

UNITED STATES OLYMPIC COMMITTEE

BERNARD ROBINSON)	
)	
Complainant,)	
)	ORDER
v.)	
)	
USA TAEKWONDO)	
)	
Respondent.)	September 1, 2011

I. THE PARTIES

1. Bernard Robinson (“Robinson”) is a member of USA Taekwondo (“USAT”). He also served as a member of USAT’s Nominating and Governance Committee during the 2010 election period.

2. USAT is the National Governing Body (“NGB”) for the sport of taekwondo in the United States, as recognized by the United States Olympic Committee (“USOC”) pursuant to the Ted Stevens Olympic and Amateur Sports Act (36 USC §§ 220501-220529) (the “Act”) and Section 8 of the USOC Bylaws.

II. COMMENCEMENT OF PROCEEDING

3. On August 5, 2011, Robinson filed a Complaint against USAT pursuant to Section 220527 of the Act and Section 10 of the USOC Bylaws.

4. Two primary issues were raised in the Complaint. First, Robinson alleges that USAT is not meeting its obligations and responsibilities as an NGB as required by Sections 220522 and 220524 of the Act, by Section 8.7 of the USOC Bylaws and by the USOC Governance Guidelines. Second, more specifically, Robinson alleges that USAT

foiled the election process that was to take place in 2010 in violation of its own Bylaws, of Colorado law and of the Act.

III. PANEL COMPOSITION AND ORDER RELATING TO DISCLOSURE

5. In accordance with Section 220527(a)(2) of the Act and Section 10.6 of the USOC Bylaws, USOC Chief Executive Officer, Scott Blackmun, appointed a Hearing Panel of three members for the purpose of hearing this matter. The Panel members are:

Susanne Lyons, Chair
USOC Board of Directors
Sarah Konrad, Panel Member
USOC Athletes' Advisory Committee, US Biathlon
Glenn Merry, Panel Member
USOC Athletes' Advisory Council, USRowing

6. Robinson and USAT have been provided with Hearing Panel Statements of Disclosure. If there is any objection to the Hearing Panel as so composed, Robinson and USAT shall each respond accordingly by 2:00 p.m. (MDT) on September 6, 2011.

IV. ADDITIONAL FILINGS

7. On August 30, 2011, Robinson filed an Amended Request for Relief and a Request for Interim and Preliminary Relief.

8. On August 30, 2011, USAT responded to the Complaint, by email, requesting mediation and requesting, if mediation is ordered by the Hearing Panel, to preserve its opportunity to file a Motion to Dismiss after conclusion of mediation efforts, if by chance mediation proves unsuccessful.

V. PRELIMINARY ISSUES

A. Consolidation

9. The Hearing Panel notes that this Complaint and a Section 10 Complaint filed by Bruce D.K.W. Harris, Barbara Wakefield, Valerie Long, Anne G. Chase, Leon Preston and Jeannette Woodard against USAT have similar issues. The Hearing Panel requests that the Parties provide their positions on the consolidation of the two complaints by 5:00 p.m. (MDT) on September 7, 2011.

10. A copy of Bruce C.K.W. Harris, Barbara Wakefield, Valerie Long, Anne G. Chase, Leon Preston and Jeannette Woodard's Section 10 Complaint and Amended Request for Relief are being provided with this Order.

B. Exhaustion of Remedies/Motion to Dismiss

11. As a preliminary issue, the Hearing Panel is obligated by Section 220527(b) of the Act and Section 10.11 of the USOC Bylaws to determine if Robinson has exhausted his administrative remedies. Accordingly, the Hearing Panel requests that the Parties provide their positions on this issue by 5:00 p.m. (MDT) on September 7, 2011. The Parties should include with their submissions any documentary materials evidencing the filing of a complaint with USAT and any action taken by USAT concerning the complaint, including correspondence between USAT and Robinson relating to the filing.

12. Additionally, if USAT has other grounds for filing a Motion to Dismiss, it should do so by 5:00 p.m. (MDT) on September 7, 2011. USAT's request for an extension to file a Motion to Dismiss is denied.

C. Mediation

13. Section 10.8 of the USOC Bylaws provides that upon the request of a party the Hearing Panel may order mediation. USAT has requested mediation. The Hearing Panel requests that Robinson provide his position with regard to whether he is also interested in mediation. Also, the Hearing Panel requests that, if mediation is ordered, both Parties provide their positions on whether the mediation should encompass both the compliance issue and the election issue, or just the election issue. Additionally, the Parties should provide their positions on the time frame for mediation. Further, the parties should provide their positions as to whether there are other affected individuals that should be included in any mediation pertaining to the Board election, who those individuals are and on what authority would they be required to participate in the mediation. Finally, the Parties should address any additional issues concerning mediation that they feel are warranted, such as selection of a mediator and payment for the mediation process.

D. Status of Election

14. Robinson in his Request for Interim Relief and Preliminary Relief requested that USAT's announced September 2011 election for Board seats be stayed during the pendency of this Section 10 proceeding. The Hearing Panel requests that USAT provide its position on this request. If USAT has stayed its election for Board seats, it should so state. Further, USAT should provide the Hearing Panel with all communications to its membership and potential candidates concerning the September 2011 election. Robinson may provide any additional information regarding his request that he determines is appropriate. The Parties should provide their submissions by 5:00 p.m. (MDT) on September 7, 2011.

VI. ORDER

15. It is so ordered.

Dated this 1st day of September, 2011.

A handwritten signature in blue ink, appearing to be 'SL', followed by the initials 'FOR' in a smaller, more legible font.

Susanne Lyons, Chair

Sarah Konrad, Panel Member
Glenn Merry, Panel Member