

JUDICIAL COMMITTEE

USA TAEKWONDO

USA TAEKWONDO,

Complainant,

v.

DECISION OF

JUDICIAL
COMMITTEE

MANDY MELOON,

Respondent.

PROCEDURAL BACKGROUND

An expedited Judicial Committee hearing was convened telephonically at 9:07 p.m. EDT on May 13, 2007, at conference number 1-888-446-2816, guest pass code: 22890#. The Judicial Committee Hearing Panel consisted of Judge Oliver W. Wanger, Chair; Troy Garr, Member; and Doug Lewis, Member.

Pursuant to the By-Laws of USA Taekwondo, Inc., ("USAT") Section 15.11 the Complainant, USAT, requested an expedited hearing to resolve the matter of the membership status of Respondent Mandy Meloon. The reason for expedition was the upcoming competition in Beijing, China, that is scheduled the week of May 15, 2007. The Respondent maintains she is entitled

to participate as a member of the USAT National Team. The Committee finds that because athlete international travel is required and a training schedule is set before the matches in China, that compliance with regular procedures and timing would not be likely to produce a sufficiently early decision to do justice to the affected parties. Accordingly, for good cause shown, the Committee ordered that the complaint be expedited and heard and decided upon shortened notice.

Notice of the expedited Judicial Committee Hearing pursuant to By-Law Section 15.11 was electronically transmitted to the Respondent Mandy Meloon, and her "representative," Denise Coyle. There is no showing that Denise Coyle is an attorney, so as to satisfy the legal representative standing requirement, however, due to the time-sensitive nature of the case, the electronic notice was provided to Denise Coyle based on her statements that she is the "representative" of Mandy Meloon.

The expedited hearing was set for teleconference on Sunday, May 13, 2007, at 9:00 p.m., EDT.

The notice contains seven charges of violations of the USAT Athlete Code of Conduct against Mandy Meloon.

The hearing panel convened at 9:00 p.m. EDT, telephonically. The hearing commenced at 9:07 p.m. Complainant USAT was represented by David M. Askinas, Chief Executive Officer. The Respondent, Mandy Meloon, and her representative, Denise Coyle, did not appear. Mr. Askinas and Rhonda Sweet, USAT Board Chairperson reported electronic communications prior to the hearing from Ms. Coyle evidencing that Ms. Coyle and Mandy Meloon had actual knowledge of the expedited hearing.

The Judicial Committee Hearing Panel consisted of Chair, Judge Oliver W. Wanger; Troy Garr, Member; and Doug Lewis, Member.

USAT presented three witnesses: David M. Askinas, Rhonda Sweet, and Herb Perez. All witnesses certified that they recognized their obligation to tell the truth. Eight exhibits were submitted by USAT and received by the panel.

The hearing concluded at about 11:10 p.m. EDT.

The complaint was filed pursuant to By-Law Section 15.1a for alleged violations of: (i) any USAT rules or regulations,

specifically the Athlete Code of Conduct; and (ii) the U.S. Olympic Committee Athlete Support Designee Form, executed by Ms. Meloon, which requires compliance by Ms. Meloon with the rules of the National Governing Board (NGB) for Taekwondo.

The remedy sought pursuant to By-Law Section 5.4 is suspension of the USAT membership of Mandy Meloon and imposition of conditions to any reinstatement of Ms. Meloon to membership or participation in any USAT National Team events.

STATEMENT OF DECISION

Mandy Meloon is a USAT member and seeks to participate in an upcoming international competition at Beijing, China, on the USAT National team. She executed a United States Olympic Committee 2007 Athlete Support Designee Form, Winter Grant Period, July 1, 2006 - June 30, 2007, (Form) Exhibit 3. Her Form was signed March 20, 2007. Under the terms and conditions of the Form, Mandy Meloon agreed pursuant to Section B(d) to sign and abide by the Code of Conduct established by the USOC when required. Pursuant to Form Section B(e) she agreed "to sign and abide by the Code of Conduct established by MY National Governing Body [USA Taekwondo] and approved by the USOC." Ms.

Meloon is bound to perform all terms and conditions of the USAT Athlete Code of Conduct.

In a National Governing Board Certification of the USAT, dated April 11, 2007, David Askinas, as CEO for USAT, certified that Mandy Meloon, athlete, is a member of the USAT NGB and otherwise eligible and qualified to receive USOC Athlete Support. Exhibit 3.

USAT CODE OF CONDUCT

A true copy of the USAT Code of Conduct was received as Exhibit "4." Exhibit 5 is Ms. Meloon's membership application to USAT by which she agrees to be bound by its Athlete Code of Conduct.

The following USAT Athlete Code of Conduct sections apply to this proceeding:

"1. One will act in a manner consistent with the spirit of fair play and responsible conduct.

...

4. One will maintain an appropriate level of fitness to promote optimal athletic performance.

5. One will refrain from the excessive use of performance-limiting drugs, including but not limited to, tobacco and alcohol.

...

7. One will abide by the policies and rules established by USA Taekwondo, the USOC and the World Taekwondo Federation.

8. One will respect others, including coaches, competitors, officials and spectators.

9. One will not engage in, nor tolerate, any form of verbal, physical, or sexual abuse.

...

11. One will refrain from illegal or inappropriate behavior that would deter from a positive image of oneself and USA Taekwondo.

12. One will maintain a positive attitude and act in a way that will bring honor to oneself, the staff, the sport of Taekwondo, USA Taekwondo and the United States of America.

13. One will remember that I am an ambassador of USA Taekwondo, my country and the Olympic movement."

THE CHARGES AND FINDINGS

I. Charge One: Violated the requirement that Mandy Meloon as USAT National Team Member, "will refrain from conduct detracting from my ability or that of my teammates to attain peak performance."

Findings: Charge One is true. Mandy Meloon has not continuously engaged in training and is not capable of peak performance at the Beijing World Championships. Ms. Meloon recently admitted to Herb Perez that she had not been training and was not at a competitive level to compete in the World Taekwondo event at Beijing, China, to be held May 19-23, 2007.

Written statements from a fellow teammate, Eleni Koutsialanos, Exhibits 1 and 2, evidence that Mandy Meloon has threatened, by use of verbal and electronic communications, by the use of profanity, and has intimidated her fellow teammate Ms. Koutsialanos to cause Ms. Koutsialanos to be in justified fear for her personal

safety as a result of Ms. Meloon's threats. Ms. Meloon engaged in irresponsible conduct.

Electronic communications from Mandy Meloon's computer blogs prove that Mandy Meloon threatened to "come home and beat her [Ms. Koutsialanos'] ass." Mandy Meloon sent an electronic text message to Eleni Koutsialanos that Eleni was a "trifling ass whore," and stated in the same text that Eleni was a "lesbian." These charges are proved by the written statement of Eleni Koutsialanos and hard copies of electronic text messages. This disrespects a competitor and is verbal and sexual abuse.

Exhibits 1 and 2 evidence that Ms. Meloon is not presently trained at a competitive level and she has admitted to Herb Perez she is not ready to compete at the Beijing World Championships.

Overall Ms. Meloon's conduct deters from a positive image of herself and USAT.

II. Second Charge: That as a USAT team member, Ms. Meloon "will respect members of my team, other teams, spectators, and officials, engage in no form of

discriminatory behavior or verbal, physical, or sexual harassment or abuse."

Findings: Charge Two is true. The evidence establishes that Mandy Meloon has published in writing on her computer web page and has verbally insulted and harassed national team members and staff including, but not limited to, Eleni Koutsialanos, Coach Jean Lopez, Athlete Steven Lopez, USAT CEO David Askinas, and Rhonda Sweet, Chairperson of USAT Board of Directors. Web site and blog references created by and communicated from Mandy Meloon prove that she has made obscene references to and about USAT athletes, National coaches, and staff. She has used profanity, and has referred to fellow team members, coaches and USAT staff in defamatory, derogatory and disrespectful terms. Ms. Meloon wrongfully accused Coach Jean Lopez and Athlete Steven Lopez of encouraging her to engage in improper conduct with CEO Askinas. Ms. Meloon has without consent, published photographs of national team members and USAT team staff on the Internet via Ms. Meloon's computer blogs and her website and referred to these individuals in disrespectful terms.

Mandy Meloon, in her MySpace blog, has wrongfully

accused USAT team coaches and staff members of being sexual perverts and of soliciting Mandy Meloon to perform sexual acts upon them. These defamatory utterances are untrue and damaging to the morale of the national team and USAT staff and coaches.

On a MySpace computer blog Mandy Meloon used the racially discriminatory term "Nigga" that she added to a photograph. This constitutes verbal abuse, inappropriate behavior and illegal racial discrimination.

III. Third Charge: That Ms. Meloon "will follow my team's rules including by way of example, rules regarding curfew and required attendance at team meetings."

Findings: Charge Three is true. The testimony of David Askinas showed that Ms. Meloon was one-half hour late for a mandatory national team meeting on March 16, 2007, and was insubordinate and abusive to CEO Askinas when Ms. Meloon was asked to attend that mandatory team meeting.

IV. Charge Four: That Ms. Meloon "will act in a way that will bring respect and honor to myself, my teammates,

USAT, and the United States.

Findings: Charge Four is true. Internet web blogs published by Ms. Meloon contain written disparagement and abuse of USAT, including CEO Askinas and Chairperson Sweet. Ms. Meloon engaged in personal attacks, defamatory and disparaging comments, containing profane and vulgar language, published in Ms. Meloon's MySpace blogs criticizing and disparaging National team members and coaches, including but not limited to, Jean Lopez, Steve Lopez, Coach Juan Moreno, and Mark Lopez. The blogs contain profanity; accusations of improper sexual conduct; demeaning and negative references to fellow athletes, National team members, coaches and USAT staff as "perverts." Ms. Meloon has made unauthorized postings of photographs of fellow athletes, National team members, coaches and USAT staff with defamatory, profane, and insulting references. Ms. Meloon's conduct has embarrassed herself, disrespected, and dishonored the USAT and the United States and its Olympic Committee.

Rhonda Sweet testified to three or four separate blog publications she received from Ms. Meloon, which disparaged

and insulted her as the Chair of the Board of USAT. Mr. Askinas was contacted by a Canadian referee, who had viewed some of the Meloon blogs. The Canadian referee inquired what was going on and "wasn't USAT embarrassed" by Ms. Meloon's conduct. This is direct evidence that Ms. Meloon has brought dishonor to USAT, the USA, and the sport of Taekwondo.

Ms. Meloon's words and acts provide probable cause to believe that she is intent on inflicting harm to the reputation of the USAT National Team, its coaches, administrators, and athletes. The profane and vulgar tenor of her publications which she has disseminated on MySpace over the Internet, seek to maximize the public circulation of her misconduct, to perpetrate maximum harm against the USAT and inevitably the USAT National Team participation in the Beijing World Championships. She has received over 500 hits at her MySpace site in response to blogs defaming USAT.

V. Charge Five: That Ms. Meloon, as a USAT member and National team member "will maintain a level of fitness and competitive readiness that will permit my performance

to be at the maximum of my abilities.”

Findings: Charge Five is true. Ms. Meloon ceased training in March 2007, kept late hours at night clubs, has been observed consuming alcohol and smoking cigarettes in violation of USAT Code of Conduct Rule 5 that Ms. Meloon will refrain from the excessive use of performance-limiting drugs, including but not limited to, tobacco and alcohol. Ms. Meloon recently admitted to Herb Perez that she has not been training and was not physically at a competitive level to compete at an International World Championship Taekwondo event in Beijing, China, over the period May 19-23, 2007.

VI. Charge Six: That Ms. Meloon “will not engage in any conduct that is criminal under any laws applicable to me, including, but not limited to, laws governing the possession and use of drugs and alcohol and providing of drugs to any person and alcohol to minors.”

Ms. Meloon taped a telephone conversation with Mr. Askinas, CEO of USAT without his permission or consent, a violation of Florida Criminal Statute 943.03. Florida Statutes, Section 934.03 provides, in relevant part, “any

person who: (a) intentionally intercepts any wire, oral or electronic communication; or (b) intentionally discloses to any other person the contents of any wire, oral or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral or electronic communication; or (c) 2.(d) intentionally uses the contents of any wire, oral or electronic communication knowing or having reason to know that the information was obtained from the interception of a wire, oral, or electronic communication; has committed a third degree felony under Florida law. F.S. 934.03(4)(a).

Ms. Meloon, who was in Florida, spoke to Mr. Askinas by telephone. She taped the telephone conversation without Mr. Askinas' consent. The interception and disclosure of wire or oral communications are illegal, including the taping of telephone conversations. *Roberts v. Jardine*, 366 So.2d 124, 126 (Fla. 1979); see *State v. Tsavaris*, 394 So.2d 418, 421 (Fla. 1981) (reversed on other grounds); holding that the electronic recording of an oral communication without the consent of all parties to the communication is prohibited by Section 934.02(3), Florida Statutes. To establish a violation of the statute it is

necessary that Mr. Askinas had a reasonable expectation of privacy with regard to the conversation and that his expectation of privacy was as reasonable. See *Department of Agriculture & Consumer Services v. Edwards*, 654 So.2d 628, 632 (Fla. 1995).

Here, the telephone conversation was between the CEO of USAT and an athlete concerning her problematic conduct and according to Ms. Meloon, the matter of "settlement" was discussed. Settlements are confidential under the law and it is reasonable to determine that each party had an expectation of privacy in the conversation. Ms. Meloon, without consent, published the contents of her taped telephone conversation with Mr. Askinas on the Internet and misrepresented an alleged "settlement offer" of \$40.00 was extended by Mr. Askinas. Ms. Meloon made profane, disparaging references to Mr. Askinas and USAT. She published the following statement on the Internet about the phone conversation concerning "settlement:" "Not my fault you are a dumbass and I told you to take the 40 \$ back you offered and SHOVE it up your DUMBass Sleep tight bitch+."

Ms. Meloon improperly reproduced, disseminated and published confidential correspondence from USAT to Ms. Meloon in violation of express warnings contained in those communications. There is no authority to prove that this specific conduct is criminal.

Ms. Meloon illegally copied photographs of individuals without their permission and posted them on Ms. Meloon's website without consent to do so from the persons depicted in the photographs and website owners, including USAT. Although this may be a tortious invasion of privacy, there is no authority to establish that this conduct is criminal.

Ms. Meloon drove, over the objections of its owner, and crashed, a motor vehicle after an evening of drinking alcoholic beverages. She has failed to acknowledge responsibility for this conduct or to pay for the property damage. This disrespected the property of another in violation of Code of Conduct section 10.

Findings: Charge Six is true as to the unauthorized recording of a telephone conversation without consent of the other party to the conversation.

VII. Charge Seven: Ms. Meloon "will remember at all times that I am an ambassador for my sport, my country, and the Olympic Movement."

Ms. Meloon has repeatedly disparaged, disrespected, and embarrassed USAT, its CEO, Chairperson of the Board of Directors, National coaches and National team members. She has threatened a teammate with bodily injury. Ms. Meloon has insisted that a teammate drink alcohol. On February 15, 2007, at the time of Ms. Meloon's birthday, Ms. Meloon consumed large amounts of alcohol and smoked cigarettes. On February 15, 2007, Ms. Meloon drank to the point of intoxication, drove a teammate's vehicle and crashed the vehicle without consent into railroad tracks, causing property damages of approximately \$2,000. Ms. Meloon has not paid for the damages.

Ms. Meloon has threatened her teammate Eleni Koutsialanos with physical harm, has cursed at Ms. Koutsialanos, insisted that Ms. Koutsialanos consume alcohol and cigarettes, and falsely accused Ms. Koutsialanos of taking Ms. Meloon's money and car keys.

Ms. Koutsialanos has expressed the opinion that the presence of Ms. Meloon on the USAT team at the World Championships will be "very cancerous to the team and will cause much damage for our team, she [will] be a major disruption physically, mentally, and emotional[ly] to the team as she has been toward me."

Ms. Meloon has also made verbal statements to others that she would travel to Beijing, China, would not compete, but would disrupt proceedings to embarrass the USAT team.

Ms. Meloon has published on her website, materials of a pornographic nature she wrongfully associated with USAT, that are offensive, demeaning, and bring disrespect and dishonor to Ms. Meloon.

Ms. Meloon has registered 552 friends on her MySpace website and has there wrongfully posted and commented on material from LadyTkd.com, a private, proprietary publication, without consent of the owner. She has made disparaging sexual references to CEO Askinas referring to: "Davey do! You can MONITOR my nutts on your chins;" and a

"retarded Chinese paraplegic whom we rescued from Hurricane Katrina and Jean [Lopez] is taking as Steven Lopez's waterboy."

Ms. Meloon published a reference on the Internet, "dum ass Kinas+" along with her publication on the Internet of an unauthorized photo of the CEO and an athlete, with a disabled individual holding the Chris Canning Award of Excellence.

In the Board Chairperson's opinion Ms. Meloon has talked about suicide and is unable to discharge her responsibilities to the National team. Ms. Sweet believes the only reason Ms. Meloon wants to go to China is to disrupt and embarrass the United States USAT National team. Mr. Herb Perez testified as to his opinion that Ms. Meloon has no present desire to compete on the International level and has not been training, as evidenced by her admission she has not trained and is not at a world competitive level.

The evidence clearly and convincingly establishes that Ms. Meloon is engaging in destructive and disruptive behavior that is having a negative and distracting effect

on USAT National teammates, staff, and National coaches. The evidence further indicates the likelihood that Ms. Meloon is suffering from a mental condition that has caused her to engage in bizarre, irresponsible and unlawful behavior, that creates doubt about her present mental competence. Her conduct has dishonored herself and USAT, its members, National athletes, National coaches and staff.

The unique format of Olympic competition and the decisions that will be made concerning weight divisions for upcoming Olympic Games, when considered in light of Ms. Meloon's behavior, create the real potential to eliminate opportunities for competitors from the USAT National team in different weight classes at the Olympic Games if Ms. Meloon continues to engage in the type of irresponsible and illegal behavior she has exhibited.

The totality of the conduct of Mandy Meloon and its embarrassing and disruptive effect on USAT and its adverse effect on the USAT National team in the upcoming International World Championships in Beijing, China, requires that she be suspended as a USAT member and from participating in USAT international competitions and

events. The evidence is clear and convincing that Ms. Meloon has abdicated her responsibility and is unable to act as an ambassador for her sport, the United States, and the Olympic Movement.

Based on the foregoing, the truth of all the charges has been established by clear and convincing evidence. The following rulings are entered on Complainant, USAT's charges and requested remedies.

REMEDIES

1. That Mandy Meloon be suspended from membership in the USAT and suspended from participation in USAT competitions and activities.

2. That the duration of Ms. Meloon's suspension continue until she:

a. Ceases and desists her defamatory activities against fellow athletes, USAT coaches, and USAT staff; and

b. Provides a written apology to all persons associated with USAT, whom she has insulted, threatened,

falsely accused, or defamed;

c. Undergoes psychiatric evaluation and psychological counseling, including for anger management;

d. Agrees to refrain from filing frivolous or groundless complaints against USAT athletes, members, and staff.

3. As a pre-condition to reapplication for reinstatement as a member of USAT, Ms. Meloon must demonstrate that she is physically and psychologically fit to comply with the USAT Athlete Code of Conduct and all rules and regulations of the USAT and United States Olympic Committee.

GRANT OF REMEDIES

Based on clear and convincing evidence establishing the above listed violations of the USAT Athlete Code of Conduct and Rules and Regulations of Membership of the USAT;

IT IS ORDERED that effective May 14, 2007, Respondent,

Mandy Meloon is:

1. Suspended from membership in the USAT and from participating as a National team member or in USAT sponsored events;
2. Required to cease and desist from unlawfully publishing, communicating, or otherwise transmitting defamatory, disparaging, or insulting statements or references to USAT, its members, coaches and staff;
3. Required to undergo psychiatric evaluation and psychological counseling, including for anger management;
4. Required to provide written apologies to USAT team members, staff, and coaches, who she has defamed, insulted, made false statements about, and/or embarrassed; and
5. Required as a condition to any reinstatement to USAT membership and any participation on the USAT National team and events to provide medical evidence that she is mentally and physically competent to perform the duties of a USAT member and its Athlete Code of Conduct.

This Decision of the USAT Judicial Committee is
unanimous.

DATED: May ____, 2007.

Oliver W. Wanger
Chair

DATED: May ____, 2007.

Troy Garr
Member

DATED: May ____, 2007.

Doug Lewis
Member