

MAR 13 2009

# SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT  
AUDIT OF THE STATE BOXING COMMISSION OF HAWAII.

1 WHEREAS, amateur boxing contests were placed under the  
2 control and supervision of the State Boxing Commission of Hawaii  
3 pursuant to section 440-30, Hawaii Revised Statutes; and  
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5 WHEREAS, the State Boxing Commission of Hawaii was created  
6 to ensure that sportsmanship was not overshadowed by business  
7 concerns, and to promote the principles of fair play and honesty  
8 in the regulation of boxing in Hawaii; and  
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10 WHEREAS, concerns have been raised regarding decisions  
11 whereby the State Boxing Commission of Hawaii granted licenses  
12 and permits in disregard of chapter 74, Hawaii Administrative  
13 Rules and questionable actions of the Chairperson and Vice  
14 Chairperson of the State Boxing Commission of Hawaii; and  
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16 WHEREAS, the State Boxing Commission of Hawaii has been  
17 accused of bypassing rules relating to safety, including:  
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- 19 (1) Issuing licenses for boxers pursuant to section  
20 16-74-19, Hawaii Administrative Rules, without the  
21 required physician report;  
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- 23 (2) Failing to enforce section 16-74-97, Hawaii  
24 Administrative Rules, which requires that a Commission  
25 physician be present at all boxing bouts; and  
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- 27 (3) Refusing to permit interested parties from raising  
28 concerns about boxer license applicants abilities,  
29 resulting in unqualified boxers grossly mismatched  
30 with professional boxers; and  
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32 WHEREAS, accusations have been made that the State Boxing  
33 Commission of Hawaii has failed to enforce section 16-74-218,



1 Hawaii Administrative Rules, relating to contracts for bouts,  
2 resulting in boxers being unaware of the terms of their contract  
3 at the time of the fight; and  
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5 WHEREAS, concerns have been raised regarding the  
6 Chairperson of the State Boxing Commission of Hawaii allegedly  
7 soliciting amateur fighters and offering them incentives to turn  
8 professional, including offering to train them himself, which  
9 would be a potential conflict of interest; and  
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11 WHEREAS, concerns have been raised regarding the Vice  
12 Chairperson of the State Boxing Commission of Hawaii, whose  
13 husband was formerly the head of Amateur Boxing in Hawaii and is  
14 under investigation by the National Amateur Boxing Association,  
15 allegedly being in a potential conflict of interest; and  
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17 WHEREAS, concerns have been raised regarding the State  
18 Boxing Commission of Hawaii's refusal to approve an  
19 organization's application for contests, despite the  
20 organization having submitted the appropriate documentation; and  
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22 WHEREAS, without the State Boxing Commission of Hawaii's  
23 approval for Amateur Boxing contests, more than one hundred  
24 seventy young amateur boxers throughout the State are in  
25 jeopardy of missing opportunities for athletic competition and  
26 scholarships; and  
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28 WHEREAS, Amateur Boxing benefits Hawaii's youth, including  
29 creating opportunities to earn college scholarships; and  
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31 WHEREAS, the questionable actions of the State Boxing  
32 Commission of Hawaii, particularly in its dealings with Amateur  
33 Boxing, deserves examination and review; now, therefore,  
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35 BE IT RESOLVED by the Senate of the Twenty-fifth  
36 Legislature of the State of Hawaii, Regular Session of 2009, the  
37 House of Representatives concurring, that the Auditor is  
38 requested to conduct a financial and management audit of the  
39 State Boxing Commission of Hawaii; and  
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41 BE IT FURTHER RESOLVED that the Auditor is requested to  
42 submit a report of any findings and recommendations to the  
43 Legislature no later than twenty days prior to the convening of  
44 the Regular Session of 2010; and



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BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, President of the Senate, Speaker of the House of Representatives, the Director of Commerce and Consumer Affairs, the State Auditor, and the Chairperson of the State Boxing Commission of Hawaii.

OFFERED BY:

  
  
  




**PRESENTATION OF THE  
HAWAII STATE BOXING COMMISSION**

TO THE SENATE COMMITTEE ON  
COMMERCE AND CONSUMER PROTECTION

TWENTY-FIFTH LEGISLATURE  
Regular Session of 2009

Wednesday, April 1, 2009  
9:00 a.m.

**TESTIMONY ON SENATE CONCURRENT RESOLUTION NO. 61 – REQUESTING  
THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE  
STATE BOXING COMMISSION OF HAWAII**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Herbert B. Minn and I am the Chairperson of the State Boxing Commission of Hawaii (“Commission”). The Commission thanks you for the opportunity to testify in opposition to S.C.R. No. 61.

The purpose of S.C.R. No. 61 is to request the auditor to conduct a financial and management audit of the State Boxing Commission of Hawaii.

The Commission opposes S.C.R. No. 61 because the Commission was never given a chance to answer the complaints alleged in this concurrent resolution. It is the Commission’s understanding that these allegations and concerns originated from a letter addressed to the Hawaii Ethics Commission and sent to all senators. The Commission would like to address the allegations and concerns as follows:

1. “Issuing licenses for boxers pursuant to section 16-74-19, Hawaii Administrative Rules, without the required physician report.”

The Commission has on file with every boxing license issued a physical examination, signed by a licensed Commission physician, on a form provided by the Commission.

2. "Failing to enforce section 16-74-97, Hawaii Administrative Rules, which requires that a Commission physician be present at all boxing bouts."

Two Commission physicians have been in attendance ringside at every boxing event.

3. "Refusing to permit interested parties from raising concerns about boxer license applicants abilities, resulting in unqualified boxers grossly mismatched with professional boxers."

The Commission utilizes a number of criteria, including interested parties to evaluate the ability of a boxer. In this incident the boxing coach believed his boxer was "grossly mismatched". The truth was his boxer went the entire four rounds and thus was not over matched. It is a given that a boxing coach is concerned for their boxers' well being but they may be too close to them and thus lose some objectivity.

4. "...the State Boxing Commission of Hawaii has failed to enforce section 16-74-218, Hawaii Administrative Rules, relating to contracts for bouts, resulting in boxers being unaware of the terms of their contract at the time of their fight".

The Commission agrees that there was an event where the standard copy of the Commission's bout agreement was not provided to the boxers in a timely fashion. This event took place in September 2008 and was the first professional boxing event since 2005. At that time, the Commission did not have an adequate supply of bout contracts

and had placed a new order with the Department of Corrections Print Shop. Copies of the contracts were mailed to the boxers. This was an isolated incident and the Commission does not anticipate it occurring again.

5. "Concerns have been raised regarding the Chairperson of the State Boxing Commission of Hawaii allegedly soliciting amateur fighters and offering them incentives to turn professional, including offering to train them himself, which would be a potential conflict of interest."

As the Chairperson of the Commission I would like to state that these claims are totally unfounded.

6. "Concerns have been raised regarding the Vice Chairperson of the State Boxing Commission of Hawaii, whose husband was formally the head of Amateur Boxing in Hawaii and is under investigation by the National Amateur Boxing Association, allegedly being in a potential conflict of interest."

An inquiry was made to the Commission by the Hawaii Ethics Commission. The Ethics Commission was satisfied with the Commission's responses and determined there was no conflict. Also, this point is moot as one of the individuals in question is no longer the president of the Hawaii amateur boxing organization.

7. "Concerns have been raised regarding the State Boxing Commission of Hawaii's refusal to approve an organization's application for contests, despite the organization having submitted the appropriate documentation."

According to our records, the referenced application was received on

December 30, 2008 and approved by the Commission on January 23, 2009. The application had to be approved at a Commission meeting and the Commission was bound by a six day public hearing notice requirement. The Commission believes there was no "refusal" to approve the application and it was done so in a timely manner.

The Commission believes it has satisfactorily addressed the allegations and concerns raised in S.C.R. No. 61. Therefore, we respectfully request that this concurrent resolution be held.

Thank you for allowing us to present our perspectives on the allegations and concerns in S.C.R. No. 61.

Testimony for SCR 61

Hearing date and time: April 1, 2009 Wednesday 9:00am

Submitted by: Blane Yoshida

Interim Manager USA Boxing-LBC39-Hawaii &

Volunteer boxing Coach, City and County of Honolulu

To: Senators on the Committee on Commerce and Consumer Protection.

It is my written and oral testimony that I fully support the senate resolution that the Auditor conduct a financial and management audit of the State Boxing Commission of Hawaii.

As the Interim Manager for USA Boxing in Hawaii and a volunteer boxing coach for the past 15 years, I am appalled and seriously concerned with the actions of the current board of commissioners.

I was named Interim Manager the ending of October 2008. On several previous occasions, I've called and asked to meet with the State. I was told that as long as I turn in the paperwork by Dec 31, amateur boxing was fine to continue. The chair was stating to others he was not going to give amateurs their promoter's license because he didn't like what the National organization did to the (former) president of USA Boxing Hawaii. The chair demanded he be told when the organization was going to have an election even though he was told that Nationals has placed a moratorium on any elections pending resolution of issues. In fact, they went around and made contact with others causing commotions and segregation in the amateur boxing community at a time when we needed to come together. The state boxing commission has been continuously second guessing and undermining our operations. They've not been proactive in any way to assist in the operations.

Because of their delays and their deliberate tactics, our organization had to cancel and postpone events that were planned in the beginning of the year. Monies that would've been raised from this event would have gone to help pay for our Junior Olympic boxers travel to the Nationals in Denver Colorado. It's unfortunate that personal feelings interjected into the process. It's unfortunate our young athletes were used as pawns in this ordeal. At a time when the State could have provided support and help to lead our organization, the chair chose to try to manipulate the situation. It's with teamwork and support of others in the boxing community and of two notable commissioners (Bobby Lee and Henry Sasaki) we were able to accomplish our goal and receive our promoter's license approvals weeks into the new year even though they cashed my check in Dec 2008. It was only after the vote was cast were the local amateur boxing organization able to resume planning shows.

The whole intention of having a USA Boxing representative on the State boxing commission is to ensure the amateurs have a voice in the State regulatory body. For this year, there is no one on the commission that is a member of USA Boxing, which is the National approved body for amateur boxing. This is another violation of the Hawaii

revised Statutes. The previous designee had not been actively involved in amateur boxing in Hawaii for several years who also happens to be the wife/ex-wife of the (former) president of USA Boxing Hawaii, who was put on probation.

Based on what I'm told, a current commissioner tore up the written concerns of Mr. Pereira right in his face. One would think that a commissioner would have integrity and commitment to the sport of boxing, not to unprofessionally conduct an action of tearing up a document that could have severe implications. If this commission is supposed to be having oversight of boxing, it is improper and irresponsible to shred evidence that should be investigated.

HCR 171 is a request for sunset review of the auditor regarding the State boxing commission oversight of amateur boxing in Hawaii. It includes the statement that the Chair of the State Boxing Commission states "USA Boxing has the most knowledge and experience in amateur boxing".

There have been horrible mismatches at the professional level. How can a multiple time state and golden gloves champion with close to 80 bouts be matched with a person with no previous experience! The person with the no experience was knocked unconscious for close to 3 minutes within 15 seconds of the 1<sup>st</sup> round. This has been played on You-Tube and is a travesty to the sport. This is what you would expect at a street fight, not one that was sanctioned and regulated by the professional board of commissioners. There is many other cases of absolute mismatches to numerous to mention here. I would be glad to discuss further as I believe this puts the state at risk for serious lawsuits.

One of the issues was not having an ambulance (not physician) present during one of the bouts and one of the mismatches caused a fighter to be unconscious for 3 minutes (reference above). Not having an ambulance (or medical personnel with appropriate resuscitation equipment is a violation of Federal Law (Public Law 104-272 Sec 5. Safety Standards-15USC.6304). Within this same law, there is a section on conflict of interest with a fine of \$20,000 or 1 year imprisonment. This also puts the State at risk with the Federal Government.

It is my and many other highly qualified coaches and officials belief that not only that the boxing commission needs to be audited but that there should be immediate action taken with the present board as to the removal or very least a suspension of their powers of oversight. It must be stated that only two members, Mr. Bobby Lee and Mr. Henry Sasaki are the only commissioners who show the understanding, knowledge and compassion of what must be done.

Respectfully submitted

Blane Yoshida  
USA Boxing LBC 39 Hawaii  
Interim Manager

**From:** Fred Pereira [waianaeboxingclub@yahoo.com]  
**Sent:** Tuesday, March 31, 2009 9:50 AM  
**To:** Eric Arquero  
**Subject:** Re: testimony  
**Attachments:** image001.jpg

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 AMATUER 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.

Signed,



Coach Fred F. Pereira, Founder and Head Coach

Waianae Boxing Club

808-781-7974

Carl Phillips

Coach, Wahiawa Boxing Club #10/Hawaii Golden Gloves #97

Cell Phone: 808-265-4149

Blane Yoshida

Volunteer Boxing Coach, East Oahu Boxing Club #15

Cell Phone: 808-783-5379

(more)

Chanelle Valdez

Evolution Boxing Club #9

Board of Directors of the Hawaii LBC

Cell: 808-520-5826

Don Casil

Volunteer Boxing Coach, Honolulu Boxing Club #88

Cell Phone: 808-224-0776

Richard Villaver

Villaver Boxing Club #95

Cell Phone: 808-277-8985

Keoni Adrick

Volunteer Boxing Coach, Waipahu District Park

Cell Phone: 808-375-8807

Al Silva

Waipahu District Park

(808) 671-8275

Donald Tsark

Kalihi Valley District Park  
Hawaii Youth Boxing Coach

(808) 389-2495

Anthony Pagan

Volunteer Boxing Coach, Hilo

(808) 959-7412

Frank Rios

Volunteer Boxing Coach, Hilo

(808) 965-5416

Thank you so much for your help. Have a beautiful day!

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**From:** Eric Arquero <e.arquero@capitol.hawaii.gov>  
**To:** "waianaeboxingclub@yahoo.com" <waianaeboxingclub@yahoo.com>  
**Sent:** Tuesday, March 31, 2009 9:42:19 AM  
**Subject:** testimony

Please reply to this email with your testimony. Thank you.

Eric Arquero  
Committee Clerk  
Senate Committee on Consumer Protection  
Hawaii State Senate