlete's license is being enforced, but if the violation occurs shortly before the license expires, the suspension is not punitive. Legal Counsel, Anita Scuri noted that it is possible to carry over the suspension to the next year if the athlete reapplies for licensure. Mr. Garcia noted that all states that have boxing and mixed martial arts commissions review the national suspension registry.
- **Amateur Mixed Martial Arts (MMA):** Mr. Garcia informed the Commission that there is no program for amateur MMA and noted that further discussion is needed on this issue with potential organizations that would like to begin the process of regulating amateur MMA.
- **Neurological Fund:** Mr. Garcia discussed the purpose of the neurological fund as intended by law. Mr. Roy Englebrecht and Mr. Dennis Warner both commented that promoter's do not mind paying the fee assessed at each event, but would like to see it used to pay for neurological examinations for the athletes as intended by law. Mr. Tim Lynch representing UFC commented that the review of the neurological fund has been mandated by SB 247 and inquired if it will be part of the upcoming strategic plan. Mr. Garcia informed Mr. Lynch that the issues with the neurological fund will be addressed in the strategic plan.

A motion was made, seconded and the Commission voted unanimously to establish a committee to evaluate whether to retain the ticket assessment.

- **2007/2008 Budget:** Mr. Garcia presented a brief overview of the current healthy budget and there were no comments from the Commissioners.

Agenda Item 3. Advisory Committee on Medical and Safety Standards.

Mr. Garcia discussed the purpose of the Advisory Committee on Medical and Safety Standards and recommended that the previously formed committee in 2006 be reconvened with the following physicians: Dr. Christopher Giza, Dr. Van Lemons, Dr.

Smith Ketchum, Dr. Steven Steinschiber, Dr. Richard Gluckman, and Dr. Paul Wallace and include Dr. Patrick Golden. Commissioner Giza informed the Commission that the committee will meet twice a year to discuss safety issues from a medical standpoint. The Commission asked to review the resumes of the proposed committee members and a motion was made/seconded/carried to table their decision to the August 2007 meeting.

Agenda Item 4. Appeals of Suspensions and Fines

- Wes Combs – Submitted a request to appeal his suspension at the next meeting in Los Angeles. Mr. Garcia recommended that this suspension be reviewed at the August 2007 meeting. A motion was made, seconded and the Commission voted unanimously to postpone Mr. Comb's appeal until the August meeting.
- Damion Douglas – Mr. Douglas appealed his 90 day suspension and \$500 fine for testing positive for marijuana. Under sworn testimony Mr. Douglas stated that he thought the drug test was only for steroids and that he cannot afford to pay his fine. Mr. Garcia recommended that the Commission uphold Mr. Douglas' suspension and fine, but allow him to make payments on the fine as long as it is paid in full before his next fight. A motion was made, seconded and the Commission voted unanimously to uphold Mr. Douglas' suspension and fine.
- John George – Mr. George appealed his 10 month suspension and \$2500.00 fine for testing positive for three different steroids. Under sworn testimony Mr. George stated that he took over the counter supplements not regulated by the FDA and did not know they contained steroids that would result in a positive drug test. There was discussion regarding Mr. George's contention that the steroids in his system came from supplements with no participation on his part to use steroids. Mr. George argued that his suspension and fine was extreme when the users of street drugs receive a lesser suspension and fine. A motion was made, seconded and the Commission voted four ayes and two abstentions to reduce Mr. George's suspension to 60 days and the fine to \$500.00.
- Daniel Marks – Mr. Marks appealed his suspension of the remainder of his licensing year and a \$2500 fine for elevated T/E ratio (testosterone (T) to epitestosterone (E)) in his anti-doping test. Under sworn testimony Mr. Marks apologized to the Commission and admitted to taking the supplement from his trainer and was not aware that it could cause a positive drug test. A motion was made, seconded and the Commission voted unanimously to uphold Mr. Mark's suspension and fine.

Agenda Item 5. Main Event, Maywood Activities Center, June 9, 2007

Mr. Garcia explained the issues with the main event from the Maywood Activities Center on June 9, 2007 regarding comments made to the Commission by Mr. Peter Kaljevic who lost to Mr. Baxter Humby. A summary follows:

On Saturday, June 9, 2007 a mixed martial arts event was held at the Maywood Activities Center promoted by Dennis Warner of In Sync Productions. The main event was between Baxter Humby and Peter Kaljevic. Mr. Humby is a licensee and was making his MMA debut at this event. He has been previously licensed as a kickboxer since 2005. He is missing a portion of one of his arms. Mr. Kaljevic had a reported record of one win and six losses in MMA. Mr. Humby won the bout by unanimous decision.

After the bout, Mr. Kaljevic complained to the post-event physician and to the inspector administering the anti-doping test that he was upset with the decision. He consequently went to the post-event Commission meeting where Mr. Garcia, along with the inspectors, physicians, and officials were debriefing the event. Mr. Kaljevic made unsolicited remarks regarding the matchmaking and instructions given to him regarding how to fight the opponent. He told those in attendance that he had been instructed, "No knockouts, and no submissions on Baxter". He also stated that he "held back" in fighting Mr. Humby because he felt sorry for him due to his disability and the aforementioned instructions.

Mr. Dennis Warner made comments regarding the matchmaking and the Commission's request that a fighter from China who was to be Mr. Humby's original opponent be evaluated. Mr. Warner explained that it would have been a financial hardship to bring the Chinese fighter to the United States for an evaluation; therefore, they contracted with Mr. Kaljevic to fight Mr. Humby.

Mr. Garcia then explained the evaluation process used to determine Mr. Humby's readiness for a mixed martial arts license. The Commission viewed a video of the fight. Sworn testimony was provided by Dean Lohuis, Chief Athletic Inspector, Peter Kaljevic, opponent of Mr. Humby, Tom Khamvongsa, matchmaker, Dennis Warner, promoter, and Mr. Humby. None of the testimony given produced any evidence of collusion or discussion regarding the outcome of the event. Mr. Kaljevic recanted his statement and said he was upset over his loss when he talked with the Commission.

After hearing all testimony, Mr. Garcia recommended that since there is no solid evidence of collusion or a violation of Rule 368 all suspensions should be removed. A motion was made, seconded and the Commission voted unanimously to remove the suspensions from the promoter, matchmaker, athletes and seconds.

Agenda Item 6. Native Government Contract for Services

Motion was made, seconded and the Commission voted unanimously to move the discussion of the Native Government Contract to the next meeting.

Agenda Item 7. Agenda Items for Future Meetings.

1. Officials' Pay Scale
2. MMA Amateur Program
3. Native Government Contract
4. Advisory Committee on Medical and Safety Standards
5. Strategic Plan

Agenda Item 8. Future Meeting Dates

The Commission agreed to meet on August 6, 2007 in Los Angeles beginning at 10:00 a.m.

Agenda Item 9. Public Comment

Dennis Warner commented on the standing eight-count for kickboxing.

Agenda Item 10. Adjournment

The meeting was adjourned at 3:00 p.m.