



DEPARTMENT OF CONSUMER AFFAIRS
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR GAVIN NEWSOM

CALIFORNIA STATE ATHLETIC COMMISSION

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Members of the Commission

Peter R. Villegas, Chair

Dr. Vernon Williams, Vice Chair

AnnMaria De Mars

Ronald Fiore

Christopher Gruwell

Douglas Hendrickson

Scott Wetch

COMMISSION MEETING OF THE CALIFORNIA STATE ATHLETIC COMMISSION

MEETING MINUTES

Monday, December 9, 2024

10:00 a.m. - Conclusion of Business

Location:

IN-PERSON LOCATION:

Department of Consumer Affairs
1625 North Market Blvd.
Main Hearing Room (Suite 102)
Sacramento, CA 95834

REMOTE LOCATION:

Webex

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m5f7947336461df1e5210a912d0eaae41>

Commissioners Present

Chair Peter R. Villegas
Vice Chair Dr. Vernon Williams
Commissioner Ronald Fiore
Commissioner Christopher Gruwell
Commissioner Doug Hendrickson
Commissioner Dr. AnnMaria De Mars
Commissioner Scott Wetch

Staff Present

Andy Foster, Executive Officer
Patrisha Blackstock, Assistant Executive Officer
Mark Relyea, Chief Athletic Inspector
Kenneth Swenson, Legal Counsel
Lee Palmer, Associate Governmental Program Analyst
Monique Azar, Staff Services Analyst

OPEN SESSION

Agenda Item 1 – Call to Order / Roll Call / Establishment of Quorum

The meeting was called to order at 10:00 a.m. by Chair Villegas. Executive Officer (EO) Andy Foster called roll. Chair Villegas, Commissioner Fiore, Commissioner Gruwell joined via video conference. A quorum was established.

Agenda Item 2 - Welcome – Commission Chairman's Opening Remarks.

Chair Villegas welcomed everyone to the last meeting of 2024; he recapped on the great year the Commission had and the approval of Bare-Knuckle Fighting Championship. He thanked the Commissioners on all their work on building and strengthening the Commissions tribal relationships.

Vice Chair Williams added that he was great to have Chair Villegas back. He informed the Commission that California boxer, Israel Vazquez recently passed away after a battle with cancer.

Agenda Item 3 - Review and Possible action to approve the September 9,2024 Commission Meeting Minutes.

Chair Villegas presented the September 9, 2024, Commission meeting minutes for approval.

Commissioner Gruwell moved to approve the meeting minutes.

Commissioner De Mars seconded the motion.

Commissioner Dr. DeMars asked whether the Commission received the headgear data mentioned in the previous meeting. EO Foster stated the Commission has received some of the headgear data.

No Public Comments.

The motion passed 6-0 by roll call vote. Chair Villegas abstained.

Agenda Item 4 - Review and Possible action to approve the October 11,2024 Special Commission Meeting Minutes.

Chair Villegas presented the October 11, 2024, special Commission meeting minutes for approval.

Commissioner Gruwell moved to approve the meeting minutes.

Commissioner Fiore seconded the motion.

No Commissioner or Public Comments.

*The motion **passed** 6-0 by roll call vote. Chair Villegas **abstained**.*

Agenda Item 5- Review and Possible action to approve the Proposed 2025 Commission meeting dates.

Chair Villegas presented the proposed 2025 Commission meeting dates, they are as follows:

- Monday, March 3, 2025 (Location: TBA)
- Monday, June 2, 2025 (Location TBA)
- Monday, September 8, 2025 (Location: TBA)
- Monday, December 8, 2025 (Location TBA)

Commissioner Wetch proposed for the first meeting of 2025 to be January 20, 2025, after the UFC so that industry people in the area would be able to attend in person. Chair Villegas agreed with Commissioner Wetch's proposal if the January 20th date worked for all the Commissioners.

*Commissioner Gruwell **moved** to approve the proposed 2025 meeting dates and moving the March 3, 2025, meeting date to January 20, 2025.*

*Commissioner Fiore **seconded** the motion.*

No Commissioner or Public Comments.

*The motion **passed** 7-0 by roll call vote.*

Agenda Item 6 - Discussion and Possible Action on Petition to Change the Decision for James Porter vs Angel Ramirez bout on June 15, 2024, in Pauma Valley, CA.

On June 18, 2024, the Commission received a petition to change a decision from Richard Falcon on behalf of James Porter. The bout occurred at the Pauma Casino in Pauma Valley on June 15, 2024. The bout ended by TKO referee stoppage from strikes at 1:30 of round 1. EO Foster stated that the head contact was incidental and happened during the process of a legal move. EO Foster recommended that the Commission uphold the decision of Referee Leben.

Commissioner Comments

Commissioner De Mars stated that she watched the video several times and frame by frame, she was not able to see clear enough that there was any deliberate contact. She stated that without being able to clearly see the contact, then she would go with the referee's decision.

Petitioner James Porter stated that he believes the bout should be overturned to a no contest as the head contact was an incidental and accidental headbutt and was not a legal strike.

Referee Leben stated that there was some head contact, but it was accidental by both contestants. He stated that it looked like Mr. Ramirez was dropping his head down and to the left to go in for a double leg takedown. He added that Mr. Porter's actions of sprawling and bringing his chin down onto the back of Mr. Ramirez's head is what caused the accidental clash of heads. Referee Leben added, that in addition to the head contact, there was also several blows landed by Mr. Ramirez on the ground after the accidental clash of heads.

Chair Villegas added that Referee Leben was concerned about the strikes on the ground which is what led him to stop the bout.

Mr. Porter agreed that he was dropping his head at the same time Mr. Ramirez's head was coming up. He stated that the damage was done from the headbutt and that he "came to" during the ground and pound.

Commissioner Wetch moved to deny the petition to change decision and accept the Executive Officers recommendation.

Commissioner De Mars seconded the motion.

Public Comments.

Richard Falcon with Mr. Porter asked if the decision was that the incidental headbutt was not what caused the fight to be stopped but that it was the strikes that were delivered afterwards when Mr. Porter fell to the ground.

EO Foster stated that was what Referee Leben called and unless clear and compelling information is presented to the Commission then the referees' decision would stand.

Commissioner De Mars asked if all the parties were agreeing that the head contact was accidental? She added that the rule states: *the head may not be used as a striking instrument in any fashion*. Commissioner De Mars stated that even if the athlete runs into the other athletes' head, then the head is not being used as a striking instrument and that the referee made the right call.

No further Commissioner or Public Comments.

The motion passed 7-0 by roll call vote.

Chair Villegas thanked Mr. Porter for coming onto the call.

Agenda Item 7 – Review, Discussion, and Possible Action regarding the July 26, 2024, Arbitration Order and demand for purse withholdings pursuant to California Business and Professions Code § 18856(b).

On February 5, 2024, the Commission received an arbitration request from licensed manager Rick Mirigian regarding a dispute with boxer Arnold Barboza Jr. concerning the Commission approved Boxer-Manager contract M-2021-0001. EO Foster stated that he attempted to settle the arbitration but was unable to, he added that he recused himself as the arbitrator and appointed Assistant Chief Athletic Inspector Sean Wells. All parties, their attorneys and witnesses were present for the June 13, 2024, teleconference arbitration. At the conclusion of the arbitration hearing, Mr. Wells rendered a decision and order that became effective on July 26, 2024. The arbitration order for purse withholding was sent to the New York Commission, they did not withhold the funds from the purse. Mr. Barboza then went onto to fight in Saudi Arabia, the event was regulated by the Mohegan Sun Athletic Tribe. The order for the purse withholding was sent to the Mohegan Sun Athletic Tribe, they were under no obligation to honor the arbitration, but they did and withheld the requested amount of \$40,875 from Mr. Barboza's purse. Mr. Barboza and his attorney requested a hearing before the Commission regarding the purse withholding and arbitration order.

Mr. Gallegos, the attorney for Mr. Barboza stated the fight happened in Saudi Arabia, which the Commission didn't have jurisdiction over as the fight was regulated by the Mohegan Sun Commission. Mr. Gallegos stated that the Commission was not allowed to enforce the arbitration as it was not a final judgement order and collection by the Commission exceeded their authority. Mr. Gallegos argued that all of the required circumstances were not met in order for the Commission to withhold the funds from the purse and that the Commission does not hold the power to collect the funds.

Mr. Gardner with the Attorney General's office stated that is it important for the Commission to understand that the references to the code of civil procedures that Mr. Gallegos referred to are in relation to the California Arbitration Act, which is judicial arbitration, and this was a completely separate type of arbitration. This arbitration was pursuant to BPC 18856 under the authority given to the Commission; the arbitration order given was final and binding. Mr. Gardner stated that in respect to the withholding of the funds from the purse, the order stated the total Mr. Barboza was to pay to Mr. Mirigian, how those payments were to be made, and the total Mr. Barboza was to pay to the Commission for cost recovery. Mr. Gardner added that EO Foster was well within his authority to enact the order for withholding per the final arbitration order.

Mr. Gallegos stated that Mr. Barboza hadn't violated any order, rule, or provisions therefore the Commission didn't have the authority to withhold the purse amount.

Mr. Gardner reiterated that the failure to comply with the order by not paying the cost recovery to the Commission by the time it was due was a violation of rule 390. He added

that the fighter-manager contract, which was on a Commission approved form, gives the authority and jurisdiction to the California Commission regardless of where the fight(s) are held.

Legal Counsel, Mr. Swenson asked Mr. Gardner if his office had received a written memorandum of points and authority from Mr. Gallegos. He stated that his office had not. Mr. Swenson stated that the petitioner did not provide any materials to be included in the meeting materials for the Commission to review.

Commissioner Wetch asked Mr. Swenson, in the history of the Commission how many arbitration awards has the Commission overseen the collection of? Mr. Swenson answered that the Commission has overseen hundreds of arbitration decision. Commissioner Wetch asked if this was setting any precedent? Mr. Swenson stated that the decision on the arbitration award is not precedential unless deemed so by motion or resolution.

Commissioner Gruwell *moved to uphold the arbitration decision that was rendered and immediately release the check that the Commission received on November 26, 2024, in the amount of \$40,875 to manager Rick Mirigian.*

Commissioner De Mars *seconded the motion.*

Public Comments

Greg Smith, counsel for Mr. Mirigian, added that Mr. Gallegos made the argument that this step was being taken ahead of a breach of the order, but the order required payment to be made within 72 hours of the bout and payment was not made by Mr. Barboza. Additionally, Mr. Mirigian was ordered to pay cost recovery to the Commission, and he did so within the required timeframe.

No further Commissioner or Public Comments.

The motion passed 7-0 by roll call vote.

Agenda Item 8 – Discussion and Possible Action to approve the Commissions 2025 Rulemaking Calendar.

EO Foster presented the 2025 Rulemaking Calendar that is required by the Office of Administrative Law.

Commissioner De Mars *moved to approve the Rulemaking Calendar.*

Commissioner Fiore *seconded the motion.*

No Commission or public comments.

*The motion **passed** 7-0 by roll call vote.*

Agenda Item 9 – Discussion and Possible Action on the appointments of the members to the Advisory Committee on Medical and Safety Standards (MAC).

EO Foster informed the Commission the terms of the current Advisory Committee on Medical and Safety Standards (MAC) members expired, and they need to be re-appointed. EO Foster recommended re-appointment of the following members:

- Chair Paul Wallace, M.D
- Robert Ruelaz, M.D
- Diego Allende, D.O
- Rhonda Rand, M.D
- Jonathan A. Schleimer, M.D

EO Foster recommended appointment of Dr. Gary Furness as a new member, replacing Dr. Brian Estwick who has since retired. Curriculum vitae for all physicians was included in the meeting materials.

*Commissioner Gruwell **moved** to approve the proposed six (6) members to the Advisory Committee on Medical and Safety Standards.*

*Vice Chair Dr. Williams **seconded** the motion.*

No Commission or Public Comments.

*The motion **passed** 7-0 by roll call vote.*

Agenda Item 10 – Discussion and Possible Action on purchasing malpractice insurance coverage for California Ringside Physicians.

EO Foster stated that the malpractice insurance would be supplemental coverage. He added that based on new developments and legal counsel, John Kinn's discussion with the insurance company, his position had changed. He added that with the application of Business and Professions Code 18735, the immunity statute, that he would like to look into the matter further.

Vice Chair Dr. Williams stated that the Commission needed to continue to ensure that the ringside physicians are protected, and that they feel confident when working at events. He added to EO Foster has made this an absolute priority.

Chair Villegas asked EO Foster to gather more information about this and report back to the Commission at a later date.

Agenda Item 11 – Executive Officer’s Report

a. Recognition of boxing referee Jack Reiss for his contribution to professional boxing.

Referee Jack Reiss was presented with a certificate of recognition by the Commission, it read as follows:

The California State Athletic Commission congratulates you on your retirement after 25 years as a professional boxing referee. During those 25 years, you were the third man in the ring for 1,152 bouts, officiating both championship bouts and champions in the making. Your impressive resume spans decades and includes some of boxing’s most memorable bouts such as Andre Ward vs. Edwin Rodriguez, Leo Santa Cruz vs. Abner Mares, Vasyl Lomachenko vs. Gary Russell Jr., Cecelia Braekhus vs. Aleksandra Magdziak Lopes, Deontay Wilder vs. Tyson Fury I, Errol Spence Jr. vs. Shawn Porter, and Israil Madrimov vs. Terence Crawford.

Your leadership and mentorship have proven invaluable to referees in California as well as the world. The Commission thanks you for your commitment to the sport of boxing and looks forward to your new chapter as a boxing judge.

EO Foster, Chair Villegas, Commissioner De Mars, Commissioner Wetch, JT Steele, and Referee Tom Taylor all gave statements regarding Jack’s contribution to boxing.

Referee Reiss thanked the Commission for the recognition. He stated that being a referee was not only a privilege but was also a calling. Mr. Reiss thanked EO Foster, Chief Inspector Relyea and Assistant Executive Officer Blackstock. He also acknowledged former Chair Frierson and retired official John McCarthy for their mentorship. He thanked all of the Commissioners that have been to the dressing rooms to listen to his pre-fight instructions. Mr. Reiss went on to formally acknowledge and thank other officials, inspectors, and commissioners for all of their hard work and dedication to the sport of boxing. He added that he what will miss most from being a referee will be “taking that 100-yard walk to the ring”.

b. Recognition of legal counsel Kenneth Swenson for his work with the Commission.

Legal counsel Kenneth Swensen was presented with a certificate of recognition by the Commission, it read as follows:

The California State Athletic Commission congratulates you on your retirement after more than 12 years of service the State of California. During your time as general counsel to the Commission your expertise, advice, and insight on regulatory compliance, dispute resolution, licensing, and litigation was a valuable asset to the Commission. Your insight was crucial in ensuring that the Commission operated within legal boundaries while promoting fair play and safety for athletes

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The Commission extends its best wishes on the occasion of your retirement and commends you on your outstanding record of state service.

EO Foster, Chair Villegas, and Commissioner De Mars all gave statements regarding Ken's work with the Commission.

Mr. Swenson stated that it had been a real honor to work with one of the most outstanding Commissions in the world. He added that working the Commission has meant a lot to him and made his professional career rewarding. He added that the Commission was blessed to have one of best executive officers in world.

c. *Budget Update for the Support Fund, the Neurological Fund, Pension Program and MMA Benefit Fund.*

EO Foster stated that the Commission has deposited \$850,646.48 to the support fund as of November 21, 2024. He added that the support fund is slightly below of where he would like the Commission to be at but felt confident that it would be made up based on the event schedule.

The Commission has deposited \$36,426.00 into the boxer's pensions fund and \$20,236.96 into the MMA pension. The pension investment account is currently at \$4.709 million as October 31, 2024.

d. *Update on the Specialty License Plate.*

EO Foster informed that Commission that he had a meeting with the Office of Public Affairs on November 4, 2024, to review the marketing materials and potential layout of the website. A copy of the documents was included in the meeting materials for the Commissioners to review. He thanked the Department for all of their work on this.

e. *Status Update of Delegated Entities*

- ***California Amateur Mixed Martial Arts Organizations (CAMO)- J.T Steele:*** Mr. Steele has submitted CAMO's quarterly report which can be found in the meeting materials.
- ***USA Boxing (USA Boxing)- Mike McAtee:*** Mr. McAtee has submitted USA Boxing's quarterly report which can be found in the meeting materials.
- ***United States Fight League (USFL)-Joe Stevenson:*** Mr. Stevenson has submitted USFL's quarterly report which can be found in the meeting materials.
- ***International Kickboxing Federation (IKF)- Toni Fossum:*** Mrs. Fossum has submitted IKF's quarterly report which can be found in the meeting materials.
- ***World Association of Kickboxing Organizations (WAKO) - Tom Henninger:*** Mr. Henninger has submitted WAKO's initial quarterly report which can be found in the meeting materials.

- ***International Sport Karate Association (ISKA)- Cory Schafer:*** Mr. Schafer has submitted ISKA's quarterly report which can be found in the meeting materials.

f. Staffing Update

g. Upcoming Event Schedule

Commissioner Wetch asked for the Executive Officer to look into the issue of older fighters who have retired that start using PEDs and then unretire once they build their body back up. Chair Villegas echoed Commissioner Wetch's concern about the issue and asked EO Foster to look into it.

Agenda Item 12 – Public Comments Not on the Agenda

No public comments.

CLOSED SESSION

Agenda Item 13- Pursuant to Government Code Section 11126(a)(1) the Commission will conduct an annual review of the Executive Officer.

Agenda Item 14 – Adjournment

The meeting concluded at 12:15 PM.