

USA TAEKWONDO, INC.

USA TAEKWONDO, INC.)	Case Number 05122011 (1)
In re the Matter of:)	
Herbert Perez,)	
Member Number 999050731)	DECISION OF JUDICIAL COMMITTEE
)	RE: ADMINISTRATIVE GRIEVANCE
Petitioner.)	
And)	
)	
Eric Laurin)	
)	
Respondent.)	
_____)	

The matter of the Administrative Grievance filed by Herbert Perez against Eric Laurin came on for hearing March 29, 2012 at 5:00 p.m. Eastern Daylight Time. Mr. Perez represented himself and presented his case. Mr. Laurin was represented by Edward Williams, Esq. The USA Taekwondo Judicial Committee, Athlete Member Anthony Bell, Committee Member Douglass Lewis and Chair Paul Krogh, heard the grievance on March 29, 2012. The grievance was originally filed by Mr. Perez on or about May 12, 2011. A prior hearing was scheduled previously for immediate hearing, but was vacated on June 17, 2011, pending a rescheduled date with the input of the petitioner and respondent because Mr. Laurin had agreed to not participate in the Olympic Qualification Tournament in Azerbaijan. On March 19, 2012, the panel was constituted for hearing the administrative grievance at the request of USAT.

Mr. Perez' Administrative Grievance

Mr. Perez has brought an administrative grievance to the USAT alleging that Mr. Laurin engaged in behavior which violated the USAT Code of Ethics by not disclosing his competitive coaching relationship with the country of Panama while he was a Director of USAT and performing other duties which placed him in a decision making and/or influencing role. As a result of this alleged conflict and resulting violation of the USAT Code of Ethics, Mr. Perez seeks three remedies: (1) USAT terminate Mr. Laurin's

membership for his violation of the USAT Bylaws and Code of Ethics; (2) USAT remove Laurin from this Director's seat for his violation of the USAT Bylaws and Code of Ethics and (3) USAT suspend Mr. Laurin's membership and directorship until the administrative grievance process was completed.

Mr. Perez presented the follow grounds for his request:

1. Mr. Laurin was a credentialed coach for the Panama National Taekwondo team, at the same time that he was a member of the USAT Board of Directors;
2. Mr. Laurin had an affirmative obligation to disclose any potential conflicts of interest. Mr. Laurin disclosed his conflict of interest via email to the USAT Chairman of the Board on March 23, 2011, when Mr. Laurin was already in Peru for an international competition. Because of the extensive time required to obtain coaching credentials, Mr. Laurin had a pre-existing conflict of interest and his email disclosure was "after-the-fact", not in advance of a potential conflict;
3. On May 30, 2011, the Ethics Committee found that Mr. Laurin violated the USAT Ethics Code by personally coaching two athletes on the Panama Taekwondo team, coaching the National Taekwondo Team of Panama and failing to disclose his affiliation with the Panama Taekwondo Team and/or its athletes.

Mr. Perez presented Mr. Juan Moreno as his first witness. Mr. Moreno, the USA Taekwondo team coach, testified under oath that he witnessed Mr. Laurin working with another team on the floor at a competition in Azerbaijan. Mr. Moreno stated that international rules only allow credentialed, team coaches to be allowed on the floor. This competition occurred after the previously schedule Judiciary Committee hearing was vacated, with the provision that Mr. Laurin "...shall not take any action at the Olympic Qualification Tournament in Azerbaijan that commenced on June 27, 2011 on behalf of or in the name of USAT Board of Directors." Mr. Williams offered no cross examination, evidence or

testimony disputing Mr. Moreno's testimony. As such, Mr. Laurin's presence at that event violated the Judiciary Committee's Order of June 17, 2011. Mr. Williams cross examined Mr. Moreno on his role coaching foreign competitors. The Committee ruled this line of questioning as irrelevant as Mr. Moreno was not, and is not, a member of the USAT Board of Directors. Mr. Moreno testified that his role in coaching foreign competitors was disclosed to USAT.

Mr. Perez next offered the testimony of Mr. Brad Lunn, a member of the USAT Board of Directors and head of the Audit Committee. Mr. Lunn testified that the Panama coaching conflict was disclosed at the competition site, not in advance. Furthermore, Mr. Laurin had access to sensitive financial and training information. On cross examination, Mr. Williams asked Mr. Lunn questions related to the processes followed by the Board and the Ethics Committee. Mr. Lunn testified that Mr. Laurin was given an opportunity to present his case to the Board and that the Board was "very open minded" and wanted to hear Mr. Laurin's explanation of this issue.

In his opening and closing statements, Mr. Williams argued that Mr. Laurin never had an actual conflict of interest, nor is there any allegation of a present conflict of interest. There were never any matches between USA and Panamanian competitors. Moreover, Mr. Williams argued that the Ethics Committee process was fundamentally flawed because Mr. Laurin never had an opportunity to respond to the Ethics Committee complaint or to participate in a hearing before the Ethics Committee. Mr. Williams did not contest the role Mr. Laurin played in coaching the Panamanian team and/or its athletes.

Mr. Williams presented three exhibits consisting of emails. These documents were provided as evidence that Mr. Laurin disclosed his role with the Panama Taekwondo team and two of its competitors. These documents were used for cross examination during the hearing. Because of procedural arguing between the parties during the hearing and extensive cross examination, the time allocated to the Mr.

Perez extended past the planned time frame. On several occasions during the hearing, additional time was offered to Mr. Williams, but he declined to accept the offer of the panel. Mr. Williams did not request an additional date to present further evidence and/or testimony. It is hereby noted that had Mr. Williams made such a request, the Judiciary Committee would have looked favorably upon such a request. Mr. Williams did not present a separate rebuttal case.

FINDINGS OF FACT

The Judiciary Committee finds the following:

- Mr. Laurin was a coach of the Panamanian team and/or its members while he was a member of the USAT Board of Directors.
- Mr. Laurin participated in the Olympic Qualification Tournament in Azerbaijan on June 27, 2011 contrary to the order of the Judiciary Committee on June 17, 2011.

DECISION

The Judiciary Committee finds that his role as a coach for the Panamanian team and/or its members is contrary to the By Laws and Code of Ethics of USAT by creating both a real and apparent conflict under:

- 18.c – Mr. Laurin failed to know, understand and comply with the codes of conduct governing the conduct of USAT business by failing to disclose his potential conflict of interest in advance and by coaching the Panamanian team and/or its competitors after the Judiciary Committee’s Order of June 17, 2011;
- 18.f – Mr. Laurin’s actions failed to avoid both a real and perceived conflict of interest;

- 18.g – Mr. Laurin’s dual role as a member of the USAT Board of Directors and coach for the Panamanian Taekwondo team provided him with access to information for personal gain, that being both a member of an NGB and international coach.
- 18.h. – Mr. Laurin’s role created the appearance of misconduct or impropriety which has damaged the reputation of USAT that being members of the USAT Board perform coaching duties for foreign national teams in sanctioned international competitions.

SANCTIONS

1. Mr. Perez asks that the Judiciary Committee terminate Mr. Laurin’s membership. The Committee refers that decision to the Board of Directors pursuant to Article 5.4 of the By Laws. If the Board decides to suspend or terminate Mr. Laurin’s membership, then Mr. Laurin would have the right to an appeal and hearing before the Judiciary Committee prior to termination.
2. The Judiciary Committee rules that Mr. Laurin is hereby suspended from the Board of Directors for the balance of his term. In addition, Mr. Laurin is further suspended and ineligible for election and/or appointment until December 31, 2016, after which he must reapply to the Board for future eligibility to serve on the Board in any capacity.
3. Mr. Perez request for suspension is moot as the administrative hearing process is concluded.

SO ORDERED.

DATED: April 4, 2012.

/s/ Anthony Bell
Anthony Bell, Athlete Member

DATED: April 4, 2012.

/s/ Douglass Lewis
Douglass Lewis, Member

DATED: April 4, 2012.

/s/ Paul B. Krogh
Paul B. Krogh, Chair