

AMERICAN ARBITRATION ASSOCIATION

Re: 30190 00618 98

In the matter of Arbitration between

Harold J. Adonis, Jr.
and
United States Amateur Boxing, Inc.
and
Demi Auclair
and
Johnnie Woluewich

DECISION AND AWARD

This arbitration hearing was held pursuant to agreement on October 12, 1998 at 9:30 a.m. at the offices of Braden, Frindt & Stinar, 102 North Cascade Avenue, Suite 350, Colorado Springs, Colorado, before William H. Erickson, a retired Justice of the Colorado Supreme Court, the arbitrator appointed by the American Arbitration Association.

The parties elected to proceed without a court reporter. Harold J. Adonis, Jr. was represented by Joseph W. Diver of Berniger, Berg, Diver, Noecker & Wood Ellis, LLC. The United States Amateur Boxing, Inc. appears through its counsel, Thomas M. Hoskins. Both lawyers are licensed to practice law in Colorado.

The proceeding are governed by the 1996 Official rules of the United States Amateur Boxing, Inc. (USA Boxing), the national governing board that reports to the United States Olympic committee under the provisions of the Amateur Sports Act of 1978.

Arbitration by the American Arbitration Association is authorized, in a proper case, by the Constitution of the United States Olympic Committee and the Amateur Sports Act of 1978.

The charges were filed pursuant to Article XXX of the official rules of USA Boxing. The grievances against Adonis were made by Deni Auclair and Johnnie Woluewich both of New Rochelle, New York, after allegations were made regarding the misappropriation of USA Boxing funds. The Board of Directors of USA Boxing also filed a grievance before the National Review Board against Adonis asserting that his correspondence with other directors and officers brought disrepute upon amateur boxing and violated his fiduciary responsibilities as a member of USA Boxing's Board of Directors.

The Board of Directors of USA Boxing also filed a grievance and took original jurisdiction of this disciplinary hearing against Harold J. Adonis, which is to be held before USA Boxing's National Board of Review in Augusta, Georgia on October 16, 1998, and all parties agree that the election of USA Boxing officers and directors will occur on October 17, 1998, in Augusta, Georgia at USA Boxing's annual meeting.

The claimant, Harold J. Adonis, for the purpose of this proceeding, is a coach and a member of the Board of Directors of USA Boxing, and is a candidate for Vice President of USA Boxing in the election to be held on October 17, 1998.

Harold J. Adonis has filed a demand for arbitration asserting that he is being threatened with a denial of the opportunity to compete in competition and the right to participate in the election of officers of USA Boxing in the election to be held on October 17, 1998.

The respondents have filed a request for dismissal of the claimant's demand for arbitration, asserting that the claim is not arbitrable at this time and counsel for Adonis has responded to their motion to dismiss. Article XXXIV of the USA Boxing Rules requires that arbitration is only available when a claimant has exhausted all procedures for investigation, hearing, review, and appeal. The

National Board of Review has provided notice that a hearing on grievances made against the claimant would be heard at 3:00 p.m. on October 16, 1998, at Augusta, Georgia.

The notice of hearing set forth charges and grievances made by the Board of USA Boxing and by Auclair and Woluewich. Uniquely, and contrary to all concepts of fairness and due process, the notice provides that Adonis, if found to have committed one or more of the offenses charged, may appeal to the USA Boxing Board of Directors, who filed the complaint and charges. Other irregularities of USA Boxing's Board of Directors in filing the charges against Adonis are of doubtful validity.

The only issue before the arbitrator is whether Adonis has exhausted his administrative remedies and has a right under the United States Olympic Committee Constitution, bylaws, and rules of USA Boxing to demand and obtain arbitration.

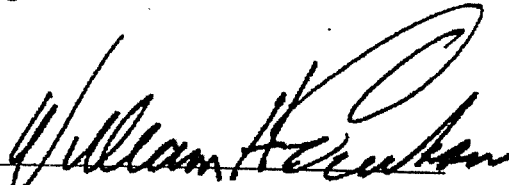
Arbitration is sought before the October 16, 1998 hearing before the National Board of Review. Adonis has not been found, and may not be found, guilty. If he is found to have committed the offenses charged, arbitration may be warranted because the procedure provided for appeal in this case is unfair and constitutes a denial of due process. The Board of Directors of USA Boxing filed the charges against Adonis, and will hear the appeal by Adonis if he is found to have committed the offenses charged.

The limited factual foundation presented to the arbitrator fails to establish that Adonis has a right to require arbitration by the American Arbitration Association under Article IX of the United States Olympic Committee Constitution or Article XXI of the USA Boxing Rules at this stage of the proceeding. (The

expert opinion of John Ruger, the expert for Adonis on Article IX, supports arbitration and is attached to this decision.)

Accordingly, the arbitrator grants the respondent USA Boxing's request for dismissal of the arbitration proceeding, without prejudice. Adonis is granted the right to renew the request for arbitration after the National Board of Review makes its determination. Costs are assessed against Adonis.

October 12, 1998.



William H. Erickson, Arbitrator