

**FLORIDA STATE BOXING COMMISSION  
GENERAL BUSINESS MEETING MINUTES**

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

**Telephone Conference Call Number 888.808.6959**

**August 26, 2008 at 10:30 a.m.**

**CALL TO ORDER**

Mr. Ortiz called the meeting to order August 26, 2008 at 10:30 a.m.

MEMBERS PRESENT:

Ramiro Ortiz, Chair  
Donald E. Bowen, Vice Chair  
Dr. Melody Jurado  
Dr. James V. Stelnicki  
Dr. Mark M. Williams

MEMBERS NOT PRESENT:

NONE

OTHERS PRESENT:

Thomas Molloy, Executive Director  
Christa Patterson, Assistant Executive Director  
Charles Tunncliff, Commission Counsel  
Mary Horne, Government Analyst  
Sam Stout

**DISCIPLINARY PROCEEDINGS – CHARLES TUNNICLIFF**

Motion for Waiver of Rights

Sam Stout

Case # 2007-037083

Mr. Tunncliff reviewed the motion of waiver of rights with the Commission. Mr. Stout failed to file an election of rights and after being served by publication he appeared by telephone conference. Mr. Tunncliff asked Mr. Stout if he had received any of the notices. Mr. Stout responded by saying no and stated that the only notice he received was the letter sent to him by the Commission to participate in the conference call. Mr. Tunncliff stated for the record that on June 12, 2007, Mr. Stout was involved in a match

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where he suffered injuries to his eye and scalp and required an emergency room evaluation. The Commission suspended the Respondent's license indefinitely. Mr. Tunnicliff asked Mr. Stout if had engaged in any fights since he was suspended indefinitely. Mr. Stout stated he had not fought in Florida since his suspension.

After discussion by the commission the following motion was made.

**MOTION:** Dr. Jurado moved to find that the Respondent was properly served the administrative complaint and has waived his right to a hearing.

**SECOND:** Dr. Williams seconded the motion passed unanimously.

Mr. Tunnicliff asked Mr. Stout if he would like to address the Commission. Mr. Stout advised the Commission that after the fight a post-fight examination was performed. Mr. Stout stated that he had some damage to his eye and some small lacerations and it was suggested by the physician that he go to the hospital for a CT scan on his facial bones and brain. Mr. Stout stated that he was told he would be placed on a 60 day suspension. Mr. Stout stated that he went to the hospital and had the CT scan done as advised. Mr. Stout stated that several months later he went to fight in Montréal, Québec, where they informed him that he was on indefinite suspension in Florida. He stated that he was under the impression he was only suspended for 60 days. Mr. Stout stated that the Quebec Commission required him to undergo another CT scan plus an examination to clear him to fight. Mr. Stout stated that he was under the impression that the Quebec Commission and the Florida Commission were in contact with each other in reference to the suspension and that all was clear.

Mr. Molloy advised Mr. Stout that suspensions could only be lifted by the State that issued the suspension. Mr. Molloy stated that the Quebec Commission could have forwarded the medical reports to the Florida Commission and that is how the suspension was lifted.

Mr. Ortiz asked Mr. Stout to forward the medical reports from the Quebec Commission to the Florida Commission for review.

**MOTION:** Mr. Ortiz made the motion to adopt the finding of facts and conclusions of law as contained in the administrative complaint and to move all case materials into evidence.

**SECOND:** Dr. Williams seconded the motion and it passed unanimously.

Mr. Tunnicliff asked if there were any others in the listening audience to appear with orders. No response.

Mr. Ortiz advised the Commission that they would move to the informal hearings.

Mr. Ortiz asked if procedurally did the Commission need a Motion for Waiver of Rights or is it under Tom Molloy's delegation. Mr. Tunnicliff said that at the last Commission meeting the Commissioners gave Mr. Molloy the authority to review and sign the orders. Mr. Tunnicliff advised the Commission that the only cases that would need to be heard were the Informal Hearings and that the Motions for Waiver were removed from the agenda.

Mr. Tunnicliff stated that no one on the informal hearing list appeared and suggested that the Commission move forward with the informal hearing cases. Mr. Ortiz agreed to

hear all the cases together. Mr. Tunncliff asked the Commission if anyone wanted to pull any of the cases and discuss them individually. The Commission agreed to review the cases collectively.

Mr. Tunncliff reviewed the following Informal Hearing cases with the Commission.

Edson Berto  
Case # 2008-010652

Mr. Berto was Technical Knocked Out (TKO) on February 16, 2007 and was suspended for sixty (60) days.

Confesor Cortes  
Case # 2007-065908

Mr. Cortes had a Technical Knock Out (TKO) on November 21, 2007 and was suspended for thirty (30) days.

Kelvin Davis  
Case # 2008-006952

Mr. Davis had a Technical Knock Out (TKO) on January 18, 2008 and was suspended for thirty (30) days.

Sharon Harris  
Case # 2007-065311

Ms. Harris had a Technical Knock Out (TKO) on November 17, 2007 and was suspended for thirty (30) days.

Chris Hug  
Case # 2007-068423

Mr. Hug had a Technical Knock Out (TKO) on December 8, 2007 and was suspended for thirty (30) days.

Mr. Tunncliff asked that Commission to accept the cases with a single motion.

Dr. Stelnicki advised Mr. Tunncliff that the administrative complaint stated that Mr. Cortes was suspended indefinitely instead of 30 days suspension. Mr. Tunncliff stated the administrative complaint was correct and he was incorrect. Mr. Tunncliff stated that he thought the complaint stated thirty (30) days. Dr. Stelnicki stated that he didn't know if that would make a difference. Mr. Tunncliff stated that it would not make a difference unless Mr. Molloy wanted to make a change and indefinitely suspend him. Mr. Molloy stated that Mr. Cortes was originally suspended for thirty (30) days; however, he refused to sign the suspension form so he changed the suspension to indefinite.

Mr. Ortiz asked if Edson Berto was any relation to Andre Berto.

Mr. Molloy stated that he was one of the fighting Berto's.

After discussion the following motions was made.

**MOTION:** Mr. Bowen made a motion that there are no disputed issues of material fact and to adopt the finding of facts as alleged in the administrative complaint and move all case materials into evidence and adopt the conclusions of law as contained in the administrative complaint.

**SECOND:** Dr. Stelnicki seconded the motion and it passed unanimously.

## **DISCUSSION OF IMPLEMENTATION PLAN FOR AMATEUR MIXED MARTIAL ARTS.**

Ms. Patterson advised the Commission that the topic of Amateur Mixed Martial Arts was on the addendum agenda.

Mr. Molloy advised the Commission that he has been working on a program for over a year and found a sanctioning group by the name of ISKA - Corey Shafer that would be able to run the program. Mr. Molloy stated that ISKA was home based in Gainesville, Florida and that he had received very good reviews about the sanctioning group.

Mr. Molloy stated that he had concerns with other sanctioning groups coming in to take over the program and suggested for at least the first year, the Commission should consider using only one sanctioning group to run the program. Mr. Molloy stated that ISKA has been working with kickboxing in Florida and other States.

Mr. Ortiz asked Mr. Molloy if the concept would be similar to amateur boxing where in USA Boxing oversees the amateur boxing program. Mr. Ortiz asked if the same would be true with ISKA for amateur mixed marital arts. Mr. Molloy responded yes. Mr. Molloy stated that there would be a lot of rule changes in order to make it safer and it would also establish a training ground for the sport which is really needed.

Mr. Molloy stated that a lot of the fighters come off the street without the proper training and it is not safe for the fighter or the opponent. Mr. Ortiz stated that he was concerned was a number of gyms around the State that now offer mixed martial arts training with little or no supervision. Mr. Molloy stated that in New York there were a number of gyms that offer mixed martial arts training but that the New York Commission monitors the gyms. He further stated that in New York there is a requirement that a certified CPR person be present at the gym at all times. The New York Commission also monitors the training of the trainers. Mr. Molloy stated that the Florida Commission should start visiting gyms and charge a fee for monitoring. Mr. Tunncliff stated that we could not charge a fee because the gyms are not regulated by the Commission and that there are no provisions in Statute to have them registered.

Dr. Stelnicki stated that he understood that we can't charge a fee because of not having authority; however, he felt that maybe a Statute change was necessary and maybe the Commission should consider proposing changes for next year's legislative session. Dr. Stelnicki asked if ISKA was a kickboxing organization and if they were expanding to mixed martial arts. Mr. Molloy stated that "yes" and that ISKA was expanding to include mixed martial arts. Dr. Stelnicki asked if there was an age limit that Mr. Molloy would recommend. Mr. Molloy stated that he felt the fighter should be at least 18 years of age. Mr. Ortiz asked Mr. Molloy how we would police this within the gyms. Mr. Molloy stated that the Commission could use already trained Inspectors to randomly visit the gyms. Mr. Ortiz asked what the penalty would be if an Inspector walks in a random gym and

there was not a CPR trained person on hand. Mr. Molloy stated that this was the first time the issue had been brought to the table and stated that the discussion was a step in the right direction for safety. Mr. Tunncliff stated that the Commission did not have statutory authority to penalize a gym if they were in violation of what we believe to be the appropriate safety standards.

Mr. Ortiz stated that he felt that the amateur program is a step in the right direction and he agreed that the gym issue regarding underage kids is a big concern. Mr. Molloy stated that the issue of safety in the gyms comes down to the training of the trainers. Mr. Ortiz stated that moving forward with the ISKA is a step in the right direction and the gym issue was something that the Commission would need to keep on the agenda and work towards because he felt that this was an accident waiting to happen. Mr. Molloy stated that he would do a follow-up on the gym issue and contact other States to find out information on their gym inspection program.

Mr. Ortiz asked Mr. Molloy to explain why he suggested 18 years of age for the amateur program. Mr. Molloy stated that 18 years of age was the legal age with fighting and that other States also have 18 years of age as the legal fighting age. Dr. Stelnicki stated that many high schools have kids wrestling-not striking at the age of 13 through 18. Dr. Stelnicki stated that we need to have a program within the gyms to keep 15 through 17 year old kids off the streets too. Mr. Molloy agreed with Dr. Stelnicki, but stated with the golden glove and the mixed martial arts program there is a lot of difference with the kicking and kneeing. He further stated the bodies of kids that are 14, 15 are not fully developed and when they get a blow from a leg kick its very harmful. Mr. Molloy agreed that kids need to be in gyms and maybe wrestling, but when the training moves to mixed martial arts a different level of supervision is needed. Mr. Molloy stated that starting at the age of 18 for the first year is a good measure to test the program and if it goes well then maybe the age requirement can decrease 17 or 16. Dr. Stelnicki stated that 18 years of age was a good start. Mr. Tunncliff stated that if you go below the age of consent you would have to have parental permission and that's why kids younger than 18 can participate school athletics.

Mr. Tunncliff advised the Commission that he discovered that in Chapter 548.003, (k), F.S., Amateur Mixed Martial Arts was left out and asked that the Commission support an amendment. The Commission agreed. Mr. Tunncliff stated that the Department usually has a glitch bill and possibly the amended language could be added to it.

Mr. Tunncliff stated that if the Commission wants to include the issue of regulating gyms that could be done; however, the Legislation would probably not like it because there are no statistics to back-up the proposal. Mr. Ortiz stated that he felt the Commission was ready to move forward with the regulation of gyms and would like to have more discussions on the issue. Dr. Jurado agreed and stated that the program could start out voluntary with information on the website of what gyms are certified with qualified trainers. Dr. Stelnicki asked if anyone can open a gym within the state without any approval from the Commission. Mr. Molloy responded yes. Dr. Stelnicki stated that the Commission may want to look in to certifying gyms and to having the owners/trainers be fingerprinted.

Mr. Ortiz stated that he would like to move forward with the ISKA program and put a task force together to look into the issue with certifying gyms to make them safer.

Ms. Patterson asked the Commission to review Rule 61K1-1.0031, F.A.C., Application Approval, Application Denial, and Disciplinary Action for Amateur Sanctioning Organizations in Boxing and Kickboxing. Ms. Patterson stated that Rule relates to USA Boxing and ISKA amateur rules. Ms. Patterson advised the Commission that she would like to work with Mr. Tunnick on proposed language with the approval of the Commission to include the ISKA sanctioning body of the Amateur Mixed Martial Arts program. Mr. Ortiz stated that he would approve. Ms. Patterson stated that they would move forward and have some proposed language for the October 2008 meeting.

Mr. Ortiz asked Dr. Jurado to discuss her findings in regard to the Participants Pension Plan. Dr. Jurado advised the Commission that in addition to the information she has provided in the agenda materials, she has also obtained information from the Attorney General's Office. Dr. Jurado asked staff to forward a copy of the information to the Commission members. Dr. Jurado stated that due to the politics when developing a pension plan she suggested forming a task force. Mr. Bowen suggested that the task force should include someone to assist with the financial set-up. Mr. Ortiz asked if Dr. Jurado would chair the committee and Dr. Jurado agreed. Dr. Jurado stated she would ask Tommy McHugh to be on the committee. The Commission supported Dr. Jurado's recommendation.

MOTION: Mr. Ortiz made the motion to continue with the pension plan task force sub committee and appoint Dr. Jurado as Chair of the committee.

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

## **DISCUSSION OF LEGISLATIVE CHANGES MADE IN 2008**

### Section 548.0065, F.S. – Amateur Matches

Section (4) was changed to include amateur mixed martial arts.

Rule 61K1-1.0031, F.A.C – needs to be amended to include language for amateur mixed martial arts sanctioning organization standards.

### Section 548.008, F.S. – Prohibited Competition

Section (2) was deleted so amateur mixed martial arts would be legal

No rule exists changes are not necessary

### Section 548.041 (1)(d)(e), F.S. – Age, condition, and suspension of participants

Sections (d) and (e) were added. The additional language gives the Commission the authority to adopt rules for a minimum number of amateur fights prior to becoming licensed as a professional boxer or mixed martial arts participant.

No rule exists changes are not necessary.

Ms. Patterson asked the Commissioners for permission to draft language for rule update. The Commissioners granted permission.

### Section 548.035, F.S. – Permit Fee's

The entire section was changed. The permit fee for Boxing and Kickboxing is now \$1800 and the permit fee for Mixed Martial Arts is \$1800, effective July 1, 2008.

Rule 61K1-1.003 (2) (c), F.A.C. needs to be amended to reflect the fee changes.

Ms. Patterson asked the Commissioners for permission to draft language for rule update. The Commissioners discussed the issue of the increase in fees for boxing and kickboxing and it was the consensus of the Commission that the fee increase would put small club boxing out of business. Ms. Patterson asked if the Commissioners would like for the increase to be reversed back to the old fees and they agreed. Mr. Ortiz stated that he would like to see the mixed martial arts permit fee to be left at \$1800.00 and the boxing and kickboxing permit fee to go back to the previous amount. Ms. Patterson stated that she will work on proposed legislative changes to be considered at the next meeting. The Commission will ask the Department to support the fee change in their package for next year.

## **NEW AND OLD BUSINESS**

### Instant Replay Discussion

Mr. Ortiz asked Mr. Molloy if he found any new information on the instant replay issue. Mr. Molloy stated that he contacted New Jersey and they had used the instant replay for a few fights and then decided that it was not conducive enough to continue. Mr. Molloy advised the Commission that he trains his officials with helping each other on questionable calls by the referees. Mr. Ortiz asked how the other Commissioners felt about the instant replay issue. Dr. Jurado stated that she was opposed and felt it was not necessary due to the training the officials receive from the Executive Director. After discussion, it was the consensus of the Commission to table the issue for now.

Dr. Jurado advised the Commission that she had sent a letter to Secretary Drago with a recommendation for salary increase for Mr. Molloy. Mr. Ortiz stated that all the Commissioners received a copy of the letter and he thanked Dr. Jurado for drafting and sending the letter. After discussion, it was the consensus of Commission to follow-up with Secretary Drago regarding the status of the Commissions' request to increase Mr. Molloy salary.

Dr. Stelnicki advised the Commission that he was conducting research on the testing of fighters for the HIV virus. Dr. Stelnicki advised the Commission that he would provide them an update to his research at the next meeting.

Ms. Patterson stated that the next Commission meeting would be a Telephone Conference Call on October 17, 2008 at 10:30 am.

There being no other business the meeting adjourned at 12:05 pm