

## Opinion of the USAW Ethics Committee

*Matter of Marty Schnorf*  
*Matter of Central LWC*

November 27, 2017

### Statement of Jurisdiction

The ethical conduct of the members of USA Weightlifting, Inc. (“**USAW**”), including administrators, officials, coaches, and athletes, is governed by the Code of Ethics (the “**Code of Ethics**”), which is found at Section 17.1 of the Bylaws of USA Weightlifting, Inc., adopted June 26, 2017 (the “**Bylaws**”). Pursuant to Bylaws § 8.14(b), the Ethics Committee is charged to “investigate and serve as a fact-finding tribunal for all matters involving allegations of ethics violations.” In its capacity, the Ethics Committee is empowered to “render a written finding for publication within the policies and procedures established by the Judicial Committee.” Bylaws § 8.14(b). In this capacity, the Ethics Committee is expressly empowered as a fact-finding and investigating authority “to call witnesses and require testimony from same and compel said testimony with sanctions for refusal to testify.” Bylaws § 14.1. The Ethics Committee is further empowered to impart sanctions for violations established.

The Ethics Committee has no direct authority to hear and determine administrative grievances, although Bylaws § 14.1 authorizes the Board to delegate an administrative grievance “to a USAW committee or subcommittee.”

### Introduction

The Ethics Committee has received complaints from Marty Schnorf and the board of directors of Central LWC<sup>1</sup> in Illinois, each asserting grievances against the other. In addition, although it did not submit a formal complaint, the USAW Board of Directors has directed the Ethics Committee to investigate the conduct of Marty Schnorf in accordance with the USAW Member Code of Conduct and the Code of Ethics. The Ethics Committee has also been provided with over thirty additional emails describing and relating to the events surrounding the parties’ cross-complaints.

Before allowing a complaint to go forward, the Bylaws require the Ethics Committee to determine whether the complaint meets the minimum standards for a sufficiently filed complaint. Bylaws § 14.7 (applicable to the Ethics Committee by Bylaws § 17.1). Deficient complaints may be corrected and resubmitted or, under appropriate circumstances, dismissed entirely. Solely for purposes of this initial review (and consistent with the rules of state and federal trial procedure), the Ethics Committee assumes all factual allegations made by each side are true.

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<sup>1</sup> There is some disagreement concerning the proper name of the LWC, which is identified in its bylaws as the “Illinois USAW LWC” but traditionally referred to as “Central LWC.” For purposes of this Opinion, it is referred to as Central LWC.

This written opinion represents the Ethics Committee's findings and conclusions regarding the sufficiency of the parties' respective complaints.

### Schnorf Complaint

The Schnorf Complaint was provided by email dated September 6, 2017, and is asserted against each of Kevin Holbrook, Corinne Grotenhuis, and Angela Sorenson, individually and collectively as officers of Central LWC. Boiled down to its essence, Schnorf accuses the Central Board members of the following:

1. Wrongfully attempting to remove Schnorf from the LWC Board.
2. Appointing a new board member without proper notice.
3. Adopting new LWC bylaws without notice to Schnorf.
4. Improperly voting to extend the two-year terms of two newly-elected board members to four-year terms.
5. Failing to conduct meetings as a group for over a year.
6. Improperly managing LWC funds.
7. Failing to conduct an annual meeting.
8. Failing to have an athlete representative on the LWC Board.
9. Failing to publish board minutes to all LWC members.
10. Failing to organize Central LWC as a nonprofit under Internal Revenue Code § 501(c)(3).
11. Failing to enforce an \$40 cap on entry fees to local meets.
12. Falsely recording Schnorf as resigning from the LWC Board in August 2016.

In reviewing the sufficiency of the Schnorf Complaint, the Ethics Committee makes the following preliminary observations.

First, while the foregoing list (if proven true) suggests mismanagement of Central LWC by the LWC Board, it is unclear whether mismanagement of an LWC violates any specific provision of the Code of Ethics, and Schnorf has not alleged a violation of any specific provision of the Code of Ethics. Construing the Schnorf Complaint in the most favorable possible light, it could be argued the alleged mismanagement violates Part 3 of the Code of Ethics, Bylaws § 17.1, which states that "Members have a duty to the sport of weightlifting to uphold the rules and regulations that govern it." As it is currently presented, however, the preliminary conclusion of the Ethics Committee is that the Schnorf Complaint is an "Administrative Grievance" under Bylaws § 14.1(a) alleging violations of USAW rules or regulations, not ethics violations.

Second, while the Ethics Committee assumes the truth of all Schnorf's allegations for purposes of this preliminary review, the Ethics Committee nevertheless makes several observations from the information provided so far that bear directly on the allegations.

- The wrongful removal of Schnorf from the LWC Board may have been based on a misunderstanding between Schnorf and the other members of the LWC Board. The LWC Board has repeatedly apologized for the misunderstanding and made some effort to move forward; Schnorf has expressly rejected their apologies as “inadequate.”
- The LWC Board appointed Peter Sekalias as Athlete Representative following the resignation of Gina Giannetti, who ran unopposed in the summer 2016 board election. According to Article VI, Section 7 of Central LWC Bylaws, following the resignation of a director who ran unopposed in the last election, “the LWC Board will choose a replacement individual with a majority consensus.”
- Schnorf makes no specific allegations of funds mismanagement other than that the LWC Board failed to take certain steps to register as a 501(c)(3) organization. The Ethics Committee notes that Bylaws § 5.9(b) instruct LWCs to “operate as a 501(c)(3) group exemption sub-committee of USA Weightlifting.”
- Assuming the LWC Board has in fact failed to affirmatively disseminate board minutes to the LWC membership, the Ethics Committee notes that Bylaws § 5.9(c) directs LWCs to provide LWC bylaws and minutes to LWC members upon request. Schnorf does not allege that the LWC Board has violated this requirement.
- Regarding the alleged \$40 cap on entry fees, the Ethics Committee notes that Article IX, Section 2 of Central LWC Bylaws do not impose a cap on entry fees, but state that “the suggested maximum entry fee structure is \$45 for seniors and \$20 for juniors and younger.”
- Schnorf has been a member of the LWC Board in the past, and was most recently the President of Central LWC until he was succeeded by current LWC President Kevin Holbrook on August 1, 2016. To the extent Central LWC was not in compliance with any USAW requirements (e.g., Bylaws on file, 501(c)(3) registration) when the current LWC Board members took office August 1, 2016, Schnorf does not explain why the current LWC Board—and not any past board member—is to blame for any such preexisting acts of noncompliance.
- The Schnorf Complaint does not expressly allege a violation of any specific provision of the Code of Ethics, nor is it readily apparent from its content what ethical violation Schnorf believes to have occurred. To the extent Schnorf alleges a violation of Part 3 of the Code of Ethics as described above, many of the alleged violations appear to either predate the current LWC Board or describe matters that in fact do not violate the Bylaws of either USAW or Central LWC.

Finally, the Ethics Committee notes that the newly-adopted USAW Bylaws provide for the formation of an LWC Presidents Committee that is specifically charged with advising LWCs on their organizational and financial responsibilities. Bylaws, § 8.22. The Ethics Committee does not know whether the LWC Board has had the benefit of any such advice or mentoring from the LWC Presidents Committee or other experienced LWC officers or board members.

For the foregoing reasons, the Schnorf Complaint is DISMISSED without prejudice. Within 30 days after the issuance of this Opinion, Schnorf may revise and resubmit his complaint as an Administrative Grievance under Bylaws § 14.1(a) or as an Ethics Grievance. If the complaint is resubmitted as an Ethics Grievance, it will be dismissed with prejudice if it does not identify one or more violations of specific provisions of the Code of Ethics, Bylaws § 17.1.

### Central LWC Complaint

The Central LWC Complaint was provided in emails from Kevin Holbrook and Corinne Grotenhuis, dated September 7 and 17, respectively, and is asserted against Marty Schnorf. The LWC Board accuses Schnorf of abusive conduct toward the LWC Board members and others. The Board alleges and describes multiple instances of bullying and hostile statements by Schnorf. The Board further alleges that, as a result of Schnorf's behavior, two board members resigned as a direct result of Schnorf's conduct, and the remaining board members have found it difficult to carry on their existing duties. The Board further alleges that Schnorf has repeatedly threatened legal action against the Board members individually. Many of which are substantiated by the emails provided to the Ethics Committee.

In specific response to the allegation that Schnorf was wrongfully removed from the LWC Board, the Board members state that they understood Schnorf to say at the August 1, 2016 meeting that he did not wish to hold any officer position within the LWC, which they interpreted to mean he did not wish to serve on the LWC Board. After subsequently being informed of their mistake, the LWC Board made clear that Schnorf was welcome to continue to serve as a board member (including in a March 12, 2017 email) and, on more than one occasion, apologized to Schnorf for their misunderstanding.

The Ethics Committee has been provided with several dozen emails from Schnorf to the LWC Board members and others. These emails show that Schnorf explicitly (and repeatedly) threatened legal action against individual board members and rejected the apologies offered by the board members on more than one occasion, insisting instead that each board member sign a written apology of Schnorf's own creation.

It is a violation of the Code of Ethics, Bylaws § 17.1, Part 1(c), for any member to “[e]ngage in physically or emotionally abusive conduct towards another participant of the sport.” Under Part 2(c), it is a further violation to “[e]ngage in behavior so disorderly or inappropriate as to interfere with the normal conduct of the activity or other member's participation in, or enjoyment of, the activity.” Finally, the USAW Member Code of Conduct states that each USAW member pledges that he or she—

Will not engage in any form of discriminatory, verbal, physical or sexual harassment/abuse, fraud, stealing, deception or dishonesty related to USA Weightlifting events or activities.

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Will not disrespect, intimidate or embarrass other members, teammates, athletes, coaches, officials, spectators, sponsors, volunteers, Board of Directors, Committee members, Athlete Advisory Council Representatives, USADA and/or USA Weightlifting and National Office staff in person, electronically, and/or through social networking venues.

Although the LWC Board does not expressly cite to a specific provision of the Code of Ethics or Member Code of Conduct, the nature of LWC Board's ethical grievance with Schnorf is plainly apparent from the allegations contained in the Central LWC Complaint.

Accepting the allegations in the Central LWC Complaint as true, the Ethics Committee concludes that the Central LWC Complaint meets the minimum standards for a sufficiently filed complaint and states a prima facie case against Schnorf for one or more violations of the Code of Ethics and USAW Member Code of Conduct. Pursuant to Bylaws § 14.7(b), Schnorf is allowed 30 days to respond to the Central LWC Complaint, a copy of which was provided to Schnorf with this Opinion. In addition to providing documentary or other evidence to support his response, Schnorf's response should specifically address the alleged Code violations identified above.

### Conclusion

For the reasons set forth above, the Schnorf Complaint is **DISMISSED** without prejudice. Schnorf may, but is not required to, revise and resubmit his complaint consistent with the foregoing no later than **December 27, 2017**. If the Schnorf complaint is not timely resubmitted, it will be deemed dismissed with prejudice.

For the reasons stated above, the Central LWC Complaint will proceed. Schnorf is directed to provide any response, including any supporting documentation or other evidence, no later than **December 27, 2017**. The failure to timely provide a response shall be grounds for the Ethics Committee to grant a default judgment to Central LWC. Bylaws § 14.7(c). All documents should be provided to the Ethics Committee at [michael.cooley@bryancave.com](mailto:michael.cooley@bryancave.com).

Finally, it is an ethical violation to “[k]nowingly misrepresent the policies or actions of USA Weightlifting or its authorized representatives.” Bylaws § 17.1, Part 3(a). If it is determined in the course of these proceedings that any party has knowingly misrepresented any fact to the Ethics Committee, the Ethics Committee reserves the right to consider whether sanctions are appropriate for ethical violations under Part 3(a).