

To: Twenty-one chapters supporting TASO BB Division Reforms
From: Barry Caponi
RE: Status of the suspension hearings held by TASO, May 19, 2007 in Austin, Texas, a report on the specific punishments handed down, and the make up of your current Basketball Division Board

I think it is important that all our members know how the TASO All Sports Board conducted its affairs in dealing with the basketball division's futures committee members and officers. Though I believe what was done exceeded both the spirit and intent of the rules, I am absolutely certain that a number of rules which would have safeguarded our rights were ignored. Before going into detail about how those rights were ignored, let me explain to you the manner in which these punishments came about.

1. A complaint was filed on March 4, 2007, by Dotson Lewis, former Executive Director of TASO, charging Ronnie Girouard, Chohan Mayo, Alton McCormick, Bill Carter, Barry Caponi and Sonny Balli "with violating the TASO Bylaws, Basketball Division Policy and the TASO Code of Ethics". Mr. Lewis claimed to be acting "on behalf of the members of TASO-Basketball Division." According to multiple sources, this complaint was actually the second one submitted by Mr. Lewis. Our understanding is that Steven Ellinger read and reviewed the first complaint and suggested changes to the complaint so that the All Sports Board would act on it. (If you will recall, Mr. Lewis also wrote a letter to the futures committee a year prior outlining where he thought the TASO All Sports Board had usurped its authority over the organization he had helped found. Quite the opposite of this last letter.)
2. No action was taken by the All Sports Board on this complaint until March 26-30, 2007, *after* the meeting of the futures committee with the All Sports Board on March 25, 2007.
3. With no notice to either Alton McCormick or myself, the duly elected and voting representatives of the Basketball Division on the All Sports Board, the remainder of the All Sports Board conducted an email/electronic meeting which resulted in the immediate suspension of all members of the futures committee and Bill Carter from any positions of authority in our division. That suspension also included Alton's and my membership on the TASO All Sports Board. In my opinion, and in the opinion of

our legal counsel, there is absolutely no argument about the fact that the actions of the All Sports Board were taken in such a fashion as to preclude the opportunity for any of our officers to have any opportunity to confront witnesses or present any evidence in their defense. The first any of the suspended members learned of the actions of the All Sports Board was when letters from our Executive Director, Steven Ellinger, who assisted in drafting the complaint, were received. The All Sports Board seems to claim it was acting by emergency power, but please note that the co-authored version of the complaint had been held in secret from *our members* of the All Sports Board for over three weeks before any action was taken.

4. The All Sports Board agreed to allow all the suspended members, and a representative of their choice, to “appeal” the suspension on May 19, 2007 in Austin. When Sonny Balli, the first “appeal” to be heard, entered the room he was told he would have ten minutes in total to refute all charges, even though he had never been told exactly what the charges were. His representative, an attorney and fellow TASO basketball official who represented each of us, was only allowed to ask a few questions before being told that the All Sports Board was not interested in listening to him. His questions at that point were nothing more than to understand the specifics of the charges (as none had been submitted) and to determine under what due process procedures and Bylaws would be followed. No witnesses, including the complaining witness, Mr. Lewis, were present to make any case that our officers were guilty.
5. I think it is also important to recognize that Dr. Breithaupt, of the UIL, also was in attendance at the beginning of the meeting and asked to be heard regarding the suspensions. He talked about how the process had unfolded and how circumstances had moved Dr. Farney to reverse his earlier decision. He even reiterated in open forum that the UIL had indeed invited the nineteen chapters to Austin and had paid their expenses. He was supportive of us individually as well as the process we followed and personally asked for the All Sports Board to return things to as they had been for the good of all involved. He was rudely treated by a minority of the board, and unfortunately, we did not see anyone apologize for that treatment before he left.

No matter how we all feel about the major part the UIL played in this process, it is important for you to understand that Dr.

Breithaupt has personally been supportive of us all the way through this. As a paid employee of the UIL, his position must be that of the UIL, and we understand that. In any event, he should not have been treated the way he was under any circumstances.

6. After going through six very similar and individual 'hearings', all heard in executive session, the All Sports Board issued the following penalties:
 - a. Alton McCormick was removed as our president, restricted from holding any elected or appointed office for 5 years and restricted from calling any playoff games for 2 years;
 - b. Barry Caponi, although retired from active officiating, was removed as our president-elect, restricted from holding any elected or appointed office, restricted from calling any playoff games or acting as a clinician in any format for 5 years;
 - c. Although not even a member of the futures committee, Bill Carter was removed as our vice president, restricted from holding any elected or appointed office for 5 years and restricted from calling any playoff games for 2 years;
 - d. Chowan Mayo was removed as our immediate past president, restricted from holding any elected or appointed office for 5 years and restricted from calling any playoff games for 5 years, although he is allowed to be a clinician;
 - e. Ronnie Girouard, although also retired from active officiating, was removed as our UIL Rules Interpreter, restricted from playoffs for 5 years, restricted from elected office for 5 years, and restricted from being a clinician at any TASO clinic for 5 years; and
 - f. Sonny Balli retains his position as a director and placed on probation for 2 years.

There are a number of important protections written into our Bylaws and Due Process Procedures that govern how these types of proceedings are conducted.

1. The TASO Due Process rules state "all matters concerning member ethics and conduct shall be processed in accordance" with the Due Process rules. Section 3, Article 1, requires that notice be given to a charged party containing, among other items of information, dates of alleged infractions, descriptions of alleged infractions, identification of any provision of the constitution, bylaws or rules involved, and the range of action that may be taken. Section 3, Article 4, states that anyone charged with a violation "shall be given not less than 15 days notice of any TASO hearing which might result in action adversely affecting the member."
2. In Article IV, Section 3, of the TASO Bylaws, it is stated that the quorum required for conducting business by the All Sports Board must include at least one director from each division.
3. In Article IV, Section 5, of the TASO Bylaws, it is stated that any vacancy on the All Sports Board "shall be filled by a successor chosen by the process outlined in the Operating Procedures of the appropriate division".
4. Section 5, Article 1.d provides that "making any TASO decision outside official channels" is a violation of the TASO Standards of Conduct.

Now, please read how these proceedings were actually accomplished.

1. As described above, the All Sports Board met via email over the course of March 26-30 without ever notifying the Basketball Division's members, at least one of whom was required for a valid quorum for the meeting. Regardless of the consequences, the All Sports Board removed our futures committee and Bill from office and suspended their memberships in TASO without a quorum being present.
2. During this same time frame, the All Sports Board appointed Don Whitaker, Woody Kupper and Richard Avila as "interim officers" for the Basketball Division. The first item of business at the appeals hearings on May 19, 2007, was for the All Sports Board to take a vote to re-affirm those appointments "pursuant

to Article 4, section 5 of the TASO bylaws." That provision requires that any vacancy be filled according to the Operating Procedures of the Basketball Division, not by the All Sports Board. Our own Basketball Board should have filled any vacancies in office (although according to point number 1, there actually should not have been any).

3. The TASO Ethics Committee never met regarding these claims. The ethics policy of TASO provides that all ethics matters shall be handled by the Ethics Committee, which is composed of the immediate past presidents of each division.
4. No notice of any kind was given to any of the suspended officers/director before the suspensions were handed down by the All Sports Board. The due process rules require at least fifteen days notice before any action by the TASO board which might result in adverse action to a member. Since the suspensions/terminations were taken with absolutely no notice, and without a vote of a quorum, this protection was not afforded to any of us.
5. There has never been any listing of when violations of our constitution, bylaws or rules involved were supposed to have happened or what provisions of any of our constitution, bylaws or rules were involved.

As with all of the communications delivered to our membership throughout this process, it had always been my intent to deliver a balanced view of the facts as I saw them, leaving out my personal opinions. Some within the Basketball Division that disagree with our actions have told me they didn't think I did a very good job of that. The TASO All Sports Board obviously did not agree either based on the comments they made to me during my 'hearing' and the severity of my punishment. I, however, sleep well at night.

Unfortunately, at the end of the day, I believe that these proceedings bear out the conclusion I personally came to while conducting our due diligence that the All Sports Board has, and will continue to, overstep its authority and impose its will upon the Basketball Division. However, that is my personal opinion. I will leave it to you to draw your own conclusions as to the how these proceedings affect what your chapter thinks about the current situation, just as I attempted to do all along. I am retired from active officiating and based upon how my individual rights as a

member were violated as described above; I am under no illusions that the TASO All Sports Board won't view this letter as a violation of my 'probation'. It is not my purpose to incite any action with this report, only to let you know what happened.

In my closing comments to the TASO All Sports Board on May 19th, I told them that I believed everything the futures committee did was in accordance to our Bylaws and Operating Procedures, and had been duly authorized by the Board and a majority of our membership. I also told them that I still believed our concerns were justified. I also told them that I thought they were at a crossroads and had an opportunity to show the Basketball Division that they were willing to begin the healing process of putting the organization back together again. They once again chose the path that indicates that all of our concerns behind what began this odyssey eighteen months ago were legitimate.

On June 16th, the BB Division's Board of Directors will be meeting for the first time since the TASO All Sports Board met in May. The TASO All Sports Board I'm sure intends for the 'appointed' president, Don Whitaker; president elect, Woody Kupper; and immediate past president, Richard Avila, to be voting members. I believe this meeting will, and should be, a watershed event in the history of this organization. I urge you to get together and discuss this situation within your individual chapters and then make sure your district directors know what you'd like done.

Thank you all for the opportunity to serve you as your president-elect for the past nine-months or so. I consider it a privilege and an honor to have done so.