

Sunset Public Hearing Questions for  
**TENNESSEE ATHLETIC COMMISSION**  
Created by Section 68-115-103, *Tennessee Code Annotated*  
(Sunset termination June 2014)

1. Provide a brief introduction to the Tennessee Athletic Commission, including information about its purpose, statutory duties, staff and administrative attachment.

The Tennessee Athletic Commission Act of 2008 (T.C.A. § 68-115-101 *et seq.*) created the Tennessee Athletic Commission. The Commission has the full authority, management, and control of all professional contests of unarmed combat and pro-am competitions conducted within the State of Tennessee. The Act grants the Commission all the powers and duties necessary to enable the commission to execute fully and effectively all of its purposes, duties and policies. These powers include the authority to employ, as necessary, designated individuals as part-time state employees to assist ring officials and commission members in the regulation of professional contests. The commission may also review all ring officials employed for a professional contest.

The purpose of the Tennessee Athletic Commission is to ensure the Safety of the Competitors, the ring officials and the spectators of all contests of unarmed combat in the State of Tennessee. The Tennessee Athletic Commission provides regulation and supervision to ensure the fairness of combat events. The Athletic Commission ensures that all medical requirements are met by combatants. The Athletic Commission approves or denies all matches to ensure that fights are evenly matched and competitive. The Athletic Commission ensures that all federally mandated guidelines are followed involving boxing events. The Tennessee Athletic Commission licenses and supervises all professional boxers, mixed martial artists, seconds. Promoters, ring officials and matchmakers in the State of Tennessee. The TN Athletic Commission collects all taxes and fees due to the state from licensing, tickets or broadcast of contests of unarmed combat.

The Tennessee Athletic Commission has one full time Executive Director and ten part time inspectors. The Executive director conducts the day to day business of the commission. The part time inspectors only work at combat events or weigh ins for combat events.

Although created as an independent entity of state government, the Tennessee Athletic Commission is administratively attached to the Department of Commerce and Insurance. The Department administers receipts, disbursements, budget, audit and other similarly related administrative items. However, the commission maintains full autonomy and authority and the Department has no administrative or supervisory control over the Commission.

2. Provide a list of current commission members and describe how membership complies with Section 68-115-103, *Tennessee Code Annotated*. Who appoints members? Are there any vacancies on the commission? If so, what steps have been taken to fill the vacancies?

Name: Daryl Keith “Joe” Smith  
Race: Caucasian  
Sex: Male  
Term: 07/01/2011 – 06/30/2015  
Qualifications: Shall have knowledge of and experience in boxing  
Appointed By: Speaker of the Senate

Name: Stephen T. Hannah  
Race: Caucasian  
Sex: Male  
Term: 07/1/2010 – 06/30/2014  
Qualifications: Shall have knowledge of and experience in mixed martial arts  
Appointed By: Speaker of the Senate

Name: Robert Warne Fitch, MD  
Race: Caucasian  
Sex: Male  
Term: 07/01/2009 – 06/30/2013  
Qualifications: Licensed physician representative with knowledge of mixed martial arts, boxing or sports medicine  
Appointed By: Governor

Name: Tanika M. Pinn, MD  
Race: African American, Native American  
Sex: Female  
Term: 07/01/2010 – 6/30/2014  
Qualifications: Licensed physician representative with knowledge of mixed martial arts, boxing or sports medicine  
Appointed By: Governor

Name: Melissa Bast  
Race: Caucasian  
Sex: Female  
Term: 06/30/2010 -07/31/2014  
Qualifications: Shall have knowledge of and experience in mixed martial arts  
Appointed By: Speaker of the House

There are no vacancies on the Commission at this time.

3. Does membership include a member who is sixty years of age or older? A member who is a racial minority? A member who is female?

Yes, Commissioner Smith is sixty years of age or older.

Yes, Commissioner Pinn is of African American and Native American heritage.

Yes, Commissioners Pinn and Bast are female.

4. Have any commission members ever been removed pursuant to provisions of Section 68-115-105, *Tennessee Code Annotated*? If so, please explain the reason(s) for the removal(s).

No commission member has been removed pursuant to *Tennessee Code Annotated* § 68-115-105.

5. What compensation, per diem or travel reimbursement do members receive? How much was paid to commission members during fiscal years 2011 and 2012?

Pursuant to T.C.A. § 68-115-108, Commission members receive reimbursement for expenses incurred in attending meetings of the commission and for travel incident to attending meetings of the commission, in accordance with the comprehensive travel regulations promulgated by the Department of Finance and Administration and approved by the Attorney General and Reporter.

The commissioners were paid \$6,300.00 in per diems in 2011.

The commissioners were paid \$1,200.00 in per diems in 2012.

The commissioners unanimously voted to give up their per diems at the November 2011 commission meeting (beginning that day) to help defray the cost of commission expenses.

The commissioners were paid \$3326.79 in expenses in 2011.

The commissioners were paid \$1362.90 in expenses in 2012.

6. What were the commission's revenues (by source) and expenditures (by object) for fiscal years 2011 and 2012?

<u>Expenses</u>	<u>2011 Expenses</u>	<u>2012 Expenses</u>
Salaries	\$66,858.00	\$63,884.00
Longevity		300.00
Benefits	26,608.57	27,789.73
Travel	24,355.74	11,020.51
Communication	549.62	204.76
Third Party Prof Svcs	1,487.00	1,076.00
Supplies	721.48	54.74
Training	200.00	200.00
Computer	2,111.16	1,807.31
<u>State Prof Svcs</u>	<u>53,468.48</u>	<u>14,980.18</u>
Total Expenditures	\$176,340.05	\$121,317.23

<u>Revenue</u>	<u>2011 Revenue</u>	<u>2012 Revenue</u>
Licensing Fees	\$6,400.00	\$15,375.00
Gross Receipts Tax	9,318.60	54,991.49
Application Fees	18,525.00	22,525.00
Contest Permit Fees	6004.60	5,950.00
<u>Commission Penalties</u>	<u>12,500.00</u>	<u>0.00</u>
Total Revenue	\$52,748.20	\$98,841.49

7. How many times did the commission meet in fiscal years 2011 and 2012, and how many members were present at each meeting?

The full Athletic Commission met six (6) times in 2011, one (1) subcommittee meeting that immediately preceded the meeting of the full Commission. The Commission met four (4) times in 2012 with two (2) Emergency Subcommittee meetings by teleconference. . Attendance is set out below:

- (07/08/2010) Five (5) commissioners present and three (3) via teleconference
- (09/09/2010) Eight (8) commissioners present
- (11/18/2010) Seven (7) commissioners present
- (01/13/2011) Six (6) commissioners present and one (1) commissioner via Teleconference.
- (03/10/2011) Five (5) commissioners present
- (05/12/2011) Five (5) commissioners present and two (2) commissioners via teleconference
- (08/11/2011) Amateur Sub-committee meeting immediately preceding full Commission Meeting; Three (3) members of sub-committee present
- (08/11/2011) Six (6) commissioners present and two (2) commissioners via teleconference
- (09/15/2011) Emergency Teleconference; all commissioners participated by telephone
- (09/22/2011) Emergency Teleconference; all commissioners participated by telephone
- (11/10/2011) Five (5) commissioners were present and one (1) via teleconference
- (01/12/2012) Five (5) commissioners present and three (3) commissioners via telephone
- (04/12/2012) Five (5) commissioners present

8. Is the commission subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes and public access to minutes? If so, what procedures does the commission have for informing the public of its meetings, who keeps the official minutes of commission meetings and what steps are taken to make the minutes available to the public?

The Commission is subject to the Tennessee Open Meetings Act, T.C.A. § 8-44-101 *et seq.* Notices of the Commission's meetings are posted on the Tennessee Athletic Commission's website: <http://www.tn.gov/athletic/calendar.shtml>. Additional notices are posted on the Tennessee Department of Commerce and Insurance's Public Meeting Calendar: <http://tn.gov/commerce/meetings.shtml>, and the Tennessee Government Public Participation website: <https://apps.tn.gov/pmn/index.html>. The Executive Director keeps the official minutes of the meeting and, after approval by the Commission, the minutes are posted on the Commission website at: [http://www.tn.gov/athletic/agenda\\_minutes.shtml](http://www.tn.gov/athletic/agenda_minutes.shtml). A video recording is made of each Commission meeting and is posted online: <http://www.youtube.com/playlist?list=PLWgyob0pqnhzNOJ9GQ7gNzsisH0HqsWSm>

9. What were the major accomplishments of the commission during fiscal years 2011 and 2012?

In 2011 the Tennessee Athletic Commission regulated a Strikeforce event televised on Showtime Television.

The Tennessee Athletic Commission regulated a World Series of Boxing event televised on cable television.

In 2012 the Tennessee Athletic Commission regulated a UFC event televised on Fuel TV.

The Tennessee Athletic Commission regulated 3 XFC events televised on AXIS TV.

The TN Athletic Commission wrote emergency amateur mma rules currently in the legislative pipeline.

The Tennessee Athletic Commission regulated events that brought in thousands of dollars in taxes and thousands of dollars in commerce to the state of Tennessee.

10. What reports does the commission prepare on its operations, activities and accomplishments and who receives the reports?

The Tennessee Athletic Commission will prepare an annual report at the end of the fiscal year. The report will include financial information, licensure information, and information on disciplinary actions. The report will contain much of the same information contained on these pages.

11. Does the commission have any policies in place to address potential conflicts of interest by commission members, commission employees, or other state employees who work with the commission in any capacity? If yes, please describe. Specifically, describe what actions are taken to assure compliance with Section 68-115-103 (h) and (i), *Tennessee Code Annotated*.

While the Commission has no separate Conflict of Interest policy of its own, the Commissioners have been trained on and agreed to comply with the Conflict of Interest guidelines of the Division of Regulatory Boards of the Department of Commerce and Insurance. The language of these guidelines mirrors Governor Haslam's Executive Order No. 20 concerning Ethics policies and disclosures by the Executive Branch.

The practical application of T.C.A. 68-115-103 (h) and (i) is a particular concern of the Commission. They receive training concerning these statutory subsections at least annually. The commissioners were specifically instructed concerning the potential conflict between subsection (i) (which forbids Commissioners from receiving complimentary tickets) and recently-added subsection (l) (which required Commissioners to attend three events per year).

12. Has the commission promulgated rules as authorized by Section 68-115-201, *Tennessee Code Annotated*? If so, please cite the references.

TENN. COMP. R. & REG. Chapter 0145-01 (Rules of the Tennessee Athletic Commission) governs the General Provisions.

TENN. COMP. R. & REG. Chapter 0145-02 (Rules of the Tennessee Athletic Commission) governs Professional Boxing.

TENN. COMP. R. & REG. Chapter 0145-03 (Rules of the Tennessee Athletic Commission) governs Kickboxing and Mixed Martial Arts

TENN. COMP. R. & REG. Chapter 0145-04 (Rules of the Tennessee Athletic Commission) governs Disciplinary Actions.

TENN. COMP. R. & REG. Chapter 0145-05 (Rules of the Tennessee Athletic Commission) governs the Amateur Events.

13. How many types of licensure exist under the authority granted to the commission by Section 68-115-204, *Tennessee Code Annotated*?

Four (4) types of licenses exist under the authority granted to the Commission by T.C.A. § 68-115-204: Combatant, Participant, Ring Official, Promoter.

14. How many licenses have been issued by the commission in each category through the end of fiscal years 2011 and 2012?

	<u>2011</u>	<u>2012</u>
Combatant	246	125
Participant	89	131
Ring Official	31	39
Promoter	4	14

15. How many licenses have been denied, suspended or revoked pursuant to Section 68-115-209, *Tennessee Code Annotated*? What were the most common reasons for denial, suspension or revocation?

No licenses have been denied or revoked at this time.

16. Has the commission or its administrator or staff withheld any purses pursuant to Section 68-115-212, *Tennessee Code Annotated*? If so, what were the circumstances?

On 02/20/2010, Five hundred (\$500.00) dollars of a One-thousand- (\$1,000.00) dollar purse was withheld from a Mixed Martial Arts Combatant pursuant to T.C.A. § 68-115-212(a)(1) after the combatant appeared not to compete to the best of his skill and ability. The bout in question lasted nine (9) seconds. After a Uniform Administrative Procedures Act Contested Case hearing on 3/18/2010, in which the Commission viewed a videotape of the bout, the balance of the purse was awarded to the Combatant.

17. How many permits have been issued to promoters for contests in the state pursuant to Section 68-115-205, *Tennessee Code Annotated*, during fiscal years 2011 and 2012? During the same period, were any permit applications denied or permits revoked? If so, how many, and what were the most common reasons for denial or revocation?

In fiscal 2011 there were 57 permits. In Fiscal 2012 there were 43 permits.  
No permits were revoked or denied.

18. Of sanctioned events permitted in Tennessee so far, how many were professional events and how many were amateur events?

In fiscal 2011, 42 were amateur and 15 were pro or pro/am.  
In Fiscal 2012, 28 were amateur and 15 were pro or pro/am.

19. Describe any items related to the commission that require legislative attention and your proposed legislative changes.

No legislation is proposed at this time.

20. Should the commission be continued? To what extent and in what ways would the absence of the commission endanger the public health, safety or welfare?

Yes, the Commission should be continued in its current form and be allowed to regulate professional contests and pro/am competitions. The commission works diligently to ensure public safety through fair regulation and effective supervision. Unregulated Combat Sports are dangerous. At least three (3) deaths in the last twelve (12) months have resulted from unregulated Mixed Martial Arts events: Mike Mittelmeier in Bolivia on 04/21/2012; Dustin Jenson in Rapid City, South Dakota on 05/18/2012; and Felix Pablo Elochukwu in Port Huron, Michigan on April 7, 2013. In the last twelve (12) months, there have been no deaths related to regulated matches.

Referees of unregulated combat sports are often unqualified and may fail to step in to end a match before a combatant is seriously injured. Promoters in areas where combat sports are unregulated are not required to provide a qualified ringside physician at the event. A lack of regulation also means that combatants cannot be protected from themselves. Although the national Association of Boxing Commissions (ABC) maintains a database of fighters who have been suspended due to injury, a recent knockout or bad blood work, unregulated promoters are not required to report to or consult the database. Ending the regulation of combat sports will bring a return of the "Tough Man Contests" with novice fighters competing without proper equipment, officiating, or medical safeguards. There are no other organizations dedicated to the safety of the participants of professional unarmed combat. No other organizations work to ensure the fairness of professional combat sports. Unregulated contest would endanger the health, safety and welfare of all competitors, officials and spectators of combat sports.

Large promoters will not come to states where there is not a proper Athletic Commission. The loss of these large events will cost the State of Tennessee millions in economic impact and thousands in sales tax revenue generated by patrons of the event.

21. Please list all commission programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

The TN Athletic Commission does not receive Federal Funds.

*If the commission does receive federal assistance, please answer questions 22 through 29. If the commission does not receive federal assistance, proceed directly to question 28.*

22. Does your commission prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

23. Does your commission have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

24. To which state or federal agency (if any) does your commission report concerning Title VI? Please describe the information your commission submits to the state or federal government and/or provide a copy of the most recent report submitted.
25. Describe your commission's actions to ensure that commission staff and clients/program participants understand the requirements of Title VI.
26. Describe your commission's actions to ensure it is meeting Title VI requirements. Specifically, describe any commission monitoring or tracking activities related to Title VI, and how frequently these activities occur.
27. Please describe the commission's procedures for handling Title VI complaints. Has your commission received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).
28. Please provide a breakdown of current commission staff by title, ethnicity, and gender.

Jeff Mullen, Executive Director, Caucasian, Male  
Arnold Murphy, part time inspector, Caucasian, male  
Johnny Stewart, part time inspector, African American, male  
John Griffey, part time inspector, Caucasian, male  
John Helton, part time inspector, Caucasian, male  
Joey Waymire, part time inspector, Caucasian, male  
Patrick Wrenn, part time inspector, Caucasian, male  
Anthony Maness, part time inspector, Caucasian, male  
Bob Crawford, part time inspector, Caucasian, male  
Lucious Johnson, part time inspector, African American, male  
Tyler Steppe, part time inspector, Caucasian, male

29. Please list all commission contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

The only contract of the Tennessee Athletic Commission is for drug testing services. It is with Requestatest Ltd. The contract is in the amount of \$5000.00 per year, Noel Perez, the owner is Caucasian.