

MINUTES

FLORIDA STATE BOXING COMMISSION GENERAL BUSINESS MEETING

Department of Business and Professional Regulation
Board Conference Room
1940 North Monroe Street
Tallahassee, Florida 32399

Conference Call Number 888.808.6959

April 10, 2007 at 10:00 a.m.

CALL TO ORDER

Mr. Lacasa called the meeting to order April 10, 2007 at 10:00 a.m.

MEMBERS PRESENT:

Eduardo Lacasa, Chair
Donald E. Bowen, Vice Chair
Barbara Auger
Ramiro Ortiz
Dr. Donald Perry

MEMBERS NOT PRESENT:

NONE

OTHERS PRESENT:

Holly Benson, DBPR Secretary
Thomas Molloy, Executive Director
Christa Patterson, Assistant Executive Director
Charles Tunnicliff, General Counsel
Tiffany Harrington, Assist General Counsel
Max Parker
Frank Jimenez
Ted Kwalwasser
Brian Garry
Joe Spirdid
Louis Fernandez
Don Hazelton
Juan Martinez

DISCIPLINARY PROCEEDINGS – Tiffany Harrington

Jesse David Chilton
Case # 2006-054394

Mr. Chilton was not present at the meeting and was not represented by counsel. Ms. Harrington reviewed the motion for waiver of rights and final order with the commission. Mr. Lacasa stated that a copy of the Labcorp results with a positive test for THZ was

included in the commission's agenda materials. Mr. Lacasa stated Mr. Chilton was properly noticed to appear. After discussion the following motion was made.

MOTION: Mr. Ortiz made a motion to grant the final order and stated that the suspension had been served.

SECOND: Mr. Bowen seconded the motion and it passed unanimously.

Jason Joseph Guida
Case # 2006-054362

Mr. Guida was not present at the meeting and was not represented by counsel. Ms. Harrington reviewed the motion for waiver of rights and final order with the commission.

Ms. Auger asked Mr. Molloy why he recommended 160 days suspension instead of the 180 days. Mr. Molloy stated Mr. Guida came forth so he suspended him for 160 days instead of the 180 days. Ms. Auger state that the rule reads that the suspension should be 180. Ms. Auger stated that the rule reads that the first offense shall be 180 days.

Mr. Lacasa stated that in the past the Executive Director could consider mitigating factors.

MOTION: Ms. Auger made a motion to grant the final order with a change to increase the suspension time to 180 days and stated the suspension had been served.

SECOND: Mr. Ortiz seconded the motion and it passed unanimously.

Mr. Lacasa reported that the Labcorp testing indicated a positive test results for THZ and Mr. Guida was properly notified of the hearing.

Mr. Lacasa advised the commissioners that the agenda items were going to be taken out of order.

NEW/OLD BUSINESS

Mr. Lacasa advised the commission that Ted Kwalwasser submitted a written request to address the commission and he was present at the meeting. Mr. Kwalwasser introduced himself, Max Parker and Brian Garry.

The court reporter swore in Mr. Kwalwasser, Mr. Parker and Mr. Garry.

Mr. Kwalwasser stated that he would like to request a hearing to discuss the selection and hiring process of the current Executive Director. Mr. Kwalwasser stated that their were others that would like to discuss the issue and he felt a hearing should be conducted in central Florida to allow those who could not attend the meeting today to participate.

Mr. Lacasa asked Mr. Kwalwasser if he wanted to move forward. Mr. Kwalwasser asked to proceed forward and asked that a hearing be held at a later date so others could participate in the selection process of hiring the Executive Director. Mr. Lacasa stated that the selection process of the Executive Director would not be discussed at this time.

Mr. Parker addressed the commission and shared his concerns regarding official assignments and OPS staff. Mr. Parker stated that he felt there were some very knowledgeable officials and OPS staff that were not being utilized by the Executive Director. Mr. Parker asked the commission what type of criteria the Executive Director was using when making official assignments. Mr. Parker asked the commission if the officials were receiving training and if so what type of training were the officials receiving. Mr. Parker stated that the assignments were not being handled properly and that there should be some policies and procedures put in place for the Executive Director to follow.

Mr. Parker stated that if an official was not being assigned due to past job performance then the official has a right to know the reason why.

Ms. Auger advised Mr. Parker that she thought she understood what he was trying to say but stated that he was leaving a lot of his comments up to speculation. Ms. Auger requested that Mr. Parker be more specific since he was referencing policy statements and she did not understand what the problem was.

Mr. Parker advised Ms. Auger that when he was employed with the commission there were no written criteria for official or OPS staff assignments. He stated that he felt there should be policy and procedures in place for the executive director to follow when making assignments.

Ms. Auger stated that Mr. Parker was making allegations with no facts to support the allegations.

Mr. Ortiz stated that many years ago there may have been rankings of officials used by the Executive Director but that means of procedure had not been utilized since the early 1990's.

Mr. Lacasa asked Mr. Parker what criteria was being used for assigning officials while he was Acting Executive Director. Mr. Parker stated that there were not written criteria; however, he used logic and location of venue. Mr. Parker advised the commission that he used all of the officials. Mr. Lacasa asked Mr. Parker if there were officials he felt more comfortable using. Mr. Parker stated he was comfortable using all officials. Mr. Lacasa asked Mr. Parker if there were any officials he was not comfortable with. Mr. Parker advised Mr. Lacasa that if he had a problem with an official he would provide the official with corrective criticisms.

Ms. Auger stated Mr. Parker did not provide any facts to support his allegations.

Mr. Lacasa thanked Mr. Parker for his many years of service and Mr. Lacasa asked Mr. Kwalwasser if he had any other comments and Mr. Kwalwasser declined.

Mr. Brian Garry addressed the commission and shared his concerns with the way official assignments were being handled by the Executive Director and stated that there were also some ethical issues. Mr. Garry provided the commission with an overview of his own credentials.

Mr. Garry suggested that the commission consider using a rotation system when assigning officials and stated that an evaluation system of officials should also be in place for the Executive Director to use. Mr. Lacasa asked Mr. Molloy to research other

states to see what methods they use for assignments and evaluation of officials. After discussion Mr. Lacasa volunteered to work with Mr. Garry on some proposed language for the commission to review and discuss at a later date.

Mr. Ortiz advised the commission that in the past he was member on the Orange Bowl committee and he co-chaired the officials committee. Mr. Ortiz stated that the NCAA officials have a performance review after every game.

Ms. Auger stated that she appreciated everyone's comments but the issues were not going to be resolved overnight. Ms. Auger stated that the commission needs to be sensitive to the reality of the number of commission staff and the number of events the commission holds every year.

Mr. Garry stated that the commission needs to improve communication with the officials and that the officials should be able to pick up the phone and talk to the Executive Director at any time. Mr. Garry stated that in the past they used to critique each other for improvement. Mr. Garry stated the officials should never be in fear of not receiving assignments.

Mr. Lacasa asked Mr. Garry to provide him a written proposal and he would work with him. Ms. Auger stated the commission should come to some type of resolution to resolve the situation.

Mr. Kwalwasser advised the commission that there were some conflicts of interest that he needed to discuss regarding the Muhammed Ali Act.

Mr. Garry advised the commission that there are judges and referees licensed by the commission that are affiliated with the Miccosukee Athletic Commission. Mr. Garry stated he felt that was a conflict of interest. Mr. Lacasa stated that the commission had a rule regulating that issue and that Mr. Garry needed to provide the commission with names. Mr. Garry stated Paul Herman is a licensed judge and he holds a position on the Executive Board of the Indians.

Juan Vargues and Don Hazelton were present and they both spoke on behalf of Miccosukee. Mr. Lacasa advised the commission that Juan Vargues was the attorney for the Miccosukee. Mr. Vargues stated that Paul Herman had no affiliation with the Miccosukee. Mr. Brain asked Mr. Vargues what was Mr. Herman's capacity. Mr. Vargues stated he was a consultant to the Miccosukee Casino. Mr. Garry stated he stands corrected.

Mr. Hazelton stated that he felt Mr. Molloy was doing an excellent job considering the staff limitations.

Mr. Lacasa stated Mr. Garry was making a very serious allegation and advised Mr. Garry that he was not providing the commission any facts to his allegations.

Secretary Holly Benson was present at the meeting and asked to address the commission. Secretary Benson thanked the commission for their partnership with the Department and stated that her door was open.

Mr. Kwalwasser advised the commission that there were a number of serious irregularities that are verifiable in black and white and stated that the commission should take a look at the hiring process of the Executive Director.

Mr. Lacasa advised Mr. Kwalwasser that he was provided the opportunity to put the facts on the table. Mr. Kwalwasser stated that he would prefer to wait when everyone that wished to participate could be present at the meeting. Mr. Lacasa advised him that he was given the opportunity and he should have requested to postpone discussion to a later date if he was not ready.

Mr. Kwalwasser asked the commission for a full hearing. Mr. Lacasa asked Mr. Kwalwasser to state for the record the issues he wanted to discuss with the commission. Mr. Kwalwasser stated that he wanted to discuss the hiring process of the Executive Director when all the witnesses could be present.

Mr. Lacasa stated the Inspector General's Office conducted an investigation and the investigation report was distributed and no violations were found regarding the hiring procedures of the Executive Director.

Ms. Auger stated that she felt it was a closed matter and no further discussion was necessary.

After discussion it was the consensus of the commission not to discuss the hiring procedures of the Executive Director.

Mr. Lacasa instructed Mr. Kwalwasser that the discussion was closed and that the commission matter would not be brought back up again to the commission unless a new report is distributed by the Inspector General's Office.

Mr. Kwalwasser advised the commission that there were also issues regarding unlicensed officials being assigned to events and falsifying documentation to cover it up. Mr. Lacasa advised Mr. Kwalwasser that he felt Mr. Molloy was doing an excellent job and unless he had some concrete evidence he could consider the discussion closed.

Mr. Tunncliff asked Mr. Kwalwasser if he had any supporting documentation to back up his allegations of staff falsifying documentation. Mr. Kwalwasser stated that he did and he was asking for a hearing. Mr. Tunncliff advised Mr. Kwalwasser that the commission was not the correct forum and that he would need to contact the Inspector General's Office.

Tim Vaccaro advised the commission that he has been in contact with Mr. Kwalwasser and stated that he advised him also to contact the Inspector General's Office. Mr. Vaccaro stated that Mr. Kwalwasser had made numerous public records requests and the department has fulfilled those requests.

DISCUSSION OF RULES

Rule 61K1-1.001, F.A.C. – Purpose, Applicability and Scope of Rules

Ms. Harrington advised the commission that Rule 61K1-1.001, F.A.C. had an effective date. Mr. Lacasa stated no action was necessary by the commission, however he did

request that the legal office review the meaning of “professional” that was included in the rule.

Rule 61K1-1.003, F.A.C. – Licenses, Permits; Requirements, Procedures and Period, Fee

Ms. Harrington stated that at the last meeting the commission fee increases were discussed and the commission requested that she do research as to the last time the fees were increased. Ms. Harrington stated the last fee increase was seven (7) years ago. Ms. Harrington reviewed the proposed changes to Rule 61K1-1.003, F.A.C. and after discussion the commission did not take any action.

The commission requested that the staff provide a 5 year projection comparison using the proposed increased fees to be reviewed at the next meeting.

Rule 61K1-1.011 (3) (c), F.A.C. – Contracts Between Manager and Participants

Ms. Harrington reviewed the proposed changes to Rule 61K1-1.011, F.A.C. with the commission. After discussion it was the consensus of the commission to change the proposed language to read 30 days and no less than 7 days prior to the scheduled event and after discussion the following motion was made.

MOTION: Ms. Auger made a motion to amend the proposed changes to Rule 61K1-1.011 to read within 30 days and no less than 7 days prior to the scheduled event.

SECOND: Mr. Ortiz seconded the motion and it passed unanimously.

Rule 61K1-1.006 (5), F.A.C. – Emergency Medical Equipment and Service

Ms. Harrington reviewed the proposed changes to Rule 61K1-1.006 (5), F.A.C. with the commission. Mr. Lacasa asked Mr. Molloy if the oxygen supplied by the EMT count as part of the four (4) required. Mr. Molloy stated yes. Mr. Molloy stated that he felt there should be oxygen tanks supplied in the dressing rooms. The commission agreed with Mr. Molloy. Mr. Lacasa stated he was concerned with the cost for small events. Mr. Ortiz stated the cost was minimal. After discussion, the following motion was made.

MOTION: Mr. Ortiz made a motion to approve the proposed changes to Rule 61K1-1.006 (5), F.A.C.

SECOND: Ms. Auger seconded the motion and it passed unanimously.

Mr. Lacasa asked for clarification of the number of oxygen tanks required in each area. Mr. Molloy suggested one oxygen tank at ring side and one in each dressing room. After discussion, the following motion was made.

MOTION: Ms. Auger made a motion to reconsider the motion to approve the proposed changes to Rule 61K1-1.006 (5), F.A.C.

SECOND: Mr. Ortiz seconded the motion and it passed unanimously.

MOTION: Mr. Ortiz made a motion to amend the proposed change to Rule 61K1-1.006 (5), F.A.C. to read three (3) instead of four (4).

SECOND: Ms. Auger seconded the motion and it passed unanimously.

Rule 61K1-1.013 (3) (c) 5 – Judge, License and Duties

Ms. Harrington advised the commission that his rule relates to who the judges deliver the score cards to. Mr. Lacasa stated that the rule was unclear to who the judges delivered the score cards to. Ms. Harrington provided the commission with proposed changes to the rule. The commission agreed and stated that the judges should hand the score cards directly to the referee in the ring and the referee should hand them directly to the score keeper.

The commission reviewed the proposed language and after discussion the following motion was made.

MOTION: Ms. Auger made a motion to approve the proposed language to Rule 61K1-1.013 (3) (c) 5, F.A.C. with an amendment to take out the word “center” of ring.”

SECOND: Mr. Ortiz seconded the motion and it passed unanimously.

Rule 61K1-1.035 (5) (a), F.A.C. – Conditions of the Match in Mixed Martial Arts

Ms. Harrington reviewed the proposed changes to Rule 61K1-1.035 (5) (a), F.A.C. Mr. Molloy stated that the MMA does not have neutral corners and participants are allowed to continue to fight even though one participant may be down until the referee breaks up the fight. Mr. Lacasa stated he was concerned with a participant jumping back on a fighter when it is apparent that the participant is knocked out.

Mr. Ortiz stated he felt it was an MMA referee’s call and it was part of MMA. The commission did not take any action.

REPORTS

Chair Report – Eduardo Lacasa

Mr. Lacasa reported that the ABC convention was going to be held July 24-28, 2007 in Miami.

Commission Counsel Report - Charles Tunncliff

Mr. Tunncliff reported that Ms. Harrington accepted a promotion within the department and would no longer be counsel to the commission. The commission thanked Ms. Harrington for her service and wished her luck with her new position.

Ms. Auger stated that she would like to thank the staff for providing the meeting materials in a timely manner and providing accurate information.

Finance Report - Thomas Molloy/Christa Patterson

Ms. Patterson reviewed the December 31, 2006 operating account financial report with the commission and advised the commission that due to money not being assigned in LicenseEase the revenue balance did not show a true balance of funds. Ms. Patterson stated that the next quarterly report should reflect true numbers.

Mr. Vaccaro reviewed the five-year projections with the commission.

The commission asked to receive copies of the quarterly reports.

Executive Director – Thomas Molloy

Amateur Mixed Martial Arts Program

Mr. Molloy advised the commission that he felt there should be a sanctioning body for amateur mixed martial arts. Mr. Molloy stated that there are illegal amateur mixed martial arts competitions being held in Florida and if he is made aware of the event he shuts them down. Mr. Ortiz agreed with Mr. Molloy and stated it was really an important issue of safety and that there should be some type of sanctioning body for amateur mixed martial arts. Mr. Molloy stated other states do have amateur mixed martial arts sanctioned fights that are legal. Mr. Ortiz stated that the amateur USA Boxing screens medicals and provides training. Mr. Ortiz stated that the amateur USA Boxing provide participants with an amateur passport and after each event the passport is updated and the doctors sign off and the participant can not participate if they do not have their passport with them. Mr. Ortiz stated it is a great safety tool.

Mr. Vaccaro advised the commission that he and Mr. Molloy met with the Department's Legislative Affairs office regarding the matter. Mr. Vaccaro stated Chapter 548.008, F.S. is very clear that amateur mixed martial arts competition are prohibited in Florida and stated that there would have to be a legislative change to Chapter 548, Florida Statutes. Mr. Vaccaro stated that it was too late to draft proposed legislative language for this years session however they could be ready to submit proposed language for next years session.

Mr. Molloy stated that on a professional level there was nothing in Statute that prohibited a fighter to compete within days of each other. Mr. Molloy stated he felt participants should have to wait at least 10 days before their next event. Mr. Molloy stated that boxing has the prohibition and stated MMA should also. The commission did not take any action.

Report on New Jersey Instant Replay

Mr. Ortiz advised the commission that recently he was watching a major event and stated that that there was a clear knock down and the referee did not call it. Mr. Ortiz stated that referees make mistakes and that he could not see how to implement instant replay without making a very big impact on the bouts and persons not taking advantage of it.

Mr. Lacasa stated Larry Hazard from New Jersey was using instant replay on limited basics and stated that he asked Mr. Molloy to do some research on instant replay. Mr. Molloy reported that he called Nevada, New York and Pennsylvania and each State was concerned that it would not be fair to the four round fighters who do not have the advantage of instant replay and that they were also concerned that it would take up too much time during the fight. Mr. Molloy stated that instant replay may give too much rest time for the participants. Mr. Molloy stated that he spoke to some of the Florida referees and they came up with the suggestion that the knock down referee start the count and the ring referee use the knock down referee's knock down count.

Mr. Molloy stated he felt the instant replay would be used as a distraction.

Discussion of Testing Trainers and the cost involved

Ms. Patterson advised the commission that she meet with the Department's Bureau of Education and Testing. Ms. Patterson advised the commission that when considering implementing a test the commission would have to consider testing measures, question bank, possible legislative changes, cost of administration and the type of exam the commission would want to administer.

Mr. Vaccaro stated that in the provisions of Chapter 548, F.S. he did not see statutory authority for the commission to implement an exam procedure for officials. Mr. Vaccaro stated the exam process is very complex and needed to be well thought out.

Mr. Ortiz stated that he would be in support of implementing a testing procedure to test trainer's knowledge. Mr. Molloy stated that the trainer's knowledge is very important to the safety of the participants. Mr. Garry and Mr. Ortiz stated they would be in support. Mr. Vaccaro stated that the testing should be meaningful. Mr. Molloy suggested training seminars. After discussion, the commission did not take any action.

Discussion of procedures for Executive Director Annual Review

Mr. Vaccaro advised the commission that he conducts an annual review of employees under his supervision. The commission requested to receive a copy of the evaluation. Mr. Vaccaro stated the evaluations were in the process of being conducted. Mr. Ortiz stated that he felt it was important that the commission provide input. Mr. Vaccaro welcomed the commission to contact him at any time.

Bout Event Schedule

Ms. Patterson advised the commission an event schedule would be sent to them by email weekly.

Staffing Discussion

Mr. Ortiz advised the commission that he attended a number of events and that Mr. Molloy conducts himself in a professional manner and manages the events in professional manner. Mr. Ortiz stated that he was concerned with the number of commission staff and the number of events being held. Mr. Ortiz stated that Florida is one of the top commissions and with the increase of events he believes that it is irresponsible not to have additional staff. Ms. Auger stated additional staff has been an issue for a while. Mr. Ortiz stated that with the number of events being held there should be funds available to hire additional staff.

Mr. Vaccaro advised the commission that the accounting office reviewed the cash balance and the cash balance did not show at that time enough revenue to justify the additional spending authority to hire additional staff. Mr. Vaccaro stated he was in support of hiring additional staff and that he would continue to work with the budget office on this issue. Mr. Vaccaro stated that in the mean time he would continue working on obtaining additional staff. Mr. Ortiz asked Mr. Vaccaro to keep him informed and to let him know if the commission could assist with justification.

Mr. Lacasa suggested that another Assistant Executive Director be located in the central part of the state. Ms. Auger stated that would save on travel and should be considered.

Mr. Ortiz stated Mr. Molloy exceeded his expectations and has done a great job.

Correspondence from World Fighting Championships

Ms. Patterson advised the commission that no action was necessary by the commission the letter was just for their information.

Commission Meeting Minutes

Ms. Patterson advised the commission that she would draft minutes for the commission to review at their next meeting.

Ms. Auger thanked the staff again for providing the agenda material to the commission members prior to the meeting. She stated that the meeting ran very smoothly and the materials were very well prepared. Mr. Ortiz stated he agreed.

Mr. Lacasa stated that the next meeting should be held in October and asked that the meeting be held in either Tampa or Orlando. Ms. Patterson stated she would work out the details and let the commission know.

There being no other business the meeting adjourned at 2:00 p.m.