



Decision Reached in USATT Complaint Against 6 US Nationals Quarter Finalists

February 25, 2010

To: Mark Hazinski
Ilija Lupulesku
Raghu Nadmichettu
Han Xiao
Fan Yi Yong
David Zhuang

Re: USATT's complaint against each of you

Gentlemen:

Section 15.1 (a) of the USATT Bylaws states, in part:

The USATT or any member of USATT may file a complaint pertaining to any matter within the cognizance of the USATT, including but not limited to any alleged violation of or grievance concerning: (i) any USATT rule or regulation, (ii) any provision of USATT's Bylaws, or (iii) any provision of the Ted Stevens Olympic and Amateur Sports Act relating to

Thus, complaints to be considered by this committee include complaints alleging conduct that is wrong, or unethical, and/or detrimental to the sport, but is not necessarily specifically covered by USATT rules and regulations.

In accordance with Article XV of the Bylaws, a hearing panel convened on February 22, 2010 to consider USATT's complaint against each of you relative to your actions at the 2009 National Championships in demanding increased prize money for the final 8 in Men's Singles along with increased hospitality, threatening to boycott the event if those demands were not met, and subsequently failing to continue to play in the Men's Singles event when those demands were not met.

At the request of USATT, this matter was handled on an expedited basis and completed prior to the National Team Trials in early March so that there would be no questions about the future status of any athlete who is successful in making the U.S. Team.

Each of you was properly notified of the complaint, and given opportunity to respond in writing.

Each of you was given the opportunity to participate in the hearing. Only Han Xiao responded in writing, and only Han Xiao participated in the hearing.

Testimony at the hearing was taken under oath, with all witnesses and parties to the complaint having first been sworn by Notary Public Cindy Marcum to tell the truth, the whole truth, and nothing but the truth.

Han Xiao, as well as witnesses Dan Seemiller, Larry Hodges, Mike Cavanaugh, and Ross Brown were present at the hearing. Board Members Peter Scudner, Linda Leaf, Ashu Jain, and Jim Kahler of Complainant USATT were also present at the hearing.

Evidence considered by the panel included USATT's written complaint, Han Xiao's written response, and testimony by those present at the hearing.

Han Xiao presented witnesses Seemiller and Hodges as character witnesses. Han Xiao's reputation had not been, and was not, questioned by the panel.

Undisputed testimony given at the hearing included:

* On December 18, 2009, subsequent to the Men's Singles round of 16 and prior to the quarter finals, each Respondent (each of you) signed a document containing demands for increased prize money for the top eight (8) players in the Men's Singles at the 2009 Nationals, and various forms of hospitality and tournament amenities. In the document, Respondents stated (threatened) they would boycott the remainder of the event and not compete if the demands were not met. The document was then presented by Han Xiao to Mike Cavanaugh for consideration by USATT.

* The demand document contained no demand for increases in prize money, increased hospitality, or tournament amenities for the Women's Singles, only for Men's Singles in which each Respondent was already among the final eight (8) contestants.

* The demands were not met, but USATT did agree to considering a proposal to double the prize money for Men's and Women's Singles in 2010, and certain future amenities.

* The Respondents did not agree to accept USATT's proposed compromise.

* Each Respondent "defaulted" in the quarter finals of the Men's Singles.

* Prior to December, 2009, neither Han Xiao, nor any Board Member, nor any Respondent, nor any other USATT member has ever asked this Board, or petitioned the Board, to have "Increased prize money for the Nationals" put on a Board meeting agenda for consideration.

Han Xiao admitted that he thought at the time it would be harmful to USATT if the Respondents all boycotted the event, and that he knew that at least some other Respondents also thought so.

At one point in the hearing, Han Xiao stated he was primarily a secretary/note taker for his fellow competitors. He also stated that he felt as an Athlete Advisory Committee representative on the Board he should present the player's demands to USATT.

Han Xiao characterized the intent of the Respondents' actions in this matter as being to improve

the lot of all athletes, especially for the future.

If the original group of seven (7) players signing the demand document had stayed intact, and all seven (7) had failed to continue, no further matches could have been played in the Men's Singles.

The increase in prize money demanded for the Men's Singles amounted to an additional \$19,000.00 that would be distributed among the final 8 players, which included an additional \$7,000.00 for first place.

Hearing Panel Findings and Decisions

The Respondents made demands, and threatened to boycott the Men's Singles if the demands were not met. The demands were not met, and no Respondent continued to compete. Regardless of any stated reasons for the "defaults" in the quarter finals, those "defaults", combined with the threat to boycott, give the appearance of a boycott and not of six (6) random defaults for various reasons.

The hearing panel finds that the Respondents' actions in making the demands, and threatening to boycott the men's singles if the demands were not met, basically amounted to an extortion attempt. The panel finds that the Respondents' conduct in so doing was unethical, unsportsmanlike, improper, obviously wrong, and unbecoming of a member of USATT.

The panel finds that the Respondents' collective actions in failing to continue to play in the Men's Singles sabotaged the event, regardless of any stated reasons for doing so, and that that the Respondents' overall actions in this matter were harmful to USATT.

Specific to Mr. Xiao's representation that the intent of Respondents' actions in this matter was to improve the lot of all athletes, especially for the future, the panel had no factual basis for reaching such a conclusion. Mr. Xiao may have had that motivation, but he presented no evidence regarding the motivation of the others. On the contrary, all Respondents demanded an immediate, significant increase in prize money for themselves with no mention of any other events. Further, any Respondent could have made a proper request to the USATT Board of Directors for increased prize money, hospitality and amenities long before December 18, 2009, but did not do so. The panel finds that the preponderance of the evidence indicates the Respondents' motivation for self-benefit.

Specific to Mr. Xiao's representation that he simply served as a secretary/note taker and that his AAC position required him to serve as the "demand-boycott" effort's spokesperson, the panel finds that this is not a full representation of what happened, that he had no obligation to participate in an action that was wrong or that he thought was wrong, and that he could have presented a demand petition on behalf of the others without having agreed to it or without having been a party to it.

The panel finds that the Respondents had to have thought a boycott would be harmful to USATT for them to have thought there was any chance that USATT would meet their demands.

The decision of the hearing panel is that each of you is suspended from the USATT and all USATT activities for a period of 1 year, beginning March 1, 2010.

You can not participate in any USATT activity or event during the period from March 1, 2010

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News item

through February 28, 2011. You may resume participation in USATT activities or events on March 1, 2011.

In accordance with Section 15.12 of the USATT Bylaws, you have the right to appeal the decision of the hearing panel to the American Arbitration Association.

Richard Hicks,
Hearing Panel Chair

Khoa Nguyen
Hearing Panel Member

Cindy Marcum
Hearing Panel Member

cc:
Dennis Taylor (via email)
Mike Cavanaugh (via email)
Alan Grambo (via email)
Bob Petty (via email)
Joyce Grooms (via email)
USATT Board of Directors (via email)

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