

# CALIFORNIA STATE ATHLETIC COMMISSION

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of October 2014

#### Section 1 –

#### Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board.<sup>1</sup> Describe the occupations/profession that are licensed and/or regulated by the board (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 injuries/deaths occurring in the ring; and the involvement of unethical persons, management and promoters in the sport. 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 testing, and event regulation throughout the state with a seven member Commission; 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 per year to 1) handle matters related to licensure and appeals of license denials, suspensions and fines; 2) 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, professional trainers and approves ringside physicians. The Commission regulates professional events within its jurisdiction and regulates each event by staffing the event 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 board's committees (cf., Section 12, Attachment B).

*Advisory Committee on Medical and Safety Standards specifically authorized by Business and Professions Code section 18645. This Committee 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), Edmund Ayoub, MD, Richard Gluckman, MD, Steven Steinschreiber, MD.*

*Ringside Officials Subcommittee (Commissioners Carvelli and Shen-Urquidez) Formed by the full Commission to Evaluate and recommend any changes 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.*

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<sup>1</sup> 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.

Muay Thai Subcommittee (Commissioners Frierson and Dr. Giza) Formed by the Commission for proposing and evaluating rules and regulations relating to the sport of Muay Thai kickboxing with health and safety of the fighter as the highest priority.

Mixed Martial Arts Subcommittee (Vacant) Formed by the Commission and proposes and evaluates rules and regulations relating to the sport of Mixed Martial Arts with health and safety of the fighter as the highest priority.

Boxers Pension Plan Subcommittee (Carvelli, Shen-Urquidez) Formed by the Commission for the purpose of working with the Executive Officer to make needed changes to regulatory language and to review the Investments and pension accounting to ensure proper processes are followed and contract scope is adhered to.

Legislative Subcommittee (Commissioners Frierson and Carvelli) Formed by the Commission to evaluate and work with staff on legislative issues related to regulating combat sports.

Youth Pankration Subcommittee (Commissioners Carvelli, Lehman, and Shen-Urquidez) Created by AB 1186, the Subcommittee studied youth pankration and had 9 posted meetings in 2013-2014 and provided their findings to the legislature and the full Commission. The Commission delegated regulation of Youth Pankration to USFL. As a result the C&D was lifted and young athletes can now compete under strict safety standards in a regulated environment.

Therapeutic Use Exemption Subcommittee (Lemons-Shen-Urquidez) Formed by the Commission for the purpose of assisting the Executive Officer with drafting regulatory language related to Therapeutic Use Exemption while maintaining the strictest anti-doping standards in the world.

Amateur MMA Oversight Subcommittee (Carvelli, Shen-Urquidez) Formed by the Commission for the purpose of reviewing the amateur MMA delegation, financials from the delegate, and rule changes to ensure a high level of safety for amateur mixed martial artists.

Amateur Boxing Oversight Subcommittee (Lehman, Shen-Urquidez) Formed by the Commission for the purpose of reviewing the amateur boxing delegation, financials from the delegate, and rule changes to ensure a high level of safety for amateur boxers.

Anti-Bullying Campaign Subcommittee (Carvelli, Shen-Urquidez) Formed by the Commission for the purpose of creating and supporting an anti-bullying message to be given in partnering school systems by CSAC officials and voluntary licensees. In April 2014, the Commission and the Los Angeles Unified School District partnered in the Commission's first anti-bullying outreach effort at Fremont High School aimed at impacting the lives of high school students.

Large Event Incentive Subcommittee (Carvelli, Shen-Urquidez) Formed by the Commission in response to losing fight events to other states aggressively soliciting away from CA citing non-resident tax requirements and offering other incentives. An effort is well underway to outreach and advocate the benefits of holding events in CA including but not limited to having the best judges and officials backed by a well organized and professional CSAC. Also, researching tax assessment requirements has led to clarification of the CA FTB's requirements thereby providing guidance to the fight community.

*Transgender Licensing Subcommittee (Lehman, Giza) Formed by the Commission for the purpose of assisting the Executive Officer with drafting regulatory language related to licensing of transgender athletes.*

*Neurological Fund Subcommittee (Giza, Lemons) Formed in response to the BSA Audit Report 2012-112 "State Athletic Commission: Its Ongoing Administrative Struggles Call Its Future into Question" for the purpose of complying with the audit recommendation to establish regulation that describe the process for determining the ticket assessment for the neurological account.*

<b>Table 1a. Attendance</b>			
<b>John Frierson, Chairman</b>			
Date Appointed: 05/30/2002			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Regular Meeting	05/16/2014	Sacramento, CA	Y
Regular Meeting	03/17/2014	Sacramento, CA	Y
Regular Meeting	02/10/2014	Sacramento, CA	Y
Regular Meeting	12/16/2013	Sacramento, CA	Y
Regular Meeting	10/07/2013	Los Angeles, CA	Y
Regular Meeting	08/05/2013	Los Angeles, CA	Y
Regular Meeting	06/10/2013	Los Angeles, CA	Y
Regular Meeting	04/22/2013	Los Angeles, CA	Y
Regular Meeting	02/25/2013	Los Angeles, CA	Y
Regular Meeting	12/3/2012	Los Angeles, CA	Y
Regular Meeting	10/08/2012	Los Angeles, CA	Y
Regular Meeting	08/08/2012	Sacramento, CA	Y
Regular Meeting	07/16/2012	Various	Y
Special Meeting	06/30/2012	Various	Y
Regular Meeting	06/26/2012	South El Monte, CA	Y
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
<b>Christopher Giza, M.D.</b>			
Date Appointed:05/23/2007			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Regular Meeting	05/16/2014	Sacramento, CA	Y
Regular Meeting	03/17/2014	Sacramento, CA	Y
Regular Meeting	02/10/2014	Sacramento, CA	Y
Regular Meeting	12/16/2013	Sacramento, CA	Y
Regular Meeting	10/07/2013	Los Angeles, CA	N
Regular Meeting	08/05/2013	Los Angeles, CA	Y
Regular Meeting	06/10/2013	Los Angeles, CA	Y
Regular Meeting	04/22/2013	Los Angeles, CA	Y
Regular Meeting	02/25/2013	Los Angeles, CA	Y
Regular Meeting	12/3/2012	Los Angeles, CA	Y
Regular Meeting	10/08/2012	Los Angeles, CA	Y
Regular Meeting	08/08/2012	Sacramento, CA	Y
Regular Meeting	07/16/2012	Various	N
Special Meeting	06/30/2012	Various	N
Regular Meeting	06/26/2012	South El Monte, CA	N
Regular/Strategic Plan Meetings	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	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

**VanBuren Lemons, M.D.**

Date Appointed: 10/21/2009

<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Regular Meeting	05/16/2014	Sacramento, CA	Y
Regular Meeting	03/17/2014	Sacramento, CA	Y
Regular Meeting	02/10/2014	Sacramento, CA	Y
Regular Meeting	12/16/2013	Sacramento, CA	Y
Regular Meeting	10/07/2013	Los Angeles, CA	Y
Regular Meeting	08/05/2013	Los Angeles, CA	Y
Regular Meeting	06/10/2013	Los Angeles, CA	Y
Regular Meeting	04/22/2013	Los Angeles, CA	Y
Regular Meeting	02/25/2013	Los Angeles, CA	Y
Regular Meeting	12/3/2012	Los Angeles, CA	Y
Regular Meeting	10/08/2012	Los Angeles, CA	Y
Regular Meeting	08/08/2012	Sacramento, CA	Y
Regular Meeting	07/16/2012	Various	N
Special Meeting	06/30/2012	Various	Y
Regular Meeting	06/26/2012	South El Monte, CA	Y
Regular/Strategic Plan Meetings	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

### Martha Shen-Urquidez

Date Re-appointed: March 28, 2014

Meeting Type	Meeting Date	Meeting Location	Attended?
Regular Meeting	05/16/2014	Sacramento, CA	Y
Regular Meeting	03/17/2014	Sacramento, CA	N
Regular Meeting	02/10/2014	Sacramento, CA	Y
Regular Meeting	12/16/2013	Sacramento, CA	Y
Regular Meeting	10/07/2013	Los Angeles, CA	Y
Regular Meeting	08/05/2013	Los Angeles, CA	Y
Regular Meeting	06/10/2013	Los Angeles, CA	Y
Regular Meeting	04/22/2013	Los Angeles, CA	Y

### Mary Lehman

Date Re-appointed: March 28, 2014

Meeting Type	Meeting Date	Meeting Location	Attended?
Regular Meeting	05/16/2014	Sacramento, CA	Y
Regular Meeting	03/17/2014	Sacramento, CA	Y
Regular Meeting	02/10/2014	Sacramento, CA	Y
Regular Meeting	12/16/2013	Sacramento, CA	N
Regular Meeting	10/07/2013	Los Angeles, CA	Y
Regular Meeting	08/05/2013	Los Angeles, CA	Y
Regular Meeting	06/10/2013	Los Angeles, CA	Y
Regular Meeting	04/22/2013	Los Angeles, CA	Y

### John Carvelli, Vice-Chairman

Date Re-appointed: March 28, 2014

Meeting Type	Meeting Date	Meeting Location	Attended?
Regular Meeting	05/16/2014	Sacramento, CA	Y
Regular Meeting	03/17/2014	Sacramento, CA	Y
Regular Meeting	02/10/2014	Sacramento, CA	Y
Regular Meeting	12/16/2013	Sacramento, CA	Y
Regular Meeting	10/07/2013	Los Angeles, CA	Y
Regular Meeting	08/05/2013	Los Angeles, CA	Y
Regular Meeting	06/10/2013	Los Angeles, CA	Y



Table 1b. Board/Committee Member Roster					
Member Name (Include Vacancies)	Date First Appointed	Date Re- appointed	Date Term Expires	Appointing Authority	Type (public or profession al)
JOHN FRIERSON	05/30/2002	01/01/2011	01/01/2015	Speaker of Assembly	Public
JOHN CARVELLI	05/08/2013	02/07/2014	01/01/2018	Governor	Public
CHRISTOPHER GIZA, M.D.	05/23/2007	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
MARTH SHEN-URQUIDEZ	03/28/2013	N/A	01/01/2017	Governor	Public
MARY LEHMAN	03/28/2013	N/A	01/01/2017	Governor	Public
<b>VACANT</b>				Governor	Public

2. In the past four years, was the board 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 board since the last Sunset Review, including:

- Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)
- The Governor appointed three new Commissioners, John Carvelli, Martha Shen-Urquidez, and Mary Lehman since the last sunset review.

*The Commission created multiple subcommittees to deal with various issues facing the Commission.*

*The Commission created a strategic planning subcommittee consisting of Vice Chairman Carvelli and Commissioner Giza. The planning for this Strategic Plan will begin in the first quarter of 2015.*

- All legislation sponsored by the board and affecting the board since the last sunset review.
- All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.

*The Commission sponsored AB 1186, a bill to protect youth in the full contact sport of pankration.*

*The Commission has approved regulatory language involving the neurological fund assessment, the licensing of transgender athletes, guidelines for applying for a therapeutic use exemption, the broadcast fee assessment and the lost beneficiary clause in boxer's pension fund. These regulations are currently in the regulatory process.*

4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).

*As a result of the passage of AB 1186, the new law created a subcommittee of the Commission and that subcommittee studied youth pankration for over one year. The findings were submitted to the legislature in the Youth Pankration Report.*

*The Commission has also partnered with the Cleveland Clinic Lou Ruvo Center for Brain Health in Las Vegas, Nevada, in a study that will help determine whether the MRI or other tests can detect subtle changes in brain health due to the repeated blows to the head. Researchers hope to identify if and when changes occur that may result in impaired thinking and function.*

*The Commission has also studied the affect of dehydration and quick rehydration on health and performance of athletes.*

*The Commission has begun research and plans to propose changes to its regulations to prevent extreme weight-cutting for combat sports athletes by altering the weigh-in procedures and requirements as well as reviewing a progressive disciplinary system that would apply to all licensees including but not limited to promoters and trainers.*

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

*The Commission belongs to the Association of Boxing Commissions and the Association of Ringside Physicians*

- Does the board's membership include voting privileges?

*Yes.*

- List committees, workshops, working groups, task forces, etc., on which board participates.

*As part of the Association of Boxing Commissions, the Executive Officer of the Commission serves as Chair of the Unified Amateur Mixed Martial Arts Rules Committee, Chair of the Governmental Affairs Committee, and a member of the Competitive Matchmaking Committee, Unified Professional Mixed Martial Arts Rules Committee, Mixed Martial Arts Judging Committee, and Approved Mixed Martial Arts Training Committee.*

*The Chair and Vice Chair of the Commission's Medical Advisory Committee are officers in the Association of Ringside Physicians.*

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

*The Executive Officer met via teleconference (due to out of state travel restrictions) over 20 times with various committees to discuss policy changes/proposals.*

*The Chair, Vice Chair, and many of the Commission's ringside physicians attended (at their own expense) the Association of Ringside Physicians Conference where topics such as traumatic brain injury and dehydration in athletes were debated.*

- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

*The Executive Officer is a member of the Approved Mixed Martial Arts Training Committee. The criteria for the course are reviewed if changes are made after the initial approval. The*



Commission also creates internal tests to provide to officials. Exam's for athletes and seconds is not applicable in this industry.

## Section 2 – Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the board 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 does not apply to the Commission and is; therefore, not displayed on the DCA website.*

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

*Although the Commission believes in the benefits of a customer satisfaction survey, lack of resources and historically very few responses have prevented us from conducting further surveys.*

## Section 3 – Fiscal and Staff

### Fiscal Issues

8. Describe the board's current reserve level, spending, and if a statutory reserve level exists.

*As of FM 02 of FY 14-15, the Commission's fund balance was 503K. This marks a significant increase since the closing of FY 11-12, which ended with \$23K in the fund. As of this writing, the Commission is in better fiscal health, with two consecutive years of reduced expenses and meeting the forecasted budget while regulating as many events. The current reserve level is \$665K, which represents approximately 5.6 months of reserve. FM02 of FY14-15 is attached for review.*

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 board.

*No deficit is anticipated. Litigation expenses and settlement costs are the most difficult to quantify. The Commission works very closely with the Department of Consumer Affairs and the Department of Justice to administer and monitor all legal matters. The Commission intends to seek legislative authority to require moving parties to bear the costs of arbitration thereby decreasing potentially significant and unknown cost exposure.*

Table 2. Fund Condition						
(Dollars in Thousands)	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15 (projected)	FY 2015/16 (projected)
Beginning Balance	\$ 811	\$ 469	\$39	\$245	\$503	\$805

Revenues and Transfers	\$ 1,758	\$ 1,386	\$1589	\$1452	\$1704	\$1702
<b>Total Revenue</b>	\$ 2,569	\$ 1,855	\$1628	\$1697	\$2207	\$2507
Budget Authority	\$ 2,420	\$ 2,390	\$1939	\$1193	\$1401	TBD
Expenditures	\$ 2,153	\$ 1,832	\$1311	\$1194	\$1402	\$1429
Loans to General Fund	0	0	0	0	0	0
Accrued Interest, Loans to General Fund	0	0	0	0	0	0
Loans Repaid From General Fund	0	0	0	0	0	0
<b>Fund Balance</b>	\$ 416	\$ 23	\$317	\$503	\$805	\$1.078
<b>Months in Reserve</b>	2.7	0.1	2.1	4.8	7.5	9.0

10. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

*Not Applicable.*

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 board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

<b>Table 3. Expenditures by Program Component</b>								
	FY 2010/11		FY 2011/12		FY 2012/13		FY 2013/14	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
<b>Enforcement</b>	\$855,282	\$632,630	\$774,325	\$381,505				
<b>Examination</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Licensing</b>	\$ 64,854	\$105,035	\$138,562	\$ 60,807				
<b>Administration</b>	\$ 83,384	\$135,046	\$178,151	\$ 78,180				
<b>DCA Pro Rata</b>	\$0	\$174,533	\$0	\$211,709	0	\$188,782	0	\$212,614
<b>Diversion</b> <i>(if applicable)</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>TOTALS</b>	<b>\$1,003,520</b>	<b>\$1,047,244</b>	<b>\$1,091,038</b>	<b>\$732,201</b>	<b>\$643,948</b>	<b>\$628,348</b>	<b>\$ 602,011</b>	<b>\$ 583,310</b>

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 board.

*All licenses expire 12 months after issuance and are renewed for 12 months periods.*

<b>Table 4. Fee Schedule and Revenue</b>								(list revenue dollars in thousands)
Fee	Current Fee Amount	Statutory Limit	FY 2010/11 Revenue	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	% of Total Revenue	
<b>Gate Taxes (BPC 18824)</b>	5% of Gate	\$100,000	\$970,645	\$788,459	\$861,397	\$840,783	58.43%	

<b>Television Taxes (BPC 18824)</b>	5% of TV Revenue	\$25,000	\$475,344	\$360,815	\$479,252	\$351,805	24.45%
<b>Amateur (Club) Promoter (BPC 18805)</b>	\$250	\$250	\$3,500	\$3,500	\$1,000	\$750	0.05%
<b>Professional (Club) Promoter (BPC 18804)</b>	\$1,000	\$1000	\$50,000	\$47,150	\$43,000	\$34,000	2.36%
<b>Amateur Referee/Judge (BPC 18813)</b>	N/A	N/A	\$0	\$0	\$0	\$0	0%
<b>Professional Referee (BPC 18812)</b>	\$150	\$150	\$4,800	\$6,450	\$5,400	\$6,750	0.47%
<b>Professional Manager (BPC 18810)</b>	\$150	\$150	\$10,950	\$11,600	\$14,850	\$18,150	1.26%
<b>Second (BPC 18811)</b>	\$50	\$50	\$89,750	\$88,100	\$104,550	\$105,000	7.30%
<b>Timekeeper (BPC 18814)</b>	\$50	\$50	\$650	\$600	\$500	\$700	0.05%
<b>Professional Fighter (BPC 18809)</b>	\$60	\$60	\$54,360	\$53,260	\$66,840	\$62,340	4.33%
<b>Professional Judge (BPC 18812)</b>	\$150	\$150	\$6,150	\$6,000	\$6,150	\$8,100	0.56%
<b>Sparring Permit (BPC 18815)</b>	\$25	\$25	\$0	\$420	\$0	\$0	0%
<b>Matchmaker (BPC 18806)</b>	\$200	\$200	\$2,000	\$2,600	\$2,400	\$2,800	0.19%
<b>Assistant Matchmaker (BPC 18807)</b>	\$200	\$200	\$0	\$0	\$0	\$0	0%
<b>Professional Trainer</b>	\$200	\$200	N/A	N/A	N/A	\$4,600	0.32%
<b>Federal ID Cards</b>	\$20	\$20	N/A	N/A	N/A	\$3,085	0.21%
*Renewal Fees are the same as original application fees.							

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

**FY 2009-10**

*1110-30 - The Commission submitted a budget change proposal to add a bilingual office technician to better serve the Spanish language public.*

**FY 2010-11**

*1110-01SFL - The Commission submitted a budget change proposal to address mandatory athletic inspector training as well as an increase to inspector wages and travel. This proposal was approved on a 2-year limited term basis.*

**FY2013-14**

*1110-01 - The Commission requested a budget reduction of \$814,000 in FY 2013-14 and ongoing. This budget reduction was necessary to realign expenditures with projected revenue and to rebuild the Commission's fund balance to a sufficient reserve amount.*

**FY 2014-15**

**1110-07** - The Commission requested two (2) positions to permanently restructure the organization.

**1110-02L** - The Commission requested a budget increase of \$47,000 to implement the Professional Trainer's License requirement contained in Senate Bill 309.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1110-30	2009-10	Clerical Support	1.0 OT	1.0 OT	30,000	30,000	13,000	13,000
1110-01SFL	2010-11	Athletic Inspector and Training Augmentation	0.0	0.0	354,000	354,000	110,000	110,000
1110-01	2013-14	Program Reduction	-4.0	-4.0	(540,000)	(540,000)	(274,000)	(274,000)
1110-07	2014-15	Program Restructure	2.0 (1.0 SSMI and 1.0 OT)	2.0	239,000	271,000	76,000	90,000
1110-02L	2014-15	Professional Trainer's License	0.5 AGPA (2 Yr LT)	0.5	45,000	45,000	2,000	2,000

**Staffing Issues**

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

*The Commission has undergone a tremendous amount of change in staffing over the last several years. The Commission has recently reclassified two office technician positions to staff service analyst positions and transferred the duties of the Chief Athletic Inspector to the Executive Officer. The Commission is optimistic that the FY 14-15 appropriation is sufficient to meet the Commission's needs.*

14. Describe the board'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 included as part of the pro rata payment to the Department of Consumer Affairs. Due to training and travel restrictions, courses or classes with a fee or reimbursable travel expenses were not attended.*

**Section 4 –  
Licensing Program**

15. What are the board’s performance targets/expectations for its licensing<sup>2</sup> program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

*There is no backlog in application processing at the commission. Once the application has been completed, fees paid and required supporting documentation is submitted; the license is issued. When the BreZE system is in place, the commission envisions having laptops or tablets available for use on site and integrated with the new database; thus speeding up the licensing process at weigh-ins and events and ensuring accurate record keeping.*

16. Describe any increase or decrease in the board’s 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 by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

*The Commission processes most athlete and seconds license applications very quickly with no more than a two day delay. Promoter, manager, and matchmaker applications take longer because of the amount of information that is processed and the live scan requirement. The timely processing of licenses is performed adequately by the Commission.*

17. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

*All Licensing data must be pulled from Annual Reports and CALSTARS due to the lack of a tracking system. If one does not renew, they simply do not work in California until they do. The Commission fighter licenses are never delinquent or renewed, they are basically give a whole new license each year that want to fight here.*

<b>Table 6. Licensee Population</b>					
		FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
<b>Fighter</b>	ISSUED	151	327	1114	1039
	RENEWED	906	560	56	N/A
	<b>TOTAL</b>	<b>1057</b>	<b>887</b>	<b>1170</b>	<b>1039</b>
<b>Promoter (Includes Temporary)</b>	ISSUED	21	27	44	28
	RENEWED	43	34	17	13
	<b>TOTAL</b>	<b>64</b>	<b>61</b>	<b>61</b>	<b>41</b>
<b>Manager</b>	ISSUED	33	50	93	82
	RENEWED	40	27	6	39
	<b>TOTAL</b>	<b>73</b>	<b>77</b>	<b>99</b>	<b>121</b>
<b>Second</b>	ISSUED	384	369	2230	2100
	RENEWED	1411	1392	N/A	N/A

<sup>2</sup> The term “license” in this document includes a license certificate or registration.

	TOTAL	1795	1761	2230	2100
<b>Gym</b>	ISSUED	0	0	0	0
	RENEWED	0	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Referee</b>	ISSUED	2	8	34	0
	RENEWED	23	35	2	45
	<b>TOTAL</b>	<b>25</b>	<b>43</b>	<b>36</b>	<b>45</b>
<b>Judge</b>	ISSUED	5	8	6	0
	RENEWED	36	32	1	54
	<b>TOTAL</b>	<b>41</b>	<b>40</b>	<b>7</b>	<b>54</b>
<b>Timekeeper</b>	ISSUED	0	1	10	5
	RENEWED	13	11	0	14
	<b>TOTAL</b>	<b>13</b>	<b>12</b>	<b>10</b>	<b>19</b>
<b>Matchmaker (Includes Assistant)</b>	ISSUED	5	10	11	7
	RENEWED	5	3	1	7
	<b>TOTAL</b>	<b>10</b>	<b>13</b>	<b>12</b>	<b>14</b>
<b>Pro-Trainer</b>	ISSUED	0	0	0	22
	RENEWED	0	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>22</b>

**Table 7a. Licensing Data by Type\***

	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2011/12	(License)	800	800	800	800	-	-	-	-	-	-
	(Renewal)	2094	2094	2094	2094	-	-	-	-	-	-
	(Total)	2894	2894	2894	2894	-	-	-	-	-	-
FY 2012/13	(License)	3542	3542	3542	3542						
	(Renewal)*	83	83	83	83						
	(Total)	3625	3625	3625	3625						
FY 2013/14	(License)	3283	3283	3283	3283						
	(Renewal)*	172	172	172	172						
	(Total)	3455	3455	3455	3455						

\* The Commission does not currently administer licensing examinations. Applications received that are considered deficient are triaged by staff to obtain the needed information for completion. This occurs prior to the California event for which the licensee is hoping to participate. There is a small, measurably difficult to track, percentage of applicants who fail to provide the needed information.

\*The Commission cannot track renewal of athletes. These numbers fall under "License".



18. How does the board verify information provided by the applicant?

- a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

*The Commission uses the live scan service for Promoters, Managers, and Matchmakers.*

- b. Does the board fingerprint all applicants?

*No, the Commission fingerprints Promoters, Managers, and Matchmakers.*

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

*All Promoters, Managers, and Matchmakers have been fingerprinted.*

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

*The Commission utilizes the National Registry, Fight Fax and ABC.MixedMartialArts.com for fighter suspensions prior to issuing a license.*

- e. Does the board require primary source documentation?

*N/A*

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

*The process for out of country applicants is the same as state residents.*

20. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

*Experience obtained in boxing, martial arts or kickboxing, including participating in hand to hand combat classes in the military is considered when approving matches.*

- a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?

*No. The Commission anticipates tracking this information once BreZE (tracking system) is completed (approximately 1.5 - 2 years)*

- b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

*N/A*

- c. What regulatory changes has the board made to bring it into conformance with BPC § 35?

*Experience obtained in boxing, martial arts or kickboxing, including participating in hand to hand combat classes in the military is considered when approving matches.*

- d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

*N/A*

e. How many applications has the board expedited pursuant to BPC § 115.5?

N/A

21. Does the board 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 notifications 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. It would be appropriate for the Commission to establish an abandoned/delinquent period to trigger submission of No Longer Interest notifications.*

## Examinations

<b>Table 8. Examination Data</b>				
<b>California Examination (include multiple language) if any:</b>				
	License Type	N/A	N/A	N/A
	Exam Title	N/A	N/A	N/A
FY 2010/11	# of 1 <sup>st</sup> Time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
FY 2011/12	# of 1 <sup>st</sup> Time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
FY 2012/13	# of 1 <sup>st</sup> Time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
FY 2013/14	# of 1 <sup>st</sup> time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
	Date of Last OA	N/A	N/A	N/A
	Name of OA Developer	N/A	N/A	N/A
	Target OA Date	N/A	N/A	N/A
<b>National Examination (include multiple language) if any:</b>				
	License Type	N/A	N/A	N/A
	Exam Title	N/A	N/A	N/A
FY 2010/11	# of 1 <sup>st</sup> Time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
FY 2011/12	# of 1 <sup>st</sup> Time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
FY 2012/13	# of 1 <sup>st</sup> Time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
FY 2013/14	# of 1 <sup>st</sup> time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
	Date of Last OA	N/A	N/A	N/A
	Name of OA Developer	N/A	N/A	N/A
	Target OA Date	N/A	N/A	N/A

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

*The Commission requires a Professional Trainer sign off on pro-debut athletes to verify skill level.*

*Referees and judges are licensed based on skills, experience and training, continuing education development, and if available, historical "accuracy" based on Association of Boxing Commission judging surveys, Pod Index scoring, and CSAC internal competency exams.*

*Promoter licensees must demonstrate financial stability by providing a recent and certified CPA statement showing liquid assets of at least \$50,000 and by providing the Commission with a surety bond in the amount of at least \$50,000. Promoters must also possess a clean criminal record. The Commission makes the final determination on suitability for licensure.*

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

*This information is not available to the Commission. The Association of Boxing Commissions approved trainers gives these courses and they provide a pass/fail list if requested. The Commission created courses are all passed because the trainers teach the trainees until they can retain the information and are comfortable executing the information.*

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

No

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

No

### **School approvals**

25. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

*The Commission does not approve schools. Rather, the Association of Boxing Commissions, of which the Commission is a member, approves training programs. Also, the Commission and Executive Officer work together to develop inspector training courses.*

26. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

*This does not apply for the above reasons.*

27. What are the board's legal requirements regarding approval of international schools?

*This does not apply for the above reasons.*

### **Continuing Education (CE)/Competency Requirements**

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

*Inspector and Officials receive training every 6 months. The Commission is exploring looking into an online training for Officials once a year.*

- a. How does the board verify CE or other competency requirements?

*Certificate of completion along with a passing score.*

- b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.

*Yes, the Commission maintains a record of officials that have taken the training courses approved by the Commission and ensures that competent officials are assigned based partly upon continuing education attendance.*

- c. What are consequences for failing a CE audit?

*Additional training will be recommended and assignments will not be given.*

- d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

*N/A*

- e. What is the board's course approval policy?

*Association of Boxing Commission approved course or an equivalent.*

Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

*The Executive Officer approves CE courses on behalf of the Commission.*

*The Association of Boxing Commissions in cooperation with the California State Athletic Commission, the California Combat Sports Ring Association, or a course designed by the California State Athletic Commission.*

- f. How many applications for CE providers and CE courses were received? How many were approved?

*All of the ABC approved courses are acceptable as well as CSAC created or endorsed testing.*

- g. Does the board audit CE providers? If so, describe the board's policy and process.

*No.*

- h. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

*The Commission has begun a process of evaluating licensed officials. That process is ongoing. (Evaluation Form Attached)*

## **Section 5 – Enforcement Program**

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

*The Commission's enforcement program is well administered, but is subject to market trends. The Commission has sharply increased the amount of random drug testing performed in California. When compared with other jurisdictions, California is truly a model for drug testing and enforcement.*

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

*The Commission's enforcement is very different from the other Boards and Bureaus within DCA. The Commission's enforcement activities commonly involve fighters using prohibited substances and conduct that brings discredit to combative sports or the Commission. Enforcement activity also includes investigating unlicensed activity; however, currently there is no backlog in pending cases. The Commission closes enforcement cases within 30 days.*

<b>Table 9a. Enforcement Statistics</b>			
	FY 2011/12	FY 2012/13	FY 2013/14
<b>COMPLAINT</b>			
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)			
<b>LICENSE DENIAL (Use CAS Reports EM 10 and 095)</b>			
License Applications Denied			
SOIs Filed			
SOIs Withdrawn			
SOIs Dismissed			
SOIs Declined			
Average Days SOI			
<b>ACCUSATION (Use CAS Report EM 10)</b>			
Accusations Filed			
Accusations Withdrawn			
Accusations Dismissed			
Accusations Declined			
Average Days Accusations			
Pending (close of FY)			

<b>Table 9b. Enforcement Statistics (continued)</b>			
	FY 2011/12	FY 2012/13	FY 2013/14
<b>DISCIPLINE</b>			
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			
<b>PROBATION</b>			
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			
<b>DIVERSION</b>			
New Participants			
Successful Completions			
Participants (close of FY)			
Terminations			
Terminations for Public Threat			
Drug Tests Ordered			
Positive Drug Tests			

<b>Table 9c. Enforcement Statistics (continued)</b>			
	FY 2011/12	FY 2012/13	FY 2013/14
<b>INVESTIGATION</b>			
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)			
<b>COMPLIANCE ACTION (Use CAS Report 096)</b>			
ISO & TRO Issued			
PC 23 Orders Requested			
Other Suspension Orders			
Public Letter of Reprimand			
Cease & Desist/Warning			
Referred for Diversion			
Compel Examination			
<b>CITATION AND FINE (Use CAS Report EM 10 and 095)</b>			
Citations Issued			
Average Days to Complete			
Amount of Fines Assessed			
Reduced, Withdrawn, Dismissed			
Amount Collected			
<b>CRIMINAL ACTION</b>			
Referred for Criminal Prosecution			

Table 10. Enforcement Aging						
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	Cases Closed	Average %
<b>Attorney General Cases (Average %)</b>						
Closed Within:						
1 Year						
2 Years						
3 Years						
4 Years						
Over 4 Years						
Total Cases Closed						
<b>Investigations (Average %)</b>						
Closed Within:						
90 Days						
180 Days						
1 Year						
2 Years						
3 Years						
Over 3 Years						
Total Cases Closed						

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

*Disciplinary action (suspension, denial of license, revocation) activity has remained consistent with market deviations. The Commission, as a regulatory and licensing body, is subject to market fluctuations. When more demand for combative sports exists, more enforcement is needed.*

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

*Disciplinary actions are issued immediately, or shortly after occurrence. Consequently, establishing or adhering to a complaint prioritization policy is not applicable at this time.*

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

*Executive Officer reports all results and suspensions to the appropriate databases.*

34. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

*This is not applicable to the Commission other than to point out the length of the license type expires one year from the date of issue. If a fighter is caught doping or otherwise disciplined, the suspension on the California license is good for only the remainder of the time it is issued. Most ABC member Commissions uphold each other's medical or disciplinary suspensions even after the license expires. This does not preclude the athlete from competing in a rogue jurisdiction or out of the country.*

35. Describe the board's efforts to address unlicensed activity and the underground economy.

*The Commission has a link on the website for anonymous activity. The Commission staff investigates when a report is made. Primarily, licensed stakeholders will notify the Commission of unlicensed activity. This is frequent, and is the Commission's best tool to address underground activity. The Executive Officer and Lead Athletic Inspectors, when possible, scan website, social media and blogs to locate illegal activity, but this is not always reliable. When unlicensed activity does come to our attention, the Commission staff coordinates with the DCA investigations unit and/or local law enforcement to implement a variety of enforcement tools available to the Commission. Sending inspectors to stop events as well as issuing Cease and Desist letters are a common method to deter illegal activity. The commission also utilized social media (Facebook and Twitter) to communicate to the public the requirements for licensure in California.*

## **Cite and Fine**

36. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?

*The Commission issues citations to licensees for violations of the state boxing act.*

*The Commission plans on seeking authority to increase its maximum fines issued to athletes to a percentage of the purse. Having this authority would provide a much greater level of deterrence against highly paid athletes.*

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

*Fines are used as a 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 or the Commission.*

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

*Due to the extraordinary nature of boxing as a sport and profession, the California State Athletic Commission is not subject to the provisions of the APA, as violations by CSAC licensees necessarily need to be handled immediately. However, in fulfilling the regulatory mandate, the Commission issues cease and desist orders for illegal events, suspensions and revocations for violations of the laws and statutes governing boxing/MMA, and conducts arbitrations for its licensees when a dispute arises from either the boxer-manager or boxer-promoter agreements. The commission has sole authority over those proceedings.*

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

1. *Overweight fines*
2. *Steroid usage*
3. *Discredit to Boxing*
4. *Unlicensed promotion*
5. *Drugs of Abuse Fines*

40. What is average fine pre- and post- appeal?

*Fine amounts are rarely reduced and vary greatly from \$100.00 to \$2,500.00.*

41. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

*This has not been utilized for fines, but it is used to collect dishonored checks.*

## **Cost Recovery and Restitution**

42. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

*None currently, but the Commission would like to recommend that requests for arbitrations be charged a fee to assist with cost recovery. The Commission would also like to request that the fine cap be changed from a maximum of \$2500.00 to a maximum of 40% of the purse with the exception that testing positive for a performance enhancing drug would increase the maximum penalty of no less than 50% of the awarded purse. Also, the Commission would like to request that any money received from doping violations be used for cost recovery of the testing performed.*

43. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

*N/A*

44. Are there cases for which the board does not seek cost recovery? Why?

*N/A*

45. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

*The Commission uses this to collect dishonored checks.*

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

*The Commission does not collect restitution, but it performs the arbitration service which often results in money being recovered for a party in the contract. The Commission does not receive any fees for arbitration services.*

## Section 6 – Public Information Policies

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

*The Commission uses the internet to post agendas, training announcements, and interesting topics. Meeting materials are typically available one week before the meeting. Final minutes are posted on the website upon Commission approval and historically have remained on the web site for several years.*

48. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long do webcast meetings remain available online?

*The Commission webcasts most meetings. The Commission hopes to webcast all meetings but the state buildings where the meetings occur must be technologically up to date in order for this to occur. Every reasonable effort is made to provide this service in a reliable and consistent manner. However, since there are various factors that could affect the Internet or end-user connections to this service, the availability and quality of this service is not guaranteed. If available, webcasts remain on DCA's web site for several years under the web case archives.*

49. Does the board establish an annual meeting calendar, and post it on the board's web site?

*No, the Commission does not post an annual calendar. And for maximum attendance purposes, sets future meetings at the end of commission meetings. Once meetings dates are confirmed by the chair, the dates are posted on the website.*

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

Yes.

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

N/A

52. What methods are used by the board to provide consumer outreach and education?

*The Commission has many stakeholder meetings per year. The Commission also has a Facebook page that is updated regularly. The Commission also issues press releases on issues of interest to the public such as the Boxer's Pension Fund. Commission subcommittees have proven to be effective tools to engage relevant issues and stakeholders.*

## Section 7 – Online Practice Issues

53. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board 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

54. What actions has the board taken in terms of workforce development?

N/A

55. Describe any assessment the board has conducted on the impact of licensing delays.

N/A

56. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

N/A

57. Provide any workforce development data collected by the board, such as:

N/A

- a. Workforce shortages
- b. Successful training programs.

## Section 9 – Current Issues

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

*The Uniform Standards do not apply. However, all licensed athletes are required to submit to random drug testing (or regular drug testing if a prior test was failed). Athletes 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 paid. The Commission partners with UCLA Olympic Analytical Laboratory and utilizes the WADA banned substance list to ensure the highest level of integrity for regulated combat sports.*

59. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

N/A

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

*BreEZe implementation has been delayed until sometime in 2015 - during phase three of a three phase roll-out. Commission staff has not yet met with the BreEZe representatives.*

## Section 10 – Board Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committees/Joint Committee during prior sunset review.

**1) The Committee asked that the Commission provide an update on the BreEZe licensing system and any efforts DCA is taking to assist the Commission in improving its current paper based record system and outdated technology systems.**

*The Commission is in the 3rd phase of the BreEZe rollout. We are not sure when that will begin to take place, but an estimate is summer of 2015. DCA provided the Commission with support staff for over a year and an Excel template that is BreEZe compliant that the Commission is using to enter data and issue licenses.*

**2) The Committee asked that the Commission explain how it hires, assigns and evaluates inspectors. The Committee also asked how it determines the number of necessary inspectors assigned to an event to ensure health and safety.**

*In August 2013, the Commission partnered with DCA's Human Resources Division, Selection Services, to develop an Athletic Inspector Open Examination. The examination was given in December 2013, and tested the candidates' knowledge, skills and abilities for this industry. After scoring and ranking, a list was created and used to hire an additional 20 part-time Athletic Inspectors.*

*Inspectors are assigned based on competence, experience, geographical location within the state, and the complexity and demands of the show. The number of inspectors is also determined by the complexity and demands of the show including, but not limited to, number of bouts. Strong consideration is given to geography and availability with regard to where the event is being held. Experience and attitude also are considerations as is attempting to make a fair distribution of assignments.*

**3) The Commission should explain what policies it has in place to ensure that field staff is not attempting to act on the Commission's behalf. What recourse does Executive staff have for unprofessional behavior.**

*The Commission no longer allows Athletic Inspectors to serve as CSAC office staff. Additionally, Executive Staff follow the progressive discipline procedure as outlined by DCA Human Resources for disciplinary actions. Due to increased training, as well as applying an objective set of criteria for assignments, unprofessional behavior has significantly reduced. Many of our inspectors have received high praise from several stakeholders.*



**4) The Commission should explain how it complies with open meetings requirements and conflict of interests**

*Commission meeting dates are posted on the Commission's web site in accordance with the Bagley-Keene Open Meeting Act 2004.*

*The Commissioners attend orientation training that affords the basic sense of the key principals of their roles as commissioners including always being mindful of the mission and that as a gubernatorial appointee, all Standards of Ethical Conduct apply. Commissioners have reviewed the Political Reform Act and have attended the Ethics training courses provided by DCA. All Commissioner disclose financial interests (Form 700) annually and are aware of the FPPC 8 step process as well as the Bagley-Keene Open / Public Meeting Act and its Top Ten Rules.*

**5) The Commission should explain the status of its payments to the mixedmartialarts.com database. The Commission should clarify whether a fee on promoters for MMA will pay for this.**

*The Commission has signed a contract with MMA LLC, the owner of mixedmartialarts.com and the Commission is up to date on its payments. The Commission absorbed this cost to pay for the database without charging a fee to the promoters. The database is important because this is the system that all Commissions across the country use to track medical and administrative suspensions, national identification numbers, and official records.*

**6) The Commission should explain to the Committee how it works to promote important health and safety standards for all events in the state, including those which are held on tribal lands and not directly overseen by the Commission. The Commission should provide an estimate of how many of these events it regulates and how many take place with no oversight.**

*The CSAC exists primarily to promote and ensure the health and safety of all combat athletes. Every action taken by CSAC is or should be made with all health and safety standards as our guide. By reaching out to all stakeholders and ensuring that we are available, easy to reach, responsive and dedicated, we hope to continue to prove that we can make the regulatory process user friendly and rewarding while protecting each and every fighter.*

*Thus far in calendar year 2014, the Commission regulated 102 events, of which 22 were on tribal lands. It is impossible to know the number of bouts taking place without oversight. The Commission regulates events held on tribal land to the same standard as non-tribal events. The Commission regulates these events by invitation and pursuant to a contract with a tribe. The licensing, medical, officials, inspectors, and insurance requirements are identical to other events in California. The fee structure is different with a Tribal land is a flat fee of \$4200 (\$3000 for the support fund, \$600 for neurological fund, and \$600 for the pension fund). The Commission is aware of bouts that have likely taken place on tribal lands without CSAC oversight. While we regret this activity, we have no authority to stop it. The Commission has and will continue to extend invitation to all tribal and other organizations and offer our assistance to help them conduct safe and appropriate events.*

**7) The Commission should update the Committee on steps it is taking to ensure proper oversight of its budget and proper communication.**

*The Commission has created a policy for the Executive Officer to follow to provide the Commission regular budget updates and proper communication on important matters. The Commission's fund condition is now healthy and proper oversight by the Commissioners is performed on a regular basis via weekly emails and during CSAC meetings. The Executive Officer and the Commissioner appointed with business experience review the budget on a monthly basis. Recurring meetings with the Executive Officer and DCA budget staff are also part of the process.*

**8) The Commission should explain whether it can effectively protect fighters and oversee events with its current spending authority and other staffing needs it has to improve operations and promote fighter safety.**

*The good news is that the Commission is concerned that the current spending authority may not be sufficient to provide adequate coverage of large events in lieu of the fact that we are successfully bringing new large events to California (Example: the middleweight championship, sold-out event, in Carson on October 18<sup>th</sup>). The Commission fully expects, due to statements made by large promoters, to attract additional large events in our next fiscal year. Consequently, additional large and complex events may require more personnel to adequately protect the health and safety of the athletes. A relatively minimal increase in spending authority will better ensure adequate coverage as well as cover the increasing and necessary drug testing activities performed by the Commission.*

*Additionally, there are always challenges and certainly areas that could be strengthened and improved. FY 13-14 was a challenging year for the California State Athletic Commission from a staffing perspective. The Commission's budget was slashed by approximately 40% and staffing was sharply reduced by 5.0 authorized personnel. This new reality created an environment that warranted restructuring and reinvention. The Commission Executive staff made decisions, based upon safety concerns, to staff events at higher levels than FY 12-13, even with the decreased spending authority. Also, the Executive Officer absorbed the matchmaking oversight duties of the Chief Athletic Inspector (CAI) when the former CAI resigned from state service. The Commission is currently doing more with less. FY 13-14 also proved difficult due to two lawsuits, multiple arbitrations, and other enforcement matters that saw the Attorney General Line Item exceed the budgeted appropriation limit. Even with these costs, trainings were performed, anti-doping screenings were administered, and the Commission protected licensed athletes adequately.*

*The Commission is a special fund, with no appropriation from the general fund. The reality is the Commission's revenue fluctuates seasonally and is primarily dependent upon the number of events regulated. While the last two years have seen revenues exceed expenditures, the prudent course of action is to remain diligent over all expenditures while fostering a competent and professional environment in which the fighting community can rely and therefore bring more events. All other boards in the Department of Consumer Affairs receive the majority of their revenue from license fees, which creates a relatively steady revenue stream. The Commission receives the majority of its revenue from regulated events and a fee assessed to the TV contracts associated with those events. The Commission's revenue structure is tied directly to the combat sports entertainment industry which is not a stable and readily predictable revenue stream. Keeping this in mind, the Commission believes that is prudent to observe operations in FY 14-15 before/if requests for additional staffing are made. Commission executive staff do not want to put the Commission in the position it was three years ago where expenditures greatly exceeded revenues.*

*The best and most immediate ways to better protect athletes is just a few additional staff, an office in Southern California where most of the events take place, and additional drug testing.*

**9) The Commission needs to explain how it will effectively oversee events and determine the necessary expenditures it needs to make to ensure fighters safety and proper management of bouts.**

*Commission executive staff know, almost to the penny, how much each event is costing the Commission, based on assigned staffing levels. The Commission has created a policy that tracks events revenue and expenditures. Most events are revenue positive events, but some events are small and the Commission spends more than it collects in revenue to regulate these contests. The Commission believes this is to be expected considering that smaller events prepare future athletes that will participate in more and larger events over time.*

*While it is certainly prudent to know detailed event costs, the Commission also reviews the whole picture and how much each of the smaller events contribute to the overall revenue/expenditure model. The obvious goal is to not allow overall expenditures exceed overall revenue. Commission staff also carefully examines each employees time sheets and travel claims to ensure that overbilling or fraud does not occur.*

*Commission executive staff also know how much money will be spent from the anti-doping line item for each event. Additionally, the Commission has achieved cost savings without sacrificing health and safety by delegating amateur mixed martial arts, amateur boxing, amateur kickboxing, and amateur youth pankration to delegated organizations.*

**10) The Commission should provide an update on information it provides to boxers and MMA fighters about certain protections they are eligible for in their professional relations with promoters, as well as other basic rights they have as fighters in this state. The Commission should discuss whether it believes a statutory provision is necessary. The Commission should discuss outreach efforts of this nature it plans to take.**

*The Commission has posted the Boxer's Bill of Rights on the CSAC website and also on social media outlets. The Commission does not recommend a statutory provision at this time. The Commission can also promote the outreach to and education of amateur fighters concerning their Bill of Rights through the CSAC delegated entities who obviously have direct interaction with these athletes.*

**11) The Commission should report on its efforts to require pregnancy testing. The Commission should explain whether female athletes voluntarily take pregnancy tests prior to fights. The Committee may wish to pursue requiring pregnancy tests for female athletes as a female athlete safety measure.**

*The Commission's medical advisory committee continues to urge the legislature to require pregnancy testing for female athletes. The Commission provides the female athlete a brochure explaining that fighting pregnant could be unsafe.*

**12) The Commission should provide an update on its weight study and regulatory change efforts. The Commission should identify any advancement in tests or methods to determine when a fighter is at risk for other injuries due to weigh loss efforts.**

*The Commission's weight study is attached, as well as several proposals under review by the commission and its subcommittee including two renowned brain and TBI experts. The Executive*

*Officer and one Commissioner plan to attend the Association of Ringside Physicians (ARP) annual conference to discuss a safety issues involving weight-cutting prior to scheduled events resulting in severe dehydration. The medical profession believes that severe dehydration contributes to traumatic brain injury.*

**13) The Commission should provide an update on its Advisory Committee work and explain what efforts it is taking toward uniform standards with others states on this issue.**

*The Commission has passed the most comprehensive and strict Therapeutic Use Exemption regulation package in the history of combat sports. This exemption is more strict than Olympic and WADA standards. This package is attached for the Committee's review.*

**14) The Commission should provide additional information to the Committee on the professional trainer option.**

*The professional trainer idea exists in several other states including Nevada and Georgia. The idea is that a professional trainer can help determine when an amateur is ready to turn professional. This level of expertise could be helpful for many reasons. However, this may not be currently practical as the Commission does not have the budget, and perhaps the expertise, to send an Athletic Inspector to a gym to observe an athlete and determine if he/she is ready to turn professional. This determination is best made between a reputable professional trainer and the athlete.*

**15) Collection of Fines? Is the Commission collecting enough money to deter problematic behavior by its licensees?**

*The Commission would like the fine cap raised to a percentage of the purse. The Commission recommends a maximum of 40% of the purse for any violation other than performance enhancing drugs (PED). The Commission recommends that the performance enhancing drug fine be no less than 50% of the purse. This would be the strictest PED fine in the country and would send a message that cheating in California will not be tolerated.*

**16) The Commission should provide an update on its current drug testing policy. The Commission should inform the Committee of any uniform standards for drug testing of professional athletes or conversations about implementing uniform standards across the nation.**

*The Commission has held regular training with Athletic Inspectors to train in collection of urine specimens and the completion of anti-doping paperwork. The Commission has had no problems with its drug testing procedures in the last two years, nor has it received any appeals of positive results tests. The Commission uses the World Anti-Doping Agency thresholds to determine banned substance amounts. The California State Athletic Commission has the most extensive and thorough anti-doping regimen in the world at this time when compared to any other combat sports Commission.*

*The Commission will seek statutory clarification confirming that any boxer or mixed martial artist may be subject to anti-doping testing throughout the period of their licensure (out of competition testing) and statutory clarification confirming that both blood and urine testing are acceptable means of testing for anti-doping violations.*

**17) Regulations and statute governing the Commission's policies need to be updated to ensure that it has the ability to oversee amateur boxing in the event that USA Boxing is**

**suspended again or removed completely from the authority to administer amateur events. The Commission should receive regular reports from USA Boxing in writing and at meetings. The Commission should move forward with plans to randomly inspect USA Boxing Sanctioned events.**

*The Commission created a subcommittee for USA boxing composed of Commissioners Lehman and Shen-Urquidez. These Commissioners diligently examined USA Boxing for almost a year and have had numerous meetings with USA Boxing leadership. USA Boxing is now submitting reports and complying with the required health and safety requirements of the State. The Commission has inspected several USA Boxing events, but Commission resources and staffing hinder ideal inspection. Ongoing monitoring is crucial and will ensure that the Commission remains informed while maintaining an open line of communication and cooperation with USA Boxing. CSAC's ability to oversee amateur boxing in the event of a USA Boxing suspension is unlikely until a new delegate could be determined to regulate amateur boxing. Without a delegate, amateur boxing in California would be temporarily stopped. The Commission does not have the resources necessary to regulate amateur boxing throughout the state, nor does the Commission have any official ties to the Olympic games.*

**18) The Commission should fully explain how it would handle regulating amateur MMA in California.**

*The Commission delegates amateur Mixed Martial Arts (MMA) to CAMO. CAMO regulated 112 events in 2013. They have a staff of 2 office personnel, 10 Lead Inspectors, and a budget of \$402,000. In 2013, the Commission formed a subcommittee comprised of Commissioners John Carvelli and Martha Shen-Urquidez and along with the Executive Officer, made a detailed review of CAMO's operations. Based upon recommendations from the subcommittee, CAMO restructured its leadership and submitted a series of detailed reports. Upon review and the issuance of an updated delegation letter, the Commission reauthorized the delegation. With the new CAMO leadership, reporting requirements and solid performance, the Commission is currently satisfied that amateur MMA athletes are competing in a safe environment. Finally, the Commission is not adequately funded or staffed to regulate this growing activity.*

**19) The Commission should explain its progress in providing eligible fighters pension payouts. The Commission should consider expanding the fund to MMA athletes. The Commission should evaluate whether there may be a more appropriate use for the fund like providing health insurance benefits or connecting fighters to coverage for medical services.**

*The Commission has issued press releases, provided pamphlets, posted information in boxing gyms and on social media, and provided stakeholder meetings, in addition to discussion at all CSAC meetings, to get the message out to retired boxers. These efforts appear to be working, as pension payouts have increased sharply compared to years past. The Commission also has begun the process in updating the pension fund requirements, working over the past year with experts to allow for more reasonable and ready payouts.*

*The Commission appreciates the legislature's recommendation concerning MMA fighters. The actuarial analysis required to expand the fund is a good idea, however, this will require additional resources that the Commission does not currently have. Professional MMA, relative to boxing, is in its infancy. Reaching out to and working with MMA promoters and stakeholders is the next best step toward future retirement planning for MMA athletes.*

*The Commission appreciates the legislature's recommendation. The Commission has not evaluated whether providing additional uses of the fund like health benefits would be appropriate and believes this issue is best addressed by the Legislature and governmental policy makers. We do note that as a result of national health care reform, health coverage is available, and in fact required, to all. As part of complying with Commission regulations, Promoters do make arrangements and carry short term health insurance on athletes to protect against injuries sustained during the competitions.*

**20) The Commission should report to the Committee whether the Commission's office staff are still being paid out of the neurological fund. The Commission may wish to consider requiring promoters to pay directly for neurological exams of fighters who participate in their events, allowing the Commission to focus its spending of the Neuro Fund on proactive measures to protect fighters and prevent traumatic brain injury when possible. The Commission should report on the status of its development of a program for neurological examinations and study. The Commission should identify efforts like those recently implemented in Nevada to increase testing of athletes.**

*The Commission no longer pays any staff out of the neurological fund. The Commission ceased this practice in early 2013.*

*The Medical Advisory Committee met 8/10/2014 and discussed creating an updated neurological examination. This project is ongoing.*

*The Commission has recently partnered with the Cleveland Clinic in Nevada to participate in the neurological study of combat sports athletes.*

*The Commission has proposed regulation changes to the Neurological Fund. The proposal calls for the establishment of a flat neurological assessment fee of \$175.00 to be paid by promoters, on a per event basis, to adequately fund the Neurological Examination Account and pay for professional athlete neurological examinations as required by BPC 18711. The regulation package is currently under review by DCA Legal. Because this was a recommendation by both the Legislature and the Bureau of State Audits, the Commission is recommending that the Legislature consider adding the assessment into the State Boxing Act.*

Any recommendations the board has for dealing with the issue, if appropriate.

See above.

## **Section 11 – New Issues**

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, and legislative 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 board in this report.
  - a. *The cost to conduct arbitrations is burdensome on the Commission's budget. If the Commission is required to perform the arbitration service, the parties should pay a fee to either cover or help cover costs.*
  - b. *The Commission recommends to the legislature that the cap for fines be raised from \$2500.00 to a percentage of the purse. The Commission recommends a maximum of 40% of the athlete's purse would be a sufficient deterrent for non doping violations. The Commission also recommends that the fine cap for athletes testing positive for performance enhancing drugs be raised to at least 50% of the purse, creating the strictest standards in the country for performance enhancing drug violations. The Commission requests to use a portion of the money collected from anti-doping fines to pay for cost recovery associated with the testing.*
  - c. *The Commission would like to request a statutory provision to allow it to contract with promoters who seek additional anti-doping testing that exceeds the Commission's normal testing procedures. Often, world championship matches are contracted with the provision to test multiple times with a very extensive testing regimen. Currently, the Commission is unable to fulfill the promoters request to perform these tests because no provision for cost recovery exists.*
  - d. *The Commission would like a statutory clarification that any boxer or mixed martial artist may be subject to anti-doping testing throughout the period of their licensure. (Out of Competition testing) The Commission would also recommend legislative clarification that both blood and urine testing are acceptable means of testing for anti-doping violations.*
  - e. *The Commission recommends to the legislature that the cap amount for fines on licensees be changed from a flat \$2500.00 to a percentage of the bout purse and/or a percentage of the contractually agreed upon compensation arrangement for an event. While the Commission is aware of the potential abuses of fines and penalties, the Commission feels strongly that penalty discretion will provide reasonable alternatives for the application of fines for all licensees as well as serving as a strong deterrent to the larger or wealthier stakeholders who are and have been much more likely to do what they want and pay the \$2,500.00 cap fine. A percentage limitation will curb penalty abuses while better protecting the fighter from an environment that allows, or rather does not adequately deter from, dangerous pre-fight weight-cutting. Additionally, licensees that defraud the Commission and/or ignore the rules and regulations, such as not providing emergency vehicles or appropriate insurance coverage, will know they are subject to significant penalties for unacceptable activities.*
3. New issues not previously discussed in this report.
  - a. *The Commission would like to bring the issue of medical malpractice insurance of ringside physicians to the Committee's attention. The Commission has a difficult time recruiting ringside physicians due to medical malpractice insurance policies not willing to cover physicians working at regulated events.*
  - b. *The Commission would like to request code clean up for B&P 18724 so that new industry standards for boxing ring construction are met.*
4. New issues raised by the Committees.

## Section 12 – Attachments

Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board 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).

## Section 13 – Board Specific Issues

**THIS SECTION ONLY APPLIES TO SPECIFIC BOARDS, AS INDICATED BELOW.**

### **Diversion**

Discuss the board's diversion program, the extent to which it is used, the outcomes of those who participate, the overall costs of the program compared with its successes

### **Diversion Evaluation Committees (DEC) (for BRN, Dental, Osteo and VET only)**

1. DCA contracts with a vendor to perform probation monitoring services for licensees with substance abuse problems, why does the board use DEC? What is the value of a DEC?
2. What is the membership/makeup composition?
3. Did the board have any difficulties with scheduling DEC meetings? If so, describe why and how the difficulties were addressed.
4. Does the DEC comply with the Open Meetings Act?
5. How many meetings held in each of the last three fiscal years?
6. Who appoints the members?
7. How many cases (average) at each meeting?
8. How many pending? Are there backlogs?
9. What is the cost per meeting? Annual cost?
10. How is DEC used? What types of cases are seen by the DEC?
11. How many DEC recommendations have been rejected by the board in the past four fiscal years (broken down by year)?

### **Disciplinary Review Committees (Board of Barbering and Cosmetology and BSIS only)**



1. What is a DRC and how is a DRC used? What types of cases are seen by the DRCs?
2. What is the membership/makeup composition?
3. Does the DRC comply with the Open Meetings Act?
4. How many meeting held in last three fiscal years?
5. Did the board have any difficulties with scheduling DRC meetings? If so, describe why and how the difficulties were addressed.
6. Who appoints the members?
7. How many cases (average) at each meeting?
8. How many pending? Are there backlogs?
9. What is the cost per meeting? Annual cost?
10. Provide statistics on DRC actions/outcomes.

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