

MINUTES

South Carolina Athletic Commission

10:00 A.M., June 26, 2003

Board Meeting

Best Western Inn

6099 Fain Road

North Charleston, South Carolina

Robert Williams, Chairman, of Cayce, called the meeting of the S.C. Athletic Commission to order at 10:00 a.m. Other commissioners present included: George Cox, Vice Chairman, of Myrtle Beach; Luther Bradley, of Hemingway; Clyde Jones, of Camden; Lynda Leventis-Wells, of Greenville; and John Robertson, of Irmo.

Paul Kennemore, of Greenwood, was granted an excused absence.

Staff members present included Randy Bryant, Assistant Deputy Director; Sandra Dickert, Administrative Assistant; Larry Hall, Investigator; and Jimmy Knotts, Inspector/ Investigator.

Members of the public included: E. J. Heins, Eva Heins, Harry Hitopoulos, Bobby Mitchell, Rusty Mitchell, and Cheryl Nance.

Meeting Called to Order

Mr. Williams announced that public notice of this meeting was properly posted at the S. C. Athletic Commission office, the Best Western Inn, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. He noted that a quorum was present.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Mr. Bradley delivered the invocation.

Approval of November 21, 2002 Commission Meeting Minutes and the April 16, 2003 Conference Call Minutes

The minutes of the November 21, 2002 Commission meeting and the April 16, 2003 conference call were approved as written.

Chairman's Remarks - Robert Williams

Mr. Williams welcomed the members of the public attending the meeting. He stated the Commission has attended several events since the last meeting and noted that some of the events were good and some of the events were bad.

Administrator's Remarks - Randall Bryant

Budget Report

Mr. Bryant presented the members with copies of the latest budget. He stated the General Assembly has mandated that all Boards and Commission be self-sufficient. He further stated the Commission has not always been fiscally responsible for a number of reasons. He noted the \$13,000 deficit is not bad for this program. He said that Governor Sanford's administration, under his mandate, is continuing to reduce, privatize and consolidate programs and staffing. He indicated Governor Sanford has begun holding budget hearings similar to the federal budget hearings in Washington, DC.

Summary of New Athletic Practice Act

Mr. Bryant stated Governor Sanford did not sign the new practice act, although without his signature the bill became law. He highlighted the differences between the new practice act versus the old practice act, which included: reformatting, additional definitions, expansion of Commission membership by one member, inspectors' and investigators' costs have now been included, a new license category (promoter's representative), new language which states that the Commission must comply with all applicable federal statutes and regulations, and gate fee increases from two percent to five percent, increased the medical hospitalization and life insurance from \$5,000 to \$10,000.

Mr. E. J. Heins, Chairman of the Charleston County Athletic Commission, read a letter he produced to the Commission regarding the Toughman Contest. He produced the letter because of calls he had received regarding the Toughman Event and the participant's death recently in Florida. The letter states that due to recent publicity involving the death of a competitor in Florida, the Charleston County Athletic Commission was polled by phone as to whether Toughman Contests should or should not be allowed in Charleston County. The majority of the members voted that to allow the Toughman Contests would not be in the best interest of boxing in Charleston County.

Mr. Robertson suggested the Charleston County Athletic Commission hold a meeting and vote on whether or not the Toughman Events should be held in Charleston County. He indicated an official vote would pull more clout in this matter.

Some discussion that took place during the new practice act summary included how the tickets are counted to show the percentage amounts due on the gate fee, the appeal on James Gwinn's order.

Mr. Cox asked he be provided with a copy of the exams that will be administered to the referees and judges referenced in Sections 40-81-380 and 40-81-390.

Director's Policy on Commissioners Travel

Mr. Bryant briefed the Commission on Ms. Youmans' travel policy.

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during the June 26, 2003 meeting.

Legislative Update, If Needed, Legislative Liaison Office

There was no legislative update given during the June 26, 2003 meeting.

Unfinished Business

Stephan Johnson Estate v. State Athletic Commission

Mr. Bryant stated he was scheduled to give a deposition approximately two weeks ago, however, the depositions have been rescheduled for July 14, 2003. He noted that Mr. Robertson, Mr. Rocky Bishop, Mr. Blaine Mosher and himself would be giving the depositions.

New Business

1. Ringside Seating and Conduct

Mr. Knotts stated staff has encountered problems with ringside seating and conduct. The members were presented copies of a draft policy for their review. (The draft policy is herewith attached and becomes a permanent part of this record.)

The draft policy reads:

Any and all occupants within the buffer zone would refrain from the use of alcohol and or tobacco. The Commissioners in attendance or their representative would determine seating in the buffer zone. The promoter must provide and identify seating for:

1. Three judges
2. Two EMTs along with life support equipment
3. A timekeeper
4. A ringside physician
5. Two commission staff
6. Announcer
7. Press

In addition the promoter must provide adequate seating for any and all state and/or county commissioners present who request seating within the buffer zone. This excludes commissioner's spouses, significant others and guests unless it is determined by the commissioners and promoter that accommodations can be made for any additional persons. All persons sitting at ringside must display state identification cards and/or identification issued by the event promoter.

MOTION

Ms. Leventis-Wells moved the Commission accept the all of the recommendations LLR

staff has provided the Commission in the draft policy on ringside seating and conduct and that the Commission make the policy effective today (June 26, 2003). Mr. Jones seconded the motion. A discussion ensued regarding timekeepers and limiting the number of press and photographers in the buffer zones and dressing rooms.

MOTION

Mr. Cox moved to amend the policy by adding language stating 'Dressing rooms for participants shall be off limits to anyone not possessing the proper credentials or to the public at large'. Ms. Leventis-Wells seconded the motion, which passed unanimously.

The original motion made by Ms. Leventis-Wells, amended by Mr. Cox, carried unanimously.

The policy would now read:

Any and all occupants within the buffer zone would refrain from the use of alcohol and or tobacco. The Commissioners in attendance or their representative would determine seating in the buffer zone. The promoter must provide and identify seating for:

8. Three judges
9. Two EMTs along with life support equipment
10. A timekeeper
11. A ringside physician
12. Two commission staff
13. Announcer
14. Press

In addition the promoter must provide adequate seating for any and all state and/or county commissioners present who request seating within the buffer zone. This excludes commissioner's spouses, significant others and guests unless it is determined by the commissioners and promoter that accommodations can be made for any additional persons. All persons sitting at ringside must display state identification cards and/or identification issued by the event promoter.

Dressing rooms for participants shall be off limits to anyone not possessing the proper credentials or to the public at large.

2. Establish Promoters Expenses for Events

Mr. Bryant presented the Commission with a draft policy on promoter expenses for events. He stated that staff would like to require the promoter to handle the hotel expenses for two commissioners. He noted it would typically be the Commission chair or his designee.

The draft policy states:

Section 40-81-360. (A) Reads, "All promoters holding licenses and permits shall comply with all applicable city, county, state, and federal laws regarding licensure and events or exhibitions. Promoters shall pay the commission five percent of the total admissions received at the event or exhibition at the time and in the manner designated by the commission. Promoters shall pay the commission an amount equal to the out of pocket cost of event or exhibition inspections and any related investigations made by the department."

LLR Office of General Counsel has determined that "any inspections and investigations" of events may include the actual expenses or accommodations for LLR staff overtime (OT) salaries, commissioner's per diem, staff and commissioner's hotel, mileage, meals and or any other relevant expense incurred. The staff proposes the following as policy for adoption:

A. For promoters who have exhibited compliance with the state laws governing professional boxing, the following expenses would be requested prior to issuing the event permit:

1. If requested, hotel accommodations for the commission chairman and/or designee and the commissioner in the area of the state in which the event is taking place. (If there were a press conference and/or weigh-in prior to the event, accommodations would also be required).
2. If requested, hotel accommodations for two LLR staff members.
3. Meals for the above referenced individuals and mileage at the usual state rate.
4. Overtime salary for the LLR employees.
5. Per Diem for the two commissioners at the usual state rate.
6. Any promoter, who has not been licensed in S.C. or shown evidence of non-compliance, may be required to provide for additional staff at the Administrator's discretion.

B. Off-the-street boxing events, same as the above, with the addition of two LLR staff members.

Any promoter, who has not been licensed in S.C. or shown evidence of non-compliance, may be required to provide for additional staff at the Administrator's discretion.

Mr. Bryant stated staff would like to require the promoter to either pay or provide

accommodations to come to an event. He further stated it would normally be the Commission chairman or his designee, if the chairman is unable to attend, or choose to designate and the individual Commissioner in the area in which the event is taking place. He indicated the promoter would provide the accommodations, meals, and mileage.

MOTION

Mr. Robertson moved the Commission add language to add off the street boxing, etc. Mr. Cox noted that the new practice act indicates that the promoters of all events. The motion died due to lack of a second.

MOTION

Mr. Cox moved the Commission table this policy until the next meeting, whether it is a conference call or meeting, for further examination with other laws. Mr. Robertson seconded the motion, which carried unanimously.

3. Determining Eligibility and Licensure of Over Age Fighters

Mr. Bryant presented the members with a draft policy on determining the eligibility and licensure of over age fighters. He stated the statute currently requires a super majority vote of the commission.

This would require a super majority vote of the commission. Any fighter who is over the age of 35, who requests SC licensure, submits a completed application and pays the required fee, will be required to submit the following to the Department:

1. Completed application and required non-refundable licensing fee (\$25).
2. Submit from the approved boxing registry of the Association of Boxing Commissions (ABC) not more than 5 days prior to the S. C. event the boxer's ring history.
3. S. C. medical application form along with a statement from a licensed physician indicating that the physician has:
 - a. Been made aware of the fighter's record from the ABC National Registry.
 - b. Been made aware that the boxer is over 35 years of age, the commission requires a more comprehensive physical examination and total review prior to licensure.
 - c. A physician's statement indicating that the boxer's record has been reviewed, and the physician is aware of the boxer's age, and the boxer has passed all medical requirements of the S. C. application and is physically eligible to be licensed and participate in this specific S. C. event.
 - d. All information must be submitted prior to licensure and participation in the event.

Once that information has been submitted, the commission's designee will review it to determine if the individual should be licensed. If this individual is issued a license, the bout must still be approved or denied.

A discussion on the policy ensued and included topics such as supermajority vote and qualifications of an overage fighter.

Recess

MOTION

Mr. Robertson made a motion, seconded by Mr. Cox and unanimously carried; the Commission take a brief recess.

The Board recessed at 12:15 p.m.

Return to Public Session

The Commission returned to public session at 12:27 p.m.

The Commission continued its discussion regarding determining eligibility and licensure of over age fighters. It was noted that the fighter would be licensed for one year; however, the Commission's designee(s) must first approve the individual prior to each bout.

MOTION

Mr. Cox moved the Commission amend the policy by adding 'for each and every event' following SC licensure in the second sentence of the first paragraph. Ms. Leventis-Wells seconded the motion, which carried unanimously.

This would require a super majority vote of the commission. Any fighter who is over the age of 35, who requests SC licensure for each and every event submits a completed application and pays the required fee, will be required to submit the following to the Department:

1. Completed application and required non-refundable licensing fee (\$25).
2. Submit from the approved boxing registry of the Association of Boxing Commissions (ABC) not more than 5 days prior to the S. C. event the boxer's ring history.
3. S. C. medical application form along with a statement from a licensed physician indicating that the physician has:
 - a. Been made aware of the fighter's record from the ABC National Registry.
 - b. Been made aware that the boxer is over 35 years of age, the commission requires a more comprehensive physical examination and total review prior to licensure.
 - c. A physician's statement indicating that the boxer's record has been reviewed, and the physician is aware of the boxer's age, and the boxer has passed all medical requirements of the S. C. application and is physically eligible to be licensed and participate in this specific S. C. event.
 - d. All information must be submitted prior to licensure and participation in the event.

Once that information has been submitted, the commission's designee or designees will review it to determine if the individual should be licensed. If a majority of the designees vote in the affirmative, this individual is issued a license, the bout must still be approved or denied.

MOTION

Mr. Robertson moved the Commission table this matter pending a legal opinion can be obtained from General Counsel. The motion was seconded by Mr. Cox and carried unanimously.

Mr. Cox stated he would like for the legal opinion to be in writing.

4. Waiver of Regulation of Pay for View Event Shown Outside of the State

Mr. Bryant stated there is a provision in the regulations 20-13.1 that indicates if an event is produced in South Carolina and is shown worldwide the Commission can obtain up to ten percent of the gross profits. He further stated two similar events that occurred in 1994 or 1995 and the promoters did not realize the provision existed and subsequently have not returned to the State to promote pay for view events. He noted a proviso has been attached to the budget ridding the regulation of that provision. He indicated Mr. Ed Rubenstein, General Manager of the BILO Center in Greenville, is negotiating with a new wrestling organization that is interested in promoting a pay for view event at the BILO Center and from other venues in the state. He went on to say the wrestling organization is asking the Commission to waive the fee. If the Commission determines it would waive the fee the event would be held in Greenville, however, should the Commission determine it would not waive the fee the event would be held outside of South Carolina.

Mr. Robertson feels the waiving of the fee for a pay for event should be on a per-event basis.

MOTION

Mr. Robertson made a motion, seconded by Mr. Cox and unanimously carried, that the Commission waive the fee for the event at the BILO Center as proposed by Mr. Rubenstein.

Mr. Robertson asked if the Commission could obtain a legal opinion from General Counsel on whether the Commission could appoint designees to make a decision on future requests for waiving the pay-for-view events. Mr. Bryant stated he would forward this question to Ms. Dantzler.

5. Approval of K.I.C.K. Professional Competitions - Cheryl Nance, Southeast Regional Director

Mr. Bryant stated the Commission's law states that the Commission regulates professional kickboxing and mandates physicals be completed prior to each event. He further stated the law allows the commission to approve an organization and go by their rules. He indicated it is similar to boxing with the WBC. He noted that Cheryl Nance is appearing before the Commission today to seek approval of the K.I.C.K. organization.

Ms. Nance stated she is submitting the K.I.C.K. organization for the Commission's review and approval. She further stated K.I.C.K. was founded in 1982 and is patterned after the USA Boxing and indicated it is an amateur program for kick boxers.

MOTION

Mr. Robertson moved the chairman appoint a committee to meet with Mr. Bryant to review the rules and regulations prior to the Commission voting on this matter. Mr. Williams appointed himself and Mr. Robertson to meet with Mr. Bryant. Mr. Cox seconded the motion.

Mr. Bryant suggested Ms. Nance compare the rules from ISKA to the rules from K.I.C.K. and resubmit it to the Commission for approval.

Mr. Robertson amended the motion to appoint a committee to review and approve the rules and the committee poll the commissioners of the decision.

Mr. Bryant stated it would be incumbent of Ms. Nance to prove to the Commission that the K.I.C.K. organization is equal to or greater than the ISKA standards.

6. Approval of Over Age Boxer - Paul Marinaccio

Mr. Bryant stated there is a boxing event at The Plex tonight that involves two bouts regarding over age boxers, Paul Marinaccio and Jerry Smith.

Paul Marinaccio

Mr. Paul Marinaccio turned 36 years old in April 2003 and his record is 11-1-2.

MOTION

Mr. Cox moved to waive the regulation of 35 years old for Mr. Marinaccio and allow him to become licensed. Ms. Leventis-Wells seconded the motion, which carried with a majority vote. Mr. Robertson voted nay.

Jerry Smith

Mr. Smith is 37 years old and has won one fight and lost 27 fights in the past six years.

MOTION

Mr. Jones moved the Commission deny Mr. Smith a license. Ms. Leventis-Wells seconded the motion, which carried unanimously.

Discussion Items

There were no discussion items for the June 26, 2003 meeting.

Public Comments

There were no public comments during executive session.

Executive Session

MOTION

Mr. Williams moved the Commission enter executive session. The motion was seconded by Ms. Leventis-Wells and unanimously carried.

Return to Public Session to Report on Executive Session

Mr. Williams noted for the record that no motions were made and no votes were taken during executive session.

Election of Officers

MOTION

Mr. Bradley moved the Commission retain the current officers. Mr. Jones seconded the motion, which carried. Mr. Robertson voted nay. Ms. Leventis-Wells and Mr. Cox abstained from voting.

Adjournment

There being no further business to be discussed at this time, Mr. Cox moved to adjourn the meeting. The motion was seconded by Ms. Leventis-Wells and unanimously carried.

The June 26, 2003 meeting of the S.C. Athletic Commission adjourned at 1:52 p.m.