

Minutes

South Carolina Athletic Commission

10:00 a.m., Tuesday, February 2, 2016

Synergy Business Park, Kingstree Building, Conference Room 202-02

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

Pamela Shealy, Chair, called the meeting of the South Carolina Athletic Commission to order at 10:00 a.m. Ms. Shealy announced that public notice of this meeting was properly posted at the S.C. Athletic Commission Office, Synergy Business Park, Kingstree Building, 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.

Pledge of Allegiance/Invocation

The Pledge of Allegiance was recited by all present and Commissioner McCullough offered the Invocation.

Introduction of Board Members:

Commission members present at this meeting included:

Pamela Shealy - Chair - At-Large Member

William McCullough - Vice-Chair - 1st Congressional District

Edwin M. Estridge - 2nd Congressional District

Derek Shoemake - 5th Congressional District

Staff members participating during the meeting included: Diana Williams, Board Administrator; Hardwick Stuart, Office of Advice Counsel; Natalye Jackson, Administrative Assistant.

Approval of Agenda

Ms. Williams suggested moving agenda item (9a) Arena Combat - Casey Oxendine after item (7h) ABC Convention.

MOTION:

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

Approval of Excused Absences:

Ms. Shealy noted the absence of James D. Vaught, Dr. James W. Phillips and Paul H. Kennemore.

MOTION:

Mr. McCullough made the motion to approve the excused absences of James D. Vaught, James W. Phillips and Paul H. Kennemore. Mr. Shoemake seconded the motion, which carried unanimously.

Approval of Minutes of August 4, 2015 and September 25, 2016 meetings:

MOTION:

Mr. McCullough made the motion to approve the minutes of the August 4, 2015 and September 25, 2016. Mr. Estridge seconded the motion, which carried unanimously.

Chairperson's Remarks - Pamela Shealy

Ms. Shealy welcomed all in attendance and wished all present a happy New Year. She remarked on the great strides made with the changes to Regulations and Statues of the Athletic Commission, noting in particular the changes made increasing by age limit from thirty-five (35) to forty (40) for fighters wishing to participate in combative sports. Additionally she praised the

increased participation of the community at the Commission meetings. She noted the Commission now has a Facebook page, which has been well received,

Administrator's Remarks

Budget Update

Ms. Williams presented the Commission with the year to date expenditures. Discussion regarding the budget ensued. During the discussion it was requested that the Commission members receive the budget information on paper.

Ms. Williams stated there have been some changes regarding the salaries for the inspectors.

Office of Investigations Update

Sharon Wolfe presented the Commission with the number of cases from last year. 24 total cases were received and (4) four cases were closed. This year (2) two cases had been received and (1) one case was closed.

Investigative Review Committee Report

Ms. Williams introduced Kyle Tennis as the new Assistant Disciplinary Counsel for the Athletic Commission. Mr. Tennis stated the Commission currently has (7) seven open cases, (4) cases are pending review, (2) two cases pending drafting and (1) one case pending rescheduling.

Introduction of Assistant Deputy Director

Ms. Williams remarked on the retirement of Charles Ido and introduced his replacement, Andrew Rogers. Mr. Rogers introduced himself to the Commission as well, noting his experience with the Athletic Commission and the Department of LLR.

Ms. Williams introduced Dylan Sitterle, who works under Dean Grigg, who is the POL Deputy Director.

Ringside Physicians

Ms. Williams spoke to the Commission regarding the need to compile a list of qualified physicians to work events with the hopes of avoiding last minute scrambling to find a physician for the events. She stated Sheridan Spoon, Administrator for the Medical Board, has produced criteria for ringside physicians.

Discussion on this matter ensued and included topics such as malpractice insurance and a training program for ringside physicians. LLR's Office of Information Technology is able to compile a list of physicians within 100 miles of events around the state, charging a flat fee for physicians.

2016 Board Meeting Dates

May 3 or May 10 August 2 or August 9 October 4 or October 11

MOTION:

Mr. Shoemake moved to accept the first Tuesday of May, August, and October as the regularly scheduled meeting dates. Mr. Estridge seconded the motion, which carried unanimously.

MOTION:

Mr. Shoemake made a motion for the Commission to amend the August 2, 2016 meeting to be rescheduled for August 10, 2016. Mr. McCullough seconded the motion, which carried unanimously.

Drug Testing

Ms. Williams stated the agency is looking at offering drug testing. She further stated the agency has spoken with several other commissions regarding drug testing during events. The kits come in small cups, which are shaken up. If the urine changes color it shows the licensee has been using drugs. There is no cost to the Commission or to the promoter during the trial period. She asked the Commission members if they are willing to move forward with the trial period of performance enhancing drug testing.

ABC Convention

Ms. Williams stated the Commission and staff have been working over the past couple of years to have one Commission member and one staff member attend the ABC Convention. The convention will be July 31st through August 3rd. She noted the president has offered to pay for

the hotel should South Carolina wish to send representatives. ABC now has a new president, Mike Mazzullim who has updated the website, which includes promotions, weight cutting, etc.

Unfinished Business

Arena Combat – Casey Oxendine

Mr. Oxendine briefed the Commission regarding the Inaugural State Sanctioned Arena Combat event held on September 29, 2015. He wanted to receive input from the Athletic Commission regarding the event and to address any concerns. There were six bouts, two on two Arena bouts as dictated by the Commission. The event ran from 7:15 p.m. to 10:00 p.m. There were two injuries during the event, one of the participants was hospitalized and the other participant was taken to the hospital and released. Neither of the injuries were received during team combat or by the obstacles. He greatly appreciated Ms. Williams' assistance to make this event happen.

Mr. Oxendine is reviewing lowering the obstacles, particularly the wall obstacle, for two reasons, one because a fall from the obstacle could be dangerous and for the viewship of the fans.

Mr. Oxendine noted when organizing the bouts in 72 hours, if he had lost one participant he would have lost one bout and could not have replaced the bout in that short of time. He was able to enlist Dr. White as the ringside physician; however, Mr. White charged him \$1,000.00 and he provided a second physician that he paid \$300.00 or \$400.00.

Discussion regarding the event ensued. The discussion included topics such as injuries from falling, the referees weren't always where the action was taking place, the removal of headgear, using seasoned and new South Carolina referees for the event, the participants seems a little confused at the beginning of the event. Mr. Oxendine noted during the discussion he is implementing a two on two grappling event.

Blake Grice, head referee for South Carolina, attended the meeting by phone. He agreed with everything which has been said. He could argue the use of headgear either way.

Bradley Wade, a scorekeeper for the event, briefed the Commission regarding his experience during this event.

Mr. Stuart suggested Mr. Oxendine review Regulation 20-27-32,

New Business

Boxing Age Waiver Hearing:

Michael Englert

This hearing was recorded by a certified court reporter in order to have a verbatim transcript should one be necessary.

MOTION:

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

MOTION:

Mr. McCullough made a motion the Commission approve Mr. Englert for licensure, based upon a good review of the EKG by Dr. Phillips. Mr. Shoemake seconded the motion, which carried unanimously.

Ringside Physicians List and Requirements

Mr. Sheridan Spoon stated the Medical Board is in support of collaboration with the Commission. He sent a document to Ms. Williams on how to format a query on the entire database on potential ringside physicians. He believes the ringside physician should be actively licensed and actively practicing within the state and in good standing with the Board, with no private or public discipline, or letters of caution. He mentioned the American Board of Medical Specialties which is a board certification for physicians.

Mixedmartialarts.com Fees as Part of the Permitting Process

The Commission discussed the Mixedmartialarts.com fees as part of the permitting process. The discussion topics included how the Commission would keep accurate records on fighters, bringing this matter to the ABC Commission, posting fight cards to the website. The Commission's rebuttal to the ABC Commission could penalize the Commission's access to their website.

Face Book Post

Ms. Williams stated the Commission began really strong with the Face Book post; however, the Commission has now hit a dead end. The commission had received great feedback. Now the Commission has made a request to post flyers and posters; however, Ms. Williams has been informed that the Commission could not legally post those items. She has been told that would be promoting those events. The Commission can, however, post a link to the Commission's calendar and website on Facebook. Ms. Williams asked that the Facebook page be closed.

Interpretation of Scheduled Bouts/Rounds

Administrative Penalty for Failure to Meet Minimum Number of Scheduled Bouts/Rounds

Ms. Williams asked the Commission to review Regulations 20-1.1 (4) which is definition of a bout; 20-17.6, minimum/maximum schedule of rounds per program in boxing; and 20-27.65, minimum/maximum schedule of rounds per program in MMA.

Ms. Williams stated there has not been an official interpretation of a bout. Is the bout official at the time the fight card was submitted, at the time the fight card was approved, or at the time the fight card was taking place? There has been an issue with promoters placing opponents on their card to have enough for review or they are placing the fighters on the card to fill the fight card, even though some of the fighters have not agreed to participate. Promoters are also spotlighting one or two fighters on a card.

Ms. Williams asked the Commission for an interpretation of schedule/bout as well as penalties.

Discussion on this matter ensued. Topics included over scheduling, promoter's responsibilities for Ohio, and penalties.

It was determined the interpretation of an official bout is when the card is submitted to the Commission for approval.

It was noted that the regulations do not mention penalties for fight cards.

MOTION:

Mr. Shoemake made a motion, subject to revisit at the next two meetings, the schedule is interpreted as when the fight card is turned 15 days prior to the event.

The motion was withdrawn to take this matter to executive session.

Lunch

MOTION:

Mr. Shoemake made a motion the Commission recess for lunch at this time. Mr. Estridge seconded the motion, which carried unanimously.

The Commission broke for lunch at this time.

Return to Public Session

Late Penalties

Participants (Fighters/Corner Men)

Ms. Williams stated there is a problem at every event of, on average one to four, participants showing up late for the weigh in and for events. These participants will show up anywhere from thirty minutes to six hours late for a weigh in. Other states and some promoters will charge the participants \$25.00 for every 15 minutes the participants are late. The Commission has no penalty in place.

Ms. Williams has been able to establish a cut off time, without the Commission's approval, for licensing of cornermen. She noted the cut off time for participants has not been so easy.

Ms. Williams noted Section 20-27.19 deals with disciplinary action against participants if they do not appear at an event. Section 20-5.10 deals with participants who do not appear at weigh ins, and Section 20-5.11 deals with boxers failing to appear for bouts.

Discussion ensued and included topics such as cutting weight, cut off time being 15 to 20 minutes late from the start of the weigh in, a no show being the end time of the weigh in.

The Commission needs to set parameters for the policy. The policy could be submitted to the promoters to share with the participants.

Wrestling Late Applications and Medicals

Ms. Williams referred to the Contested License Applications and Contested Medicals of the guidelines presented to the Commission at the beginning of the meeting. Wrestling promoters will hire a ringside physician and hold a venue event at the beginning of the year. The promoter will ask the Commission to attend to ensure all wrestlers are licensed. The Commission will typically charge the same fees as a MMA sanctioning event or a boxing sanctioning event to license these wrestlers.

Based on Section 40-81-20(27) and Section 40-81-300 which deal with late penalties and administrative costs. Ms. Williams is asking the Commission to establish parameters for late fees for the contested license applications and contested medicals. Ms. Williams suggested \$25.00 as a late fee for an applicant appearing at the Commission's office and as an administrative fee for appearing at a promoter's event for licensing.

Promoter Guidelines for Permitting

Ms. Williams said there are discrepancies in the changes with the promoter guidelines for permitting. A few of the updates made during a section for the promoter's signature, added a calendar for the three day deadline for medicals, agreements, and contracts, and making a notation that holidays are not excluded, notary signature attesting that the promoter signed the application.

A suggestion was made to invite the promoters to the next meeting for discussion regarding the guidelines.

Regulation of Amateur Kickboxing

Ms. Williams stated Mr. McCullough and Mr. Sitterle researched this matter.

Mr. McCullough stated the task force has agreed to continue researching this matter. The general consensus seems to be headed toward having some degree of regulatory oversight required by the State, specifically from third party entities that are reputable of the field. A suggestion to the Commission could be made by the May 3, 2016 meeting.

Discussion ensued, which included topics such as including third party entities, the State regulating the kickboxing events, kickboxing including different forms of martial arts. Exhibitions must happen prior to any event.

Executive Session

MOTION:

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

Return to Public Session

MOTION:

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

MOTION:

Mr. Shoemake moved the event promoter guidelines attached as Commission exhibit one be revised and included as part of the permit applications subject to the following modifications: the calendar should be revised to share the deadlines for those of insurance, contracts, and medicals; the calendar be moved to the end of the form with a notation that those days that the deadlines are regardless of holidays and that the Commission is available by email and fax to meet the deadlines. Pursuant to South Carolina Code 40-80-450 he also moved that the Department Representative issue administrative citations and assess administrative penalties against promoters for failure to meet the event promoter guidelines. Mr. McCullough seconded the motion, which carried unanimously

MOTION:

Mr. McCullough moved the Commission interpret the term schedule in Regulation 20-17.6 and Regulation 20-27.65 to mean the final fight card submitted to the Commission designee for approval; I further move that pursuant to South Carolina Code 40-81-450 that the Department Representative may issue administrative citations and assess administrative penalties against promoters for failure to meet the minimum number of scheduled bouts and/or rounds, not to exceed \$500.00. Mr. Shoemake seconded the motion, which carried unanimously.

MixedMartialArts.com

Ms. Williams stated Mr. Stuart is going to review the legal grounds MMA.com is using for the fee they are requesting each promoter. She will contact MMA.com to have their attorney contact the Commission's attorney for explanation of the fees and what is covered under those fees.

Ms. Williams will also contact the ABC president, Mike Mazzulli for information on the policy and how other commissions are handling the fees.

Public Comments:

No public comments were made during this meeting.

Adjournment:

MOTION:

Mr. Shoemake made the motion to adjourn the Athletic Commission meeting. Mr. Estridge seconded the motion which carried unanimously.

The meeting adjourned at 4:15 p.m.

The next quarterly meeting of the South Carolina Athletic Commission is scheduled for May 3, 2016 in room 202-13.