

**BEFORE THE
UNITED STATES OLYMPIC COMMITTEE**

UNITED STATES OLYMPIC COMMITTEE)	
)	
Complainant)	
)	
)	
v.)	February 2, 2006
)	
)	
U.S. TEAM HANDBALL FEDERATION;)	
Mike Hurdle, President; Janice O'Shea, Vice-President,)	
Women's Team; James Thome, Vice-President, Men's Team;)	
Tony Fontenot, Secretary; Annette Bergman, Treasurer; Eric)	
Pfeifer, MSO Rep; Derek Brown, Robert Djokovich; Robert)	
Dunn; Tomuke Ebuwei; Theresa Ekstrom; Tom Fitzgerald;)	
Paulette Freeze; Kevin Hutchinson; Pat Joyner; Kim Kruse;)	
Dawn Lewis; Oliver Luck; Bruce Mosberg; Peter Siskind; Joe)	
Story; David Thompson; Mike Thornberry; Kristen Torpey;)	
Matt Van Houten; and Italo Zanzi)	
)	
Respondents)	
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FINDING AND RECOMMENDATION

I. BACKGROUND

U.S. Team Handball Federation ("USTHF") is an Olympic Sport Organization member of the United States Olympic Committee ("USOC"). It is also the National Governing Body ("NGB") for the sport of Team Handball in the United States, recognized by the USOC as the NGB pursuant to the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. § 220501 *et seq.*), (the "Act").

On December 20, 2005 the USOC filed a complaint against USTHF pursuant to 36 U.S.C. § 220521(d) and Article X of the USOC Bylaws to terminate USTHF's

membership in the USOC and to revoke USTHF's recognition as the NGB for the Sport of Team Handball.

In accordance with Article X, Section 10.17 of the USOC Bylaws, James Scherr, USOC Chief Executive Officer, appointed a Hearing Panel of three individuals, one of whom was an athlete, for the purpose of hearing this matter. The Panel members are:

Mary McCagg, Chair
USOC Board of Directors

Robert Mitchell,
Executive Director, USA Shooting

Mike Peters
USOC Athletes' Advisory Council

USTHF was given until January 6, 2006 to respond to the Complaint. The Complaint was served on USTHF President Mike Hurdle. Additionally, the Complaint was served on all members of USTHF's Board of Directors. Neither USTHF's Board of Directors nor its President submitted a response to the Complaint. Four responses were submitted by individual USTHF Board members on their own behalf, and not on behalf of USTHF. Those responses were submitted by Theresa Ekstrom; Jan O'Shea, Vice President – Women; James Thome, Vice President – Men; and Matt Van Houten, USOC AAC Representative.

On January 24, 2006 the Hearing Panel held a hearing on the Complaint. Testimony by written affidavit was presented by Jay Warwick, USOC Sports Partner Director, and Eric Parthen, USOC Director of NGB Development. Numerous exhibits were attached to Mr. Warwick and Mr. Parthen's affidavits.

Upon inquiry by the Panel, no person represented USTHF at the hearing. USTHF Board members Annette Bergman, Robert Djokovich, Tomuke Ebuwei, Theresa

Ekstrom, Kevin Hutchinson, Dawn Lewis, Jan O'Shea, James Thome, David Thompson, Peter Siskin and Matt Van Houten attended the hearing. Of those, Theresa Ekstrom, Kevin Hutchison, James Thome, Peter Siskind and Matt Van Houten spoke at the hearing on their own behalf, but not on behalf of USTHF. No request was made by USTHF or any Board member of USTHF to cross examine Mr. Warwick or Mr. Parthen on their testimony.

II. FINDING

After careful consideration of this matter, the Hearing Panel finds that USTHF has failed to meet its responsibilities as an Olympic Sport Organization member of the USOC and has failed to meet its obligations for recognition as the NGB for the sport of Team Handball. Accordingly, among other things, the Panel recommends to the UOSC Board of Directors that USTHF's membership in the USOC be terminated and that its recognition as the NGB for the sport of Team Handball be revoked.

In making its decision, the Hearing Panel considered the Complaint and the attachments to the Complaint, the responses of USTHF Board members Theresa Ekstrom; Jan O'Shea, James Thome, and Matt Van Houten, the testimony of Jay Warwick and Eric Parthen, with accompanying exhibits, and the statements made by Theresa Ekstrom, Kevin Hutchison, James Thome, Peter Siskind and Matt Van Houten at the hearing.

The Hearing Panel was also cognizant in making its decision that at no time during the proceeding did USTHF contest the merits of the Complaint. Also, no USTHF Board member who submitted a response to the Complaint or who spoke at the hearing contested the merits of the Complaint. In effect, USTHF conceded that it is no longer

entitled to be an Olympic Sport Organization member of the USOC or capable of serving as the NGB for the sport of Team Handball.

The requirements for membership in the USOC as an Olympic Sport Organization and for recognition as an NGB are set forth in 36 U.S.C. §§ 220522, 220523, 220524 and 220525 and in Article X, Sections 10.3 and 10.5 and Article XVII of the USOC Bylaws. Although USTHF fails to meet many, if not most of these requirements, the Hearing Panel will not recite each and every failure. Rather, it will focus on a few of USTHF's major failings.

USTHF does not have the financial resources to execute its obligations as an Olympic Sport Organization or as an NGB. USTHF is effectively bankrupt. It has no funds to support athletes, operate athlete programs, employ a staff or keep its national office open. Further, it has no prospects for rectifying its financial situation.

USTHF does not have the managerial capability to run the sport of Team Handball. It has no staff and has closed its national office. Further, it is not possible for volunteers to assist in managing the organization because of the disputes and controversies that exist between various factions on USTHF's Board of Directors. Given its present state, USTHF is unable to conduct its affairs. It has closed its operations with no plan to hire new staff or reopen its office.

USTHF is not able to resolve the grievances of its members. There has been an ongoing dispute regarding the manner and method for developing a new organizational structure and for adopting new bylaws. This dispute has resulted in charges and countercharges. A formal grievance was eventually submitted by one of USTHF's Board members. When no resolution was forthcoming the matter was brought to the attention

of the USOC. However, even after USOC involvement the dispute continued to fester, causing increased acrimony among USTHF members and a total breakdown in the process for organizational change and adoption of new bylaws.

USTHF is not organizationally competent. New bylaws were submitted to USTHF's membership, but because of the above mentioned dispute, passage of those bylaws was challenged. Currently, it is a matter of contention whether USTHF's old bylaws are in effect or whether they have been replaced by new bylaws. It is impossible to know which bylaws govern USTHF. Further, as a result of the disharmony between the President and various Board members, the President dismissed the Board and the Board impeached the President. Thus, it is impossible to know who is in office and who is responsible for managing the business and affairs of USTHF.

USTHF is not capable of developing and promoting the sport of Team Handball in the United States. Nor is it able to support its athletes through programs aimed to put athletes on the playing field in international and Olympic competition. An indication of USTHF's inability to support Team Handball athletes and programs is USTHF's failure to meet its obligations under its Performance Partnership Agreement. In the past three years USTHF was able to achieve only four of its nine task related milestones and one of its nine performance related milestones. Its international performance has been sorely inadequate. In 2005 the Women's National Team placed sixth out of six countries in the Pan Am Championships. The men did not compete in an international competition in 2005. USTHF has not participated in the Olympic Games since 1996, when it received an automatic invitation because the United States was the host country. Additionally,

USTHF has not qualified for a World Championship in the past 6 years. Finally, there is no evidence that USTHF is capable of correcting these inadequacies.

Lastly, the Hearing Panel wants to make two points. First, some of the individuals who spoke at the hearing requested that the USOC consider appointing a management committee to take over operations of USTHF, finalize a new set of Bylaws and assist USTHF in attaining the managerial and financial competence required of an NGB. The Hearing Panel does not have the authority to fashion a settlement of this matter. Rather, its obligation is to make a determination on the Complaint. Whether or not the USOC and the USTHF wish to resolve this matter through appointment of a management committee, or through some other agreed upon settlement, is not for the consideration of this Panel.

Second, the Hearing Panel is deeply concerned that Team Handball athletes be properly supported. The failings of USTHF have already negatively impacted the sport's athletes. Those athletes should not be further disadvantaged. The Panel requests that if the USOC determines to adopt the Panel's finding and recommendation regarding USTHF, that it take whatever steps are reasonably necessary to provide for athlete programs and athlete support.


All members of the Hearing Panel reviewed and approved this written Decision.

III. RECOMMENDATION

Accordingly, the Hearing Panel recommends to the USOC Board of Directors that the Board adopt the following:

1. USTHF's membership in the USOC as an Olympic Sports Organization is terminated.

2. USTHF's recognition as the NGB for the sport of Team Handball is revoked.
3. The USOC shall notify the Federation Internationale de Handball of the USOC's termination of USTHF's membership in the USOC and of the USOC's revocation of USTHF's recognition as the NGB for Team Handball in the United States. USTHF shall resign its membership in the Federation Internationale de Handball effectively immediately.
4. USTHF shall return all USOC property currently in its possession and repay monies owing the USOC, if any.
5. The USOC shall notify the United States Team Handball Foundation of the USOC's termination of USTHF's membership in the USOC and of the USOC's revocation of USTHF's recognition as the NGB for Team Handball in the United States. USTHF shall direct the United States Team Handball Foundation to provide funds to the USOC for use in benefiting Team Handball athletes and programs. The USOC shall communicate with the United States Team Handball Foundation regarding use of funds for Team Handball athletes and programs.


Mary McCagg, Chair
Robert Mitchell, Panel Member
Mike Peters, Panel Member