

DRAFT

CONFIDENTIAL

USA TAEKWONDO, INC.

USA TAEKWONDO, INC.)	Case Number 11.18.10
In re the Matter of:)	
RONDA J. SWEET,)	DECISION OF JUDICIAL COMMITTEE
Member Number 999015597)	RE: APPEAL OF RONDA SWEET
)	MEMBERSHIP TERMINATION
Petitioner.)	
And)	
)	
USA TAEKWONDO Board of Directors)	
Kevin Padilla)	
Mark Williams)	
Martha Clair Mankamyer)	
Ron Getto)	
Jason Han)	
Eric Laurin)	
J.P. Chai)	
Brad Lunn)	
)	
Respondents.)	
_____)	

The matter of the appeal of Ronda Sweet from her termination of membership by the USA Taekwondo, Inc. (“USAT”), pursuant to USAT Bylaw section 5.4, regularly came on for hearing April 9, 2011 at 10:00 a.m. Pacific Daylight Time. Ronda Sweet represented herself and presented her case. USAT was represented by John Collins, Esq., its attorney of record, and David Askinas, Chief Executive Officer (“CEO”). The USA Taekwondo Judicial Committee, Athlete Member Anthony Bell, Committee Member Paul Krogh and Chair Oliver W. Wanger, heard the appeal April 9, 2011. Ms. Sweet appealed a notice of membership termination sent via e-mail from John Collins, Esq., USAT attorney at 5:28 p.m. on

November 5, 2010. Pursuant to USAT By-Laws section 5.4, Ms. Sweet requested a hearing before the Judicial Committee.

Ms. Sweet, by her opening statement, modified her witness and exhibit lists and narrowed the scope of her claims.

She defined the issue to be decided in her appeal as the legality of the termination of her lifetime membership. Ms. Sweet is a lifetime member of USAT within the meaning of Bylaw section 5.1.5: "Life members are those individuals who register as life members and who pay to USAT a life membership fee."]

There is no dispute that Ms. Sweet's membership was paid and in good standing at the time she was served with notice of membership termination on November 5, 2010. Ms. Sweet timely invoked her right to appeal by written request filed November 18, 2010, within the fifteen days provided for appeal pursuant to Bylaw section 5.4. Ms. Sweet presented the following grounds for disputing the legality of her membership termination.

1. The Board failed to follow the USAT Bylaws;
2. The Board violated Colorado Non-Profit Law sections 7-1 through 6-302 which requires that any membership termination of a membership in a Colorado non-profit corporation be fair, reasonable, and conducted in good faith;
3. It was unfair and unreasonable for her membership to be terminated without an express "statement of reasons for termination;"
4. The termination of her membership was arbitrary and capricious because it was without a statement of reasons, and on the ground that any member could be terminated for any reason, lawful or unlawful;

5. The termination was wrongful as it was effected for the purpose of preventing Ms. Sweet from filing a complaint against the USAT Board;
6. The without cause membership termination was to prevent Ms. Sweet from exercising her First Amendment right to complain about alleged mismanagement and improprieties in the operation of USAT;
7. The termination provision of section 5.4 is unlawful as it fails to define any cause for termination;
8. USAT Bylaws were violated by failure of the Board to first refer the complaints against Ms. Sweet to the Ethics Committee pursuant to Bylaw section 18.

USAT presented its opposition to the appeal, invoking its status as a voluntary, private Association, membership in which carries obligations as well as privileges. Under Bylaw section 5.2 membership is a privilege. Section 5.4 authorizes termination of membership at any time with or without cause. Under Bylaw section 7.2 the Board of Directors oversees and sets policy for the corporation.

The Bylaws were drafted by the United States Olympic Committee and comply with Colorado non-profit corporation law.

Although there may be a First Amendment right to freedom of association, a voluntary non-profit corporation may terminate a membership at any time without cause. In this case, the defamatory speech of Ronda Sweet was not protected under the First Amendment to the United States Constitution

including the vote of Ms. Sweet's witness, Mark Biviano, a former Director, who voted for her termination at the October 29, 2010 Board of Directors meeting.

Ronda Sweet was terminated for stated reasons of:

- a. Repeated violations of USAT Code of Conduct and its sexual harassment policy;
- b. False and defamatory statements about the USAT [REDACTED] and its [REDACTED] [REDACTED];
- c. Repeated actions of cyber bullying.

Evidence of additional grounds was presented at the hearing:

- a. That Ms. Sweet, on a continuing basis, since 2007 has, by electronic communication, blogs, and emails, falsely accused [REDACTED] [REDACTED] of engaging in sexual misconduct;
- b. Facilitated and supported blogs and cyber postings on Facebook of misleading, falsely accusatory, and derogatory comments and misleading photographs of Taekwondo athletes and USAT officers and directors;
- c. Ms. Sweet, along with Denise Coyle, continuously circulated false rumors and accused the CEO of misconduct and improprieties by making false accusations of sexual misconduct which were embarrassing to and destructive of the reputation of [REDACTED] [REDACTED];
- d. Ms. Sweet allegedly caused an unjustified and costly audit by the Olympic Committee to be made of USAT in 2007 for personal vengeful reasons unrelated to a lawful business purpose;
- e. Ms. Sweet repeated, endorsed, and adopted the statement of Ms. Coyle that both of them intended to and would make USAT CEO's "life miserable;"
- f. Ms. Sweet engaged in a practice of claiming not to have personal knowledge of, but nonetheless published, repeated electronically disseminated blogs, emails and

through other media, false accusations that [REDACTED]
[REDACTED] had been sleeping together for two years and that [REDACTED]
[REDACTED] had been having an illicit affair.

RULING ON USAT’S OBJECTIONS TO FINDING FILING FEE INAPPLICABLE

USAT objected to the Committee’s decision that no filing fee is due from Ms. Sweet by citing Bylaws section 15.4. That section provides: “A complaint filed by an individual shall be accompanied with a \$250.00 filing fee.” Section 5.4 concerning suspension and termination of membership provides in material part: “A member shall have the right to a hearing prior to termination by appealing to the USAT Judicial Committee.” There is no mention of appeal in section 15 governing “COMPLAINT PROCEDURES.” The term “appeal” does not appear anywhere in the section on complaints. USAT contends that Ronda Sweet’s proceeding before the Judicial Committee is a complaint and/or a “grievance” within the meaning of USAT Bylaw 15.1.

The Bylaws were written by a sophisticated organization that had the benefit of legal counsel. All language used in the Bylaws must be given full force and effect. A generally accepted rule of contract and statutory interpretation is that no document should be read to render meaningless or to eliminate a word specifically used in that document. The membership termination procedure prescribed by Bylaw section 5.4 uses the term “appeal,” not “complaint” or “grievance” to define the right to review. It specifically provides that the appeal is to be decided by the Judicial Committee. Section 9.15(b)(3) provides the Judicial Committee shall: “Herein render a decision, or appoint a panel to render a decision, on grievances and disciplinary matters. “

No grievance was filed by the Board of Directors that initiated the action against Ms. Sweet's membership. Under the USAT Code of Ethics "Enforcement" section, which Ms. Sweet has invoked, any person who violates or condones the violation of the Code of Ethics is subject to "disciplinary" measures, which may include termination of membership, . . ." (Emphasis added.) Because unethical or other conduct violative of the rules of USAT gives rise to and is treated as a disciplinary matter under the USAT Code of Ethics and the Judicial Committee is expressly authorized to hear and render a decision on such disciplinary matters, including termination of membership from which the right to appeal exists under Bylaw section 5.4. The Committee finds that this is a quasi disciplinary matter. Ms. Sweet has not brought a complaint or administrative grievance. She has been subject to a Board of Directors' action to terminate her membership both with and without cause. Additionally, for cause grounds are submitted for Ms. Sweet's alleged misconduct and conduct alleged to be inimical to the best interests of USAT and its members. It is also asserted to be a termination for no cause, as none is required. Because this proceeding is neither a complaint nor an administrative grievance, no filing fee is required. Further, section 5.4 expressly provides any member "the right to a hearing" prior to membership termination, by appeal to the USAT Judicial Committee. There is no provision for payment of a fee to exercise and enjoy that right to appeal and to receive a hearing before membership termination. USAT's position is without merit and inconsistent with its Board's actions.

For all these reasons, no filing fee is required to perfect the right of review of Ms. Sweet's membership termination.

DECISION ON APPEAL

Exhibits 1-9 were received in evidence at the hearing.

Ms. Sweet advanced the following grounds, among others, for her appeal.

First ground: Lack of Specific Charges. The USAT notice of membership termination advised appellant that on October 29, 2010, the USAT Board of Directors voted unanimously to terminate her membership in USA Taekwondo pursuant to USAT By-Law section 5.4.

The notice of membership termination expressly cited “repeated violations of the USAT Code of Conduct and Sexual Harassment Policy, including i) false and defamatory statements against the USAT [REDACTED] and ii) repeated actions of cyber-bullying/cyber-harassment against USAT members and employees. Appellant was given due and proper notice of termination of her membership from which she was afforded notice and opportunity to be heard on appeal.

Appellant invokes the administrative grievance procedures, section 15.1 of the USAT By-Laws specifying: USAT or any member of USAT may file a complaint pertaining to any matter within the cognizance of USAT including, but not limited to, any alleged violation of or grievance concerning: (i) any USAT rule or regulation, (ii) any provisions of USAT’s By-Laws; or (iii) any provision of the Ted Stevens Olympic & Amateur Sports Act related to USAT’s recognition as a National Governing Body. As previously ruled upon by the Judicial Committee, in response to Ms. Sweet’s objection to the imposition for any hearing fee, membership termination proceeds under By-Law 5.4 and the matter is being heard as an appeal not as a complaint or other administrative grievance. Ms. Sweet has not filed a separate complaint.

Ms. Sweet objected that the Board failed to specify what sections of the Code of Conduct and the Sexual Harassment Policy were invoked. No specific named persons or defined statements were identified except by the accusation of “false and defamatory statements against [REDACTED] [REDACTED] and ‘repeated actions of cyber-bullying/cyber-

harassment against USAT members and employees.” The Board also invoked the right of termination of membership without cause with 15 days’ notice. The notice was given November 5, 2010. Ms. Sweet invoked her appeal rights on November 18, 2010, within the 15 day time period for her filing of an appeal. There is no requirement that the Board specify by number, the section of its Bylaws, Code of Conduct, or Sexual Harassment Policy which were involved as part of the Board’s decision.

The Second ground of appeal was that Appellant’s First Amendment rights had been violated by abridgment of her freedom of speech. Ms. Sweet has continuously communicated her opinions and defamatory accusatory statements against USAT and its administration. As cause is not required for membership, no First Amendment violation occurred.

Her Third ground for appeal is that no specific USAT Code of Conduct section is invoked and that the USAT Code of Conduct did not exist when she obtained her lifetime membership. Further, that the USAT staff and Ethics Committee failed to find any violation by Appellant of the Code of Ethics or that any reference to the Ethics Committee of a violation of the Code of Ethics by Appellant was made.

More specifically, Appellant objected that the Ethics Committee had violated section 18.1 and section 9.14(b) by failing to develop and review, on an annual basis, a Code of Ethics for the Board, officers, Committee and Task Force Members, volunteers, staff and member organizations; generally administer and oversee compliance with the Code of Ethics, and to review and investigate matters of ethical impropriety and make recommendations on such matters to the Board.

Ms. Sweet was not charged with an Ethics violation by complaint. No Ethics Committee proceedings were required.

Ms. Sweet further alleges that in 2009, the USAT ignored its posted Handbook covering code of conduct by engaging in use of alcohol or drugs by athletes, officials, or staff during the course of the

event. In support of these allegations, Ms. Sweet posted pictures she found on public Facebook pages of staff and members of staff of USAT, contractor labor and volunteers, drinking champagne on the floor of the US Open. This included David Askinas, CEO of USAT, and USAT staff members. This charge is not the subject of a formal complaint or grievance. It is in the nature of an unclean hands allegation of alleged collateral misconduct which has no bearing on the membership termination and is rejected as irrelevant to these proceedings.

Appellant further invoked section 18.1.h of the By-Laws charging a failure to recognize that “even the appearance of misconduct or impropriety can be very damaging to the reputation of the USAT and act accordingly.” This is an apparent additional reference to a collateral unasserted complaint of unclean hands. It more approximately applies to Ms. Sweet’s conduct, but is irrelevant to these proceedings.

The Fourth ground of appeal is that the termination of the membership of Ms. Sweet and Ms. Coyle was discriminatory. An example of discrimination was the failure to properly investigate a past sexual harassment complaint against ██████████; an alleged violation of confidentiality by ██████████ in discussing the confidential investigation with ██████████; and a failure to resolve the ██████████ accusation, which Appellant claims was false, resulting in no action against the accuser and no application of the Sexual Harassment Policy by the accuser. This is further collateral and irrelevant alleged misconduct by ██████████, not in issue in these proceedings and having no bearing on Ms. Sweet’s membership termination.

MEMBERSHIP TERMINATION WITHOUT CAUSE AND COLORADO NON-PROFIT LAW

USAT invoked By-Law 5.3 that membership in USAT is a privilege which may be terminated at any time with or without cause.

Under By-Law 7.2 the Board oversees and sets policy for the organization. Appellant has invoked Colorado statute 7-126-302(1) which provides that unless otherwise provided by the By-Laws, no member of a non-profit corporation may be expelled or suspended and no membership or memberships in such non-profit corporation may be terminated or suspended except pursuant to a procedure that is fair and reasonable and is carried out in good faith.

(2) For purposes of this section [7-126-302], a procedure is fair and reasonable when either:

(a) The By-Laws or a written policy of the Board of Directors state a procedure that provides:

(i) Not less than 15 days prior written notice of the expulsion, suspension or termination and the reasons therefore; and

(ii) An opportunity for the member to be heard, orally or in writing, not less than 5 days before the effective date of the expulsion, suspension or termination by a person or persons authorized to decide that the proposed expulsion, termination or suspension not take place; or

(b) It is fair and reasonable taking into consideration all the relevant facts and circumstances.

The written notice given by mail must be given by first-class or certified mail sent to the last address of the member shown on the non-profit corporation's records. A one year statute of limitations applies to any proceeding challenging a membership termination, including a proceeding in which defective notice is alleged. The statute of limitations is one year after the effective date of the termination. Here, there is no allegation as to defective notice of the termination. Nor is there any issue as to the statute of limitations either under the requirements of section 5.4 (15 days) or the Colorado non-profit corporation law (one year).

For the purposes of compliance with the Colorado non-profit law, the By-Laws of USAT include a procedure that provides not less 15 days prior written notice before termination which was afforded; an opportunity for the matter to be heard both orally and in writing not less than 5 days before the effective date of the termination by the Judicial Committee of the USAT authorized by its By-Laws to decide the proposed termination not take place and based on the invocation of hearing rights and the holding of a 5 hour Judicial Committee hearing at which Appellant was afforded the right to present her own testimony under oath, call witnesses under oath, afforded full opportunity to cross-examine all witnesses called by the USAT, and had the right to present an opening statement and closing argument and to make written submissions both pre-hearing and post-hearing. The requirements of section 7-126-302(2)(b) are satisfied because the opportunity for and the actual hearing was fair and reasonable taking into consideration all the applicable relevant facts and circumstances.

Under Colorado law, membership in a voluntary association may be terminated after affording due process opportunities for notice and to be heard without cause and there is no First Amendment or due process violation. Under USAT Bylaw 5.3 membership is a privilege. As long as Colorado non-profit corporation law requirements are met, any USAT membership may be terminated at any time with or without cause. It is undisputed that the USAT Bylaws were drafted by United States Organizing Committee to comply with Colorado non-profit law. USAT's contention is that a voluntary association can terminate membership without cause and that no First Amendment interest is implicated. Nor does a member of a voluntary association have a proprietary or ownership interest in the association or its property.

As to Ms. Sweet, USAT advanced evidence of the following non-required additional justifications which constitute cause for membership termination:

1. A prior disciplinary investigation was conducted of Ms. Sweet when she was Chair of the USAT Board of Directors. Following the hearing, Ms. Sweet resigned as Chair of the board.
2. Ms. Sweet engaged in concerted action with Ms. Denise Coyle to falsely accuse, harass, and make USAT CEO David Askinas's "life miserable."
3. Ms. Sweet has published on her internet site, false accusations that [REDACTED] [REDACTED] engaged in an illicit and unlawful personal sexual relationship.
4. That the postings on Ms. Coyle's website, which were identical or substantially similar to those circulated by Ms. Sweet were malicious, meaning that they were made with the intent to injure harass, annoy, and interfere with the targets' professions, reputations, employment, and constitute defamation per se.
5. Ms. Sweet has engaged in cyber bullying by making false and irresponsible accusations impugning the integrity, honesty, moral character, and competence of [REDACTED] [REDACTED].

On October 29, 2010 at a duly noticed Board of Directors meeting of USAT, the Board voted unanimously, in accordance with USAT Bylaws, to terminate the membership of Ms. Sweet both without and with cause.

USAT thereafter duly notified Ms. Sweet of her right to a due process hearing. The notification was lawfully transmitted on November 5, 2011.

After consultation with the Judicial Committee, by the parties' agreement, a due process hearing was set for and held on April 9, 2011.

Ms. Sweet testified at the hearing that USAT failed to comply with the Colorado non-profit law, citing Colorado statute 7-126-302. Colorado law provides that no member may be compelled or

suspended nor terminated except if a fair and reasonable proceeding is conducted after notice has been given.

Ms. Sweet argued that Colorado law “trumped” the USAT Bylaws. However, she cited no case law, nor other legal precedent to prove that the USAT proceedings to terminate her membership were not conducted in compliance with USAT Bylaws and Colorado non-profit corporation law.

The following exhibits were received in evidence on behalf of Ms. Sweet. Exhibit 1: Colorado statute 7-126-302; Exhibit 2: USAT Code of Conduct; Exhibit 3: Section 18 of the USAT Bylaws Code of Conduct; Exhibit 4: Section 9.1 of USAT Bylaws regarding delegation of authority.

APPELLANT’S WITNESSES

Ms. Sweet called Mark Biviano, former USAT director, who resigned in November 2010 under advice of counsel. Mr. Biviano attended the November 29, 2010 meeting which was conducted in executive session and stated he had no prior knowledge that the matter of Ms. Sweet’s termination would be conducted at the meeting.

Mr. Biviano testified that the reasons the Board discovered for Ms. Sweet’s termination included but were not limited to that Mr. Biviano asserted Ms. Sweet would not be able to file a grievance. That [REDACTED] continued to be the subject of defamatory accusations by Ms. Sweet. No voting proxy was given by Mr. Biviano to any other Director. No one asked whether ethics issues must first go to the Ethics Committee.

Mr. Biviano voted in favor on the two-part motion: (a) to give administrative support from the Board of Directors to aggressively pursue members who are slandering USAT; and (b) to provide financial support to carry out such actions, including hiring John Collins, attorney for USAT.

In a December 9, 2010 meeting, the Board voted to appoint Jimmy Kim to the Board. Mr. Biviano resigned after the November 9, 2010 Board meeting.

Mr. Biviano confirmed that he voted to terminate Ms. Sweet's membership. Mr. Biviano confirmed the discussion postings on the Coyle website of pictures of athletes, on Facebook, including derogatory comments against USAT, its [REDACTED] and [REDACTED].

Mr. Biviano testified that Ms. Sweet admitted that she was working actively with Ms. Coyle to disparage USAT and target individuals she has identified in her blog and internet communications.

Mr. Biviano confirmed that Ms. Sweet has repeatedly asserted that [REDACTED] [REDACTED], had been "sleeping together for two years." Each of these witnesses testified under oath at the hearing and utterly denied such an accusation and stated that these accusations not only were untrue, but were hurtful and had injured both of them in their professions.

Ms. Sweet's defamatory communications were published in her emails.

Mr. Biviano further identified an October 26, 2010 email from Ms. Sweet from LadyTKD@aol.com.

Following an email from Ms. Sweet to a Mr. Getto, Mr. Biviano discussed the request for proof to rebut Ms. Sweet's allegations about the [REDACTED] and [REDACTED] and there was further discussion about asking those individuals to take a polygraph examination.

Mr. Biviano confirmed that there was a unanimous vote to terminate Ms. Sweet's membership. Mr. Biviano understood that whether Ms. Sweet or Ms. Coyle or anyone else engaged in slander or other untruths, that such an individual would lose membership in USAT.

Mr. Biviano also confirmed that the motion covered both Ms. Sweet and Ms. Coyle and that their terminations were handled together.

Ms. Sweet's motion for a "directed verdict" involved a procedure inapplicable to a matter being heard by an administrative tribunal without a jury. Dismissal of her appeal was denied. She argued USAT Bylaws were not followed and that the matters which were the subject of her separate accusations "needed to be investigated." Ms. Sweet admitted that despite her emails, she did not know if [REDACTED] and [REDACTED] were actually sleeping together. Ms. Sweet further argued that USAT Bylaw Section 18 allows removal of a director for an ethics violation after referral to the Ethics Committee for recommendation. Ms. Sweet referred to three prior ethics complaints that she filed that she claims were not referred to the Ethics Committee.

USAT WITNESSES

USAT presented evidence commencing with witness Brad Lunn. Mr. Lunn is an executive for General Automics, San Diego, California, a USAT Board Member and Board Member of General Automics and the Audit Director for General Automics four years. Mr. Lunn is not an athlete director, nor a coach.

Mr. Lunn testified that the meeting of October 29, 2010 which was held by conference call, considered the conduct of Ms. Sweet, a former director of USAT, and Chair of the Board. She was the subject of a unanimous Board vote to terminate her membership on October 29, 2010.

Mr. Lunn noted that Ms. Sweet had engaged in a pattern of conduct attacking USAT staff members [REDACTED], [REDACTED], and [REDACTED]. He noted that Ms. Sweet was very hostile toward USAT staff.

Ms. Sweet had a well established history of being divisive and highly aggressive in her criticism of USAT.

He noted a direct expression of personal animus in which Ms. Sweet reported she, with Ms. Coyle, would “make David Askinas’ life miserable.”

Mr. Lunn confirmed the unanimous vote of the Board to terminate the Sweet membership noting: (1) her relentless pattern of conduct attacking staff members; (2) Sweet’s accusations of an alleged romantic relationship between [REDACTED] and [REDACTED]; (3) confirmation that Ms. Sweet and Ms. Coyle actively worked together on a website to spread rumors and attack USAT Directors; (4) Ms. Sweet’s calculated attacks on David Askinas by Ms. Sweet’s emails.

Mr. Lunn further noted that Sweet and Coyle actively worked together to spread rumors, whether true or untrue. In 2009, while she was on the Board of Directors, Ms. Sweet caused a surprise, costly financial audit based on a “vendetta” to “dig up something on Mr. Askinas.”

Ms. Sweet further threatened ethics complaints and investigations against people she did not believe in. Mr. Lunn noted that Ms. Sweet, without evidence, accused [REDACTED] of having an affair with a USAT staff member.

Mr. Lunn testified that there was a separate motion to terminate Ms. Coyle’s USAT membership and that it was not conducted at the same time Ms. Sweet’s membership was terminated.

Mr. Lunn concluded that Ms. Sweet was a distraction; her conduct and activities were adverse for USAT morale; she diverted USAT resources; and waged a continuing war against USAT CEO and its staff. Ms. Sweet was terminated for both cause and without cause. The stated reasons for cause were her actual conduct and threatened conduct; cyber bullying; harassment of USAT officers and staff; and that her conduct was escalating in intensity and aggressiveness.

Ms. Sweet had a practice of making ongoing postings on a website or other electronic communications sites which constituted venomous attacks on USAT Directors, its CEO, and staff which were extremely hostile; unprofessional, and untrue. Mr. Askinas was a lightning rod for Ms. Sweet's hostility, as were [REDACTED] and [REDACTED].

Mr. Askinas stated the Board was forced to do something to protect USAT staff against constant attacks on Ms. Sweet's websites, which was a diversion and needless expenditure of USAT resources.

Mr. Lunn confirmed that Mr. Biviano voted in favor of terminating Ms. Sweet without and with cause.

An extended discussion about financial matters, liquidity, the extent to which obligations exceeded resources in 2007, which had been raised in the past by Ms. Sweet, was also presented.

Mr. Lunn further testified that he had gone on the Internet time and time again to find very caustic emails targeting [REDACTED] and [REDACTED]. The emails from Ms. Sweet and Ms. Coyle were very negative, hostile comments about USAT staff. Mr. Lunn believed Ms. Sweet took things out of context on her website. Mr. Lunn noted he had known of Ronda Sweet's blog on a long term basis. He observed that when Ms. Sweet was chair of the USAT Board she was more passive, she became quite hostile when she resigned from the Board. Ms. Sweet's vitriol and criticism escalated over time.

Mr. Lunn observed that Ms. Sweet was always looking to criticize the USAT staff to find differences and to exploit them; that her blogs, emails, and other communications were very divisive. New Chair, Kevin Padilla, who replaced Ms. Sweet, became another lightning rod for criticism. Ms. Sweet's activities have had a negative effect on USAT corporate objectives. The time spent addressing problems she has created are not in furtherance of the sport. Her activities diverted the attention of the USAT Board from focus on the athletes and resulted in a diversion from USAT's purposes of promoting

U.S. Olympic participation by USA Taekwondo athletes. It had a negative effect on the morale of everybody associated with the Board of USAT. Mr. Lunn found Ms. Sweet's diatribes to be of no value, but rather were an unjustifiable burden on Board members.

[REDACTED]

[REDACTED], after being duly sworn, testified that [REDACTED] is the [REDACTED] for USAT. [REDACTED] works in coordination with [REDACTED] to better the sport and to raise the level of competence and training of the athletes. [REDACTED]

[REDACTED]

It is important that [REDACTED] maintain the respect of [REDACTED] and USAT staff to have good relations and interaction with [REDACTED]. [REDACTED] recognizes [REDACTED] as one of two of the Head National Coaches.

[REDACTED] testified [REDACTED] was aware of Ms. Sweet's and Ms. Coyle's allegations accusing [REDACTED] of having an extra-marital affair with [REDACTED]. [REDACTED] was outraged and very upset by Ms. Sweet's false electronic communications defaming [REDACTED] alleged lack of chastity. [REDACTED] testified it is very difficult for [REDACTED] to have respect in the sport of Taekwondo and that Ms. Sweet's communications and accusations made [REDACTED] job "a lot harder."

The Sweet accusations and defamatory statements placed [REDACTED] in a false light and caused [REDACTED] to lose respect from coaches, athletes, USAT members and other who judged [REDACTED] on the basis of Ms. Sweet's false accusations.

Ms. Sweet never called or contacted [REDACTED], although Ms. Sweet knows [REDACTED]. She never asked [REDACTED] if Ms. Sweet's allegations were true. [REDACTED] did not file a lawsuit against Ms. Sweet.

On cross, [REDACTED] was asked whether she was responsible for [REDACTED] and [REDACTED] stated that she was a competitor over whom [REDACTED] had responsibility. [REDACTED] was unaware of any allegations of drug use by [REDACTED]. [REDACTED] did not have direct knowledge that [REDACTED] had stayed out past the 12:30 a.m. curfew, nor did [REDACTED] keep [REDACTED] out until after 2:30 a.m. in Cali, Columbia. Although [REDACTED] has not read Ms. Sweet's blogs, [REDACTED] has been told by other people about the contents of the blogs which [REDACTED] believes have defamed [REDACTED]. [REDACTED] has been personally hurt and humiliated by Ms. Sweet's unwarranted attacks.

DAVID ASKINAS

David Askinas is the Chief Executive Officer of USAT. Mr. Askinas was a practicing attorney in Hartford, Connecticut before his assumption of duties as USAT CEO. Mr. Askinas attends USAT Board meetings but he is not a member of the Board. Mr. Askinas attended the October 29, 2010 Board meeting. Ms. Sweet's conduct included her attacks on USAT staff and National Coaches. Mr. Askinas interpreted Ms. Sweet's attacks as divisive to Taekwondo and to American competitors.

Mr. Askinas acknowledged that a Ron Getto had received emails and Facebook pictures from Ms. Sweet, including allegations that the [REDACTED] was sleeping with [REDACTED].

Mr. Askinas called [REDACTED] into his office, questioned [REDACTED], and [REDACTED] swore no such thing had ever happened and there was no truth to the allegations that [REDACTED] had slept with [REDACTED].

Mr. Askinas noted that it was his duty to protect USAT staff. He noted violations of civil law and constant attacks by Ms. Sweet and Ms. Coyle on USAT, its directors, and the organization. David Askinas stated that the conduct of Ms. Sweet made it difficult for USAT to do business because it was constantly distracting and a continuing negative force.

Mr. Askinas acknowledged he knew [REDACTED], who was a former coach and referee who was accused of sexual misconduct. This was discussed in many emails by Ms. Sweet and Ms. Coyle. Mr. Askinas referred to the email he had seen, in which it was confirmed that Ms. Sweet was working with Denise Coyle to make Mr. Askinas' life miserable.

Mr. Askinas also observed that Ms. Coyle had posted pictures of him and USAT staff and made derogatory comments about them on her websites. Mr. Askinas reviewed the photos posted on the blog that allegedly showed Mr. Askinas and other USAT staff or competitors with alcoholic drinks in their hands. Mr. Askinas noted that Ms. Sweet is a former Chair of the Board of Directors and that she ceased being Chair in part because of the concern that Ms. Sweet's conduct would get USAT sued for defamation.

Ms. Sweet also accused Mr. Askinas of sleeping with [REDACTED]. Mr. Askinas testified this is a false accusation. This false and defamatory information was published by Ms. Sweet at the time that Mr. Askinas' contract with USAT was being negotiated. Mr. Askinas noted that the timing showed actual malice in Ms. Sweet's trying to interfere with his employment and renegotiation of his employment contract.

Mr. Askinas noted that Ms. Sweet has never filed any sexual harassment complaints against coaches, USAT staff, or others whom she has accused. Mr. Askinas pointed out to the Board the danger of malicious blogging and emails. He referred to the case of a gay Rutgers student who committed suicide, after the student was posted on a website, where cyber bullying and rumors were spread, that were highly embarrassing to the student.

Mr. Askinas observed that Ms. Sweet's false representations are not in furtherance of the sport of Taekwondo. Her activities did not improve but rather were destructive of USAT's objectives. Ms. Sweet caused inordinate expenditure of time, money, and effort to address her continuing false and irresponsible accusations. All of this was communicated to the USAT Board of Directors and upon a motion duly made, seconded, and unanimously passed, Ms. Sweet's membership was voted to be terminated at the October 29, 2010 USAT Board of Directors meeting. Mr. Askinas noted that Ms. Sweet's witness, Mr. Biviano, voted in favor of termination and that no member of the Board of Directors abstained from voting to terminate Ms. Sweet's membership.

Mr. Askinas acknowledged on cross-examination that Ms. Sweet had voted to extend his contract. Mr. Askinas also explained that photographs following a competitive event showing champagne bottles on the gym floor, in chairs, in glasses, in the hands of Mr. Askinas and other USAT associated individuals, were at a time after the competition had ended and it was an after event clean-up.

CONCLUIONS OF LAW

1. Ms. Sweet denied that she had been advised that one of the grounds for her termination was that she had not acted in the interests of USAT. Ms. Sweet disclaimed and minimized

her own participation in the abusive false and defamatory emails and blogs, inferentially shifting the blame to Ms. Coyle.

2. Ms. Sweet in her resignation from the Board, stated she could no longer be a party to USAT's Board of Director's actions which she alleged were illegal, in violation of Bylaws with which she disagreed.
3. The Committee finds that none of Ms. Sweet's allegations have been established to be true.
4. Ms. Sweet has engaged in a continuing malicious course of publishing false and defamatory utterances, without any personal knowledge of the truth, accusing the USAT [REDACTED] [REDACTED], and others associated with USAT of immoral and unlawful conduct, although she did not know if her statements were true.
5. Ms. Sweet's assertion that Bylaw Section 18.1 required the reporting of her conduct to the USAT Ethics Committee before her membership can be terminated is erroneous. There is no such language in Section 18.1.
6. Ms. Sweet made the statement "I stand on my behavior." This proves that Ms. Sweet has no concern for the chaos and harm she has caused to others by her false and defamatory accusations; her divisive and abusive conduct, and her widespread publication of intentional falsehoods over the Internet, through her blogs and emails is reprehensible.
7. Ms. Sweet in effect stated that it was her intent and purpose to "expose the alleged violations of USAT Bylaws and other rules of the USOC and Colorado non-profit corporation law" by making untrue allegations and sitting back to see whether anyone could disprove them.
8. This could have been done by referring her complaints and providing her information to appropriate officers and/or individuals with USAT, the USOC, and other organizations, charged with investigatory and decision making authority over the sport of Taekwondo.

Instead, Ms. Sweet embarked upon a continuing course of hostile, aggressive, and unlawful conduct to maliciously and recklessly make false and defamatory allegations against many USAT officers, directors, and members with the intent to harm and embarrass them.

9. Although Ms. Sweet has a First Amendment right to participate in USAT and other organizations to redress her grievances, and has a right to criticize USAT, its officers and directors, and bring attention to any misconduct or violations of Bylaws, rules, regulations, state or federal laws; she does not have the right to engage in an irresponsible course of conduct that has caused great harm to the reputation, peace of mind, and morale of USAT Directors, Officers, athletes, and Coaches.
10. Ms. Sweet views herself as a whistle blower and a heroine in her activities, which she believes are helping protect the objectives of USAT to bring about changes in the organization. She has engaged in unlawful conduct to accomplish her objectives. There are honorable and lawful means to present complaints and draw attention to alleged misconduct and/or violations of law, rules, or regulations by USAT Directors, officers, and/or staff. Ms. Sweet chose to ignore such means and procedures.
11. Under Colorado law, the appellate procedure and membership termination rules of Section 5.4 provide that a fair and reasonable process for termination of membership, which includes notice and a hearing, are sufficient.
12. Colorado non-profit corporation law defers to a local non-profit organization's right to terminate members based on the Colorado law's exception: "Unless otherwise provided in Bylaws.
13. The Bylaws of USAT provide such an exception to permit termination of membership without cause."

14. The actions of Ms. Sweet detailed in the Findings of Fact do not comport with the obligations of membership in USAT, to advance the goals of the organization and the interests of American Taekwondo competitors.
15. Under applicable law, Ms. Sweet had no vested property interest in her lifetime USAT membership.
16. Based on the notice of hearing, issues raised at the hearing, opening statements, evidence and arguments submitted by both parties, USAT Board of Directors have provided Ms. Sweet fair notice of the charges to enable her to fully defend herself at the Judicial Committee hearing which afforded her the right to be fully heard.
17. The evidence has established beyond a preponderance of the evidence that Ms. Sweet's USAT membership has been validly terminated both with and without cause.
18. Although Ms. Sweet failed to timely identify her witnesses to be called at the hearing and to list her exhibits, she was permitted to call any and all witnesses she designated at the time of the hearing and she offered any exhibits she wished to submit, which were duly marked and received in evidence. She was given full opportunity to make an opening statement and closing argument in a hearing that lasted more than five hours.
19. As an appellant, pursuant to the provisions of Bylaw Section 5.4, Ms. Sweet has the burden of going forward with evidence to prove, by a preponderance of the evidence, that the termination of her membership was not valid and/or was unlawful.
20. The USOC due process checklist referred to by Ms. Sweet is a "recommendation," and not a mandatory and enforceable set of rules.
21. As of April 8, 2011, Ms. Sweet had not provided a witness list nor a list of exhibits pursuant to the prior order by the Judicial Committee respecting conduct of the hearing.

22. Colorado non-profit corporation law has been satisfied in all respects. Under Section 7-136-302(1) the Bylaws otherwise provided for the termination without cause of any member of USAT, a Colorado non-profit corporation.
23. Under Colorado non-profit corporation Code Section 7-136-302(2) the Judicial Committee hearing and appeals procedure is fair and reasonable, as the Bylaws set forth a procedure that provides: (i) not less than 15 days prior written notice of the termination of the membership and the reasons therefore; and (ii) an opportunity for the member to be heard orally or in writing not less than 5 days before the effective date of the termination of membership.
24. The termination of Ms. Sweet's lifetime membership in USAT shall become effective 15 days following the electronic service of this Decision on all parties, on or about July ~~21~~, 2011.
25. The Georgia appellate case cited by USAT, *Rose v. Zurowski*, 511 ~~FS~~.E.2d 265, ~~—268~~-(Ga. App. ~~Cc.~~ 1999) addressing membership termination under circumstances analogous to this case, finds that even if the law requiring a fair and reasonable procedure applies, that unless otherwise expressly provided in Bylaws, represents an exception to the application of the membership termination statute. USAT Bylaws Section 5.4 provide for termination of membership without cause.
26. Colorado law expressly authorizes a Colorado non-profit corporation to terminate a membership without cause.
27. USAT citation, *Hitung v. Audubon Country Club Inc.*, 785 SW.2d 501, 503 (App. 1990): held that a voluntary private club has an unfettered right to choose its own members. Neither due process nor concepts of equal protection require that one is bound to associate with others against his or her will. "The rules and regulations of the club expressed in the charter and bylaws govern membership, and the club is the final arbiter of all matters relating to the

club-member relationship. Judicial review is limited to enforcement of the organization's own rules.

28. The law does not entitle a member of a private association to "due process" of the law beyond what is provided for by the rules and bylaws of the organization itself. *Christiansen v. Michigan State Youth Soccer Ass'n, Inc.*, 218 (Mich. App. 1996). Private associations are not subject to provisions of law or procedural rules imposed on public entities by the due process clauses of state and/or the federal constitution. *Bartly v. Augusta Country Club, Inc.*, 326 S.E.2d 442, 443 (Ga. App. Ct. 1985).
29. The process to which members of a voluntary association are due, is that provided for by the bylaws of the association. *Pollock v. Crestview Country Club Ass'n*, 205 P.3d 1283, 1287 (Kn.App.Ct. 2009).
30. Ms. Sweet has no property interest in her membership. USAT Bylaws 120.5 clarify that USAT's assets are "expressly dedicated to charitable purposes." As a tax exempt 501(c)(2) charitable corporation, any assets of USAT may only be used for charitable and educational purposes, not for the private benefit of Ms. Sweet. USAT Bylaw 1.2.
31. A life membership does not give its holder "property interest" in a voluntary private association. *Anderson et al. v. Enterprise Lodge No. 2*, 906 P.2d 962, 967-68 (Wa. App. 1995); *see also, Chisholm v. Hyattstown Volunteer Fire Dept. Inc.*, 691 A.2d 776, 781-82 (Md. App. 1997) (a member's "life membership" could be terminated under the organization's disciplinary procedures despite a bylaws provision that "life members shall not be dropped under the rules of the organization.").
32. To the extent that any finding of fact may be construed as a conclusion of law, or any conclusion of law construed as a finding of fact, it is so intended.

SO ORDERED.

DATED: July 6, 2011.

/s/ Anthony Bell
Anthony Bell, Athlete Member

DATED: July 6, 2011.

/s/ Paul Krogh
Paul Krogh, Member

DATED: July 6, 2011.

/s/ Oliver W. Wanger
Oliver W. Wanger, Chair