



THE TENNESSEE ATHLETIC COMMISSION
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615-741-1831

**Board Meeting Minutes for September 26, 2017
First Floor Conference Room 1-B
Davy Crockett Tower**

The Tennessee Athletic Commission met on September 26, 2017 in the first floor conference room of Davy Crockett Tower in Nashville, Tennessee. Chairman Hannah called the meeting to order at 02:31 p.m. and the following business was transacted:

BOARD MEMBERS PRESENT: Steve Hannah, Chad Chilcutt, and Joe Smith.

BOARD MEMBERS ABSENT: Tracy Miller-Davis and Donald Wynn

STAFF MEMBERS PRESENT: Glenn Kopchak, Elizabeth Goldstein, Aisha Carney, Sara Page.

ROLL CALL/NOTICE OF MEETING

Director Kopchak read notice of the meeting into the record, as follows: "Notice of September 26, 2017 meeting of the Athletic Commission was posted to the website on September 19, 2017."

AGENDA

Due to the scheduling of a formal hearing requiring the presence of an administrative law judge and court reporter, it was determined that the formal hearing be heard first in sequence with the freedom to reorder the other items be granted as the Commission deems necessary for sake of efficiency.

Motion made by Mr. Hannah and seconded by Mr. Chilcutt to approve the agenda as amended. The motion carried by unanimous vote.

FORMAL HEARING

In the matter of Michael Lunsford, boxing license #2536, docket no. 12.43-144053A, case no. TAC-2016062141, the Commission determined that the state met the preponderance of evidence standard in proving the following allegations of fact:

1. The Respondent was at all times pertinent licensed with the Commission, holding boxing combatant license #2536.
2. In order to become licensed, Respondent submitted an application on September 17, 2016. This application includes a form called, "Combatant's Pre-Fight Physical Examination Report" ("Pre-Fight Physical Exam Report").
3. Question three on the Pre-Fight Physical Exam Report reads, "[a]re you on suspension from any other boxing commission?" Respondent responded, "no."

4. Respondent's response was false, because Respondent's Kentucky license was indefinitely suspended due to six consecutive referee stoppage losses. None of these six fights lasted beyond the second round.
5. On Respondent's Boxer Application Form, Respondent answered "yes" to the question, "Have you been suspended by any state athletic commission or other sanctioning authority?" However, Respondent stated on the form that the suspension was only a 30-day mandatory suspension following a technical knockout loss ("TKO").
6. Respondent's response to the above question was false, because Respondent's Kentucky boxing license was indefinitely suspended by the Kentucky Boxing and Wrestling Commission due to six consecutive referee stoppage losses.
7. Respondent's indefinite suspension in Kentucky was never disclosed to the Commission.

By the authority granted to the Commission under statutes 68-115-209(a)(8) and (11) and 68-115-216 (a)(b), the Commission ruled to revoke Michael Lunsford's license #2536. Mr. Lunsford may reapply once he has cleared up his indefinite suspension with the Kentucky Boxing and Wrestling Commission. Although no civil penalty was assessed, the Commission further determined that Mr. Lunsford would be required to pay within six months the lesser of half of the administrative hearing and investigative costs or (\$500) five hundred dollars.

Motion made by Mr. Smith and seconded by Mr. Hannah to approve as so ordered. The motion carried by unanimous vote.

LEGAL REPORT



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
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MEMORANDUM

Privileged and Confidential Communication – Attorney Work Product

TO: Tennessee Athletic Commission

FROM: Legal Division

DATE: September 26, 2017

SUBJECT: Athletic Commission Legal Report

1. Case No.: 2017029911

1st Licensed: 04/13/2017
Expiration: 04/13/2019
Type: Combatant (Professional Mixed Martial Artist)
History: N/A

This complaint was initiated due to USADA flagging the Respondent for potential doping. The initial test was negative, but after standard out-of-competition analysis, the Respondent's sample was flagged due to an increased degree of variability in urinary biomarkers when compared to Respondent's biological passport. A re-test revealed evidence of the prohibited substance DHEA.

Respondent responded through legal counsel. Respondent states that Respondent is being treated by a naturopath doctor for depression and anxiety. After trying a number of other natural treatments with no success, Respondent was advised to take DHEA, 25 mg per day, in order to combat a low testosterone level that was believed to be a cause of the depression. Respondent claims Respondent was unaware that DHEA was prohibited since it is a natural supplement. Respondent points to the fact that Respondent listed the DHEA on the Doping Control Form as proof Respondent did not believe the use was prohibited. Respondent's attorney also provided argumentation that DHEA is not a drug as defined by the federal laws related to the US FDA.

The USADA is also holding an action with Respondent due to the allegations. Respondent has requested this Commission hold this matter until discipline or the lack thereof is determined with USADA.

Recommendation: Enter into a monitoring agreement in which Respondent shall update this Commission upon the conclusion of Respondent's action before USADA.

Commission Decision: Approved.

2. **Case No.** 2017054061
1st Licensed: N/A
Expiration: N/A
Type: None (Unlicensed Amateur Promoter)
History: N/A

Respondent was found to have held an amateur cage fighting event without first obtaining an event permit. Respondent is not licensed as a promoter, but is licensed as a combatant and ring official. Respondent responded to the complaint by stating he was new to promoting, and that he did not realize a permit was required. He applied immediately for a permit for his next event that was set for a week from when he applied. The permit was granted as a one-time courtesy.

Recommendation: Authorization of a civil penalty in the amount of \$250 for holding a non-permitted event, to be settled by consent order or a formal hearing.

Commission Decision: Approved.

APPEAL

By the authority granted to the Commission Executive Director under statute 68-115-206(a)(c) and to the Commission under statutes 68-115-206(a) and 68-115-209(a)(9), Director Kopchak denied the issuance of a boxing combatant license to Vincent Ramsey. Mr. Ramsey appeared before the Commission to exercise his right to appeal the director's decision. After hearing Mr. Ramsey's statements and considering the evidence presented, the Commission ruled to accept the director's decision, effectively ending the appeals process.

Motion made by Mr. Smith and seconded by Mr. Chilcutt. The motion carried by unanimous vote.

JUNE MINUTES APPROVED

Motion made by Mr. Smith and seconded by Mr. Hannah to approve the minutes from the June meeting. The motion carried by unanimous vote.

DIRECTORS REPORT

Director Kopchak provided a detailed accounting of budget revenue and expenditures, to include line item and trend analysis. Director Kopchak spent some time focusing on "Administrative Costbacks", in particular, which include the Commission share of the liquidation of all administrative costbacks from all the programs. The share is determined by licensing count, number of complaints, and budget plan which accounts for 0.44% for the Athletic Commission resulting in the \$765 noted on the expenditure sheet but not itemized for July out of 175,750 total expenses for all of the other programs in Regulatory Boards combined. It was further noted that "Field Enforcement" or Inspections accounts for the largest share of total expenditures for the Athletic Commission. This provided the opportunity to discuss how administration and inspections have been looking into mitigating this cost. The Commission was provided an update regarding the hiring of part-time inspectors. Out of the (15) fifteen inspectors sought, (2) two have been approved by Human Resources, and (6) six are currently under review.

At the last meeting, the Commission voted to approve use of MedLic services as the vendor for handling all the necessary combatant medical records needed for licensing; however, MedLic informed the Commission that they will no longer be considered a vendor/repository for medical records due to the operating costs deemed necessary by federal regulators to remain in compliance with HIPPA.

PROPOSED RULES

The Commission reviewed Proposed Rules regarding the following chapter numbers: 0145-01 "General Provisions" and 0145-03 "Kickboxing and Mixed Martial Arts". In summation, the rules address the following:

1. Creates an additional \$25 fee to be charged to anyone licensing the day of the event, i.e. seconds, officials, etc.
2. Allows weigh-ins up to 48 hours before event
3. Requires a fight to be stopped if there is a loss of bodily function
4. Provides new MMA weight classifications – These were approved by the Association of Boxing Commissions (ABC) in order to address weight cutting concerns. (effectively eliminates separate weight classes for females and adds a few more weight classes)
5. Modifies the female apparel requirement

Motion made by Mr. Hannah and seconded by Mr. Smith to accept the Regulatory Flexibility Addendum as drafted. The motion carried by unanimous roll call vote.

Motion made by Mr. Smith and seconded by Mr. Chilcutt to accept the proposed rules as drafted. The motion carried by unanimous roll call vote.

NEW BUSINESS

Director Kopchak identified every change to the original form and explained the context and purpose that informed each edit.

Motion made by Mr. Smith and seconded by Mr. Chilcutt to approve the "Amateur Event Permit" application as drafted. The motion carried by unanimous vote.

There being no other new business, the Athletic Commission moved to adjourn the meeting at 5:22 p.m. with a motion by Mr. Smith and seconded by Mr. Hannah. Motion carried unanimously.