



Members of the Commission

John Frierson, Chairperson
Christopher Giza, Vice-Chairperson
VanBuren Lemons, MD
Dean Grafilo
Mary Lehman
Martha Shen-Urquidez
John Carvelli

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

**CALIFORNIA STATE ATHLETIC COMMISSION
MEETING MINUTES**

Monday, June 10, 2013
10:00 a.m. to Close of Business

LOCATION:

Ronald Reagan State Building
300 South Spring Street
Los Angeles, CA 90013

Commissioners Present

Chairman John Frierson
Vice-Chairman Christopher Giza
Commissioner Van Lemons
Commissioner Martha Shen-Urquidez
Commissioner Mary Lehman
Commissioner Dean Grafilo
Commissioner John Carvelli

Commissioners Absent

N/A

Staff Present

Andy Foster, Executive Officer
Karen Chappelle, Supervising Attorney General
Michael Santiago, Senior Staff Counsel, DCA
Che Guevara, Chief Athletic Inspector
Heather Jackson, Office Technician

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

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

**Agenda Item 2 – Chairman's Opening Remarks/ Welcome and Swearing in of new
Commissioner John Carvelli**

Chairman Frierson welcomed the other commissioners and the audience to the commission meeting. Executive Officer Andy Foster swore in Commissioner John Carvelli.

Agenda Item 3 – Approval of April 22, 2013 Commission Meeting Minutes

Commissioner Lemons had a revision. Commissioner Grafilo motioned to approve the April 22, 2013 meeting minutes with the revision. Commissioner Lemons seconded the motion and the commission approved the motion 7-0.

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Agenda Item 4 – Executive Officer Report

Mr. Foster gave the current status of the Athletic Commission's budget, Boxer's Pension Fund and Neurological Fund. There was some discussion about staffing of the Sacramento office.

a) Budget Update

- April revenue reported on CalSTRS is lower than normal due to last April deposit (approximately 64k) getting pushed into May. As a result, the May CalSTRS revenue number will be higher than normal as it will include the last deposit in April. Additionally, the DCA pro-rata came out in April, increasing expenditures.
- The Executive Officer stated that he is anticipating \$194k in May revenue, up significantly from the April figures and the May expenditures will be lower than April.
- The Commission's fund balance is \$307,000 for the end of April, 2013.
- State pro-rata is scheduled to come out in the future, but it is the smaller of the two pro-rata charges. The April DCA pro-rata charge is the last for this fiscal year.
- The Commission recently turned in a large number of travel expense claims for commissioners and inspectors that will skew our numbers over the next few months. Past months show a lower travel expenditure due to these travel expense claims not being submitted timely.
- Commissioner Lemons – stated he was not sure what we pay for with pro-rata. Executive Officer Foster stated that the DCA has supported this commission with the staff that they have loaned that Commission and the commission has received support from DCA. The Commission directed that Mr. Foster look into further pro-rata reductions.
- The Commission received a \$200,000 supplemental finance letter for additional athletic inspector if needed for fiscal year 2013-14.

Agenda Item 5 – Subcommittee on Therapeutic Use Exemption (TUE) – Discussion and possible action regarding draft policy

There was some overview of the draft policy. Michael Santiago had some concerns with the TUE policy with respect to whether or not the Commission currently has rules in place that allow the Commission the authority to create such a policy.

Public Comment

Dr. Paul Wallace spoke about his concerns with listing prohibited drugs, he explained that we the Commission's concern is with performance enhancing drugs (PED). He suggested classifying drugs and allowing the Medical Advisory Committee to review and make recommendations.

Mrs. Tracy Rhine, Deputy Director of the Division of Legislative and Policy Review for the Department of Consumer Affairs commented in echo of Mr. Santiago's stance regarding the TUE policy. She stated that as the policy stands, it is her belief that it goes beyond the guidelines of a policy. She indicated that if the Commission wishes to move forward with the TUE, it must go through the rule making process.

Commissioner Lemons suggested that the Commission consider holding a special meeting to review regulations, and discuss the options of moving forward on TUE.

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Commissioner Giza motioned for the Commission to direct Executive Officer Foster to work with DCA Legal and the subcommittee to create a path for athletes to continue to fight, while moving forward with the TUE policy at Office of Administrative Law. Chairman Frierson seconded the motion, so moved.

Agenda Item 6 – Subcommittee on Licensing of Transgender Athletes – Discussion and possible action regarding the policy

There was much discussion regarding the policy, as well as concerns similar to those with the TUE policy. Commissioner Giza motioned to allow the subcommittee, the Medical Advisory Committee, Executive Officer Foster and industry stakeholders to work together to fashion proper language to utilize the policy on a case-by-case basis.

Public Comment

Dr. Wallace, Medical advisory committee chair, expressed concerns with the current policy and reiterated how important a regulation can be in overseeing this aspect of the sport. He requested the Commission provide a legal opinion regarding the States definition of gender. Lastly, Dr. Wallace requested that, in making the decision, the Commission be conservative.

Mrs. Rhine commented that, as written, this policy goes further than what is considered to be a policy and must go through the rule making process.

[Name not stated] made a suggestion that a trans-gender league be created as it will be practical for the sport.

Mrs. Helen Carroll spoke in support of the Commission and their efforts moving forward with creating a transgender policy for the sport. However she expressed that, in her opinion, the current policy compares the extremes. Suggests that the Commission consider what is best for California, rather than what is beneficial for the sport internationally.

Mrs. Katrina Karkazis, Medical Anthropologist spoke on the difference between genital and gonadal surgery. She stated that she believes a gonadectomy is not medically necessary, and that there are other routes to achieve a transgender state.

Commissioner Giza briefly summarized the discussion and asked for a second on the motion. Commissioner Lemons seconded the motion, passing 7-0.

Agenda Item 7 – Discussion and possible action regarding the Neurological fund

Mr. Foster recommended that the Commission create a subcommittee to direct him on how to utilize the Neurological fund, and propagate a rule or regulation regarding the assessment. The subcommittee will include 2 commissioners; Commissioner Lemons and Commissioner Giza. Commissioner Grafilo motioned to approve the subcommittee on the Neurological fund. Commissioner Carvelli seconded the motion, and passed 7-0.

Agenda Item 8 – Discussion and possible action to adopt a formal policy for communication between the Executive Officer and the Commissioners

Commissioner Lehman suggested that the Commission consider renaming the policy to 'Executive Officer's responsibility relating to communication with Commissioners.'

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Commissioner Giza motioned to approve/adopt the policy with the suggested revisions. Commissioner Lemons seconded the motion, and passed 7-0.

Agenda Item 9 – Discussion on youth Pankration and the “All American Fight League”

After brief discussion, Mr. John Frank of United States Fight League (USFL) began his presentation. He stressed that the events that he holds are educational, safe, have international credibility, the organization is affordable and, in his belief, compliant with State laws.

Mr. Foster expressed his stance on the matter and asked the Commission for direction. He explained that he is concerned with the events that have been held, and stated that his role is for the protection of the people of California with regard to health and safety, and that he would prefer to error on the side of caution and consumer protection. Mr. Foster also expressed concern for the safety of the children.

Public Comment

Mr. Ty Hutchinson testified that he has attended multiple events, and he has saw no better oversight, enforcement or rule compliance than at USFL events. He said that in his experience at these events, fights and submissions were stopped before any damage could be made. He explained that he is a father of a 13-year-old girl participant, and he is proud to work with USFL. He also explained that it is his belief that at such a young age there is no significant difference in strength.

Mr. Raymond Cordova, father of a 13-year-old boy participant, spoke in support for USFL.

Mr. Savant Young, father of a boy participant, spoke in support for USFL.

Mr. Brad London, Lead Supervisor for CAMO as well as a lawyer, explained that CAMO has no desire to regulate youth leagues. He also acknowledged that CAMO does not have a problem with USFL.

Mr. Mario Mendez spoke in support for USFL.

Mr. Christopher Manzo, Adrenaline Combat Sports, spoke in regard to boys fighting girls. He explained that there is a cap at 11 years of age because of the difference in body around the age of puberty; that, at such a young age, it is essentially an even playing field.

Mr. Sam Mendoza, father of 2 boy participants, explained that, in his opinion most of what the participants of USFL acquire is the technique.

Mr. Anthony Frank spoke in support of USFL.

Mr. Jeremy Lappen, CAMO, asked the Commission if the sport should be regulated. If it should be, he questioned who would regulate it. He also mentioned that CAMO does not have an issue with USFL.

Commissioner Shen-Urquidez acknowledged that she likes the USFL as an organization. However, in her research, all the film on pankration is not light contact. She explained that she does not feel comfortable with kids ages 5-9 competing in full contact; she would however, like to find some caveat for high school students to compete.

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Commissioner Lemons stated that unless there is a clear health and safety concern, he does not believe the Commission should stop these events but rather investigate the sport and make a decision when there is a more information.

After much discussion, most of the commissioners feel that, at this point, they do not have enough background on the sport to make an informed decision. Commissioner Carvelli motioned to allow the cease and desist order to continue intact and suggested the Commission form a sub-committee; Commissioner Shen-Urquidez seconded the motion, and passed 6-1 – Commissioner Lemons opposed.

A sub-committee was formed to include Commissioner Carvelli and Commissioner Lehman. The sub-committee will be accepting comments via email to jcarvelli99@yahoo.com.

Agenda Item 10 – Annual Review and possible action regarding California Amateur Mixed Martial Arts Organization's (CAMO) Amateur MMA delegation

Mr. Lappen presented on behalf of CAMO, outlining their year's successes, as well as ongoing efforts as an organization. Beginning with a review and background of the organization for the new Commissioners, an overview of the CAMO website, current statistics, the status of CAMO competitions and seminars which are offered at no cost, and provided a summary of the current findings from the Hydration Study. Mr. Lappen briefly turned the floor to Mr. JT Steele to speak about CAMO's Combat Intelli-Rating and Ranking System (CIRRS). In closing, Mr. Lappen provided an update on current officials, as well as defining further efforts for new CAMO officials.

Commissioner Shen-Urquidez requested that the Commission implement a communication protocol with CAMO.

Commissioner Lehman expressed curiosity regarding CAMO's fee structure, and inquired about Commission revenue as it relates to CAMO.

Mr. Foster explained that, with regard to CAMO's fee structure, the Commission's priority is to protect the promoters and amateur athletes in California. He suggested that the Commission and CAMO mutually organize a strategy for events that involve both professional and amateur mixed martial arts. He also stated that, moving forward, he requests that CAMO issue national IDs to their participants for a more cohesive record keeping system with the professionals.

Commissioner Lehman motioned to create a sub-committee that will coordinate with CAMO and stakeholders to form recommendations regarding CAMO fee structure as well as a strategy for issuing national IDs for amateurs. Commissioners Shen-Urquidez and Carvelli volunteered for the sub-committee. Commissioner Giza seconded the motion, and passed 7-0.

Public Comment

Mr. Roy Englebrecht suggested that the Commission consider taking an annual percentage from CAMO's gross revenue as compensation for pro/am shows.

Mr. Dan Collins expressed concerns with CAMO's requirement for officials training being exclusive to a specific certification class that is very expensive.

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Mr. Marty Denkin spoke in support of the clinic that was offered by Mr. John McCarthy.

Mr. John Frank, USFL, expressed concerns with CAMO's delegation being exclusive to only one organization.

Agenda Item 11 – Discussion and possible action on a budget for fiscal year 2014-2015

Mr. Foster provided a brief explanation of the long-term budget plan, outlining revisions for the Commission's approval.

Commissioner Giza motioned to approve the long-term budget plan with the revisions.

Commissioner Lemons seconded the motion, and passed 7-0.

Agenda Item 12 – Request to appeal bout decisions

a. Jeremy Rosales vs. Scott Rosa

Mr. Foster briefly explained the appeal and provided his recommendation for a 'no decision.' After watching the video of the fight – with clear evidence of a timekeeping error, Commissioner Lemons motioned to approve the appeal and change the result of the fight to a 'no decision.' Commissioner Shen-Urquidez seconded the motion and passed 7-0.

b. DonYil Livingston vs. Paul Mendez

Mr. Don Livingston, chief corner man and father of DonYil Livingston, testified in support for his son. He summarized the appeal and, in discussion, added an allegation that the referee did not complete an 8-count before stopping the bout. After watching the video and determining that the 8-count was completed before stopping the bout, Mr. Foster and Mrs. Karen Chappelle recommended that the Commission disapprove the appeal allowing the decision to stand.

Commissioner Lemons motioned to disapprove the appeal; no second to the motion.

Commissioner Lehman motioned to approve the appeal, stating that hitting below the belt is against the rule, and that the Commission should consider this appeal to fall under the rule – in which case it would be deemed a 'no contest.' Commissioner Shen-Urquidez seconded the motion and passed 6-1, Commissioner Lemons opposing.

Public Comment

Mr. Raul Caiz Jr. commented that a referee is only supposed to poll the judges for cuts.

c. Martha Salazar vs. Sonja Lamonakis

After a brief discussion regarding the time keeping for this bout, Commissioner Lehman motioned to approve the appeal and change the decision to a 'technical win.'

Agenda Item 13 – New Promoter Applications for Licensure

a. Nick Diaz Promotions

Mr. Foster and Mrs. Chappelle recommended the Commission consider Rule 219, allowing the Commission to issue a promoter a temporary license for two events. After the two events, the Executive Officer will report back to the Commission with a recommendation for complete licensing.

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Commissioner Lemons motioned to approve a temporary license to Nick Diaz Promotions. Commissioner Lehman seconded the motion, and passed 7-0.

Agenda Item 14 – Public Comment for Items not on the agenda

Master Shawn Shilati explained that he had many discussions with Mr. George Dodd regarding Pro1 & Am1 rules, however no official decision was made. He is requesting the Commission review the rules and consider allowing him to utilize them at his events.

Mr. Andre Ward and his manager Mr. James Price requested an emergency hearing to terminate a contract between Mr. Andre Ward and Goosen Tutor Promotions. Mr. Foster and Mrs. Chappelle explained that they would be able to facilitate arbitration on an expedited basis.

Agenda Item 15 – Closed Session

Agenda Item 16 – Future Items and Meeting Dates

n/a

Chairman Frierson made a motion to adjourn, Commissioner Carvelli seconded and the Commission adjourned.