

SB 66

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The Honorable Carol Fukunaga, Chair
Senate Committee on Economic Development & Technology
2/4/2009

Senate Bill 66
Hawaii State Boxing Commission

Testimony in support
from:

Fred F. Pereira, Founder and Head Coach of Waianae Boxing Club

I would like to express my concern regarding the irregular policies and practices of the Hawaii State Boxing Commission. I would like to formally request an outside investigation of the commission and its Chair and Vice Chair.

These violations include:

- Failure to require applicants to provide documentation of a complete physical prior to having their boxing license approved
- Failure to provide an ambulance at all boxing contests
- Solicitation of amateur boxers by the Chair for them to turn pro
- The Chair's intention to not approve the 2009 Amateur Boxing application for personal reasons
- The Vice Chair is the wife of the former head of Amateur Boxing in Hawaii who is currently under investigation by the National Amateur Boxing Association

I hope that you and the members of your Committee can help us to resolve these issues with the boxing commission.

I have attached a copy of a January 19, 2009 joint letter to the State Ethics Commission for your information. The letter elaborates more fully on the complaints against the Boxing Commission from the various boxing clubs, a clear indication that there is a problem that needs immediate attention. Your help would be greatly appreciated. Mahalo.

January 19, 2009

State Ethics Commission
ASB Tower 970
1001 Bishop Street
Honolulu HI 96813

The purpose of this letter is two-fold: (1) to express my concern regarding highly irregular policies and practices that violate the Boxing Commission's own Bylaws and are negatively impacting amateur boxing in the state of Hawaii; and (2) to formally request an outside, objective investigation into said practices and policies and specifically of the Hawaii Boxing Commission Chair and Vice Chair.

The violations include:

- **SAFETY** - Failure to require applicants to provide documentation of a complete physical prior to having their boxing license approved
- **SAFETY** - Failure to provide an ambulance at all boxing contests
- **CONTRACT VIOLATIONS**- Failure to provide fighters and/or their representatives with copies of fight contracts at the time of signing
- **SAFETY** - Failure to permit managers and coaches to speak at licensing application meetings (regarding the ability of the fighter)
- **SAFETY** - Refusal to accept written documents from managers or coaches specifying concerns
- **SOLICITATION OF BOXERS** - Unlawful solicitation of amateur boxers by the Chair of the Boxing Commission
- **BASELESS REFUSAL TO APPROVE AMATEUR BOXING APPLICATION FOR 2009** – It is my understanding that the Boxing Commission Chair has stated that he does not intend to approve the 2009 Amateur Boxing application. This in spite of the fact that Amateur Boxing has submitted the appropriate application, fees and surety bond. The reason given for his intended categorical denial of the application is that one of his friends, who previously headed Amateur Boxing in Hawaii, was removed by the National Amateur Boxing Association and is now under investigation. The impact of this decision on the part of the Boxing Commission Chair is immediate and potentially catastrophic to more than 170 young amateur boxers throughout the state of Hawaii. Without the Chair's approval, no Amateur Boxing contests can take place. In immediate jeopardy are a major contest slated for January 31, as well as the Hawaii State Golden Gloves competition in March, the USA Men's Tournament, and the Junior Olympics in April. The Junior Olympics offers not only an athletic opportunity for Hawaii's young boxers, but also college scholarships over a 9-year period. It is unconscionable that one individual be allowed to stand between these children and a possible college education. This is a clear abuse of his powers and responsibilities. As the Boxing Commission Chair, he should be advocating for these young fighters rather than preventing them from competing and possibly winning college scholarships.
- **CONFLICT OF INTEREST**– Related to this, the Vice Chair of the Hawaii Boxing Commission is the wife of the former head of Amateur Boxing in Hawaii, who has been replaced by the National Amateur Boxing Association and is currently under investigation. Applications and other business matters pertaining to Amateur Boxing in Hawaii represent a direct conflict of interest to her because of

her husband's current situation with the National Amateur Boxing Association. At the very least, she should be required to abstain from voting on requests or actions that involve Amateur Boxing in Hawaii. It is not reasonable to think that given her emotional and personal involvement that she can be fair or objective.

As the founder and Head Coach of the Waianae Boxing Club, I have been involved in boxing for the past 44 years – both here in Hawaii and on the mainland where I frequently take my boxers to compete at the national level. One of my boxers was the first – and so far the only – Hawaii boxer to win the National Golden Gloves Championship (1976) and one of only three to qualify for the U.S. Olympic Team (1976).

I have attempted to address my concerns with the Boxing Commission at two regularly scheduled meetings in the past six months, but have not been allowed to speak – even when the forum opened to the floor. This is a time that is designated for interested parties to speak, but I was not allowed to do so once the commission learned the nature of my concerns. Indeed, some people who also wished to speak were told, and I quote, to “shut up” by the Commission chair. Clearly, there is a lack of professionalism.

At the conclusion of the meeting, I provided one of the commissioners, Roland Casamida, with a written copy of my concerns. He called me that afternoon to say he had begun reading the report and that it was obviously very serious. However, he also said he felt he “had to shred” the document because of its seriousness.

This, alone, should raise a red flag. If the Boxing Commission refuses to even read, much less address, concerns, one certainly has to wonder why. Here are my concerns:

1. SAFETY

a. Physician Exams Bypassed – In Subchapter 3, Section 16-74-19 (3) of the Boxing Commission's Bylaws, it stipulates that a prospective fighter must provide documentation of having had a physical examination by a physician within the past 10 days. This physical is to be extensive and must state that the applicant is in satisfactory physical and mental health to engage in boxing. Beyond that, the report must state that the applicant is free from active venereal diseases or other contagious diseases, including a serological test for syphilis, HIV and hepatitis. The report must indicate that there is no postured or skeletal difficulty, recent fracture, heart, blood or kidney disease or any recent acute illness which might in any way endanger the life or health of either boxer. In addition, a satisfactory eye examination by a licensed optometrist or ophthalmology is required. NEITHER JEFFREY NOR RICHARD HAD THIS TYPE OF PHYSICAL, NOR DID THEY PROVIDE DOCUMENTATION OF SUCH. YET THE COMMISSION STILL APPROVED THEIR LICENSES. Furthermore, to my knowledge, none of their opponents had had complete physicals or provided the documentation that is required in the Bylaws. As of this date, it is my understanding that none of them have been asked to provide this documentation. This clearly endangers not only the fighter himself, but also his opponents – especially in the area of infectious diseases.

b. When the Boxing Commission was interviewing Jeffrey Pelen's first opponent, it was clear to those of us in the room that he was not boxing-prepared and that it would be unsafe for him to participate in a professional boxing contest. However, his license was approved and the match was set. Within seconds, of the opening bell, he was unconscious on the floor of the ring – and he was “out” for approximately 20 minutes. I honestly believed that he might be fatally injured. This fight is available on U-Tube and it is clear that it was an extremely uneven match.

c. As if the gross mismatch were not bad enough, the Boxing Commission failed to have an ambulance at the fight – something that is required at all professional boxing matches. Section 16-74-98 of the Bylaws stipulations that no boxing contest shall be held unless an ambulance and two persons certified by this State as advanced emergency medical technicians are

present at the site of the boxing contest, and able and available to transport a boxer to a medical facility. The bylaws further stipulate that if the ambulance and technicians must leave to transport a boxer to the hospital, the next fight cannot begin until they return. However, on the night of Sept. 27, there was no ambulance at the fight at all.

d. In Oct., 2008, one of my fighters, Richard Bernard, applied for a boxing license – having never had a single amateur boxing contest. The promoters had already lined up a fight for him with an experienced professional fighter. At the licensing meeting, I objected based on the fact that this was another gross mis-match of fighters. I was basically sneered at by the Commission Chair, who sarcastically asked if my fighter could read. He can, indeed, read. That was not the issue. The issue was that he did not have a copy of the contract, so could not verify what it contained. His license was approved over my objections. Given the number of years I have been coaching, it seems irresponsible and reckless for the Boxing Commission to disregard the input of the one person who is in a position to objectively evaluate the applicant's abilities.

2. **CONTRACT IRREGULARITIES/VIOLATIONS** - In Sept. and Oct. 2008, two fighters, Jeffrey Pelen and Richard Bernard, respectively, both applied for professional boxing licenses and were signed almost immediately for fights. According to Section 16-74-218 (b) of the Boxing Commission Bylaws, "all contracts coming within the jurisdiction of the commission shall be in writing and shall be executed in triplicate. One copy of the contract shall be given to the boxer or manager at the time of signing and one copy shall be filed forthwith with the commission after signing. However, neither of these two boxers received copies of their contracts. I repeatedly asked for them to be sent to me or to the fighters, but it took several weeks before they were finally mailed.

This is not just a technicality – it is important for the boxers and/or their representatives to have the contracts at the time of signing because they need to be aware of all the provisions in said contract. For example, when Jeffrey Pelen went for his weigh-in prior to his first fight, he was told that the contract included a clause allowing a 10-pound weight variation in the fighters. When I became aware of that, I objected immediately and was told that it was in the contract. Because neither I nor the fighter had a copy of the contract, it was very difficult to dispute. As it turned out, that clause was *not* in the contract at all, and this raises the question of why there was such hesitation on the part of the commission to provide the fighter with a written copy of his contract – especially when the Bylaws stipulate that it be provided at the time of signing.

3. **ILLEGAL SOLICITATION OF AMATEUR FIGHTERS BY THE COMMISSION CHAIR** –

According to the laws of the state of Hawaii, the Commission Chair is not to be involved in any way with any fighter. However, the Boxing Commission Chair has a proven track record of soliciting amateur fighters and offering them incentives to turn professional and offering to train them himself. Attached are signed statements of fighters and fighters' parents who have been approached by the Chair in this regard. It is a clear conflict of interest – not to mention a violation of state law – for the Chair of the Boxing Commission to be involved in these activities.

I would encourage you to talk to any or all of the individuals listed below. They have read, and are in support of, this letter and are willing to share their own experiences involving the Hawaii Boxing Commission. I would also strongly encourage you to talk with Henry Sasaki, a member of the Commission who has consistently sought to uphold the Bylaws, but has been outvoted by others on the Commission. Mr. Sasaki's telephone number is 808-839-2600.

Please feel free to also call me at 808-781-7974. Thank you for your time and consideration.



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