

**Meeting Minutes**  
**Oregon State Athletic Commission**  
**February 25<sup>th</sup>, 2009**

**Meeting Open to the Public**

Roll Call:

- Chairman, Robert Hamilton
- Commissioner, Doug LaMear
- Commissioner, Ted Molinari
- Commissioner, Lenn Hannon
- Commissioner, Bob Gross

**Approved Agenda**

<b>Call to Order</b>	<b>10:00 AM</b>	<b>Director</b>
<b>Roll call</b>		<b>Director</b>
<b>Agenda Approval</b>	5 Minutes	<b>Commission</b>
<b>Approval of Minutes from previous meeting</b>	10 Minutes	<b>Commission</b>
<b>Introduction of Guests</b>		<b>Chairman</b>
<b>Election of Officers</b>		<b>Chairman</b>
<b>Old Business</b>	30 Minutes	<b>Director</b>
• <b>Personal Service Contracts</b>		
<b>New Business</b>		
• <b>Intergovernmental Agreement – Confederated Tribes of Grand Ronde</b>		
• <b>Legislative Session</b>		
<b>Commission Action Items</b>		<b>Director</b>
• <b>Medical Advisory Committee Recommendations</b>		
<b>Comments from the Public*</b>		
• <b>Audience Time</b>		
<b>Executive Session (If necessary)</b>	30 Minutes	
<b>Next Meeting/Meeting Schedule</b>	10 Minutes	

**Adjourn**

**Chair**

**\*Members of the public/audience wishing to speak should sign in to be recognized by the Chair. Depending on the number of requests to speak the Chair may set a limit on the speaking time for each individual.**

*Note: The following minutes were drafted by Oregon State Athletic Commission Executive Director Brad Darcy. These minutes are a summary of discussion items and Commission actions. They are not a verbatim accounting of what took place at the meeting.*

The meeting was called to order by Bob Hamilton, Commission Chairman, at approximately 10:00 AM. The roll was called by Director Brad Darcy. A quorum was established and the meeting proceeded.

Other Attendees:

Maj. Craig Durbin, Gaming Enforcement Division  
Brad Darcy, OSAC Executive Director  
Mike Boyce, Grand Ronde Gaming Commission, Executive Director  
Marc Stutman, Wrestling Promoter

**Motion: Ted Molinari**  
**Approve Agenda as submitted.**  
**2<sup>nd</sup>: Doug LaMear**  
**Motion carries: 4-0**

**Motion: Doug Lamear**  
**Approve Minutes as submitted.**  
**2<sup>nd</sup>: Ted Molinari**  
**Motion carries: 4-0**

Introductions of guests. Guests in attendance were introduced to the Commission.

Personal Service Contracts

Officials assigned by the Commission have begun entering into Personal Service Contracts with the Commission. Contracts require that officials indemnify the State. Contractors operate as independent of Commission Risk coverage. Review of procedures and status. Most officials continue to operate under contracts. Insurance policies available to some sporting officials.

Bob Hamilton: Does this solve our insurance/risk issues?

Maj. Durbin – Coupled with additional training requirements the contracts help give considerable insulation to the State. Extensive work from DAS (Dept. of Administrative Services) and DOJ (Dept. of Justice) to reduce what would normally be included in personal service contracts. Department appreciates help provided by DOJ and DAS.

Bob Hamilton: Previous discussions included concern that officials would not be willing to operate as independent contractors. Relieved to know officials are still willing to offer their services.

Ted Molinari – Could Director please provide to Commission a current roster of officials?

Brad Darcy – Yes, will provide list. Commission officials required to complete training that is documented. Much of the training provided via Commission website.

Bob Hamilton – Offered compliment to Maj. Durbin and Brad Darcy for completion of critical tasks.

Ted Molinari – Notes that the State of Pennsylvania has recently approved Mixed Martial Arts (MMA) Rules & Regulations. Having documented procedures and protocols makes the Commission a better agency.

## Inter-Governmental Agreement (IGA) with Confederated Tribes of Grand Ronde

Mixed Martial Arts event scheduled to take place at Spirit Mountain Casino (owned and operated by Confederated Tribes of Grand Ronde).

Ted Molinari – Does the agreement include Entertainment Wrestling?

Brad Darcy – No. Only Professional Boxing and MMA. Tribe has the option of utilizing the State or providing its own oversight of boxing and MMA. Commission would be supportive of either choice. The IGA provides that the State and Tribe indemnify each other. The IGA includes a dispute resolution process. There is a limited waiver of sovereign immunity by the Tribe. The gross receipts tax is still applicable; per the IGA. With current financial challenges facing the Commission, the Tribe was asked to absorb the expense of legal services necessary to draft the agreement. The agreement is under review by the Tribal Council.

Ted Molinari – What was the process for drafting the agreement?

Brad Darcy – Began with draft mirroring current agreements with other Tribes. DOJ attorneys worked with Tribal Attorneys in drafting final agreement. Agreement then provided to Tribal Council for their review and concurrence. If approved by the Tribal Council, would then go to Superintendent for review and signature.

Maj. Durbin – Agreement not substantially different than existing agreements; other than reimbursement for legal expenses.

Ted Molinari – Question to Mike Boyce. What is status of agreement with Tribe?

Mike Boyce – Will be reviewed today at Council Meeting.

Brad Darcy – First event scheduled for March 6<sup>th</sup>, 2009. Work done to prepare for event.

Mike Boyce – Grateful for help in getting agreement finalized.

## Legislative Session

Brad Darcy – Currently no bills pending related to the Commission.

Maj. Durbin – Commission budget being presented to Ways & Means Committee in late March. Agency will go forward with Policy Option Package requesting that funding be shifted to General Fund. With current climate in the Legislature could be a difficult challenge to be given General Fund support. Currently, no pending legislation that would eliminate the Commission.

Ted Molinari – Can a list be provided of those Legislators serving on the applicable Committee?

Maj. Durbin – Yes, a list can be provided.

Ted Molinari – Are there any restrictions on the Commission members advocating on the Commission's behalf to Legislative Representatives?

Maj. Durbin – No. Hours must be documented if there to lobby. If providing information, not required to document time spent.

Bob Hamilton – If meeting with a Legislator to provide information and an opportunity to advocate presents itself, hours should be documented. Threshold for requirement to be registered as a lobbyist is high.

Maj. Durbin – With Tribes considering offering ring sport activity, one more reason for continued operation of the Commission.

Ted Molinari – If state becomes known as good jurisdiction for this activity, could prompt further economic opportunities.

Bob Hamilton – Very concerned with budget issues in Legislature. Should get word out to stakeholders that Commission could be in jeopardy of being eliminated. What limits are there, if any, on Executive Director communicating to stakeholders about this concern.

Ted Molinari – Suggests sending a letter that highlights need for viable, effective Commission for continuation of ring sport industries; which serve as important element in state's economy.

Bob Hamilton – Possible role of Commission Membership to draft letter.

Ted Molinari – Will draft letter and provide to Brad Darcy.

Bob Hamilton – When will most decisions be made?

Maj. Durbin – Difficult to know exactly; likely May/June. Commission included in Governor's Recommended Budget.

Bob Hamilton – Do we have Statutory Authority to raise fees or taxes to make up budget shortfall?

Maj. Durbin – Attempted to get authority to adjust gross receipts tax, but were denied that authority.

Ted Molinari – If State of Oregon intends and wants that the sports regulated by the Commission be conducted in a safe and ethical way, the Commission must remain a viable agency. If Commission is eliminated the effect will be to hurt the industries and those participants involved in these sports. Elimination of the Commission could open the door for corrupting influences.

Maj. Durbin – One challenge with attempting to get authority to adjust gross receipts tax would be that raising the tax would likely serve to restrict industries regulated by Commission to the point of reducing total revenue.

Ted Molinari – The message that needs to be communicated to lawmakers is that to eliminate the Commission is to eliminate the industries the Commission regulates.

Maj. Durbin – Three basic options exist. Funding shift to General Funds with adequate funding to support Executive Director and unmet administrative support need, or the State Police must continue to subsidize Commission, or the industry must be eliminated.

Maj. Durbin – OSP can't responsibly give much needed support staff to Executive Director because of revenue shortfall. Currently have a one week per month moratorium on events. If no support staff provided, may consider extending that to two weeks.

Ted Molinari – Should continue to pursue internship opportunities to provide support.

Doug LaMear – Should communicate to Legislators how many people are affected by and benefit from industry; including ancillary benefactors.

Brad Darcy – Estimated previously that decline in economy would create decline in promotions, but the opposite has been true. Number of events and promotions has increased.

Brad Darcy – Have heard that the Rose Garden Arena is in negotiations with Ultimate Fighting Championship for possible event in August. Could have big impact on budget shortfall as well as local economy.

*Break at 11:03 AM*

*Resumed Meeting at 11:10AM*

### Election of Officers

Bob Hamilton – Election of Officers required at first meeting of the year.

Results of Election:

Chairman – Ted Molinari

Vice Chairman – Lenn Hannon

Ted Molinari – Expresses gratitude to Bob Hamilton for his service to the Commission in his two term tenure.

Medical Advisory Committee (MAC) Recommendations

Memo clarifies recommendations made by MAC that require Administrative Rule changes.

**Motion: Bob Hamilton**

**Commission shall require, through Administrative Rule, that a Physician be assigned to each regulated event.**

**2<sup>nd</sup>: Doug LaMear**

**Motion carries: 4-0**

**Motion: Doug LaMear**

**MMA Fighters shall be required to submit results from dilated eye examination.**

**2<sup>nd</sup>: Bob Hamilton**

**Motion Carries 4-0**

**Motion: Doug LaMear**

**Weigh-ins for Amateur MMA events shall be conducted on the same day as the event, unless previously approved by the Director.**

**2<sup>nd</sup>: Bob Gross**

**Motion Carries 4-0**

Ted Molinari – Asks that Bob Hamilton consider, as his term on the Commission comes to an end, becoming an ex-officio member of the Commission. Chairman Molinari notes the importance that the expertise and standing of former members can contribute greatly to the continuity and overall effectiveness of the Commission's ability to serve the State of Oregon.

### Comments of the Public

Marc Stutman – Insurance policies (NASO) available for officials. Entertainment Wrestling. Is it possible to charge licensing fees to wrestlers or others involved in Entertainment Wrestling? Fee seems appropriate to help offset expense. Inspection fee would be appropriate to provide oversight.

Brad Darcy – Commission needs to provide Inspectors to provide basic oversight in absence of Director.

Marc Stutman – Complimentary Tickets. Noted concern Commission had at previous meeting with comp tickets.

Next Meeting

Meeting tentatively scheduled for April 15<sup>th</sup>, 2009.

Motion: Doug LaMear to adjourn. Motion passes by affirmation.  
Meeting adjourned at 11:32 AM.