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Daniel Bennett
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Minutes

MASSACHUSETTS STATE ATHLETIC COMMISSION
50 MAPLE STREET, MILFORD, MA 01757
June 2, 2016, 11:00AM

1. Roll Call

The meeting was called to order at 11:24am by Acting Chair Gary Litchfield followed by roll call:

Board Members Present

Gary Litchfield, Acting Chair

Matt Carlin, Dept. of Public Safety Commissioner

Rod Walkey

Board Members Not Present

LaTeisha Adams via telephone

Guests Present

Deirdre Ann Hosler, Deputy General Counsel

Jen Fraga, Program Coordinator

Dr. Edgar Ballenas, Ringside Physician

Remo Cardarelli, Professional Mixed Martial Arts Fighter

Mark Cardarelli, Manager for Remo Cardarelli

Joe Leonard, Western Mass MMA.com

Guests Present via Telephone Conference

Matthew Mitrione, Professional Mixed Martial Arts Fighter

Travis Browne, Professional Mixed Martial Arts Fighter

John Bosco, Manager for Browne

Gary Forman, Referee

2. Hearing Mitrione Vs. Brown Change of Decision January 17, 2016, Boston

This meeting was a scheduled hearing based on a complaint brought forth by Matthew Mitrione against Gary Forman and his referee's license as well as to change the decision of the result for his bout against Travis Browne on January 17, 2016. Due to scheduling confusion, Mr. Mitrione would prefer the hearing not be held this day and asked for a re-scheduled date.

Matthew Mitrione, Professional Mixed Martial Arts Fighter

Mr. Mitrione strongly protested the meeting be held as he claimed he did not receive sufficient notice. He did confirm that he received notice for the scheduled hearing for May and that he responded to the Commission on May 18, 2016 as he could not attend due to family obligations and also that he was in preparation for an upcoming bout on June 24, 2016. On this day, he claimed his representation is unavailable and would not be ready to proceed. Deirdre Ann Hosler, Deputy General Counsel clarified that certified notice went out twice to Mr. Mitrione and that this in fact is our third scheduled hearing date.

John Bosco, Manager for Browne

Via telephone, John Bosco, Manager for Travis Brown expressed his concern for his fighter and he too is preparing for an upcoming bout on July 9, 2016. Mr. Bosco did not understand what the need was of re-scheduling this hearing. Re-scheduling this hearing would cause his fighter, Travis Browne more unwanted distraction and offered to give testimony today.

Matt Carlin, Dept. of Public Safety Commissioner

Commissioner Carlin suggested re-scheduling the hearing and allowing the participants to join via telephone conference as to not unduly alter the fighters' upcoming schedules.

Travis Browne, Professional Mixed Martial Arts Fighter

Travis Browne, Professional Mixed Martial arts Fighter also expressed his dissatisfaction with re-scheduling the hearing due to inconvenience and emotional stress of the situation.

Commissioner Carlin stated that the Department of Public Safety should and would share in the responsibility for lack of confusion in scheduling the hearing and put forth motion to hold the hearing at 11:00am on Tuesday, June 20, 2016; all participants are welcome in person or over the phone. Commissioner Carlin also stated that the technology that was used today was unacceptable. Acting Chair Litchfield agreed and felt that with the technology present, a fair and balanced hearing would not be accomplished. Due to the suggestion for re-scheduling sooner made through discussion of the Board; Commissioner Carlin amended the motion to move the hearing date to Tuesday, June 7, 2016 at 11:00am at the Milford DPS Office, seconded by Commissioner Walkey. Motion was passed by unanimous vote.

Deputy General Counsel spoke from a legal perspective stating that further notice would not be sent as this meeting alone is considered notice to all participants.

Gary Forman, Referee

Gary Forman, Referee stated that if Mr. Mitrione does not physically attend the hearing that he would not be present physically or via telephone.

3. Approval of Minutes from May 5, 2016

A motion was made by Commissioner Carlin to approve the minutes from May 5, 2016, seconded by Commissioner Walkey. Motion was passed by unanimous vote.

4. Approval of Suspensions from May 14, 2016 MMA Show

A motion was made by Commissioner Carlin to approve the suspensions from May 14, 2016, seconded by Commissioner Walkey. Motion was passed by unanimous vote.

5. Request to Appeal Change of Decision April 9, 2016, Plymouth – Aiello Vs. Cardarelli
Acting Chair Litchfield gave a brief explanation of what transpired at the May 5, 2016 meeting when the Board voted unanimously to overturn the decision.

Mark Cardarelli, Manager for Remo Cardarelli

Mark Cardarelli, Manager for Remo Cardarelli, stated upon referencing 523 CMR, Section 14.21, paragraphs 1 through 4, did not apply based on the request to change the decision by the opponent, Andy Aiello. Mr. Cardarelli explained that in order to overturn it; you would then have to say that the Referee made the wrong decision, as this was not the case. It simply was an error made by the Time Keeper. Essentially, the Referee does not start or end the round; the Time Keeper does. Mr. Cardarelli felt the rules were contorted to fit Mr. Aiello's request to change the decision.

Deputy General Counsel stated that Mr. Cardarelli was correct. Under 523 CMR, collusion, compliance of the score cards, and or as a result of a Referee error would determine a change in decision although the Board does have wide ranging discretion based on other factors.

Joe Leonard, Western Mass MMA.com

Joe Leonard, Western Mass MMA.com was present and offered video footage of the last meeting for the Commission to review.

Remo Cardarelli, Professional Mixed Martial Arts Fighter

Remo Cardarelli, Professional Mixed Martial Arts Fighter expressed that neither himself nor his opponent, Mr. Aiello received an advantage or disadvantage and that it was an error by the Time Keeper; they both fought the same minutes. Mr. Cardarelli does not feel he deserves the loss to be taken from him.

After Review of the footage by the Board; Commissioner Carlin put forth a motion with respect to the Board who previously over turned the decision to award Remo Cardarelli as the winner, seconded by Rod Walkey. Motion was passed by unanimous vote.

6. Matters not reasonably anticipated 48 hours in advance of meeting
James Kotick, M.D., Application for Ringside Physician
The Board asked that Dr. Edgar Ballenas review the application from James Kotick, M.D. and once recommendation is received, the application would go before the Board for approval and or denial.

Kevin MacDonald, Referee

Kevin MacDonald, Referee addressed the Board on the upcoming ABC Convention regarding a vote made by the Committee to change some of the scoring criteria for Mixed Martial Arts. Mr. MacDonald stated that he will go over dates with Guy Licciardi, Director of Regulated Activities/ MSAC Program to schedule a refresher course for Mixed Martial Arts Referees and Judges.

7. Adjourn

This meeting adjourned at 1:06pm.

List of Documents/Exhibits used at this Meeting

Application for Complaint from Matthew Mitrione, Filed February 29, 2016

ABC Unified Mixed Martial Arts Rules

State Athletic Commission 523 CMR 16.00 Regulations on Mixed Martial Arts

Massachusetts MMA Rules Speech

Copy of the Prohibited Acts in Mixed Martial Arts Posting at Events

Score Card of Bout/ Browne Vs. Mitrione Bout, January 17, 2016

Video of Bout/ Browne Vs. Mitrione Bout, January 17, 2016

May 5, 2016 Draft Minutes; Item 6. Change of Decision due to Time Keeper Error, April 9, 2016, Plymouth – Aiello Vs. Cardarelli

Written Formal Request to Appeal Change of Decision April 9, 2016 from Remo Cardarelli
Eric Holmgren, Application for Ringside Physician