

Public Hearing Questions for
Tennessee Athletic Commission
Created by Section 68-115-103, *Tennessee Code Annotated*
(Sunset termination June 2017)

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

The Tennessee Athletic Commission (the "Commission") is a commission created by Tennessee Code Annotated Title 68, Chapter 115 and is attached to the Regulatory Boards Division of the Tennessee Department of Commerce and Insurance pursuant to Tenn. Code Ann. § 68-115-103(a). The Commission has the "discretion, authority, management, regulation and control of all professional contests and pro-am competitions held, conducted or given within this state" pursuant to Tenn. Code Ann. § 68-115-203(a). The Commission regulates the conduct of contests of unarmed combat and boxing in Tennessee, including the issuance of licenses to participants in those contests (including promoters, matchmakers, combatants, managers, seconds, announcers, referees, judges, ringside physicians or timekeepers) to ensure the safe and fair conduct of such events, performs inspections of contests of unarmed combat, and issuance regulations regarding the conduct of such events. Roxana Gumucio serves as the Executive Director of the Commission and the staff of the Combined Boards Division under Director Gumucio, which consists of six employees, provides administrative support for the Commission, as well as thirteen (13) other regulatory programs to increase administrative efficiency.

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

Pursuant to Tenn. Code Ann. § 68-115-103, in part:

(c) The commission shall be composed of the following members:

- (1) One (1) member shall be a public member, to be appointed by the governor;
- (2) Two (2) of the members shall have knowledge of and experience in boxing, with one (1) of the members to be appointed by the speaker of the house of representatives and one (1) of the members to be appointed by the governor. The member first appointed to fill a vacancy arising from the expiration of a member's term after January 1, 2016, shall be appointed to a term of three (3) years; and
- (3) Two (2) of the members shall have knowledge of and experience in mixed martial arts, with one (1) of the members to be appointed by the speaker of the senate and one (1) of the members to be appointed by the governor.

(d) Except as provided in subdivision (c)(2), a member's term of office shall be four (4) years.

(e) All commission members shall be resident citizens of this state, and at least one (1) member of the commission shall reside in each grand division.

(f) In making appointments to the commission, the governor and the speakers of the senate and the house of representatives shall strive to ensure that the commission is representative of the state's geographic and demographic diversity, with appropriate attention to the representation of women and minorities.

The members of the Tennessee Athletic Commission are:

<u>Name</u>	<u>Sex</u>	<u>Age</u>	<u>Minority</u>	<u>Criteria</u>
Steve Hannah	M	46	No	Expert/Mixed martial Arts
William Chad Chilcutt	M	45	No	Expert/Mixed martial Arts
Tracy Miller Davis	F		No	Expert/Boxing
Donald Wynn	M	39	Yes	Public member

There is one vacancy on the Commission at this time. The position, appointed by the Speaker of the House of Representatives, is required to be an expert in boxing

3. Does membership include a public/citizen member? A member who was sixty years of age or older at the time of appointment? A member who is a racial minority? A member who is female?

Membership does include a public/citizen member. This position is filled at this time by Donald Wynn.

No member of the Commission was sixty years of age or older at the time of appointment.

One member of the Commission is a racial minority.
One member of the commission is a female.

4. How many times did the commission meet in fiscal years 2015 and 2016? How many members were present at each meeting?

It does not appear that there were any meetings during FY 2015. The Commission was vacated on December 31, 2015, and reconstituted effective January 1, 2016 by Acts 2015, Chapter 351.

1 meeting in FY 2016:
June: 3 members were present. Two of those members participated by teleconference.

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

No Commission members been removed pursuant to provisions of Tenn. Code Ann. § 68-115-105.

6. What per diem or travel reimbursement do members receive? How much was paid to commission members during fiscal years 2015 and 2016?

There have been no expenditures for per diem or travel reimbursement during either FY 2015 or FY 2016.

7. What were the commission's revenues (by source) and expenditures (by object) for fiscal years 2015 and 2016?

Please see Attachment A.

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 and making its minutes available to the public?

The Commission is 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. The Commission posts notice of all meetings, and a copy of the agenda for each meeting to its web site prior to each meeting. Each such notice is also posted to the website of the Regulatory Boards Division prior to the meeting. Minutes are available upon request; however, videos of all meetings – unless such video is unavailable – are made available through Youtube.

9. 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(j) and (i), *Tennessee Code Annotated*.

The Commission does have 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. The Department of Commerce and Insurance collects a conflicts of interest statement from each member of the Commission on an annual basis and each member is subject to Executive Order 20 regarding Conflicts of Interest for Executive Branch employees, as well as the prohibitions regarding lobbyists pursuant to Title 3, Chapter 6, Part 3. Compliance with Section 68-115-103(i) is ensured because Departmental staff attends all minutes of the meeting and ensures that a quorum is

present prior to commencing any official action. Compliance with Section 68-115-103(j) is done through the required reporting of conflicts by Commission members. Further, any information indicating that a violation of that section is occurring would be reviewed by the Department and notification made to appropriate parties if such a violation is found.

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

(1) The number and qualifications of ring officials required at any contest;

Ring Officials must file an application pursuant to Rule 0145-01-.03(2) and application may be refused pursuant to any reason contained in Tenn. Code Ann. § 68-115-209. Ring Officials include announcers, judges, referees, ringside physicians, and timekeepers, pursuant to Tenn. Code Ann. § 68-115-102(24).

(2) The powers and duties of ring officials;

Judges are responsible for scoring the performances of the combatants in a professional contest pursuant to 0145-01-.02(23). Judges are consulted with the referee regarding unintentional fouls pursuant to 0145-03-.07(1), consulted regarding suspected fouls pursuant to 0145-03-.08, and score the match on a ten (10) point system pursuant to 0145-03-.10.

Referees exercise general discretion over a professional contests pursuant to 0145-01-.02(23). Pursuant to 0145-03-.03:

(1) Each bout shall be officiated by a referee who is licensed in accordance with Rule 0145-01-.03. The referee shall be responsible for enforcing the provisions of this chapter relating to the conduct of such bout. He shall maintain effective supervision and control over the contest while it is in progress. The referee shall effectively communicate all of his decisions and actions concerning a bout through clear and appropriate signals and/or notifications.

(2) Prior to the start of a bout, the referee shall:

- (a) confirm that the contestants and their seconds possess current and valid licenses issued under the authority of this chapter;
- (b) confirm that a commission representative has inspected and initialed (to denote his approval of) the bandages of each contestant;
- (d) observe the fitting of each contestant's gloves;

- (e) ensure that no foreign substances have been applied to the gloves, bandages, protective equipment, or body of the contestants, and that their equipment is in order; and
- (f) ensure that all persons working the ring wear surgical gloves.

(3) The referee may:

- (a) stop a contest and consult with the ringside physician on the advisability of allowing it to continue;
- (b) in a kickboxing event, administer a “standing eight count” to a contestant in order to observe his condition; and
- (c) warn, penalize or disqualify a contestant for violation of any foul enumerated in this part.”

Announcers “fully represent the contest or event to the public in an official and professional manner” and “read all of the bout results” pursuant to 0145-03-.08.

Pursuant to 0145-03-.16 “A timekeeper shall:

- (1) keep accurate time of all bouts;
- (2) begin the start of the clock for each round, as initiated by the referee, including overtime rounds;
- (3) give three (3) slaps to the ring mat or three (3) pounds on the table to indicate ten (10) seconds remaining in the round;
- (4) blow a whistle to indicate to the referee that there are ten (10) seconds left in the round break;
- (5) start and stop the bout clock for time stoppages as called by the referee; and
- (6) signal the end of each round by the use of a bell, buzzer, or other available loud signal.”

The Ringside Physician may recommend combatants be subjected to pre or post-fight examinations and conduct pre-contest medical examinations pursuant to 0145-01-.08. The ringside physician may also render emergency medical treatment and recommend further treatment or hospitalization pursuant to 0145-01-.09.

(3) The qualifications of licensees or permittees;

0145-01-.03

- (5) All combatants applying for a license, or the renewal thereof, shall be required to submit, upon application, on a form approved by the Commission, a report of a medical examination, including but not limited to a dilated eye exam performed by a licensed optometrist or ophthalmologist and a blood test for Hepatitis B, Hepatitis C and HIV, performed no earlier than thirty (30) days

prior to applying for such license or renewal thereof. Professional combatants who are thirty-five (35) years of age or older shall have a neurological examination by a neurologist or neurosurgeon and submit a medical report thereof within thirty (30) days of applying for a license or renewal thereof. The Commission will not issue a license until it has the opportunity to review the report.

(6) The Commission's administrator shall have the authority to examine the combatant's record, experience, skill and physical condition and may deny the issuance of a license if, in the administrator's opinion, the combatant's record, experience, skill and physical condition indicate the combatant is unqualified to participate in professional contests of unarmed combat. The applicant may appeal the administrator's decision to deny the issuance of a license to the Commission. Any such appeal will be heard at the next regularly scheduled meeting of the Commission.

(7) No person shall be permitted to compete in any contest of unarmed combat unless the person: (a) is at least eighteen (18) years of age; and (b) furnishes satisfactory identification (including photograph) to the Commission.

(4) The procedures for supplying a social security number, fingerprint sample and submitting to a criminal history records check; and

Social Security Numbers are required on all applications pursuant to state law. The Commission does not require fingerprints or criminal background checks.

(5) The procedures for performing medical duties relative to contests.

0145-01-.08(5) In addition to the pre-licensing medical examination, all combatants shall complete a precontest medical form as provided by the Commission and be subject to a pre-contest medical examination to be performed by the ringside physician, or another physician as selected by the Commission's administrator. A pre-contest examination of a female combatant should include abdominal, breast, and pelvic examinations. Any female combatant shall provide the examining physician with the results of a pregnancy test performed on the combatant within the previous fourteen (14) days. If such results are positive, that combatant shall not be permitted to compete.

11. What were the major accomplishments of the commission during fiscal years 2015 and 2016?

The Commission hosted both the UFC and World Series of Fighting events, both nationally televised events.

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

All programs prepare monthly and year-end financial reports. This includes revenues and expenditures. The reports are presented to the commission for review and questions.

This Commission also prepares and is responsible for submitting official match results for all licensed events. These reports go to Fight Fax, Box Rec and MixedMartialArts.com.

13. How many types of licensure exist under the authority granted to the commission by Section 68-115-2014, *Tennessee Code Annotated*?

- a. Federal ID/Boxer
- b. Promoter
- c. Combatant
- d. Ring Official
- e. Participant
- f. Event Permit

14. How many licenses have been issued by the commission in each category through the end of fiscal years 2015 and 2016?

Licenses issued 2015:

- a. Federal ID/Boxer - 14
- b. Promoter - 4
- c. Combatant - 137
- d. Ring Official - 29
- e. Participant - 129
- f. Event Permit - 8

Licenses issued 2016:

- a. Federal ID/Boxer - 29
- b. Promoter - 4
- c. Combatant - 116
- d. Ring Official - 31
- e. Participant - 140
- f. Event Permit - 24

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

- a. Number of:
 - i. Denied: Two participants and one combatant in 2016
 - ii. Suspended: The Commission has issued 41 mandatory suspensions due to knockout or technical knockout and 22 medical suspensions pursuant to physician orders.
 - iii. Revoked: None
- b. Most Common Reasons:
 - i. Mandatory Suspension due to Knockout or Technical Knockout – 41 suspensions (approx. 30 days)
 - ii. Medical Suspension ordered by physician. – 22 suspensions (approx. 60 days)
 - iii. Suspension for non-support and or student loans. 0

When suspension are lifted there is no way to obtain history.

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

No.

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 2015 and 2016? 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?

Promoters – 10 licenses issued between the time the program was moved to the Regulatory Boards Division through October 31, 2016.

During the same period no permits were denied or revoked.

18. Of sanctioned events permitted in Tennessee in fiscal years 2015 and 2016, how many were professional events and how many were amateur events?

From the time the program was moved to the Regulatory Boards Division through October 31, 2016:

Amateur Event permits – 10

Professional Event Permits – 33

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

None.

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

Yes, this commission should be continued because it provides important health and safety guidelines and regulations to the state's professional combatants. These health and safety regulations protect fighters from injuries such as concussions and severe internal damage, as well as from diseases such as HIV and Hepatitis. They also protect fighters from unsanitary conditions that may exist without proper equipment maintenance and clean up.

21. Has the commission developed and implemented quantitative performance measures for ensuring it is meeting its goals? It has not: If the commission has developed and implemented quantitative performance measures, please answer questions 22 through 29. If the commission has not developed quantitative performance measures, proceed to question 30.

The Department of Commerce and Insurance Regulatory Boards Division has implemented quantitative performance measures for all programs attached to the Division, including metrics for licensing and for case and complaint handling

22. What are your key performance measures for ensuring the commission is meeting its goals? Describe so that someone unfamiliar with the program can understand what you are trying to measure and why it is important to the operation of your program.

Our key performance measures are for 90% of complaints to reach clock-stopping action within 180 days of the complaint being filed with the commission and for the amount of time it takes initial licenses to be processed to be decreased before the Division's CORE system (a licensing and enforcement database and monitoring system) was implemented. Clock-stopping actions are those that, generally, indicate that the complaint has been reviewed, investigated, and the complaint has either been identified to move forward with disciplinary action, have been closed, or stayed pending other action.

23. What aspect[s] of the program are you measuring?

Time to process an initial application for licensure and the percentage of cases that reach clock-stopping action within 180 days of being opened by the Division.

24. Who collects relevant data and how is this data collected (e.g., what types information systems and/or software programs are used) and how often is the data collected? List the specific resources (e.g., report, other document, database, *customer* survey) of the raw data used for the performance measure.

The relevant data is collected through the entry of information regarding the processing of complaints and licenses, as appropriate, in the Division's CORE system. This data is pulled and reported on a monthly basis, or more often as needed. A weekly case and complaint report regarding the status of current cases is generated on a weekly basis.

25. How is the actual performance measure calculated? If a specific mathematical formula is used, provide it. If possible, provide the calculations and supporting documentation detailing your process for arriving at the actual performance measure.

The case and complaint metric is determined by the number of cases that either reached a clock-stopping action or reached 180 days without a clock-stopping action during the previous 18 months.

26. Is the reported performance measure result a real number or an estimate? If an estimate, explain why it is necessary to use an estimate. If an estimate, is the performance measure result recalculated, revised, and formally reported once the data for an actual calculation is available?

The reported metrics are real numbers.

27. Who reviews the performance measures and associated data/calculations? Describe any process to verify that the measure and calculations are appropriate and accurate.

The performance measures and data are reviewed by the Division of Regulatory Boards' Director of Accounting and reported to the Assistant and Deputy Commissioner for Regulatory Boards, as well as affected Commission staff and the Legal Division (regarding case metrics).

28. Are there written procedures related to collecting the data or calculating and reviewing/verifying the performance measure? Provide copies of any procedures.

There are no written procedures for collecting, calculating and verifying the data.

29. Describe any concerns about the commission's performance measures and any changes or improvements you think need to be made in the process.

There are not currently any concerns regarding the commission's performance measures.

30. 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.

Within the Department, grants for federal financial assistance for FY16 were awarded to Fire Prevention – Tennessee Fire and Codes Academy, the TennCare Oversight Division, and the Tennessee Law Enforcement Training Academy and therefore require the Department to comply with Title VI of the Civil Rights Act of 1964.

If the commission does receive federal assistance, please answer questions 31 through 38. If the commission does not receive federal assistance, proceed directly to question 37.

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

The commission is a part of the Department of Commerce and Insurance. The Department of Commerce and Insurance prepares a Title VI Implementation Plan annually, in accordance with the guidelines of the Tennessee Human Rights Commission. A copy of the plan is included as Attachment B.

32. 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.

The Title VI Compliance Coordinator for the Department of Commerce and Insurance is Maliaka Bass, Deputy General Counsel for General Civil, (615) 741-9594.

33. 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.

The Department of Commerce and Insurance is required to file an annual Title VI Implementation Plan on or before October 1 with the Tennessee Human Rights Commission.

34. Describe your commission's actions to ensure that commission staff and clients/program participants understand the requirements of Title VI.

The Department of Commerce and Insurance provides annual Title VI training to all employees, commission/board members and sub recipients.

35. 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.

The commission members and office staff are annually trained in Title VI compliance expectations. Telephone-based interpreter service is available for customers who are limited English proficient. Data regarding the use of the service is regularly collected and reported in the annual Title VI Implementation Plan. Any Title VI complaints received are required to be reported immediately to the Title VI Compliance Coordinator for investigation. All complaints are reported by the Title VI Compliance Coordinator to management of the

Department of Commerce and Insurance, as well as to the Tennessee Human Rights Commission.

36. 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).

The procedure used by the Department of Commerce and Insurance in handling Title VI complaints is outlined in the Department's annual Title VI Implementation Plan. No Title VI-related complaints have been received in the past two years regarding the Tennessee Athletic Commission.

37. Please provide a breakdown of current commission staff by title, ethnicity, and gender.

Administrative Staff

2 Caucasian Females
1 African American Female
1 Caucasian Male
1 Other Female

Administrative Manager

1 Caucasian Male

Executive Director

1 Hispanic Female

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

None.

