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Bernie Profato
Executive Director

State of Ohio
OHIO ATHLETIC COMMISSION

Minutes of the April 13, 2011 meeting of the Ohio Athletic Commission ("OAC") held at 10:00 A.M. at the Bureau of Workers' Compensation, Garfield Heights, Ohio.

- I. The meeting was called to order at 10:00 a.m. The Pledge of Allegiance was led by Executive Director Bernie Profato. Roll call was taken by Executive Director Profato. Present for roll call were: Commissioner John Konstantinos, Commissioner Dr. Harry Stiggers, and Commissioner Tim Ochsenhirt. Absent were Commissioners Gene Weiss Commissioner Konstantinos acted as Chairman in Gene Weiss' absence.
- II.
 - A. The minutes of the March 9, 2011 meeting were first on the agenda. Commissioner Tim Ochsenhirt moved to approve the minutes. Commissioner Dr. Harry Stiggers seconded the motion, and it was unanimously approved.
 - B. The Licensure list was presented for Commission approval. Commissioner Dr. Harry Stiggers moved to approve the list. Commissioner Tim Ochsenhirt seconded the motion, and it was unanimously approved.
- III. There was no unfinished business.
- IV. Under new business, Executive Director Profato announced that there is a vacancy on the Commission since Mr. Carney's appointment was not approved. His application is not on file at the Governor's office. Mr. Profato also requested that any of the Commission members can suggest someone who would be an asset to the Commission.
- V.
 - A Pro-Am MMA event, promoted by M. Trukovich, is scheduled for Mansfield on April 16. Commissioner Dr. Harry Stiggers moved to approve the event. Commissioner Tim Ochsenhirt seconded it and it was unanimously approved.
 - A Pro-Am MMA event, promoted by Greg Kalikas, is scheduled for Canton on April 16. Commissioner Tim Ochsenhirt moved to approve the event. Commissioner Dr. Harry Stiggers seconded it and it was unanimously approved.
 - A Pro-Am MMA event, promoted by Monte Cox, is scheduled for Findlay on April 16. Commissioner Dr. Harry Stiggers moved to approve the event. Commissioner Tim Ochsenhirt seconded it and it was unanimously approved.

A Pro Boxing event, promoted by Andrew Williams, is scheduled for Cincinnati on April 23. Commissioner Tim Ochsenhirt moved to approve the event. Commissioner Dr. Harry Stiggers seconded it and it was unanimously approved.

A Pro MMA event, promoted by Josh Radtkin, is scheduled for Toledo on May 7. Commissioner Dr. Harry Stiggers moved to approve the event. Commissioner Tim Ochsenhirt seconded it and it was unanimously approved.

VI. The Executive Director's report was read by all of the Commissioners.

VII. There were no public comments.

VIII. Hearing-Andrew Williams:

Assistant Attorney General John Patterson stated that this was an informal procedure involving Andrew Williams, Boxing Promoter. Mr. Williams was sworn in by Assistant Attorney General John Patterson. Mr. Williams proceeded without an attorney present. Chairman John Konstantinos approved the admission of Exhibit A. Also sworn in was Bernie Profato, Executive Director, who presented testimony regarding the event insurance for Boxing Promoter, Andrew Williams. The February 18th event policy had only a couple of pages submitted and noted on the form that it was gone over with a pencil. Judy McCarty, Executive Secretary, also concurred that the policy had been written over in pencil. Judy McCarty called the insurance company to verify the policy and faxed it over to the insurance company. The insurance company verified that it was forged. Mr. Profato pulled out the last two events, one for January and one for September.

The forms that had been faxed to the insurance company for verification were policy BAP-128993-1 for September 4, 2010 and policy BAP-119992-1. The insurance company CEO verified that these were indeed forged documents and that no insurance policy had ever been issued for the events. Judy McCarty, Executive Secretary, was sworn in by Assistant Attorney General John Patterson, and stated that she was the one who spoke directly to the insurance company. Mr. Patterson continued by reading the Board policy: "The contestant's insurance must be in ten days prior to an event and must be submitted by the company." At any of these events if a Boxer had been seriously injured that would not only be a violation of the Board's policy but it would be a significant financial issue for Mr. Williams. The Board policies protect the health and safety of the fighters as well as the promoter. Another policy is that the promoter must also have a credit card with a credit limit already established. Mr. Profato stated that Fight Faxes need to be obtained before a Boxing event. However, we got an invoice from Fight Fax saying that Mr. Williams' credit card did not go through. Mr. Profato went on to explain how Mr. Williams' credit card has a limit and you pay into it and then draw from it, similar to a bank debit card. If Fight Fax notifies us that a credit card did not go through then we can actually cancel the event because it is a violation of federal law. I believe Mr. Williams gave someone cash to put on the credit card and that person put the cash in their pocket. By doing this I am trying to insure that Mr. Williams is not a victim.

I am assuming a lot of this and my assumptions may be totally wrong through our conversations. Fight Fax helps us come up with competitive fights. In the future any report of non payment or returned check for non payment will result in immediate suspension of Mr. Williams.

Mr. Williams stated that R and R Promotions hired someone to take care of the insurance. He further stated that R and R Promotions takes full responsibility for what happened with the insurance. We should have followed it closer before it was submitted. We would never want to put any of the fighters' health in jeopardy. Nor would I put my company in jeopardy for a lawsuit. Dr. Draper, a partner in R and R Promotions, stated that a person he knew and trusted for over 20 years was behind the insurance fraud. The complaints filed by Dr. Draper were marked as Exhibit 1. Chairman John Konstantinos approved the admission of Exhibit 1. He also recommended that Mr. Williams accept the four conditions that Mr. Profato has proposed. Commissioner Dr. Harry Stiggers made a motion to accept the Executive Director's recommendation to not suspend promoter Andrew Williams with the stipulation he comply with the four conditions. Commissioner Tim Ochsenhirt seconded it and it was unanimously approved.

Hearing – D.J. Priest and Matt Evans:

Assistant Attorney General John Patterson called Bernie Profato, Executive Director, to discuss the investigation of Matt Evans, Maison Evans, D.J. Priest and Rich Nash. Mr. Profato stated that he was notified that several MMA fighters had counterfeit blood records submitted to obtain their licenses. Mr. Profato stated that as part of the investigation three forms showed that certain identifying numbers were counterfeited. Lab records showed that two of the lab tests were never given. One test was given, but it was not on the correct form. Assistant Attorney General Patterson requested that Mr. Profato go through and identify each one by name. The person that first came in was a fighter, Isaac Hook who stated that Matt Evans told him he would secure blood work for fighters Jason Deal and Brian Knox. Brian Knox had a legal blood test taken at the time. He just was unable to get the form with the results downloaded on his computer before fight time. He was told not to worry about it because a blood test result would be obtained for him also. Rich Nash, a partner in the promotions, already conceded to taking an indefinite suspension. He gave a statement in the Athletic Commission office stating that he was with Matt Evans and D.J. Priest at D.J. Priest's house when the blood forms were made up on the computer. Mr. Hook identified Mr. Nash as being there when the two blood work results were handed over to him. Mr. Nash said that he was involved but did not want to be a part of it. He gave a list of names of fighters with illegal bloodwork. Mr. Maison Evans was the promoter of the event. Mr. Profato stated that the mortal sin in sports is when you submit something false about someone's health.

D.J. Priest and Matt Evans brought their attorney, Kristin Burkette, along with them to the hearing. Mr. D.J. Priest was sworn in by Assistant Attorney General John Patterson. Mr. Patterson asked Mr. Priest if he agreed with the counsel's statement about being willing to accept the indefinite suspension. Mr. Priest stated that he agreed with the indefinite suspension. Mr. Patterson also swore in Matt Evans and asked him if he was willing to accept

the indefinite suspension. Mr. Evans stated that he accepted the indefinite suspension.

Mr. Profato questioned Mr. Priest and Mr. Evans to see if there were any other fighters with false bloodwork results. If so, we want to get a hold of the other fighters and have them take a legal test and submit it to our office. Mr. Profato also asked about how this form was obtained? Is someone offering up this form and how was it altered? I would like to pass on any information to the people at LabCorp. Chairman John Konstantinos stated that this is a very serious situation. It is for the safety of the other people involved. Mr. Evans stated that the September fight was the first one they had to have the blood work. I don't know who or how they made the forms. No one actually gave the form to me. It was on the computer and a printout of the form was on the desk. Mr. Profato stated that a fighter can go to his doctor and get an order for a blood test. Or they can go to a couple of online sites. Request a Test will give them a confirmation number and go ahead and give them a blood test. LabCorp will then send that test to a doctor's office or Request a Test. Request a Test has a website that we can go to see if the person took the test. Bloodwork was mandatory from July on. Since it was a new law, from June to July we gave you 30 days to get the bloodwork submitted to our office. We would let the fighter fight and then after the fight, suspend him until blood work results were submitted to our office. Mr. Profato wanted to know how the form got on the computer. It didn't just magically appear. Someone had to put it there. Mr. D.J. Priest discussed what led up to the forms being forged on the computer. He had wanted his wife to help him find the form on the computer and Nash walked in and then Evans walked in. He said that after his wife refused to help him find the form he and Matt took about two hours to find the form on the computer. Mr. Priest admitted that he did not know much about computers and did not have any idea how the form got on the computer. Everyone at the fight training school had access to his computer so anyone could have loaded the form into it. Mr. Priest conceded that he forged the document. Attorney Kristin Burkette informed the Commission that the form has been deleted from the computer and that the number of forged documents her clients told her about exactly matched what Mr. Profato told her at a later date. Commissioner Tim Ochsenhirt moved to approve the indefinite suspension. Commissioner Dr. Harry Stiggers seconded it and it was unanimously approved. The indefinite suspension can be appealed in one year.

IX. Commissioner Dr. Harry Stiggers moved to adjourn. Commissioner Tim Ochsenhirt seconded the motion, and it was unanimously approved.

The minutes have been edited for clarity and punctuation only. Content remains unchanged and the original tape of the meeting is intact and available.

ATTESTED TO: *Lynne Evans* DATE: 5-11-11

POSITION: *Chairman*