

MINUTES
South Carolina Athletic Commission
10:00 A.M., May 3, 2016
Synergy Business Park
Kingstree Building, Room 107
110 Centerview Drive
Columbia, South Carolina 29210

Meeting Called to Order

Pamela Shealy, chairman, of Irmo, called the regularly scheduled meeting to order at 10:00 a.m. Other members present included: William McCullough, of Beaufort; Edwin Estridge, of Chapin; Derek Shoemake, of Elgin; and James Vaught, of Conway.

Staff participating during the meeting included: Rod Atkinson, Interim Administrator; Natalye Jackson, Administrative Assistant; and Hardwick Stuart, Advice Counsel, Office of Advice Counsel.

Public Notice

Ms. Shealy stated public notice of this meeting was properly posted at the SC Athletic Commission Office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and new media in compliance with Section 30-4-80 of the SC Freedom of Information Act.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Vice Chairman McCullough delivered the invocation.

Approval of Excused Absences

Dr. James Phillips and Paul Kennemore were granted pre-approved absences.

Approval of Agenda

Mr. Atkinson stated Mr. Theodore Manios, the first applicant under Application Hearings, is unable to travel at this time due to medical issues. He has requested to appear during a meeting within the next few months.

Mr. Atkinson also stated Mr. Casey Oxendine, who is schedule to speak under Old Business has a plane to catch and has requested he be placed above New Business.

MOTION:

Mr. McCullough made a motion to approve the agenda as amended. Mr. Shoemake seconded the motion, which carried unanimously.

Approval of Minutes: November 14, 2015, February 2, 2016, March 1, 2016, and March 16, 2016

MOTION:

Mr. McCullough made a motion to approve the minutes as presented. Mr. Shoemake seconded the motion, which carried unanimously.

Chairperson's Remarks – Pamela Shealy

Ms. Shealy welcomed everyone to the meeting and thanked them for their time and participation during the meeting.

Ms. Shealy stated there was an event held the previous weekend which vice chairman McCullough and Mr. Shoemake attended. The event was successful; however, there were issues.

Mr. McCullough stated the participants usually wear a particular pair of shorts with tassels during the MMA events, which is causing some problems. He noted a participant had his jaw broken during a match. He is not sure if upper and lower mouth guards are required. He went on to say during an event one year ago three individuals went into heat exhaustion. He said this particular venue had no air conditioning. He asked that extra water be provided to the participants.

Mr. McCullough stated the Commission should revisit the issue of amateur kickboxing as there are some regional level promoters holding amateur kickboxing events sanctioned by third parties.

Administrator's Remarks – Rod Atkinson

a. Staffing Update

Mr. Atkinson stated he is now the Interim Administrator for the Commission. He further stated the administrator's position was posted and has now closed.

Mr. Atkinson stated there was an earlier discussion regarding changes in the employment of inspectors. There had been discussion regarding hiring the inspectors as independent contractors; however, due to liability concerns, the inspectors are being rehired as temporary inspectors. The agency is attempting to broaden the number of inspectors across the state to defray some of the expenses.

b. Licensing Update

Mr. Atkinson the first set of numbers is in regard to licensees by status and expiration date. There is a total of 472 licensees, of which the majority (217) is wrestlers. There will be a professional boxing event coming up during the next week which will add boxers and others to the total number of licensees.

c. Budget Update

Mr. Atkinson presented the Commission with the latest budget update. He presented the members with reports dating back to January 2014 to show fee adjustments.

d. ABC Convention

Mr. Atkinson stated the Commission was unable to send a representative to the ABC convention last year due to the budget. He has spoken with the new president, Mr. Mike Mazzulli, who stated the ABC would be willing to assist in paying the expenses of a representative to attend the convention. The convention will be held the July 29th through August 3rd.

e. Receipts

Mr. Atkinson stated staff has received several requests for receipts when participants pay fees. He further stated he is reviewing receipt processes to establish a process for participants.

Unfinished Business

1. Arena Combat Discussion – Casey Oxendine

Mr. Oxendine stated the commission had some concerns following an event from September 2015. He briefed the Commission members with his recommendation after which discussion ensued.

Executive Session

MOTION:

Mr. Shoemake made a motion the Commission enter executive session to seek legal advice. Mr. Estridge seconded the motion, which carried unanimously

Return to Public Session

MOTION:

Mr. McCullough made a motion the Commission return to public session. Mr. Shoemake seconded the motion, which carried unanimously.

Ms. Shealy noted for the record that no votes were taken during executive session.

MOTION:

Mr. Shoemake made a motion the Commission conditionally approve the arena combat event subject to the following conditions: 1) the rules will be formally approved by the Commission 45 days prior to the event, to the extent that any rules are inconsistent with the state rules and regulations the state rules and regulations will govern; 2) the Commission will allow heavyweights but for safety reasons for this upcoming event the Commission will still prohibit super heavyweights; 3) the Commission will require headgear, however, the Commission will only require traditional martial arts style headgear that does improve peripheral vision 4) 45 days prior to the event, the Commission will approve the obstacle layout or if Mr. Oxendine chooses a series of obstacle layouts; 5) this approval is for a singular event subject to evaluation afterwards. Mr. McCullough seconded the motion, which carried unanimously.

New Business

1. Application Hearings:

a. Adrian Dunlap, Promoter

This hearing was recorded by a certified court reporter should a verbatim transcript be necessary.

Executive Session

MOTION

Mr. Shoemake made a motion the Commission enter executive session to seek legal advice. Mr. McCullough seconded the motion, which carried unanimously.

Return to Public Session

MOTION:

Mr. McCullough made a motion the Commission returned to public session. Mr. Estridge seconded the motion, which carried unanimously.

Ms. Shealy noted for the record that no votes were taken during executive session.

MOTION:

Mr. Estridge made a motion the Commission approve Mr. Dunlap's application for licensure. Mr. Shoemake seconded the motion, which carried unanimously.

b. Tyler Keef, Wrestler

This hearing was recorded by a certified court reporter should a verbatim transcript be necessary.

Executive Session

MOTION:

Mr. McCullough made a motion the Commission enter executive session to seek legal advice. Mr. Shoemake seconded the motion, which carried unanimously.

Return to Public Session

MOTION:

Mr. McCullough made a motion the Commission return to public session. Mr. Estridge seconded the motion, which carried unanimously.

Ms. Shealy noted for the record no votes were taken during executive session.

MOTION:

Mr. McCullough made a motion the Commission continue its review of this matter pending a resolution to the gate fee issues and other related fines. Mr. Shoemake seconded the motion, which carried unanimously.

2. Age Waiver Hearings:

a. Sammie Milhouse, Boxing

This hearing was recorded by a certified court reporter should a verbatim transcript be necessary.

MOTION:

Mr. McCullough made a motion the Commission approve the age restriction waiver regarding Mr. Milhouse for the duration of 2016. Mr. Estridge seconded the motion, which carried unanimously.

3. Disciplinary Hearing:

a. Damarus Moton, Wrestling Promoter

The Commission received word that Mr. Moton would be unable to attend the meeting due to car trouble.

MOTION

Mr. Shoemake made a motion the Commission grant a continuous in this matter. Mr. McCullough seconded the motion, which carried unanimously.

Unfinished Business

1. Investigative Review Committee – Professional Members

Ms. Shealy stated there has been a resignation from the Investigative Review Committee; however, the Commission has been provided with a list of individuals, complete with bios, who are interested in serving on the committee.

MOTION:

Mr. McCullough made a motion the Commission appoint Bradley Wade as the primary professional member, with Micky Messer and Corey Goodwin as alternates as the investigative

review committee professional members. Mr. Shoemake seconded the motion, which carried unanimously.

2. Event Gate Verification Procedure

a. Forms

Mr. Atkinson stated the Commission had previously discussed the gate fee verification. He noted Mr. Sitterle has researched the procedure to great extent and is at the meeting to discuss the matter.

Mr. Sitterle stated the form is a product from a couple of different states. He stated the form will actually generate a calculation of the five percent fee and complimentary tickets. There is also an e-time which gives the time the promoter signed the form.

The Commission was advised that a new procedure would not begin immediately as there will be new leadership, the procedure will have to be integrated into ReLAES, and the agency will need to notify the licensees of the new procedure.

b. Audit

c. Complimentary Tickets

Discussion regarding the complimentary tickets ensued. The discussion included such topics as times when the promoter has had to sell tickets at a discounted rate or given the tickets away prior to the event in order to fill the venue.

d. Calculation Error vs. Attempt to Circumvent

Discussion ensued regarding a calculation error versus an attempt to circumvent.

e. Compliance Notices

Discussion ensued regarding the compliance notice which would turn yellow if the fees have not been received after 15 days and red if the fees have not been received after 30 days.

Executive Session

MOTION:

Mr. McCullough made a motion the Commission enter executive session to seek legal advice. Mr. Estridge seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Estridge made a motion the Commission come out of executive session. Mr. Shoemake seconded the motion, which carried unanimously.

Ms. Shealy noted for the record that no votes were taken during the time the Commission was in executive session.

The Commission determined it would like to move forward with the proposed form and would like for administrative staff to continue with making changes to the procedure and form. The Commission would like to have an update during the next quarterly meeting.

Public Comments

Mr. Corey Goodwin spoke to the Commission regarding the complimentary ticket issue. He also spoke in regard to his May 7, 2016 event. He asked the Commission to reconsider its decision regarding the CT scan for Charles Parker. He noted Mr. Parker visited his physician after his last fight.

Mr. Atkinson asked that the Commission extend Mr. Goodwin an extra day to gather all information since the last day for compliance is today, May 3, 2016.

Mr. Andrew Stokes stated there is no value to a complimentary ticket and he didn't see how the Commission could come up with a value. He discussed the 72 hour window preliminary compliance window.

Adjournment

MOTION:

Mr. McCullough made a motion the meeting be adjourned. Mr. Shoemake seconded the motion, which carried unanimously.

The May 3, 2016 meeting of the SC Athletic Commission adjourned at 3:00 p.m.