

**PRESENTATION OF THE
HAWAII STATE BOXING COMMISSION**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-FIFTH LEGISLATURE
Regular Session of 2009

Wednesday, April 8, 2009
3:00 p.m.

**TESTIMONY ON HOUSE CONCURRENT RESOLUTION NO. 171 – REQUESTING
THAT THE AUDITOR STUDY THE FEASIBILITY OF REMOVING AMATEUR BOXING
FROM THE JURISDICTION OF THE STATE BOXING COMMISSION OF HAWAII.**

TO THE HONORABLE ROBERT HERKES, 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 H.C.R. No. 171.

The purpose of H.C.R. No. 171 is to request the auditor to study the feasibility of removing amateur boxing from the jurisdiction of the State Boxing Commission of Hawaii.

The Commission opposes H.C.R. No. 171 because amateur boxing needs oversight from the Commission to protect the health, safety, and well being of amateur boxers. The Commission has the authority under §440-30, Hawaii Revised Statutes, to delegate control and supervision of amateur boxing to a recognized national amateur athletic association subject to rules as may be prescribed by the Commission. Currently, the Commission has delegated this oversight to USA Boxing Hawaii. In the past the Commission has stepped in when it was alleged that a minor was matched in a

bout with an adult. As a result, the Commission now requires amateur boxing to submit prior to the event, a bout sheet which lists the birth dates of the contestants. The Commission also requires the submission of proof of medical insurance for each amateur event. In California, when the California Athletic Commission reacted to reports that venues in northern California staged amateur boxing shows involving minors where gambling was involved, it took the unusual step of stripping USA Boxing of its ability to regulate amateur boxing in the state. The "USA Boxing" in California is the same national organization that has jurisdiction in Hawaii.

The Commission believes in order to protect the health and well being of amateur boxers in Hawaii, it should continue to have oversight of amateur boxing. Therefore, we respectfully request that this concurrent resolution be held.

Thank you for allowing us to present our perspectives on H.C.R. No. 171.

April 7, 2009

Testimony to: **COMMITTEE ON CONSUMER PROTECTION & COMMERCE**
 Rep. Robert N. Herkes, Chair
 Rep. Glenn Wakai, Vice Chair

By: **FRED PEREIRA, COACH**
 Waianae Boxing Club
 (808)781-7974

Re: **HCR 171** Requesting that the auditor study of removing
 amateur boxing from the jurisdiction of the state
boxing
 comission

Wednesday April 8, 2009 at 3:00 p.m.
conference Rm. 325

Chairs and Committee Members:

I am writing in support of HCR 171. As a coach and teaching professional in the field of boxing, I am very concerned about this issue. Hawaii Amateur Boxing should not be governed by Hawaii Professional Boxing Commissioners Because:

1. Amateur boxing involves many children and young people, and safety must be paramount. The Boxing Commission in Hawaii has a history of disregarding basic, required safety rules:
 - a. Ambulances at fights
 - b. Requiring complete physicals when fighters apply for their licenses
 - c. Ignoring counsel of coaches who know the capabilities and limitations of the fighters
2. Hawaii is one of only 2 states in the entire United States which has Professional Boxing Commissioners overseeing Amateur Boxing.
3. **Conflict of interest-** There is an inherent conflict of interest because professional boxing commissioners are incentivized to have more professional boxers; while laws preclude them from soliciting amateur

boxers to turn professional, this happens here frequently in Hawaii.

4. Education/Scholarships- Amateur boxing provides outstanding educational/scholarship opportunities for Hawaii's youth. The vast majority of amateur boxers will not turn pro, and should be encouraged to pursue academics and a college education, availing themselves of the scholarship opportunities. However, with professional boxing commissioners eager to have as many professionals as possible, the emphasis is placed on a pro career. Young amateur boxers need to focus first on their education and secondly on their boxing. Even if they do turn pro, it is vitally important that they have an education so that when their pro career is over, they have other career options. With our current boxing commissioners so strongly urging even mediocre amateur boxing to turn pro, the emphasis on the sport - the quick return - rather than on the long term best interest of our young boxers.

Thank you for this opportunity to testify.

Respectfully submitted,
Fred Pereira



HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

March 13, 2009

CONFIDENTIAL

Mr. Fred Pereira
P.O. Box 189
Waianae, Hawaii 96792

Dear Mr. Pereira:

Thank you for your letter dated January 19, 2009, which we received via email on February 17, 2009. In your letter, you expressed concerns regarding some alleged practices and activities of a state board and its members that you believe are improper or constitute a conflict of interest. Your complaint does not appear to raise issues that can be addressed by the Hawaii State Ethics Commission. However, your complaint appears to involve issues that could be addressed by the State Department of the Attorney General.

Our agency, the Hawaii State Ethics Commission, administers the State Ethics Code, Chapter 84, Hawaii Revised Statutes ("HRS"). The State Ethics Code prohibits state employees and state board members from using their official positions in government for personal financial gain.

The State Ethics Code also contains provisions pertaining to conflicts of interest. Under the State Ethics Code, a conflict of interest exists when an individual's private financial interests conflict with his or her state duties. The financial interests of a state employee or state board member include the financial interests of the individual's spouse and dependent children. Examples of a "financial interest" include employment, ownership of a business, or a directorship or officership in a business. For example, the State Ethics Code prohibits a state board member from acquiring a financial interest in a business or undertaking that is involved in his or her official action. The State Ethics Code also prohibits a state board member from taking official action affecting a business or undertaking in which he or she has a financial interest. A conflict of interest problem can be avoided if the state board member disqualifies himself or herself from taking the official action.

Some state board members are mandated by statute to possess particular qualifications or expertise, or to represent defined interest groups. We refer to

these individuals as "mandated" board members. Because a mandated board member sits on his or her board as an "expert" or a representative of a defined interest group, the mandated board member's input into the decision-making process that affects the particular industry, profession, or defined interest group he or she represents is necessary. For this reason, the State Ethics Code does not require a mandated board member to disqualify himself or herself from taking official action that will affect the particular industry, profession, or defined interest group as a whole, even though the mandated board member's own financial interests may also be affected by such action.

Your complaint regarding the state board does not provide any specific evidence indicating that conflicts of interests or other problems exist in terms of the State Ethics Code. We were not supplied with any specific facts indicating that a board member's private financial interests are causing him or her to be in violation of the State Ethics Code, nor were we given any specific information indicating that a board member is engaged in financial transactions that are causing him or her to be in violation of the State Ethics Code. Our office has not been provided with any specific information that would cause us to take further action under the State Ethics Code.

Your complaint appears to raise issues as to whether certain alleged practices of the board are in compliance with the laws and administrative rules governing that particular board, and whether the qualifications for an individual to serve on the board as a mandated board member have been met. These issues do not appear to be within the jurisdiction of the Hawaii State Ethics Commission, but appear to be issues that could be addressed by the State Department of the Attorney General.

We suggest that you direct your concerns to the State Department of the Attorney General, at the following address:

State Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813
Attention: Rodney Tam, Esq.

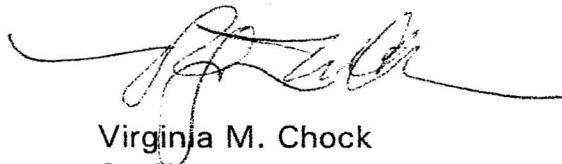
In closing, our evaluation of your complaint is limited to the application of the State Ethics Code, HRS Chapter 84. Based on the information provided to our

Mr. Fred Pereira
March 13, 2009
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office, there do not appear to be any issues for our office to further pursue under HRS Chapter 84. Therefore, you should inquire as to whether the Department of the Attorney General can address your concerns under state laws or administrative rules outside of HRS Chapter 84.

If you have any questions or wish to discuss this matter further, please contact me at 587-0460.

Sincerely,

A handwritten signature in black ink, appearing to read "Virginia M. Chock", with a long horizontal flourish extending to the right.

Virginia M. Chock
Staff Attorney

VMC/eh

Testimonial by Anthony Benitez parent of Jonathan 'JJ' Benitez
Dated: Monday Sept. 8, 2008

JJ started boxing at the age of 7 years old for Waianae Boxing Club then went on to box for Bruce Kawano at Kalakaua Boxing Club. I was disappointed because it was a long drive to Kalakaua gym and felt like I was training my son. Although Bruce was there sometimes but not all of the time and JJ wasn't getting enough sparring. I work and the drive is far just for not too much sparring. JJ wasn't getting enough sparring there and I felt it was just a waste of time.

It was earlier this year when we left Kalakaua (Bruce) and join 5-0 Boxing Club with Danny K in Ewa. Not too long before we left Kalakaua BC, we were at Palolo Gym and JJ just got through fighting, we were approached by this Japanese old man whose name was Herbert Min. We were by the locker room and he said to me, 'Eh, whose training him?' I said, 'Coach Bruce.' Min said before I leave take his number and said he could make this kid a champion and he sees the potential in him and made some unreal promises what he could do for JJ. He also gave me a flyer or resume about how he boxed and taught boxers from UH and Japan and had plenty promotions. 'I thought this guy is nuts and unreal but wanted to see my son get better fights and better exposure so I called Min one time and he said bring my son down there so he could teach him to be a better fighter. Min started calling and asking to speak to JJ like every day Monday through Friday in the evenings and sometimes on weekends always promising this or that. He would even call my son JJ repeatedly and me while I'm at work. I don't know how this guy got our number. I thought either Bruce or Ralph Martin. I called Bruce and he said he didn't know what was going on but Min kind of getting senile and he tries and go out and scouts for good fighters and this is how he is and not to mind him. So I'm guessing Min got my number from Ralph Martin. I was getting very irritated already with this guy. Min told me he can turn my son pro. I told him my son is still a baby 13-14yrs old. He would sometimes call up to 10 at night. I have a new baby and its hard and very stressful with this guy calling all the time.

I called Danny because we were already fighting under 5-0 and Min was still bothering us so I told Danny to please do me a favor and tell this guy to stop calling us already and that he was constantly calling at home and at work and even talking to my wife. We didn't want to talk to this guy anymore. She too didn't want to talk to him anymore. So I told Danny what this guy was doing and he got irritated and couldn't believe how this guy was. We both thought it was a good idea to call Bruce since he knows Min and ask him why Min is still bugging us.

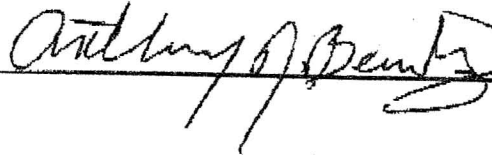
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I also told Danny that we're fighting for Waianae Boxing Club again because it's closer to home and JJ is very happy there and getting a lot of sparring. So Danny called Min and told him to stop bothering us and that we're not interested. He told Danny how come they didn't tell me and Danny said that was the reason he was calling for us. Not even five minutes later Min called my house and said how come we don't want to work with him. I told Min because he is kind of irritating and my son is not interested and we getting irritated with his constant calling.

Min called one last time on the weekend and said, "So what you like? or you guys no like?" So I told Min to just cancel. I heard Min was doing this to other boys.

As time went by, I told Danny that we love him and thanked him for everything but we're going back home to Waianae Boxing Club. My wife and I are happy we're back home where I started my fighting days and JJ is a 100 times better since he's been here at Waianae gym. He gets to spar everyday and is much more aggressive, powerful, stronger and happier we are no longer under all that stress from Herbert Min.

Signed by:



Dated:

9/10/8

Testimonial by Jonathan 'JJ' Benitez with permission from parent Anthony Benitez
Monday Sept 08, 2008

It all started after my fight with Rocky Balala March of this year. Herbert Min wanted me to join his club. He said he wanted to change my style of fighting and turn me into a professional later on in the future and promised me stuffs. He started calling me a lot and my dad's cell phone even while he is at work. He called me up a lot and started irking me. Like he wanted to change my style and I wanted to keep my style. Plus I didn't know him like I knew all my other coaches. He would call everyday from like 5 o'clock to night time.

My dad talked to Coach Danny about it but the calls kept coming. My dad even called Bruce Kawano. Bruce called Herbert Min and told him about our baby. Bruce said Herbert Min means well but he's kind of old and stuff. The calls finally stopped.

I like it where I'm at now. I'm learning a lot and getting stronger and getting more experience. I am now doing a lot of sparring and am much happier.

Signed
by: Jonathan Benitez Dated: 9/10/08

Signature of parent(s) Anthony Benitez Dated 9/10/08

Testimonial of Anita "Tootsie" Rodrigues
Dated: Thursday Sept. 11, 2008

It was at Danny Kaneaku's boxing event held at Waipio this year that I spoke to Herbert Minn. My grandson Dido Rodrigues had just completed his bout. Herbert Minn said my grandson reminds him of my son Dido. He told me wanted my grandson to teach him how to fight. I told him that my grandson already knows how to fight and so I told him 'no'.

Signed by:

Anita Rodrigues Dated: 9-11-08

Bjp/atr

TESTIMONIAL BY SONNY WESTBROOK
SUNDAY SEPT 21, 2008

In 1975 me and Julio Rodrigues and Herbert Minn boarded the airplane to go to Bangkok, Thailand for the King's Cup tournament. After we settled in the plane, Minn started talking to us about turning professional and about how he could make us a lot of money and we could be better fighters.

When we got to Thailand, we went to go weigh-in and everything else. Then after the fights he took us out to have a good time. We went to couple bars but the last one had a lot of girls and you had to pick one and take a towel then go with the girl. That was the best part because we had just made seventeen and we could drink whatever we wanted too. He was the 'man' over there because whatever Herbert Minn said goes. He had the money, not us. He let us do whatever we wanted to do. Of course, we had a lot of fun there. That was the best part.

When we went back, our luggage was stolen from the hotel. We got a refund for it so it wasn't too bad. When we caught the plane we were all 'bust up' from our partying. Mean hangover too. Herbert started talking again for us fighting for him and turning professional. I told him I'll think about and we'll talk about it later.

After all those years passed, I started my own boxing club. Herbert Minn approached one of my fighters, Van Oscar. Van Oscar would fly to Honolulu to train down Kalakaua Gym. That's when he was offered to be a pro fighter by Minn. But he's been known to steal fighters.

My feeling is why steal fighters when you can make your own fighters. This is what makes the best fighters is when you start them off and work with them when they first come to you. You do it for the kids, not the money. If it was so, I'd be rich by now. Everything that is taught and learned comes from the heart not with a price.

If needed I am willing to catch the plane and fly to Honolulu to give my testimony in person.

Signed by: Sonny Westbrook Dated: 11-8-08

Testimonial of Julio Rodrigues, Jr
Dated: Monday 9/15/2008

Subject: Herbert Minn

In 1975 Sonny Westbrook and myself were the only two fighters qualified to represent the United States to compete in the King's Cup Tournament in Bangkok, Thailand. Our first conversation after Sonny Westbrook and myself boarded the plane with Herbert Minn was about turning professional and that we could make some good money. Minn said we could get some real nice boxing shoes and equipment too if we fight for him. We were both 17 years old and our birthday is a day apart. I told him not right now, I want to go to the Olympics. That's what I'm fighting for.

We competed in the King's Cup tournament. I fought twice while there. The first one I won and the second fight I lost. I lost to Netranoy Votasingh. At the time he was amateur and he then went on to become the World Champion. After the fights we were taken to about three nightclubs there. The first nightclub we went to had a table next to our table and a couple were having sex right there in front of us. Then we were taken to another place where all these women had candles and were putting it on their breast and private parts and all over. Me and Sonny was just laughing up. The third place we went to was just like the first club we were at. Had a couple on the table right in front of us having sex. Then Herbert Minn took us upstairs and told me, "Okay Julio you go in this room and Sonny go in the other room. And when you guys are done, come downstairs." The girls went really work us over with sex. Plus we could have any kind of alcohol we wanted. There was beer and all kinds of hard liquor. Then he took us back to our hotel. When we woke up the next day to catch our plane, we were all busted up from the drinking and everything. We had a really good time.

On the way back home Herbert Minn brought up about us fighting pro for him. I told him I want to wait because my love is going to the Olympic try-outs. He said but it's a long time to wait. Its too long. You guys come train for my I can make you guys real good money.

I don't know how Herbert Minn can be on the boxing commission. Its just not right.

Signed by: Julio D. Rodrigues, Jr. Dated: 9/16/08

From: rbyoshida123@aol.com
Sent: Monday, April 06, 2009 10:10 PM
To: Rep. Jerry Chang; Rep. Glenn Wakai
Subject: Testimony for HCR171

Testimony for HCR 171

Hearing Date and time: April 8, 2009 @ 3pm

Submitted by: Blane Yoshida

Interim Manager USA Boxing –LBC 39 Hawaii &
Volunteer Boxing Coach, City & County of Honolulu

It is my written and oral testimony that I fully support the House resolution requesting that the Auditor study the feasibility of removing amateur boxing from the jurisdiction of the State Boxing Commission of Hawaii.

I was named Interim Manager the ending of October 2008 for USA Boxing in Hawaii. I am also a volunteer amateur boxing coach at the Waimanalo District Park for the past 15 years. Amateur boxing is not the same as professional boxing. The Pro boxing you see on TV where one opponent tries to knock out the other with no safety head gear and small gloves is very different than the Olympic Style Boxing our amateurs vie for. In amateur boxing, safety of the boxer is the number one priority.

All amateur organizations in the Nation is governed by USA Boxing in Colorado Springs, CO, they are the national governing body of the US Olympic Committee. To quote USA Boxing, "Amateur boxing provides the participant exercise, character development, self-discipline, self-confidence, structure, work ethic and friendships. We teach discipline and techniques to score points against your opponent while defending yourself so your opponent does not score points on you.

Throughout my years in the sport of boxing, the boxing commission has never been supportive of the amateur boxers. Their main focus has always been the professional sport of boxing where it's a business venture and money exchanges hands.

You would not have the NFL football league oversee and direct the business of the University of Hawaii or Pop Warner and visa versa. It is not the same.

As I testified in front of the Senate, as the newly appointed Interim Manager, on several previous occasions; I've called and asked to meet with the State since I was told amateur boxing needed a promoters license to conduct boxing in Hawaii. 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. The issues continue and the State Boxing Commission has done nothing to favorably resolve. 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 in relation to granting of our Promoter's license, All boxing events, business plans, fundraising events were place on hold and even canceled. Because the chair was going around and saying amateur boxing wasn't going to get our license. Even though after we forced the issue and we were granted our promoter's license; we lost momentum, gave up commitments and they've caused undue hardship and=2 0stress amongst the amateur boxing community.

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. T he 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.

In respect to USA Boxing, we work closely with this organization and submit registrations and dues monthly. They have a 265-page rule book that we follow. Each member submits registration forms, fees and follows strict guide lines, rules and code of conduct. The fees cover each member with insurance in case of injury. Non-athlete members are the officials and coaches who go thru training, clinics and testing. It is an extensive operation and one that makes sense. Our affiliation with the State Boxing commission is that of conflict and they do not bring value to our amateur boxing organization.

Respectfully submitted

Blane Yoshida
USA Boxing LBC 39 Hawaii
Interim Manager