

# CALIFORNIA STATE ATHLETIC COMMISSION

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of October 2018

#### Section 1 –

#### Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board.<sup>1</sup> Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

*The California Athletic Commission (Commission) was created by an initiative in 1924 and is now a part of the Department of Consumer Affairs (DCA). The Commission was established because of the increasing number of boxer injuries/deaths occurring in the ring; and the involvement of unethical persons, management and promoters in the sport. Prior to the Commission, no government agency existed to provide oversight of managers, promoters, event officiating; or to protect the health and ensure the safety of the participants. Today, the Commission oversees the licensing, prohibited substance testing, and event regulation throughout the state with a seven-member Commission; five appointed by the Governor, one by the Senate Rules Committee, and one by the Speaker of the Assembly. The Commission meets at least six times per year to 1) handle matters related to licensure and appeals of license denials, suspensions and fines; 2) propose and review regulations or legislation focused on maintaining the health and safety of fighters; 3) consider issues related to the Boxer's Pension Program and the Neurological Examination Account; 4) evaluate funding and revenue strategies; and 5) address a variety of topics brought forth by stakeholders. The Commission licenses fighters, promoters, managers, seconds, matchmakers, referees, judges, timekeepers, professional trainers and approves ringside physicians. The Commission regulates professional events within its jurisdiction and regulates each event by staffing the event with several specialized and well-trained athletic inspectors to enforce the regulations related to combat sporting events.*

1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B).

*Advisory Committee on Medical and Safety Standards specifically authorized by Business and Professions Code section 18645. This Committee consists of five licensed physicians and surgeons appointed by the Commission. The purpose is to recommend medical and safety standards for the conduct of boxing and mixed martial arts contests. The current members are: Dr. Paul Wallace, (Chair), Dr. Rudolph-Bear Gamboa, Dr. Brian Estwick, Dr. Rhonda Rand, and Dr. Jonathan Schleimer.*

*Ringside Officials Subcommittee (Commissioners Carvelli and Shen-Urquidez) Formed by the Chair to Evaluate and recommend any changes to the training, evaluation, and pay of all officials. Priority is to ensure proper training and education so that the officials in California are aware of and skilled in the rules and regulations within the State.*

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<sup>1</sup> The term "board" in this document refers to a board, bureau, commission, committee, department, division, program, or agency, as applicable. Please change the term "board" throughout this document to appropriately refer to the entity being reviewed.

Boxers Pension Plan Subcommittee (Commissioner Ayala and Vice Chair Lehman) Formed by the Chair to work with the Executive Officer to make needed changes to regulatory language and to review the Investments and pension accounting to ensure proper processes are followed and contract scope is adhered to.

Large Event Incentive Subcommittee (Chair Carvelli and Commissioners Shen-Urquidez) Formed by the Chair in response to losing fight events to other states aggressively soliciting away from CA citing non-resident tax requirements and offering other incentives. An effort is well underway to outreach and advocate the benefits of holding events in CA including but not limited to having the best judges and officials backed by a well organized and professional CSAC.

Gender Equity Subcommittee (Vice Chair Lehman, Commissioner Shen-Urquidez) Formed by the Chair to research and address issues related to gender equity including but not limited to sexual harassment in gyms and/or competitions, length of rounds in female boxing compared to female mixed martial arts, income/pay disparity, weight cutting for females, education for trainers to understand gender specific issues, and improper barriers to those of different genders for fight, coaching, and/or management opportunities.

<b>Table 1a. Attendance</b>			
<b>JOHN CARVELLI</b>			
Date Appointed:	5/8/2013		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Regular Meeting	10/2/2018	Los Angeles, CA	Y
Regular Meeting	7/24/2018	San Diego, CA	Y
Regular Meeting	5/8/2018	Los Angeles, CA	Y
Regular Meeting	2/27/2018	Anaheim, CA	Y
Regular Meeting	12/12/2017	Sacramento, CA	Y
Regular Meeting	10/17/2017	Los Angeles, CA	Y
Regular Meeting	8/15/2017	Los Angeles, CA	Y
Special Meeting (Teleconference)	6/5/2017	Various	Y
Regular Meeting	5/16/2017	Anaheim, CA	Y
Regular Meeting	3/14/2017	Los Angeles, CA	Y
Special Meeting (Teleconference)	3/13/2017	Various	Y
Regular Meeting	12/16/2016	Sacramento, CA	Y
Regular Meeting	10/18/2016	Los Angeles, CA	Y
Regular Meeting	7/12/2016	Los Angeles, CA	Y
Regular Meeting	4/25/2016	Costa Mesa, CA	Y
Regular Meeting	2/2/2016	Los Angeles, CA	Y
Regular Meeting	11/17/2015	Sacramento, CA	Y
Special Meeting (Teleconference)	9/30/2015	Various	Y
Regular Meeting	9/1/2015	Los Angeles, CA	Y
Regular Meeting	6/23/2015	Los Angeles, CA	Y
Regular Meeting	4/28/2015	San Diego, CA	Y
Regular Meeting	2/18/2015	Los Angeles, CA	Y
Regular Meeting	12/3/2014	Sacramento, CA	Y

Special Meeting (Teleconference)	11/21/2014	Various	Y
Regular Meeting	10/20/2014	Van Nuys, CA	Y
Special Meeting (Teleconference)	9/3/2014	Various	Y
Regular Meeting	8/11/2014	Los Angeles, CA	Y
Special Meeting (Teleconference)	6/26/2014	Various	Y
Regular Meeting	5/16/2014	Sacramento, CA	Y
Regular Meeting	3/17/2014	Sacramento, CA	Y
Regular Meeting	2/10/2014	Sacramento, CA	Y
Regular Meeting	12/16/2013	Sacramento, CA	Y
Regular Meeting	10/7/2013	Los Angeles, CA	Y
Regular Meeting	8/5/2013	Los Angeles, CA	Y
Regular Meeting	6/10/2013	Los Angeles, CA	Y

<b>MARY LEHMAN</b>			
Date Appointed:	3/28/2013		
Meeting Type	Meeting Date	Meeting Location	Attended?
Regular Meeting	10/2/2018	Los Angeles, CA	Y
Regular Meeting	7/24/2018	San Diego, CA	Y
Regular Meeting	5/8/2018	Los Angeles, CA	Y
Regular Meeting	2/27/2018	Anaheim, CA	Y
Regular Meeting	12/12/2017	Sacramento, CA	Y
Regular Meeting	10/17/2017	Los Angeles, CA	Y
Regular Meeting	8/15/2017	Los Angeles, CA	Y
Special Meeting (Teleconference)	6/5/2017	Various	Y
Regular Meeting	5/16/2017	Anaheim, CA	Y
Regular Meeting	3/14/2017	Los Angeles, CA	N
Special Meeting (Teleconference)	3/13/2017	Various	Y
Regular Meeting	12/16/2016	Sacramento, CA	Y
Regular Meeting	10/18/2016	Los Angeles, CA	Y
Regular Meeting	7/12/2016	Los Angeles, CA	N
Regular Meeting	4/25/2016	Costa Mesa, CA	Y
Regular Meeting	2/2/2016	Los Angeles, CA	Y
Regular Meeting	11/17/2015	Sacramento, CA	N
Special Meeting (Teleconference)	9/30/2015	Various	Y
Regular Meeting	9/1/2015	Los Angeles, CA	Y
Regular Meeting	6/23/2015	Los Angeles, CA	Y
Regular Meeting	4/28/2015	San Diego, CA	Y
Regular Meeting	2/18/2015	Los Angeles, CA	Y
Regular Meeting	12/3/2014	Sacramento, CA	Y
Special Meeting (Teleconference)	11/21/2014	Various	Y
Regular Meeting	10/20/2014	Van Nuys, CA	Y
Special Meeting (Teleconference)	9/3/2014	Various	Y
Regular Meeting	8/11/2014	Los Angeles, CA	Y
Special Meeting (Teleconference)	6/26/2014	Various	Y
Regular Meeting	5/16/2014	Sacramento, CA	Y

Regular Meeting	3/17/2014	Sacramento, CA	Y
Regular Meeting	2/10/2014	Sacramento, CA	Y
Regular Meeting	12/16/2013	Sacramento, CA	N
Regular Meeting	10/7/2013	Los Angeles, CA	Y
Regular Meeting	8/5/2013	Los Angeles, CA	Y
Regular Meeting	6/10/2013	Los Angeles, CA	Y
Regular Meeting	4/22/2013	Los Angeles, CA	Y

<b>JOHN FRIERSON</b>			
Date Appointed:	5/30/2002		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Regular Meeting	10/2/2018	Los Angeles, CA	Y
Regular Meeting	7/24/2018	San Diego, CA	N
Regular Meeting	5/8/2018	Los Angeles, CA	Y
Regular Meeting	2/27/2018	Anaheim, CA	Y
Regular Meeting	12/12/2017	Sacramento, CA	N
Regular Meeting	10/17/2017	Los Angeles, CA	Y
Regular Meeting	8/15/2017	Los Angeles, CA	Y
Special Meeting (Teleconference)	6/5/2017	Various	Y
Regular Meeting	5/16/2017	Anaheim, CA	N
Regular Meeting	3/14/2017	Los Angeles, CA	Y
Special Meeting (Teleconference)	3/13/2017	Various	Y
Regular Meeting	12/16/2016	Sacramento, CA	N
Regular Meeting	10/18/2016	Los Angeles, CA	Y
Regular Meeting	7/12/2016	Los Angeles, CA	Y
Regular Meeting	4/25/2016	Costa Mesa, CA	N
Regular Meeting	2/2/2016	Los Angeles, CA	Y
Regular Meeting	11/17/2015	Sacramento, CA	N
Special Meeting (Teleconference)	9/30/2015	Various	N
Regular Meeting	9/1/2015	Los Angeles, CA	N
Regular Meeting	6/23/2015	Los Angeles, CA	Y
Regular Meeting	4/28/2015	San Diego, CA	Y
Regular Meeting	2/18/2015	Los Angeles, CA	Y
Regular Meeting	12/3/2014	Sacramento, CA	Y
Special Meeting (Teleconference)	11/21/2014	Various	Y
Regular Meeting	10/20/2014	Van Nuys, CA	Y
Special Meeting (Teleconference)	9/3/2014	Various	Y
Regular Meeting	8/11/2014	Los Angeles, CA	Y
Special Meeting (Teleconference)	6/26/2014	Various	Y
Regular Meeting	5/16/2014	Sacramento, CA	Y
Regular Meeting	3/17/2014	Sacramento, CA	Y
Regular Meeting	2/10/2014	Sacramento, CA	Y
Regular Meeting	12/16/2013	Sacramento, CA	Y
Regular Meeting	10/7/2013	Los Angeles, CA	Y
Regular Meeting	8/5/2013	Los Angeles, CA	Y

Regular Meeting	6/10/2013	Los Angeles, CA	Y
Regular Meeting	4/22/2013	Los Angeles, CA	Y
Regular Meeting	2/25/2013	Los Angeles, CA	Y
Regular Meeting	12/3/2012	Los Angeles, CA	Y
Regular Meeting	10/8/2012	Los Angeles, CA	Y
Regular Meeting	8/8/2012	Sacramento, CA	Y
Regular Meeting	7/16/2012	Various	Y
Special Meeting	6/30/2012	Various	Y
Regular Meeting	6/26/2012	South El Monte, CA	Y
Regular Meeting	6/4/2012	San Diego, CA	Y
Regular Meeting	4/9/2012	Sacramento, CA	Y
Special Meeting	3/5/2012	Los Angeles, CA	Y
Regular Meeting	2/6/2012	Los Angeles, CA	Y
Regular Meeting	12/13/2011	Van Nuys, CA	Y
Regular Meeting	10/3/2011	Oakland, CA	Y
Regular Meeting	8/15/2011	Los Angeles, CA	Y
Regular Meeting	6/20/2011	Van Nuys, CA	Y
Special Meeting	5/18/2011	Los Angeles, CA	Y
Regular Meeting	4/18/2011	San Diego, CA	Y
Regular Meeting	2/4/2011	Van Nuys, CA	Y
Regular Meeting	12/2/2010	Sacramento, CA	Y
Regular Meeting	9/20/2010	Los Angeles, CA	Y
Special Meeting	8/18/2010	Los Angeles, CA	Y
Regular Meeting	7/26/2010	Sacramento, CA	Y
Strategic Planning Meeting	5/17/2010	Los Angeles, CA	Y
Regular Meeting	4/20/2010	Van Nuys, CA	Y
Regular Meeting	2/22/2010	Los Angeles, CA	Y
Regular Meeting	12/21/2009	Los Angeles, CA	Y
Regular Meeting	10/26/2009	Los Angeles, CA	Y
Regular Meeting	8/24/2009	Los Angeles, CA	Y
Regular Meeting	6/22/2009	Oakland, CA	Y
Special Meeting	6/1/2009	Various	Y
Regular Meeting	4/13/2009	Los Angeles, CA	N
Regular Meeting	2/10/2009	Van Nuys, CA	Y
Special Meeting	12/15/2008	Various	N
Regular Meeting	11/18/2008	Los Angeles, CA	Y
Special Meeting	10/22/2008	Los Angeles, CA	Y
Regular Meeting	9/19/2008	Van Nuys, CA	N
Regular Meeting	6/17/2008	Los Angeles, CA	N

## MARTHA SHEN-URQUIDEZ

Date Appointed:	3/28/2013		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Regular Meeting	10/2/2018	Los Angeles, CA	Y
Regular Meeting	7/24/2018	San Diego, CA	Y

Regular Meeting	5/8/2018	Los Angeles, CA	Y
Regular Meeting	2/27/2018	Anaheim, CA	Y
Regular Meeting	12/12/2017	Sacramento, CA	Y
Regular Meeting	10/17/2017	Los Angeles, CA	N
Regular Meeting	8/15/2017	Los Angeles, CA	Y
Special Meeting (Teleconference)	6/5/2017	Various	Y
Regular Meeting	5/16/2017	Anaheim, CA	Y
Regular Meeting	3/14/2017	Los Angeles, CA	Y
Special Meeting (Teleconference)	3/13/2017	Various	Y
Regular Meeting	12/16/2016	Sacramento, CA	Y
Regular Meeting	10/18/2016	Los Angeles, CA	Y
Regular Meeting	7/12/2016	Los Angeles, CA	Y
Regular Meeting	4/25/2016	Costa Mesa, CA	Y
Regular Meeting	2/2/2016	Los Angeles, CA	Y
Regular Meeting	11/17/2015	Sacramento, CA	Y
Special Meeting (Teleconference)	9/30/2015	Various	Y
Regular Meeting	9/1/2015	Los Angeles, CA	Y
Regular Meeting	6/23/2015	Los Angeles, CA	Y
Regular Meeting	4/28/2015	San Diego, CA	Y
Regular Meeting	2/18/2015	Los Angeles, CA	Y
Regular Meeting	12/3/2014	Sacramento, CA	Y
Special Meeting (Teleconference)	11/21/2014	Various	Y
Regular Meeting	10/20/2014	Van Nuys, CA	Y
Special Meeting (Teleconference)	9/3/2014	Various	Y
Regular Meeting	8/11/2014	Los Angeles, CA	Y
Special Meeting (Teleconference)	6/26/2014	Various	Y
Regular Meeting	5/16/2014	Sacramento, CA	Y
Regular Meeting	3/17/2014	Sacramento, CA	N
Regular Meeting	2/10/2014	Sacramento, CA	Y
Regular Meeting	12/16/2013	Sacramento, CA	Y
Regular Meeting	10/7/2013	Los Angeles, CA	Y
Regular Meeting	8/5/2013	Los Angeles, CA	Y
Regular Meeting	6/10/2013	Los Angeles, CA	Y
Regular Meeting	4/22/2013	Los Angeles, CA	Y

<b>VANGORDON SAUTER</b>			
Date Appointed:	5/8/2013		
Meeting Type	Meeting Date	Meeting Location	Attended?
Regular Meeting	10/2/2018	Los Angeles, CA	Y
Regular Meeting	7/24/2018	San Diego, CA	Y
Regular Meeting	5/8/2018	Los Angeles, CA	Y
Regular Meeting	2/27/2018	Anaheim, CA	Y
Regular Meeting	12/12/2017	Sacramento, CA	Y
Regular Meeting	10/17/2017	Los Angeles, CA	Y
Regular Meeting	8/15/2017	Los Angeles, CA	N

Special Meeting (Teleconference)	6/5/2017	Various	N
Regular Meeting	5/16/2017	Anaheim, CA	Y
Regular Meeting	3/14/2017	Los Angeles, CA	Y
Special Meeting (Teleconference)	3/13/2017	Various	Y
Regular Meeting	12/16/2016	Sacramento, CA	Y
Regular Meeting	10/18/2016	Los Angeles, CA	Y
Regular Meeting	7/12/2016	Los Angeles, CA	N
Regular Meeting	4/25/2016	Costa Mesa, CA	Y
Regular Meeting	2/2/2016	Los Angeles, CA	Y
Regular Meeting	11/17/2015	Sacramento, CA	Y
Special Meeting (Teleconference)	9/30/2015	Various	Y
Regular Meeting	9/1/2015	Los Angeles, CA	Y
Regular Meeting	6/23/2015	Los Angeles, CA	Y
Regular Meeting	4/28/2015	San Diego, CA	Y

## VERNON WILLIAMS

Date Appointed:	3/11/2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Regular Meeting	10/2/2018	Los Angeles, CA	Y
Regular Meeting	7/24/2018	San Diego, CA	Y
Regular Meeting	5/8/2018	Los Angeles, CA	Y
Regular Meeting	2/27/2018	Anaheim, CA	Y
Regular Meeting	12/12/2017	Sacramento, CA	Y
Regular Meeting	10/17/2017	Los Angeles, CA	Y
Regular Meeting	8/15/2017	Los Angeles, CA	Y
Special Meeting (Teleconference)	6/5/2017	Various	N
Regular Meeting	5/16/2017	Anaheim, CA	Y
Regular Meeting	3/14/2017	Los Angeles, CA	Y
Special Meeting (Teleconference)	3/13/2017	Various	Y
Regular Meeting	12/16/2016	Sacramento, CA	Y
Regular Meeting	10/18/2016	Los Angeles, CA	Y
Regular Meeting	7/12/2016	Los Angeles, CA	Y
Regular Meeting	4/25/2016	Costa Mesa, CA	Y
Regular Meeting	2/2/2016	Los Angeles, CA	Y
Regular Meeting	11/17/2015	Sacramento, CA	Y
Special Meeting (Teleconference)	9/30/2015	Various	Y
Regular Meeting	9/1/2015	Los Angeles, CA	Y
Regular Meeting	6/23/2015	Los Angeles, CA	Y
Regular Meeting	4/28/2015	San Diego, CA	Y

## LUIS AYALA

Date Appointed:	4/15/2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Regular Meeting	10/2/2018	Los Angeles, CA	N

Regular Meeting	7/24/2018	San Diego, CA	N
Regular Meeting	5/8/2018	Los Angeles, CA	Y
Regular Meeting	2/27/2018	Anaheim, CA	N
Regular Meeting	12/12/2017	Sacramento, CA	N
Regular Meeting	10/17/2017	Los Angeles, CA	Y
Regular Meeting	8/15/2017	Los Angeles, CA	Y
Special Meeting (Teleconference)	6/5/2017	Various	N
Regular Meeting	5/16/2017	Anaheim, CA	Y
Regular Meeting	3/14/2017	Los Angeles, CA	Y
Special Meeting (Teleconference)	3/13/2017	Various	N
Regular Meeting	12/16/2016	Sacramento, CA	N
Regular Meeting	10/18/2016	Los Angeles, CA	Y
Regular Meeting	7/12/2016	Los Angeles, CA	Y
Regular Meeting	4/25/2016	Costa Mesa, CA	Y
Regular Meeting	2/2/2016	Los Angeles, CA	Y
Regular Meeting	11/17/2015	Sacramento, CA	N
Special Meeting (Teleconference)	9/30/2015	Various	Y
Regular Meeting	9/1/2015	Los Angeles, CA	Y
Regular Meeting	6/23/2015	Los Angeles, CA	Y
Regular Meeting	4/28/2015	San Diego, CA	Y

<b>Table 1b. Board/Committee Member Roster</b>					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
<b>JOHN CARVELLI</b>	5/8/2013	2/16/2018	1/1/2022	Governor	Public
<b>MARY LEHMAN</b>	3/28/2013	2/9/2017	1/1/2021	Governor	Public
<b>JOHN FRIERSON</b>	5/30/2002	1/9/2015	1/1/2019	Speaker of Assembly	Public
<b>MARTHA SHEN-URQUIDEZ</b>	3/28/2013	2/9/2017	1/1/2021	Governor	Public
<b>VAN GORDON SAUTER</b>	3/11/2015	2/16/2018	1/1/2021	Governor	Public
<b>VERNON WILLIAMS</b>	3/11/2015	N/A	1/1/2019	Governor	Professional
<b>LUIS AYALA</b>	4/15/2015	N/A	1/1/2019	Senate Rules Committee	Public

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

No



3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:

- Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)

*The Commission developed a Strategic Plan in July 2018 which is expected to be approved in December and effective January 1, 2019.*

*The Governor appointed two public members to the Commission – Van Gordon Sauter and Dr. Vernon Williams. The Senate Rules Committee appointed a new public member, Luis Ayala.*

- All legislation sponsored by the board and affecting the board since the last sunset review.

*N/A*

- All regulation changes approved by the board the last sunset review. Include the status of each regulatory change approved by the board.

**Pension** – Sections 401 – 406. *The Commission identified three main problems with the administration of certain pension program regulations. First, the Plan regulations related to Lost Beneficiary / Forfeitures, section 405 (d), were not followed by the third-party administrator. The third-party administrator stated the 405 (d) regulation language was not followed because its intent was not clear. Secondly, the Commission identified some of the problems created by the third-party administrator not following 405 (d). Finally, the commission identified a funding source deficiency in the original language related to the Lost Beneficiary/ Forfeiture provisions. The changes in this regulation package addressed these problems.*

**Definitions, Prohibited Substances and Methods, Therapeutic Use Exemptions, Transgender Athletes** – Sections 201.5, 303, 424-426 and 830-837. *This regulation change mainly addressed the issues of prohibited substances and Transgender athletes. The Commission amended its regulations to adopt very strict bans on prohibited substances and methods; adopt a new regulation identifying the circumstances under which an athlete, when medically necessary, may receive approval to use a prohibited substance or method; adopt a regulation setting out the rules governing Transgender athletes who apply to compete in Commission-regulated events. This rulemaking also made a technical clean-up amendment to one of its definitions, necessitated by the proposed adoption of “Transgender Athletes” regulations.*

**Headgear** – Section 610. *This regulation change required the use of headgear in amateur contests for the protection of amateur boxers.*

**Dehydration & Rehydration** – Sections 297, 299 and 300. *This regulation change was necessary to have an immediate effect in providing a safer weigh-in procedure as well as testing of athletes for severe dehydration prior to a bout. It helps prevent athletes from using severe dehydration as a method to make the contracted bout weight. The regulation change allows the CSAC appointed ringside physicians to test athletes for dehydration and to remove a contestant from a fight if the athlete is deemed to be severely dehydrated. Also, the regulation change prohibits the use of intravenous therapies to regain hydration after a weigh-in.*

**Payment of Contestants** – Section 232. *This regulation change mainly addressed that Athletes are not provided a minimum purse for fighting. This has allowed some promoters to exploit athletes by paying them \$1.00 instead of an industry minimum. This regulation set a minimum purse amount of one hundred dollars (\$100) per round.*

4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).

*The Commission studied and conducted two industry summits studying the affects of dehydration and rapid rehydration on the short term and long-term health of combat athletes.*

5. List the status of all national associations to which the board belongs.

*The Commission belongs to the Association of Boxing Commissions and the Association of Ringside Physicians.*

- Does the board's membership include voting privileges?

*Yes*

- List committees, workshops, working groups, task forces, etc., on which board participates.

*As part of the Association of Boxing Commissions, the Executive Officer of the Commission serves as Chair of the Medical Committee, Chair of the Governmental Affairs Committee, Chair of the Boxing Registry Committee, and Member of the Kickboxing Committee, The Chair of the Commission's Medical Advisory Committee are officers in the Association of Ringside Physicians.*

- How many meetings did board representative(s) attend? When and where?

*The Executive Officer met via teleconference over 30 times with various committees to discuss policy changes/proposals. The Executive Officer attended the Association of Boxing Commissions Annual Conference in 2015, 2016, 2017, and 2018. The Chair and many of the Commission's ringside physicians attended (at their own expense) the Association of Ringside Physicians Conference where important health topics were deliberated. Discussion points included dehydration in athletes, blood borne illness and its relevance to combat sports, identification and treatment of skin diseases, importance of close liaison between referees and ringside doctors, orthopedic injuries, pulmonary issues associated with combat sports, maxillofacial injures, lacerations and their treatment, traumatic brain injury and concussions, Second Impact Syndrome and the associated "Golden Hour" and seizures.*

- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

*The Commission does not use a national exam.*

## **Section 2 – Performance Measures and Customer Satisfaction Surveys**

6. Provide each quarterly and annual performance measure report for the board as published on the DCA website.

*The Commission's enforcement activity differs from the methods and procedures used by the DCA and its other boards and bureaus. Reporting of this type of performance measure does not apply to the Commission and is; therefore, not displayed on the DCA website.*

7. Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

*Although the Commission believes in the benefits of a customer satisfaction survey, lack of resources and historically very few responses have prevented us from conducting further surveys.*

## Section 3 – Fiscal and Staff

### Fiscal Issues

8. Is the board's fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.

*No*

9. Describe the board's current reserve level, spending, and if a statutory reserve level exists.

*The Commission's current fund balance is approximately \$1.1 Million, which represents approximately 8.0 months of reserve. This is a significant increase since our last Sunset review. The Commission is in good fiscal health meeting the forecasted budget while regulating more events.*

10. Describe if/when a deficit is projected to occur and if/when fee increase, or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

*Since the last Sunset Review, the Civil Service Union Contract has authorized several cost of living increases, as well as increased costs to basic operations. . Since the Commission does not receive but a small percentage of its revenue from license types, we are not asking for a license fee increase. We instead are requesting an increase to the statutory cap for box office gates and for broadcast contract caps. The Commission suggests to the legislature that a cap increase from a gross box office of \$2 Million dollars to \$3 Million dollars is appropriate, as well as an increase in the TV tax cap currently at \$35,000 to \$45,000.*

**Table 2. Fund Condition**

(Dollars in Thousands)	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Beginning Balance*	462	593	1044	927	1025	1300
Revenues and Transfers	1694	1919	1562	1993	2094	2098
<b>Total Revenue</b>	<b>\$ 2156</b>	<b>\$ 2512</b>	<b>\$ 2606</b>	<b>\$ 2920</b>	<b>\$ 3119</b>	<b>\$3398</b>
Budget Authority	1421	1471	1620	1794	1694	1694
Expenditures**	1393	1466	1679	1895	1819	1867
Loans to General Fund						
Accrued Interest, Loans to General Fund						

Loans Repaid From General Fund						
<b>Fund Balance</b>	\$ 763	\$ 1046	\$927	\$1025	\$1300	\$1531
<b>Months in Reserve</b>	6.2	7.5	5.9	6.8	8.4	9.7

\* Includes prior year adjustments

\*\* Includes direct draws from the fund

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

*Not Applicable.*

12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

<b>Table 3. Expenditures by Program Component</b> (list dollars in thousands)								
	FY 2014/15		FY 2015/16		FY 2016/17		FY 2017/18	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	362	308	526	248	596	265	479	267
Examination								
Licensing	140	84	254	77	281	62	181	74
Administration *	70	42	127	39	141	31	91	37
DCA Pro Rata		162		190		222		276
Diversion (if applicable)								
<b>TOTALS</b>	<b>\$572</b>	<b>\$ 596</b>	<b>\$ 907</b>	<b>\$554</b>	<b>\$1018</b>	<b>\$580</b>	<b>\$751</b>	<b>\$654</b>

\*Administration includes costs for executive staff, board, administrative support, and fiscal services.

13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the board has received from DCA?

*The Commission contributed approximately \$44,387 between fiscal years 2009-10 and 2016-17.*

14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

*All licenses expire 12 months after issuance and are renewed for 12 months periods.*

<b>Table 4. Fee Schedule and Revenue</b>							
Fee	Current Fee Amount	Statutory Limit	FY 2014/15 Revenue	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	% of Total Revenue
<b>Gate Taxes (BPC 18824)</b>	5% of Gate	\$100,000	\$1,003,000	\$1,122,822	\$978,663	\$1,051,155	54.3%
<b>Television Taxes (BPC 18824)</b>	5% of TV Revenue	\$35,000	\$417,000	\$510,991	\$285,512	\$610,238	31.5%

<b>Professional (Club) Promoter (BPC 18804)</b>	\$1,000	\$1000	\$50,000	\$48,000	\$58,000	\$43,250	2.2%
<b>Professional Referee (BPC 18812)</b>	\$150	\$150	\$6,000	\$6,900	\$5,250	\$9,600	0.5%
<b>Professional Manager (BPC 18810)</b>	\$150	\$150	\$14,700	\$18,750	\$27,600	\$16,050	0.8%
<b>Second (BPC 18811)</b>	\$50	\$50	\$100,400	\$102,850	\$101,850	\$96,690	5%
<b>Timekeeper (BPC 18814)</b>	\$50	\$50	\$650	\$350	\$550	\$1,100	0.1%
<b>Professional Fighter (BPC 18809)</b>	\$60	\$60	\$66,480	\$71,580	\$71,640	\$68,460	3.5%
<b>Professional Judge (BPC 18812)</b>	\$150	\$150	\$7,350	\$6,600	\$10,500	\$12,050	0.6%
<b>Matchmaker (BPC 18806)</b>	\$200	\$200	\$3,600	\$4,800	\$2,200	\$4,400	0.2%
<b>Professional Trainer</b>	\$200	\$200	\$7,400	\$11,000	\$23,200	\$14,200	0.7%
<b>Federal ID Cards</b>	\$20	\$20	\$8,580	\$8,280	\$7,900	\$8,315	0.4%

15. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

**FY 2017-18**

**1111-003-BCP-BR-2017-GB** – The Commission requested Budget Bill Language to allow a budget augmentation not to exceed \$200,000 for the Support Program, the Commission’s general operations account, and \$50,000 for the Neurological Program, which funds the Commission’s C3 Logix Neurological testing, in fiscal year 2017-18 and ongoing to allow the Commission to adequately staff events, provide statutorily required Athletic Inspector training and administer neurological exams to ensure fighter safety.

**FY 2016-17**

**1111-037-BCP-BR-2016-GB** – The Commission requested a budget augmentation of \$115,000 in fiscal year 2016-17 and \$107,000 ongoing to fund a 0.5 Associate Governmental Program Analyst and fund the additional drug testing necessary to regulate the provisions set forth in Senate Bill 469.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
<i>1111-003-BCP-BR-2017-GB</i>	<i>2017-18</i>	<i>Budget Bill Language Athletic Inspector Costs</i>			<i>\$200,000 Support Program 50,000 for Neurological Program</i>	<i>\$200,000 Support Program 50,000 for Neurological Program</i>		
<i>1111-037-BCP-BR-2016-GB</i>	<i>2016-17</i>	<i>SB 469 - Drug Testing</i>	<i>0.5</i>	<i>0.5</i>	<i>\$51,000</i>	<i>\$51,000</i>	<i>\$64,000</i>	<i>\$64,000</i>

**Staffing Issues**

16. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

*Since the last Sunset Review, the Commission made considerable modifications to its operations in order to maintain solvency, restore its fund balance to a healthy level, and establish a reserve for economic uncertainty. The Commission has been slowly restoring its staffing levels to ensure that the operational needs of the Commission are being met. The Commission does not currently have any vacancies.*

*In an effort to maintain solvency and as part of the Commission's restructuring efforts, the Executive Officer reclassified the existing Chief Athletic Inspector (CAI) vacancy to a Staff Services Manager I and absorbed most of the CAI duties. It was the EO's intention to eventually request the CAI position back once the Commission was able to do so. However, sometime in 2015, the California Department of Human Resources and/or State Personnel Board, abolished the Commission's CAI classification without the Commission's input or knowledge.*

*With the assistance of DCA, the Commission is working to resurrect the CAI series as a priority matter as the Commission continues to see an increasing number of events requiring the additional workload and responsibility of Athletic Inspectors. For now, to meet our responsibilities, until the CAI series classification is resurrected, the Commission has requested a full-time, 12-month Limited Term Supervising Special Investigator I (Non-Peace Officer) position to supervise the Commission's statewide team of Athletic Inspectors. This position is deemed critical.*

17. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

*Staff is encouraged, and in some cases directed, to attend the DCA's training classes which are included as part of the pro rata payment to DCA. Offered through DCA are training classes in the areas of analyst certification, career development, communications and customer service, personal development, conflict management skills, DCA leadership academy, enforcement, workplace awareness and technology. In 2015, the Commission's Administrative Analyst attended the Office of Administrative Law's 3-day Rulemaking Training.*

## Section 4 – Licensing Program

18. What are the board's performance targets/expectations for its licensing<sup>2</sup> program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

*There is no backlog in application processing at the Commission. Once the application has been completed, fees paid and required supporting documentation is submitted; the license is issued.*

19. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and

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<sup>2</sup> The term "license" in this document includes a license certificate or registration.

what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

*The Commission processes most athlete and seconds license applications very quickly with no more than a two-day delay. Promoter, manager, and matchmaker applications take longer because of the amount of information that is processed and the live scan requirement. The timely processing of licenses is performed adequately by the Commission.*

20. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

*On average, the Commission issues approximately 3,200 licenses per year. The Commission’s athlete and seconds licenses are never delinquent or renewed, they are given a new license that is valid for one year which allows them to compete or work as a second in California. Officials, Managers, Matchmakers, Professional Trainers and Promoters must maintain and renew their license every year. The table in question 21 below delineates the number of licenses issued each year by license type.*

21. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.

<b>Table 6. Licensee Population</b>					
		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
<b>Fighter</b>	Active	1105	1193	1194	1141
	Delinquent				
	Retired				
	Out of State				
	Out of Country				
<b>Promoter (Includes Temporary)</b>	Active	50	48	44	41
	Delinquent				
	Retired				
	Out of State				
	Out of Country				
<b>Manager</b>	Active	98	125	140	103
	Delinquent				
	Retired				
	Out of State				
	Out of Country				
<b>Second</b>	Active	2007	2056	2037	1930
	Delinquent				
	Retired				
	Out of State				
	Out of Country				
<b>Referee</b>	Active	40	46	35	54
	Delinquent				
	Retired				
	Out of State				
	Out of Country				

<b>Judge</b>	Active	49	44	58	90
	Delinquent				
	Retired				
	Out of State				
	Out of Country				
<b>Timekeeper</b>	Active	13	14	10	20
	Delinquent				
	Retired				
	Out of State				
	Out of Country				
<b>Matchmaker</b>	Active	9	24	9	22
	Delinquent				
	Retired				
	Out of State				
	Out of Country				
<b>Pro-Trainer</b>	Active	N/A	N/A	68	71
	Delinquent				
	Retired				
	Out of State				
	Out of Country				

<b>Table 7a. Licensing Data by Type</b>											
Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times			
					Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out	
FY 2015/16	(Exam)					-	-	-	-	-	-
	(License)	3324	3321	3324	3321	25	0	25	14 days	30 days	n/a
	(Renewal)	229	229	229	229	-	-	-	14 days	30 days	n/a
FY 2016/17	(Exam)										
	(License)	3352	3348	3352	3348	16	0	16	14 days	30 days	n/a
	(Renewal)	256	256	256	256	-	-	-	14 days	30 days	n/a
FY 2017/18	(Exam)										
	(License)	3209	3204	3209	3204	18	0	18	14 days	30 days	n/a
	(Renewal)	272	272	272	272	-	-	-	14 days	30 days	n/a

\* Optional. List if tracked by the board.

<b>Table 7b. Total Licensing Data</b>			
	FY 2015/16	FY 2016/17	FY 2017/18
<b>Initial Licensing Data:</b>			
Initial License/Initial Exam Applications Received	3324	3352	3209



Initial License/Initial Exam Applications Approved	3321	3348	3204
Initial License/Initial Exam Applications Closed	3324	3352	3209
License Issued	3321	3348	3204
<b>Initial License/Initial Exam Pending Application Data:</b>			
Pending Applications (total at close of FY)	25	16	18
Pending Applications (outside of board control)*	0	0	0
Pending Applications (within the board control)*	25	16	18
<b>Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):</b>			
Average Days to Application Approval (All - Complete/Incomplete)	23 days	23 days	23 days
Average Days to Application Approval (incomplete applications)*	30 days	30 days	30 days
Average Days to Application Approval (complete applications)*	14 days	14 days	14 days
<b>License Renewal Data:</b>			
License Renewed	229	256	272
Note: The values in Table 7b are the aggregates of values contained in Table 7a.			
* Optional. List if tracked by the board.			

22. How does the board verify information provided by the applicant?

- a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?

*The Commission verifies applicants' criminal history information by requiring fingerprints to be submitted for Promoters, Managers, and Matchmakers. The Commission has denied two licenses for failure to disclose criminal history. One was for violation of vehicle code 10851(a) – taking a vehicle without consent or vehicle theft – felony charge. The second license denial was for violation of penal code 12020(a) – possession, manufacturing, or selling dangerous weapon – felony charge that was reduced to misdemeanor.*

- b. Does the board fingerprint all applicants?

*No, the Commission fingerprints Promoters, Managers, and Matchmakers.*

- c. Have all current licensees been fingerprinted? If not, explain.

*All Promoters, Managers, and Matchmakers have been fingerprinted.*

- d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

*The Commission utilizes the National Registry, Fight Fax, BoxRec.com, and ABC.MixedMartialArts.com for athlete suspensions prior to issuing a license.*

- e. Does the board require primary source documentation?

*No*

23. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

*The process for out of country applicants is the same as state residents.*

24. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

*Experience obtained in boxing, martial arts or kickboxing, including participating in hand to hand combat classes in the military is considered when approving matches.*

25. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?

*No. The Board anticipated tracking this information once BreEZE was in place, however, the Commission is no longer acquiring BreEze. The Commission will have to manually track this information until the Commission obtains a tracking system (approximately 1-1.5 years).*

a. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

*N/A*

b. What regulatory changes has the board made to bring it into conformance with BPC § 35?

*Experience obtained in boxing, martial arts or kickboxing, including participating in hand to hand combat classes in the military, is considered when approving matches.*

c. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

*N/A*

d. How many applications has the board expedited pursuant to BPC § 115.5?

*N/A*

26. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

*The Commission has not submitted No Longer Interested notifications to DOJ because an applicant can renew or continue in the licensing process at any time; therefore, the Commission maintains an interest in receiving subsequent arrest notifications. The Commission's statutes do not designate an abandonment period for applications or expired licensees. It would be appropriate for the Commission to establish an abandoned/delinquent period to trigger submission of No Longer Interest notifications.*

## Examinations

<b>Table 8. Examination Data</b>				
<b>California Examination (include multiple language) if any:</b>				
License Type		N/A	N/A	N/A
Exam Title		N/A	N/A	N/A
FY 2014/15	# of 1 <sup>st</sup> Time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
FY 2015/16	# of 1 <sup>st</sup> Time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
FY 2016/17	# of 1 <sup>st</sup> Time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
FY 2017/18	# of 1 <sup>st</sup> time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
Date of Last OA		N/A	N/A	N/A
Name of OA Developer		N/A	N/A	N/A
Target OA Date		N/A	N/A	N/A
<b>National Examination (include multiple language) if any:</b>				
License Type		N/A	N/A	N/A
Exam Title		N/A	N/A	N/A
FY 2014/15	# of 1 <sup>st</sup> Time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
FY 2015/16	# of 1 <sup>st</sup> Time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
FY 2016/17	# of 1 <sup>st</sup> Time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
FY 2017/18	# of 1 <sup>st</sup> time Candidates	N/A	N/A	N/A
	Pass %	N/A	N/A	N/A
Date of Last OA		N/A	N/A	N/A
Name of OA Developer		N/A	N/A	N/A
Target OA Date		N/A	N/A	N/A

27. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

N/A

28. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?

N/A

29. Is the board using computer-based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

No

30. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No

### **School approvals**

31. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

*The Commission does not approve schools. Rather, the Association of Boxing Commissions, of which the Commission is a member, approves training programs. Also, the Commission and Executive Officer work together to develop inspector training courses.*

32. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

N/A

33. What are the board's legal requirements regarding approval of international schools?

N/A

### **Continuing Education/Competency Requirements**

34. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

*Inspectors and Officials receive some form of new training every 6 months. The Commission is looking into an online option for training Officials once a year.*

a. How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department's cloud?

*Certificate of completion along with a passing score.*

b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.

*The Commission maintains a record of officials that have taken the training courses approved by the Commission and ensures that competent officials are assigned based partly upon continuing education attendance.*

c. What are consequences for failing a CE audit?

*Additional training may be recommended, and assignments may not be given.*

d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

*N/A*

e. What is the board's course approval policy?

*Association of Boxing Commission approved course or equivalent.*

f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

*The Executive Officer approves CE courses on behalf of the Commission.  
The Association of Boxing Commissions in cooperation with the California State Athletic Commission (CSAC), or a course designed by the California State Athletic Commission.*

g. How many applications for CE providers and CE courses were received? How many were approved?

*All Association of Boxing Commission approved courses are acceptable as well as CSAC created or endorsed testing.*

h. Does the board audit CE providers? If so, describe the board's policy and process.

*No.*

i. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance-based assessments of the licensee's continuing competence.

*The Commission continues to apply its process for evaluating licensed officials. That process is ongoing.*

## Section 5 – Enforcement Program

35. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

*The Commission has sharply increased the amount of random drug testing performed in California. In 2015, the Commission obtained a vendor (Request A Test) to coordinate all scheduling, facilities, and equipment necessary to perform out-of-competition anabolic steroids, drugs of abuse, and diuretic screening on licensed athletes who reside around the world. Previous to this contract, testing an athlete required extensive coordination between Commission staff and inspectors, promoters, athletes, managers and trainers to set up a testing site in California. When compared with other jurisdictions, California is truly a model for drug testing and enforcement.*

36. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the

board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

*The Commission's enforcement is very different from the other Boards and Bureaus within DCA. The Commission's enforcement activities commonly involve athletes using prohibited substances and conduct that brings discredit to combative sports or the Commission. Enforcement activity also includes investigating unlicensed activity; however, currently there is no backlog in pending cases. The Commission closes enforcement cases within 30 days.*

<b>Table 9a. Enforcement Statistics</b>			
	FY 2015/16	FY 2016/17	FY 2017/18
<b>COMPLAINT</b>			
Intake			
Received			
Closed			
Referred to INV			
Average Time to Close			
Pending (close of FY)			
Source of Complaint			
Public			
Licensee/Professional Groups			
Governmental Agencies			
Other			
Conviction / Arrest			
CONV Received			
CONV Closed			
Average Time to Close			
CONV Pending (close of FY)			
<b>LICENSE DENIAL</b>			
License Applications Denied			
SOIs Filed			
SOIs Withdrawn			
SOIs Dismissed			
SOIs Declined			
Average Days SOI			
<b>ACCUSATION</b>			
Accusations Filed			
Accusations Withdrawn			
Accusations Dismissed			
Accusations Declined			
Average Days Accusations			
Pending (close of FY)			
<b>DISCIPLINE</b>			
Disciplinary Actions			
Proposed/Default Decisions			
Stipulations			
Average Days to Complete			
AG Cases Initiated			
AG Cases Pending (close of FY)			
Disciplinary Outcomes			

Revocation			
Voluntary Surrender			
Suspension			
Probation with Suspension <sup>1</sup>			
Probation <sup>2</sup>			
Probationary License Issued			
Other			
<b>PROBATION</b>			
New Probationers			
Probations Successfully Completed			
Probationers (close of FY)			
Petitions to Revoke Probation			
Probations Revoked			
Probations Modified			
Probations Extended			
Probationers Subject to Drug Testing			
Drug Tests Ordered			
Positive Drug Tests			
Petition for Reinstatement Granted			
<b>DIVERSION</b>			
New Participants			
Successful Completions			
Participants (close of FY)			
Terminations			
Terminations for Public Threat			
Drug Tests Ordered			
Positive Drug Tests			

<b>Table 9b. Enforcement Statistics (continued)</b>			
	FY 2015/16	FY 2016/17	FY 2017/18
<b>INVESTIGATION</b>			
All Investigations			
First Assigned			
Closed			
Average days to close			
Pending (close of FY)			
Desk Investigations			
Closed			
Average days to close			
Pending (close of FY)			
Non-Sworn Investigation			
Closed			
Average days to close			
Pending (close of FY)			
Sworn Investigation			
Closed			
Average days to close			
Pending (close of FY)			
<b>COMPLIANCE ACTION</b>			
ISO & TRO Issued			
PC 23 Orders Requested			
Other Suspension Orders			
Public Letter of Reprimand			
Cease & Desist/Warning			
Referred for Diversion			
Compel Examination			
<b>CITATION AND FINE</b>			
Citations Issued			
Average Days to Complete			
Amount of Fines Assessed			
Reduced, Withdrawn, Dismissed			
Amount Collected			
<b>CRIMINAL ACTION</b>			
Referred for Criminal Prosecution			



<b>Table 10. Enforcement Aging</b>						
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	Cases Closed	Average %
<b>Attorney General Cases (Average %)</b>						
Closed Within:						
0 - 1 Year						
1 - 2 Years						
2 - 3 Years						
3 - 4 Years						
Over 4 Years						
Total Attorney General Cases Closed						
<b>Investigations (Average %)</b>						
Closed Within:						
90 Days						
91 - 180 Days						
181 - 1 Year						
1 - 2 Years						
2 - 3 Years						
Over 3 Years						
Total Investigation Cases Closed						

37. What do overall statistics show as to increases or decreases in disciplinary action since last review?

*Disciplinary actions (suspension, denial of license, revocation) has remained consistent with market deviations. The Commission, as a regulatory and licensing body, is subject to market fluctuations. When more demand for combative sports exists, more enforcement is exercised.*

38. How are cases prioritized? What is the board's compliant prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

*Disciplinary actions are issued immediately, or shortly after occurrence. Consequently, establishing or adhering to a complaint prioritization policy is not applicable at this time.*

39. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

*Executive Officer reports all results and suspensions to the appropriate databases. Additionally, the Commission delegates all amateur sports to four organizations; California Amateur Mixed Martial Arts Organization (CAMO) – Amateur Mixed Martial Arts, USA Boxing – Amateur Boxing, United States Fight League (USFL) – Youth Pankration, International Kickboxing Federation (IKF) – Amateur Kickboxing. These organizations are responsible for reporting to the Commission all major injuries, medical and administrative suspensions, schedules of event and licensing fees, revenue and expense reports, and current year to date profit and loss statements.*

a. What is the dollar threshold for settlement reports received by the board?

N/A

b. What is the average dollar amount of settlements reported to the board?

N/A

40. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.

N/A

- a. What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?
- b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?
- c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

41. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

*This is not applicable to the Commission other than to point out the length of the license type expires one year from the date of issue. Most ABC member Commissions uphold each other's medical or disciplinary suspensions even after the license expires. This does not preclude the athlete from competing in a rogue jurisdiction or out of the country.*

42. Describe the board's efforts to address unlicensed activity and the underground economy.

*The Commission has a link on the website for reporting unlicensed activity. The Commission staff will investigate when a report is made. Primarily, licensed stakeholders will notify the Commission of unlicensed activity. This is frequent and is the Commission's best tool to address underground activity. Staff, when possible, scan websites, social media and blogs to locate illegal activity, but this is not always reliable. When unlicensed activity does come to our attention, the Commission staff coordinate with the DCA investigations unit and/or local law enforcement to implement a variety of enforcement tools available to the Commission. Sending inspectors to stop events as well as issuing Cease and Desist orders are a common method to deter illegal activity. The Commission also utilizes social media (Facebook, Twitter, and Instagram) to communicate to the public the requirements for licensure in California.*

## **Cite and Fine**

43. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?

*The Commission issues citations to licensees for violations of the State Boxing Act. Effective January 1, 2016, through SB 469, the Commission received authority to assess additional fines*

*of up to 40 percent of an athlete's total purse for violations of Section 18649 related to the use of prohibited substances. Having this authority has provided a greater level of deterrence among the higher paid athletes.*

44. How is cite and fine used? What types of violations are the basis for citation and fine?

*Fines are used as a penalty and are usually accompanied by a suspension or order to correct conduct. They are commonly issued against licensed athletes for using prohibited substances and conduct that brings discredit to combative sports or to the Commission.*

45. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

*Due to the extraordinary nature of Boxing as a sport and profession, the California State Athletic Commission (CSAC) is not subject to the provisions of the APA, as violations by CSAC licensees necessarily need to be handled immediately to protect the public welfare or is in the best interest of combat sports. However, in fulfilling the regulatory mandate, the Commission issues cease and desist orders for illegal events, suspensions and revocations for violations of the laws and statutes governing combat sports and conducts arbitrations for its licensees when a dispute arises from either a boxer-manager or boxer-promoter agreement. The Commission has sole authority over those proceedings.*

46. What are the 5 most common violations for which citations are issued?

- 1. Overweight fines*
- 2. Administration or Use of Prohibited Substances, Prohibited Methods*
- 3. Discredit to Boxing*
- 4. Failure to Report and/or Pay event fees/taxes*
- 5. Contract Violations (Management, Promotional, or Bout)*

47. What is average fine pre- and post- appeal?

*Fine amounts are rarely reduced and vary greatly from \$100.00 to \$2,500.00. Since becoming effective, the Commission has utilized its authority to fine up to 40 percent of the athlete's purse in one instance the Commission ordered a fine in the amount of \$205,000.*

48. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

*This has not been utilized for fines, but it is used to collect money owed from dishonored checks.*

### **Cost Recovery and Restitution**

49. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

*Since January 1, 2016, the Commission has the authority to seek cost recovery related to arbitration proceedings from the parties' subject to the proceedings; however, the Commission has not yet utilized its authority.*

50. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

N/A

51. Are there cases for which the board does not seek cost recovery? Why?

*Yes, the Commission has the authority to seek cost recovery related to arbitration proceedings from the parties' subject to the proceedings. The Commission requested this authority to deter people from abusing the arbitration protections and frivolous requests and since receiving this authority, the Commission has only facilitated arbitration on two contracts.*

52. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

N/A

53. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

N/A

<b>Table 11. Cost Recovery</b> (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Enforcement Expenditures				
Potential Cases for Recovery *				
Cases Recovery Ordered				
Amount of Cost Recovery Ordered				
Amount Collected				
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

<b>Table 12. Restitution</b> (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Amount Ordered				
Amount Collected				

**Section 6 – Public Information Policies**

54. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board's website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

*The Commission posts meeting notices, agendas, and materials; training announcements; and interesting topics affecting the industry on it's website. The meeting agendas are posted at least 10 days prior to the meeting date. Meeting materials are typically available one week before the meeting. Final minutes are posted on the website upon Commission approval and historically have remained on the web site for several years.*

55. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long to webcast meetings remain available online?

*Yes, the Commission webcasts all meetings. However, since there are various factors that could affect the Internet or end-user connections to this service, the availability and quality of this service is not guaranteed. If available, webcasts remain on DCA's web site for several years under the web case archives.*

56. Does the board establish an annual meeting calendar, and post it on the board's web site?

*Yes, the Commission does establish an annual meeting calendar; however, this is not posted on our website. The calendar is available in the meeting materials online for the first meeting of the year.*

57. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

*Yes.*

58. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

*The Commission provides event results on its website which indicates the winner/loser of every bout in California. Additionally, a list of all licensed Seconds and Professional Trainers, approved Ringside Physicians (RPs), approved ticket printers, and approved Boxing gloves for competition are available on the Commission's website.*

59. What methods are used by the board to provide consumer outreach and education?

*In addition to the Public Comment section, every Commission meeting invites stakeholder testimony to identify actions that may lead to greater opportunities for licensees to participate in major professional boxing contests. Additionally, the Commission has a Facebook, Instagram and Twitter page which is updated periodically. The Commission also issues press releases on points of interest to the public such as the Boxer's Pension Fund, dehydration and weight cutting advisories, and rule updates. Commission subcommittees have proven to be effective tools to further engage relevant issues and stakeholders.*

## Section 7 – Online Practice Issues

60. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

*N/A*

## Section 8 – Workforce Development and Job Creation

61. What actions has the board taken in terms of workforce development?

*It has come to the Commission's attention that certain aspects of combat sports may affect those of different genders in improper and sometimes inequitable ways. In May 2018, the Commission created a subcommittee to research and address issues related to gender equity. Below are some of the issues that the subcommittee will address:*

- 1. Sexual harassment in gyms and/or competitions*
- 2. Length of rounds in female boxing compared to female mixed martial arts*
- 3. Income/pay disparity*
- 4. Weight cutting for females*
- 5. Education for trainers to understand gender specific issues*
- 6. Improper barriers to those of different genders for fight, coaching, and/or management opportunities*

62. Describe any assessment the board has conducted on the impact of licensing delays.

*The Commission does not have any licensing delays.*

63. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

*The Commission has conducted outreach to California gyms and licensees regarding dehydration and weight cutting dangers, amongst other licensing requirements.*

64. Describe any barriers to licensure and/or employment the board believes exist.

*The Commission does not believe there are any barriers to licensure.*

65. Provide any workforce development data collected by the board, such as:

a. Workforce shortages

*N/A*

b. Successful training programs.

*N/A*

## **Section 9 – Current Issues**

66. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

*The Uniform Standards do not apply. However, all licensed athletes are required to submit to random drug testing (or regular drug testing if a prior test was failed). Athletes who are found to have used a prohibited substance are simply not permitted to participate in a California regulated combat sport again until their suspension period has ended and fine paid. The Commission contracts with UCLA Olympic Analytical Laboratory and utilizes the WADA banned substance list to ensure the highest level of integrity for regulated combat sports.*

67. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

*N/A*

68. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

*During the last sunset review the Commission was in Phase 3 of BreEZe implementation, however, the Department of Consumer Affairs (DCA) is no longer implementing Phase 3 of this project.*

a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

*N/A*

b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

*The Commission in conjunction with DCA, has developed a Business Modernization Plan to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Plan outlines our approach to identifying the Commission's specific business needs, determining cost effective options, and proposes initial schedules. The Plan also considers the impacts and requirements of the Project Approval Lifecycle (PAL), the project approval process required by the California Department of Technology. The Commission will perform a mandated cost benefit analysis or determine the cost effectiveness of a new platform.*

*The Commission began meeting with DCA project staff in May 2017. Initial meetings included general education and discussion about the business modernization effort and its staff and time demands. The Commission inventoried their business processes in August 2017 and is currently scheduled to begin business analysis in October 2019.*

## **Section 10 – Board Action and Response to Prior Sunset Issues**

Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

**Issue #1: (OUTDATED TECHNOLOGY SYSTEMS AND THE IMPLEMENTATION OF BreEZe.)** The Commission historically has had woefully outdated systems and conducts the bulk of its record keeping on Excel spreadsheets. The Commission is also included in the *last*

phase of the rollout for the DCA's new computer system, the BreZE Project, the timeline for which is uncertain given the challenges DCA is having implementing that system.

*See Section 11, No. 1*

**ISSUE #2: (EVENTS HELD ON TRIBAL LAND.)** These events are not required to be overseen by the Commission. Can the Commission do more to promote safety at events on tribal lands? Is the Commission able to track outcomes and possible athlete injuries at these events to ensure they are not licensed by the Commission to fight if they have been injured at an event held on tribal land?

*The Commission exists primarily to promote and ensure the health and safety of all combat athletes. Every action taken by the Commission is or should be made with all health and safety standards as our guide. By reaching out to all stakeholders and ensuring that we are available, easy to reach, responsive and dedicated, we hope to continue to prove that we can make the regulatory process user friendly and rewarding while protecting all athletes.*

*Thus far in calendar year 2018, the Commission regulated 157 events, of which 25 were on tribal lands. It is difficult to know the exact number of bouts taking place without oversight. The Commission regulates events held on tribal land to the same standard as non-tribal events. The Commission regulates these events by invitation and pursuant to a contract with a tribe. The licensing, medical, officials, inspectors, and insurance requirements are identical to other events in California. The fee structure is different with a Tribal land is a flat fee not to exceed \$4200 determined by seating capacity and size of the event (\$3000 for the support fund, \$600 for neurological fund, and \$600 for the pension fund). The Commission is aware of bouts that have likely taken place on tribal lands without the Commission oversight. While we regret this activity, we have no authority to stop it. The Commission has and will continue to extend invitation to all tribal and other organizations and offer our assistance to help them conduct safe and appropriate events.*

**ISSUE #3: (LICENSEES SERVING AS COMMISSIONERS.)** Questions have been raised as to why Commission licensees are not appointed to the Commission and that as a result, the Commission may not always receive their valuable input.

*While current licensees cannot serve on the Commission, a current Commissioner is a former professional boxer, another Commissioner is highly trained in kickboxing and martial arts, and the Executive Officer is a former Professional mixed martial artist, referee, and trainer therefore some degree of experienced input is present. Additionally, the Chair schedules stakeholder meetings where input from the licensed communities is heard and considered.*

**ISSUE #4: (MEDICAL ADVISORY COMMITTEE QUORUM.)** Are changes to the State Act necessary to ensure that this important committee meets on a regular basis?

*On March 14, 2017, the Commission met to appoint six members to the Advisory Committee on Medical and Safety Standards (Medical Advisory Committee). The Medical Advisory Committee meets at least twice per year to discuss key safety issues and recommendations agreed upon to submit to the Commission as a whole. There has been a quorum at all meetings held since 2017.*

**ISSUE #5: (TECHNICAL CHANGES MAY IMPROVE EFFECTIVENESS OF THE STATE ACT AND COMMISSION OPERATIONS.)** There are amendments to the Act that are technical in nature but may improve Commission operations and the enforcement of the Act.



See Section 11, No. 3

**ISSUE #6: (LACK OF STAFFING.)** The Commission has been operating according to a solvency plan that may not provide enough staff for the Commission to do its job.

*The Commission made considerable modifications to its operations in order to maintain solvency, restore its fund balance to a healthy level, and establish a reserve for economic uncertainty. The Commission has been slowly restoring its staffing levels to ensure the operational needs of the Commission are being met.*

*As part of the efforts to restore staffing to appropriate levels, in July 2013, the Commission requested approval to re-classify a permanent full-time Chief Athletic Inspector (CAI) position to a permanent full-time Staff Services Manager I (SSMI) position to assist the Commission in implementing and maintaining the recommendations set forth by the Bureau of State Audits. In September 2013, the Commission filled this position. Since then, and as a result of this additional executive management resource, the Commission has made considerable improvements to its operations; however, many of the CAI duties were absorbed by the Executive Officer (EO), Assistant Executive Officer (AEO), Lead Athletic Inspectors, and office staff. These duties included matchmaking oversight, field operations, unlicensed activity investigations, and licensed official's evaluations. This has deferred the completion of many of the EO and AEO's regular duties including planning, organizing and directing the day-to-day operations of the Commission; developing and implementing new office and field policies and procedures; ensuring development of procedure manuals and updating them as needed; recruiting, assigning work, training staff, evaluating and monitoring staff performance; preparing corrective actions for staff if necessary; and overseeing field staff activity at regulated events.*

*In the last few years, the Commission has vastly improved its budgetary policies and revenue and expense tracking. Compared with a fund balance of \$23,000 (the equivalent of 0.1 months reserve) at the end of FY 2011/12, the Commission reported a balance of \$1.1 million in the reserve fund as of January 2017. While the reserve fund is now healthy, as a result of the cost-cutting measures, the Commission is still operating with a very lean staff. As such, staffing, along with appropriation, should return to a more normal level. It should also be noted that the Commission is currently working with less appropriation as it was ten years ago, in FY 2007/08.*

**ISSUE #7: (FLUIDITY IN REVENUES AND EXPENDITURES.)** The Commission's revenues are not predictable, not always stable and fluctuate greatly depending on the number of combat sporting events held in California for which the Commission provides oversight. Does the Commission need more flexibility in its spending authority?

*The Commission has greatly benefited from the budget bill language the Legislature authorized for additional inspectors and travel. The Commission does need some flexibility in the spending authority by increasing the appropriation to a level approaching FY 9-10. Very few agencies in California are operating at record revenue levels (hence the unpredictable fluctuation), but at a spending like 10 years ago. The fact that the new Fi\$Cal system is still not producing regular and timely budget reports aggravates an already precarious budgeting situation. The Commission needs flexibility and additional resources such as the restoration of the Chief Athletic Inspector and Assistant Chief Athletic Inspector.*

**ISSUE #8: (DRUG TESTING COSTS.)** The Commission conducts costly, important drug testing but at the same time may not be collecting enough money in fines to deter problematic behavior by its licensees that could in turn be used to continue to pay for these

tests. Does the Commission need to increase its fines to the statutory \$2500 limit, or are there other options? Does the Commission need flexibility to spend monies collected from substance abuse violations on additional testing?

*Effective January 1, 2016, through SB 469, the Commission received authority to assess additional fines of up to 40 percent of an athlete's total purse for violations of Section 18649 related to the use of prohibited substances. Having this authority has provided a greater level of deterrence among the higher paid athletes.*

**ISSUE #9: (ARBITRATION COST RECOVERY.)** The Commission absorbs costs related to arbitration for contract disputes that it oversees that may impede its ability to maintain a healthy fund balance. Should participants in these proceedings reimburse the Commission for these costs?

*Effective January 1, 2016 the Commission received authority to seek cost recovery related to arbitration proceedings from the parties subject to the proceedings.*

**ISSUE #10: (USE OF PERFORMANCE ENHANCING SUBSTANCES.)** The Commission, as well as other states, has worked to evaluate whether there should be potential approval for licensees to use substances which are currently banned and whether there should be exemptions for therapeutic use of certain substances. Are there instances where substances should be used without penalty to the athlete? Are statutory clarifications necessary?

*The Commission modified its regulations in 2015 to address the issues of prohibited substances and Transgender athletes. The Commission amended its regulations to adopt very strict bans on prohibited substances and methods; adopt a new regulation identifying the circumstances under which an athlete, when medically necessary, may receive approval to use a prohibited substance or method (through a Therapeutic Use Exemption); adopt a regulation setting out the rules governing Transgender athletes who apply to compete in Commission-regulated events. This rulemaking also made a technical clean-up amendment to one of its definitions, necessitated by the proposed adoption of "Transgender Athletes" regulations.*

**ISSUE #11: (TRANSGENDER LICENSURE.)** Federal and state law prohibit discrimination on the basis of gender identity or expression. What steps is the Commission taking to license transgender combat sports participants?

*This is addressed in #10 above.*

**ISSUE #12: (PROFESSIONAL BOXERS PENSION FUND.)** Created in 1982, to provide benefits to former boxers, the Professional Boxers Pension Fund (Fund) may not be appropriately designed to meet the actual health and welfare needs of these athletes.

*Since the last sunset review, the Commission has significantly increased Pension Plan distributions to qualified retired boxers, despite the obstacles in locating potential claimants. The Commission's outreach efforts regarding the Pension Plan have improved over the past several years, however, remains limited in further efforts to locate eligible boxers. The Commission will benefit with the ability to publish on its web site and through social media a list of all potential claimants.*

**ISSUE #13: (PROPER USE OF THE NEUROLOCAL EXAMINATION FUND.)** The Neurological Fund has never been used appropriately and the Commission should consider how the Fund could be best utilized to assess chronic traumatic brain injuries

*On 5/16/14, the Commission approved language to amend section 280 of the CC&R "Examination of Boxer Applicants", to establish a neurological assessment fee pursuant to B&P Code (BPC) Section 18711. The Department of Consumer Affairs (DCA) had concerns that the proposal did not completely address the Legislative intent of BPC 18711, and recommended the Commission modify the language to include all medical examinations required by athletes for licensure. As a result, the Commission realized that the regulation package would not be completed within the specified timeframe. At a Medical Advisory Committee Meeting held on 11/7/15, Committee members reviewed the proposed language which included DCA's recommendations and made necessary changes.*

*On 8/12/16, the Commission submitted to OAL, proposed changes to section 280, regarding specific medical examination procedures including an additional Neurological Examination Assessment. The Commission submitted a complete rulemaking file to DCA for review and approval on 11/16/16. As a result of the recent implementation of the C3 Logix Program and the change in the Commission's appropriation of the Neurological Fund, Commission staff recommended significant changes to the neurological assessment section 280(h) of the proposed language.*

*On 3/14/17, the Commission approved withdrawing the proposed regulation file Z-2016-0801-04, "Examination of Boxer Applicants" to allow additional time to prepare and propose a new rulemaking file.*

*On 8/15/17, the Commission approved proposed changes to section 280 and authorized staff to proceed with the rulemaking process. On 8/29/17, the rulemaking package was submitted to DCA and is currently in the review process by the Department and by the Business, Consumer Services and Housing Agency. We expect to have a regulation package ready to file with OAL by 12/1/18, and project approval and implementation by 12/1/19.*

**ISSUE #14. (SHOULD THE COMMISSION BE CONTINUED?) Should the licensing and regulation of boxers, kickboxers and mixed martial arts athletes be continued and be regulated by the current Commission membership?**

*The Commission believes the Legislature should authorize the Commission to continue to regulate combat sports in California.*

## **Section 11 – New Issues**

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.

*The Committees raised staffing issues at the last Sunset Hearing. Specifically, the Committees raised the issues of Athletic Inspectors and The Commission "operating with a very lean staff." While the Commission's budget has increased incrementally since the last Sunset hearing, the Commission's appropriation, and by association staffing, are at a level less than 10 years ago. At the*

same time the Commission has been recording record revenues based on high-level televised events, the staff work to perform these functions has not kept pace. This is not a sustainable model for the Commission long term. To exacerbate the problem, the California Department of Human Resources, against the wishes of the Commission, eliminated the classifications of Chief Athletic Inspector AND Assistant Chief Athletic Inspector. The Commission needs to restore those positions, but at a minimum at least one of those positions along with the associated funding.

The Commission left the Chief Athletic Inspector position vacant for several years because the Executive Officer could perform matchmaking oversight and the Lead Inspectors could oversee the field operations, because this was a necessity to restore the Commission's fund Condition. The fund Condition of the Commission has increased from \$23,000.00 at the end of FY2011/12 to over \$1 Million dollars at the end of FY2017/18. The Commissions fund is now healthy and staffing, along with appropriation, should return to a more normal level.

The Commission is still using an Excel Spreadsheet to track internal licensing data. The DCA is working with the Commission on a "Business Modernization Plan", however that is not scheduled to be implemented for more than two years. Additionally, the Commission never received the BreZE system, as expected.

The Commission's fluidity in Revenues and Expenditures was discussed in depth in the last Sunset Background Paper and that has been addressed in part. The Department of Finance proposed, and the Legislature authorized, up to \$250,000.00 in additional resources if needed for Athletic Inspectors and Travel costs. This has proved to be very useful, and the Commission believes this should be ongoing, but also increasing the Commission's operating permanently.

The Budget Bill Language is helpful and necessary, but we also recommend an increase in staffing (restoring the Chief and Assistant Chief Athletic Inspector Classifications) with the associated appropriation to pay for those positions.

2. New issues that are identified by the board in this report.

3. New issues not previously discussed in this report.

Since the last Sunset Review, the Civil Service Union Contract has authorized several cost of living increases, as well as increased costs to basic operations. The cost of Government is increasing. Since the Commission does not receive but a small percentage of its revenue from license types, we are not asking for a license fee increase. We instead are requesting an increase to the statutory cap for box office gates and for broadcast contract caps. The Commission suggests to the legislature that a cap increase from a gross box office of \$2 million dollars to \$3 million dollars is appropriate, as well as an increase in the TV tax cap currently at \$35,000 to \$45,000.

4. New issues raised by the Committees. – Amended on January 8, 2019

The Advisory Committee on Medical and Safety Standards would like authority to engage in research opportunities under the direction of the Commission, with legislative support, through policy and appropriation. The CSAC Mission reads, in part, as follows: The Commission is dedicated to the health, safety and welfare of the participants in regulated competitive sporting events, through ethical and professional service. California is the premier model for the safety and fairness of regulated sporting events. High quality, scientific research will enable objective evaluation of issues associated

*with the health and safety of athletes, including dehydration and weight cutting, concussions and traumatic brain injuries, orthopedic injury, performance, benefits of participation in combat sports, as well as neurological health of combat sports athletes across a career or lifespan. California's unique combination of high volume of events, reputation in the industry, and influence throughout the world further enhance the benefits and value of our research opportunities in combat sports. Research represents a critical contribution to our mission.*

## **Section 12 – Attachments**

Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Major studies, if any (cf., Section 1, Question 4).
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).