

PETE SUAZO UTAH ATHLETIC COMMISSION (PSUAC)

Tuesday, October 29, 2013

1:00 p.m.

Attending: Commissioners: Richard Montanez, Taylor Leavitt, Ty McCartney (teleconferencing) and Leslie Reberg, Kevin Daniels (teleconferencing.) Director: Bill Colbert and guests Robert Wombacher (PSUAC Judge/Referee), Jeremy Horn (Awesome), Jan Jorgensen (fighter), Scott Bowler (promoter), Augustin Espinoza (fighter), Scott Ash (US MRI) and Ted Kyle (US MRI)

Commissioner Montanez called the meeting to order.

Sign Per Diem Sheet

Approval of Minutes

*Commissioner Leavitt made a motion to approve the minutes of August 28 and September 23, 2013. Commissioner Daniels seconded the motion. Motion passed unanimously.*

Public Comments on Non-Agenda Items

None

Financial Report

Bill provided a budget report for the Commission which shows that everything is well below what is budgeted with the exception of travel due to the ABC Conference.

Review Upcoming Events / Commission Assignments

Elite Fight Night (MMA) – Friday, November 1, 2013 – The Complex – Salt Lake City, UT

Muay Thai Institute (Muay Thai Boxing) – Saturday, November 2, 2013 – Muay Thai Institute – Salt Lake City, UT

SteelFist (MMA) – Friday, November 8, 2013 – The Rail Event Center – Salt Lake City, UT

FKF Boxing (Boxing) – Friday, November 15, 2013 – The Complex – Salt Lake City, UT.

Commissioners Montanez and Leavitt will be in attendance. There will be one male and one female WBU title belt fights.

Fight King (MMA) – Saturday, November 16, 2013 – Western Park Arena – Vernal, UT. Bill and Commissioner Daniels will be in attendance.

FKF Boxing (MMA) – Saturday, November 30, 2013 (tentative) – The Tuscan – Price, UT. Bill reported that the event fee has not been paid yet.

SteelFist (MMA) – Friday, December 13, 2013 – The Rail Event Center – Salt Lake City, UT

The Clash MMA (MMA) – Saturday, December 14, 2013 – Eccles Ice Arena – North Logan, UT

Fight King (MMA) – Saturday, January 4, 2014 – Western Park Arena – Vernal, UT

Elite Fight Night (MMA) – Saturday, February 21, 2013 – The Complex – Salt Lake City, UT  
Bill reported that promoter, Isaiah Salazar, may have an event December 21, 2013 in Ogden.

#### Public Hearing - Proposed Commission Fees for FY2015

This hearing has been continued from last month to give the public the opportunity to respond. The proposed fee changes are as follows:

- Judge, Referee, Matchmaker and Contestant Manager license fees will increase from \$30 to \$50
- Promoter license fee will increase from \$125 to \$250
- Event fee (<1000 attendance) will increase to \$500
- Event fee (1000 to 3000) will increase from \$500 to \$750
- Event fee (>3000) will be \$1,500

Bill reported that there has been no public comment and the changes will go before legislature.

*Commissioner Leavitt made a motion to approve the proposed fee schedule for fiscal year 2015. Commissioner Daniels seconded the motion. Motion passed unanimously.*

#### Appeal of Bout Results – Boostayre Nefarios (aka Marvin Lee Eastman)

Bill showed the Commission two videos of the CFC Boostayre Nefarios and Dustin Chevalier fight in St. George on September 28, 2013. Bill and Commissioner Daniels were in attendance. The appellant asked the Commission to review the videos paying close attention to the last two strikes after Nefarios was knocked to the canvas. Their argument is that those last two strikes were illegal strikes to the back of the head. They are requesting the Commission overturn the decision by the referee. Commissioner Daniels reported he had a clear, unobstructed view of the fight and there were no illegal shots to the back of the head. Upon viewing the appellant's video, Commissioners Leavitt and Montanez agree with Commissioner Daniels.

*Commissioner Leavitt made a motion to deny the appeal of bout results of the Boostayre Nefarios and Dustin Chevalier fight September 28, 2013. Commissioner Daniels seconded the motion. Motion passed unanimously.*

#### Appeal of Bout Results – Jan Jorgensen

The Commission watched a video provided by the appellant of the Showdown Jan Jorgensen and Eric Smith fight in Orem on September 28, 2013. The appeal is based on the assertion of an illegal eye poke not caught by the referee. Commissioner Leavitt was in attendance and had a clear view of the eye poke that indirectly ended the fight. Commissioner Montanez was in attendance but did not have a clear view of the eye poke but could see that the hand was open and did go across the face. Commissioner Daniels viewed the fight on YouTube and agreed there was an illegal eye poke. Referee, Herb Dean, could not have seen the eye poke as the fighters were against the cage where the eye poke occurred.

*Commissioner Leavitt made a motion to change the bout result from a win for Eric Smith to a no contest due to an unintentional eye gouge. Commissioner Daniels seconded the motion. Motion passed unanimously.*

### Medical Advisory Committee Appointments

There has been much discussion for some time to establish a medical advisory committee. Bill reports that the Commission is ready to do that now. The proposed board members are:

- Gary Sanderson, D. O. (Emergency Med/Trauma Physician) – attended the Ringside Physician's training
- Thomas Berg, M. D. (Musculoskeletal/Orthopedic Radiologist)
- Michael Cosgrave, M. D. (Sports Medicine Physician) – attended the Ringside Physician's training
- Lisa Sheppard, M. D. (Neuro Radiologist)

Bill states that the advisory committee will help review the Commission's process of pre-fight, post-fight and licensing physicals and any medical requirements for licensing. This committee will be a recommending body to the Commission and do not have a legislative responsibility. Commissioner Leavitt suggests the Medical Advisory Committee define a practical and sensible charter for their review at the next Commission meeting. Bill asked the Commission to rule on the benefit of adding citizen members to the committee as follows:

- Scott Ash (EMT/Paramedic)
- Cole Kelley (Citizen/USA Wrestling Coach) – Commissioner Daniels knows of Cole Kelley through wrestling channels and reports he is well regarded.

Commissioner Montanez feels it will benefit the Commission to have the citizen members on the committee. Commissioner Daniels feels Cole Kelley might have valuable insights on weight cutting and safety as it relates to weight cutting.

*Commissioner Leavitt made a motion to add Scott Ash and Cole Kelley to the medical advisory committee for a two year term. Commissioner Daniels seconded the motion. Motion passed unanimously.*

### Establish Minimum Medical Suspension Standards

Bill reported that there have been some inconsistencies across ringside physicians in issuing suspensions. We are also, as a state, inconsistent with other commissions around the country in issuing suspensions. There are no minimum suspension standards in place to protect the fighters for TKO's due to strikes, specifically to the head, and facial lacerations. Bill deferred this item to the Medical Advisory Committee. Any formal recommendations from the Medical Advisory Committee or anything requiring action from the Commission needs to be addressed in a public meeting. Bill suggested the committee look at the manual put out by the Association of Ringside

Physician's also available on the ABC and Association of Ringside Physician's websites. Bill will send them a link. Commissioner Montanez also suggested the committee look at the definitions of TKO's, KO's, etc. in the Unified Rules for guidance.

### Discussion of THC Suspensions

Most of the UA testing violations that have occurred in Utah have been due to detection of THC. Recently the Nevada commission changed their suspension protocols for positive THC levels.

They will not suspend anyone for the detection of THC unless the level exceeds 150 nanograms (ng.) The NCAA has changed their THC threshold to 15 ng. Bill spoke with Inspector Tyson Pepper regarding parolee testing. A parolee is in violation if the detection of THC is 50 ng or above. The current Commission UA test will detect as little as 5 ng of THC. Bill stated that the rules are presently “black and white” for positive detection of any illicit/illegal substance. If a fighter has an illegal substance in his body that is detectable they are to be suspended. Most jurisdictions do not consider THC as a performance enhancing drug, however. Bill asks the Commission if they want to look at this or leave it status quo; any detectable amount. Commissioner Montanez would like to defer this item to the Medical Advisory Committee and feels any changes would require the input of all five (5) commissioners and would require a rule change with public comment. Commissioners Daniels and Leavitt agree. Commissioner Leavitt asked Commissioner Daniels to look at the liability of a rule change establishing a suspension for a minimum detection of THC. Commissioner Leavitt also asks if THC can deplete the performance of the fighter. If the primary responsibility of the Commission is to ensure the safety of fighters, does the Commission need to protect the fighter from himself? Commissioner Leavitt would like Bill to contact the University of Utah football program to see what their substance abuse policy is. All attending commissioners feel it is worth discussion at an upcoming meeting.

#### Director’s Report

Bill has sent out all payments from the CCC Promotions bond. The check for Henry Namauu was apparently lost in the mail. Bill is reissuing a check for that fighter. He has not received any complaints of non-payment. The Commission withheld one purse and some of the PSUAC fees were recovered.

Bill just returned from the Ringside Physician’s Conference. He reports that it was a good conference. Bill would like to have a commissioner or two go next year. It will be held in Las Vegas. The main topics were:

- Traumatic Brain Injuries (TBI) – there is a lot of damage that occurs as seen in the post-mortem exams. The Commission needs to be cognizant. The only treatment for it is rest.
- Lasik surgery – the flap that is lifted up to perform the Lasik surgery does not ever reattach. It is always a vulnerability to fighters. Ringside Physicians need to alert when looking at eye injuries.
- TUEs – there was a lot of discussion. It is a challenging issue. The problem with testosterone replacement is it is impossible to try to regulate it. There were some people who thought that TUEs should be granted, however, the general consensus was to not issue them at all.
- Weigh-ins - there were three (3) fatalities in wrestling in 1997 due to excessive weight cuts the day before their weigh-ins. The wrestling community moved to same day weigh-ins as a result of those deaths. The PSUAC Commission will continue to have weigh-ins the day before the fight. Bill asked what the Commission should do to measure excessive dehydration because it is a health condition. Does the Commission due a second weigh-in? Only a minority of fighters actually fight in the same weight class that they weighed in at. Is it promoting unwise, unsafe behavior? There was much discussion.

### Open Discussion – No Action to Be Taken

Mr. Horn said there seems to be inconsistencies in which fights are and are not approved. It seems like some are judged purely on their official records and others by blatant mismatches. Mr. Horn wants to know what and when criteria is used. If there seems to be a mismatch on the card, Bill will first bring it to the promoter's attention and asks why they are recommending this fight, allow the promoter to respond. Commissioner Leavitt told Mr. Horn it is never a "black and white" process. Bill is a little more lenient with the amateurs. There was much discussion and suggestions. Commissioner Montanez, as well as Mr. Bowler, said any fights that are questionable; the promoter should come before the Commission in a public meeting where all attendees have a voice and the discussion is on record.

Mr. Espinoza is currently suspended due to his losing record. His boxing record is 1 - 4 and the Commission reviewed his MMA record. He has had a string of losses since 2011. Mr. Espinoza comes before the Commission to ask that his six (6) month suspension be overturned. He is currently training with Aaron Garcia and has done so for the past three (3) months. He comes before the Commission to show what he is doing to improve his fighting abilities and to ask the Commission to allow him to fight again. Mr. Bowler interjected remarking on how Mr. Espinoza is always engaged and "in" every one of the fights he has had regardless of his record and pointed out the fighters he has been matched with are respected names in the fight community. There was some discussion. Bill asked Mr. Espinoza to document his training, not take any last minute fights for now and the Commission will revisit his progress after a couple of fights.

Mr. Bowler would like to look at some sort of baseline review on debut fighters. He has seen debut fighters in the past that have no business being in the ring. He wishes to see debut fighters in a gym where the Commission can review his abilities before getting in the ring. It is his feeling that debut fighters will pay a small fee, to offset Commission costs, for the opportunity to prove his abilities to the Commission and receive Commission approval to fight. This item will be moved to the next Commission meeting for further review.

### Set next meeting date

The next meeting is scheduled for Tuesday, November 19, 2013 at 1:00 p.m.

### Adjourn

Commissioner Leavitt made a motion to adjourn. Commissioner Daniels seconded the motion. Motion passed unanimously.