

MINUTES

**FLORIDA STATE BOXING COMMISSION
GENERAL BUSINESS MEETING**

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

Conference Call Number 888.808.6959

October 17, 2008 at 10:30 a.m.

CALL TO ORDER

Mr. Bowen called the meeting to order October 17, 2008 at 10:35 a.m.

MEMBERS PRESENT:

Donald E. Bowen, Vice Chair
Dr. Melody Jurado
Dr. James Stelnicki
Dr. Mark Williams

MEMBERS NOT PRESENT:

Ramiro Ortiz, Chair

OTHERS PRESENT

Maureen Olson, Deputy Secretary
Tom Molloy, Executive Director
Christa Patterson, Assistant Executive Director
April Skilling, Deputy General Counsel
Philip Monte, General Counsel
Charles Tunncliff, General Counsel
Don Hazelton, Miccosukee Commission
Jean Deesroches – JPD Management
Mary Horne, Government Analyst

**REVIEW AND APPROVAL OF THE AUGUST 26, 2008 GENERAL BUSINESS
MEETING MINUTES**

The Commission reviewed the minutes and with no discussion the following motion was made.

MOTION: Dr. Stelnicki made a motion to approve the August 26, 2008 minutes.

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

DISCIPLINARY PROCEEDINGS – PHILIP MONTE

David Abbott

Case #2008-010649

Mr. Monte stated Mr. Abbott was accused of an administrative complaint and is in violation of section 548.041(2) (a), Florida Statutes by being knocked out in a match on or about February 16, 2008 and the Commission suspended his license for a period of 60 days. The department moves that the Commission adopt the finding of facts and the conclusion of law in the administrative complaint and ratify the suspension.

Mr. Abbott was not present at the meeting and was not represented by counsel.

MOTION: Dr. Stelnicki made a motion to grant the final order.

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

Clint Black

Case #2008-031716

Mr. Monte stated Mr. Black was accused of an administrative complaint and is in violation of section 548.041(2) (a), Florida Statutes by being knocked out in a match on or about May 23, 2008 and the Commission suspended his license for a period of 60 days and he was required to get orthopedic clearance in order to box further. The department moves that the Commission adopt the finding of facts and the conclusion of law in the administrative complaint and ratify the suspension.

Mr. Black was not present at the meeting and was not represented by counsel.

MOTION: Dr. Stelnicki made a motion to grant the final order.

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

Johnnie Edwards

Case #2008-014665

Mr. Monte stated Mr. Edwards was accused of an administrative complaint and is in violation of section 548.041(2) (b), Florida Statutes. Mr. Edwards had a Technical Knock Out (TKO) that occurred on or about February 22, 2008. Mr. Edwards was suspended for a period of 30 days. The department moves that the Commission adopt the finding of facts and the conclusion of law in the administrative complaint and ratify the suspension.

Mr. Edwards was not present at the meeting and was not represented by counsel.

MOTION: Dr. Stelnicki made a motion to grant the final order.

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

James M. Ramsey
Case #2008-014692

Mr. Monte stated Mr. Ramsey was accused of an administrative complaint and is in violation of section 548.041(2) (b), Florida Statutes. Mr. Ramsey had a Technical Knock Out (TKO) that occurred on or about March 2, 2008. Mr. Ramsey was suspended for a period of 30 days. The department moves that the Commission adopt the finding of facts and the conclusion of law in the administrative complaint and ratify the suspension.

Mr. Ramsey was not present at the meeting and was not represented by counsel.

MOTION: Dr. Stelnicki made a motion to grant the final order.

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

Mr. Bowen asked Mr. Monte if there were any additional disciplinary cases. Mr. Monte stated there was another matter that Mr. Molloy wanted to discuss with the Commission. Mr. Monte stated that Mr. J. P. Deesroches failed to renew his manager license in a timely manner with results of contractual implementation with this matter. Mr. Molloy asked if JP Deesroches was present. Mr. Deesroches answered "Yes". Mr. Molloy stated that Mr. Deesroches is the manager in question and is required by the rules and regulations to renew his manager license the first of each year and by renewing his license this would hold his fighters contractually in tack. Mr. Molloy stated that Mr. Deesroches did not renew his license until May 2008 and therefore not renewing his license voided all the manger/participant contracts. Mr. Molloy stated that he has come to the Commission to discuss the one contract that he has with a fighter. Mr. Molloy asked Mr. Deesroches to address the Commission.

Mr. Deesroches stated that every December he sends his license renew to the Commission for renew. He did so in December 2006 and did not receive a response from the Florida State Boxing Commission until April 2007, being a four months lag. Mr. Deesroches stated that for December 2007 he submitted his license renew and thought that it would take again four months for processing. Mr. Deesroches stated that he had tried to contact the Commission several times by phone but never received any response back. On September 24, 2008 one of his fighters did not want to renew his contract. The fighter contacted the Florida State Boxing Commission to inquire about his contract. He was told that his manager Mr. Deesroches had not renewed his manager license. Mr. Deesroches stated that he felt like he had fulfilled every other piece of the contract with his fighter with compensation which included \$20,000 and finding fights for his fighters. Mr. Deesroches asked if the issue could be overturned by the Commissioners and if not

than possibly looking at a better way to renew ones license. Mr. Bowen asked Mr. Deesroches his complete name and who he presented. Mr. Deesroches responded by saying J. P. Deesroches and that he represented JPD Management LLC. Mr. Bowen asked the Commissioners for discussion on the issue.

Dr. Williams asked Mr. Deesroches if he had sent his licensed by regular mail or certified mail and Mr. Deesroches stated that he sent his license back by regular mail because he had never had a problem before. Dr. Williams then asked if he had called the Commission to ask if the licensed had been received. Mr. Deesroches stated that he had never had a problem in the past, he answered, "No".

Mr. Bowen stated that before any final action was made the other side of the dispute would need to be present. Mr. Monte stated that maybe a formal hearing needs to be requested. Dr. Stelnicki asked if Mr. Deesroches had kept a copy of his license and/or has a copy of the check. Mr. Deesroches stated, "No".

Dr. Jurado asked Mr. Molloy his thoughts on the issue. Mr. Molloy stated that this was the first time this has happen; he also mentioned that before the Commission comes to a decision he felt that the other party should be present to state his side of the story. Mr. Molloy stated that the Commission sends out a letter each year for license renewal. Mr. Deesroches stated that he did receive his letter and sent his renew form back with the appropriate fee in December 2007. Mr. Bowen stated that he understands Mr. Deesroches concerns, but he felt like Mr. Molloy's suggestion to have the other party involved in the matter present.

After further discussion it was the decision by the Commission to table the matter until both parties were present at the next Commission Meeting.

MOTION: Dr. Stelnicki made a motion to table the matter.

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

DISCUSSION OF RULE

61K1-1.012 F.A.C. – Participant; License; Conduct and other Requirements

Ms. Patterson advised the Commission that Rule 61K1-1.012 would need to be amended due changes made during the legislative session to Chapter 548.041 (1) (d), F.S. This rule need to be amended to reflect how many fights a participant would need before going professional.

Mr. Bowen asked if there was any discussion with reference to the rule. Ms. Skilling stated that as of July 1st a new requirement was made on all the agencies that when a rule has passed a Statement of Estimated Regulatory Cost (SERC) with how the rule is going to affect various entity that might be involved, participants, our licensee and small businesses in the State of Florida.

Mr. Donald Hazelton of the Miccosukee Commission asked if anyone could explain to him what effect this rule would make. Ms. Patterson stated the proposed rule draft would require an amateur boxing participant to fight ten (10) fights prior to becoming a professional fighter in the State of Florida and the fights would have to be verified and documented by USA Boxing.

Mr. Hazelton stated that it might be difficult to obtain documents from fighters of other countries. Mr. Molloy stated that he agreed with Mr. Hazelton that he was trying to bring the fights up to standard in Florida. Mr. Molloy stated that some of the professional fighters were just glorified amateurs and it has concerned him that the fighters were not receiving the proper training. Mr. Monte stated that a rule variance would be possible for fighters that came from another country that had the required professional experience. Mr. Monte stated that it would be the decision of Mr. Molloy to let the foreign fighter participate in the match.

Ms. Patterson stated that the next proposed change was to include the language that clarifies that participant eye examinations are to be performed by an Ophthalmologist.

Ms. Patterson stated that (e) states a mixed martial arts participant should complete five (5) amateur matches before becoming professional. Ms. Patterson stated that we could work with the language with the attorney's assistant giving Mr. Molloy the authority to review amateur records for foreign fighter both boxing and mixed martial arts.

After further discussion the motion was made to it was decided by the Commissioners to review the rule again and make changes to the language of the rule.

MOTION: Dr. Stelnicki made a motion to have the Commission make changes to the language of the rule and have it ready for review and approval at the next Commission meeting.

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

61K1-1.003 (2) (c) F.A.C. – Licenses, Permits; Requirement, Procedure and Period, Fee

Ms. Patterson advised the Commission that the event permit fees for boxing, kickboxing and mixed martial arts were changed during the legislative session. Ms. Patterson stated that the current rule does not reflect the correct permit fee amounts.

Mr. Bowen asked if there was any discussion. Dr. Jurado stated that this rule was one that she had a problem with due to the fact that this increase in the fee might put small time promoters out of business. Dr. Stelnicki asked if the Commissioners were required to adopt the rule. Dr. Jurado stated that Mr. Molloy had been tasked to look at the impact this rule would make to small businesses and would work hard to get it changed. Dr. Jurado stated that this change passed without any of the Commissioners being notified and this really disturbed her that this was coming forward and there was no opportunity to advocate or present a position during session on the impact the increase would have on

small businesses. Dr. Jurado stated that she has heard from a lot of small businesses that are very disappointed that this increase occurred. Dr. Stelnicki stated again that he knew the Commissioners were not happy with the increase but, were they obligated to approve the rule language. Mr. Bowen asked if Counsel could answer the question on whether the Commissioners were obligated to approve the rule change. Mr. Monte stated he thought they were obligated to approve the language because it was already in statute and what they were approving was the language in the 61K rule to be updated. Ms. Patterson stated that the Commissioners could submit a legislative change however it would not be considered until the 2009 legislative session. Dr. Stelnicki stated that in other words, nothing could be done about the amounts for this year.

After further discussion, Ms. Skilling stated that the Commission did not need to repeat the statute of the permit fees and only needed to amend the rule to delete the old permit fees.

MOTION: Dr. Stelnicki made a motion to accept the amendments to the rule and to delete the language referring to permits fees since it was already identified in statute.

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

Mr. Bowen asked if any further discussion needed to be on the permit fee increase. Mr. Molloy stated that the idea of the Commissioners putting their concerns in writing to him about the increase would be a good idea. Dr. Jurado stated that she would like to know who was the supporter of the rule and how did it come about and pushed forward. Mr. Hazelton of the Miccosukee Commission stated that he had three people in Tallahassee that review legislative items and they never saw anything about the permit fee changes. Mr. Hazelton stated that he felt that the MMA was behind the change making it more difficult for boxing. Mr. Hazelton stated that he will draft a statement and send to Mr. Molloy for his review. Dr. Jurado asked if the Commission or Counsel could find out who supported and pushed the rule through. Mr. Bowen asked if Mr. Molloy would get the requested information to the Commissioners. Mr. Molloy stated that the Commission would try to find out the information requested.

61K1-1.0031 F.A.C. – Application Approval, Application Denial, and Disciplinary Action for Amateur Sanctioning Organizations in Boxing and Kickboxing –

Mr. Molloy reviewed the information from ISKA and asked the Commissioners to approve the ISKA as the amateur sanctioning organization for mixed martial arts.

MOTION: Dr. Jurado made the motion to adopt the ISKA as the amateur sanctioning organization for mixed martial arts.

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

NEW AND OLD BUSINESS

Update on Pension Plan Task Force

Dr. Jurado advised the Commission that she is continuing her research on the Pension Plan and the goal is to have a meeting prior to the end of the year on the research results.

Update on HIV Virus

Dr. Stelnicki advised the Commission that he is continuing his research on the testing of fighters for the HIV virus. Dr. Stelnicki stated that he hoped that everyone had received his report and he would take questions, if any. Dr. Stelnicki stated that he had contacted five states and all required the HIV testing along with the hepatitis B and C. Some of the states required testing every six months, some annually. He also stated that all of the states were happy with the testing that they presently have. Dr. Stelnicki stated that it appears that a yearly testing would be sufficient. Dr. Stelnicki stated that he would ask Dr. Williams to be on the committee. Dr. Williams said he would be happy to be on the committee. Dr. Stelnicki stated that he is trying to find out if the Commission could contract with a laboratory to help with the cost to the participants. Ms. Patterson stated that she had spoken to Mr. Tunncliff and Ms. Skilling about a possible laboratory contract. Both, Mr. Tunncliff and Ms. Skilling stated that the Commission could not contract with just any facility since we were contracted already with another facility. Dr. Stelnicki asked who was that facility, Ms. Patterson answered Lab. Corp. After further discussion, Dr. Stelnicki stated he would continue his research.

MOTION: Dr. Jurado made a motion to have Dr. Stelnicki continue his research.

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

There being no other business the meeting adjourned at 12:10 p.m.