

**ACBL Board of Directors
Online Meeting via Zoom
January 17, 2022
Special Meeting**

The meeting was called to order by President Joann Glasson on Monday, January 17, 2022, at 1:03 p.m. CST.

Present: Jonathan Steinberg R1, Mark Aquino R2, Margot Hennings R4, Dennis Carman R5, Mike Kovacich R6, Paul Cuneo R9, David Lodge R11, Tim White R13, Flo Belford D2, Carlos Muñoz D3, Joann Glasson D4, Georgia Heth D8, Jeff Overby D9, Larry Sealy D10, AJ Stephani D11, Deana Liddy D14, Cindy Shoemaker D17, Laurie Rowe D20, Stu Goodgold D21, David Moss D24

Also Present: Doug Couchman, Advisory Council Chair, Joseph Jones, Executive Director, Peyton Dodson, Director of Finance, Greg Coles, Director of Bridge Services, Stephanie Threlkeld, Marketing Manager, and Sabrina Goley, Administrative Coordinator.

* * * * *

Item 22S1-01: Competition and Conventions Appointment

Franco Baseggio was appointed to the Competition and Conventions Committee to fulfill the remaining term of Jeff Goldsmith, which term will expire the day following the Spring 2022 NABC.

Carried unanimously

Item 22S1-02: Executive Committee Alternate Appointment (Western)

Stu Goodgold was appointed as the Western Zone Executive Committee member alternate to fulfill the remaining term of David Johnson, which term will expire December 31, 2022.

Carried unanimously

Item 22S1-03: Election of Nominee for the NABF Representative to the WBF Executive Council

AJ Stephani was elected as the nominee for the NABF Representative to the WBF Executive Council beginning immediately and ending December 31, 2025.

Item 22S1-04: Election of ACBL Treasurer

David Lodge was elected by acclamation as ACBL Treasurer to fulfill the remaining term of Joann Glasson, which term will expire on April 30, 2022

Item 22S1-05: Change the Term of the ACBL Treasurer

The Codification, Chapter V – Board Procedures, A. Administration, Section 2. Officers was amended as follows:

2.4 Treasurer

2.4.1 The ACBL Treasurer is elected by the Board of Directors at the Fall Board meeting for a one-year term commencing on January 1 of the following year.

2.4.2 The Treasurer shall fulfill the duties set forth in the ACBL Bylaws.

2.4.2.1 A vacancy in the office of Treasurer will be filled by the Board of Directors at its next regularly scheduled meeting.

Effective date: Upon ratification of Bylaws amendment (see Item 22S1-07)
Carried unanimously

Item 22S1-06: Change to Term of Executive Director Review Committee

The Codification, Chapter IV – Board Procedures, D. Committees, Section 2. Committees of the Corporation was amended as follows:

2.8 Executive Director Review Committee

2.8.1 The term of office for each Executive Director Review Committee member will be from January 1 to December 31.

2.8.2 The President appoints the chair and members of the committee from among the members of the Board at the beginning of his term.

Effective date: March 1, 2022
Carried unanimously

FIRST READING

Item 22S1-07: Bylaws Amendment to Redefine Election of Treasurer

Section 6.1.3 of the ACBL Bylaws was amended as follows:

6.1.3 Treasurer. The Board of Directors shall elect a Treasurer from its members to serve for the following calendar year or until a successor is elected.

Effective date: Upon ratification following second reading
Carried unanimously

Item 22S1-08: Starting Times for NABC Events

The Codification, Chapter VIII - North American Bridge Championships, D. Events/Schedules, Section 1. National-rated Events was amended as follows:

1.1 The Competition and Conventions Committee shall establish the starting times and schedules for NABC events. The default starting times for NABC events (except for NABC Fast Pairs events) are 10:00 a.m. and 3:00 p.m. The Committee may make one-time exceptions to these starting times for specific NABC events, but any change in the starting times or schedules for NABC events must be made at least six months before it takes effect. Under CHAPTER IV – BOARD PROCEDURES, D. COMMITTEES, § 5.3.1, the Committee must provide notice of any change to the ACBL Board of Directors at least 30 days before the decision is finalized by the Committee.

1.2 The first session of each NABC+ event will have the same starting times each day throughout the length of the event. Where unusual circumstances indicate (e.g., the use of screens require a longer session, the late stages of an extended NABC team event occurs on a weekend), the Competition and Conventions Committee may make exceptions to this rule.

1.3 When an NABC event requires an unexpected change in the starting time of the next session (e.g., unanticipated attendance in Swiss events, re-starts of the session because of player movement or hand duplication problems), Management should provide at least 45 minutes in between sessions to allow for a reasonable meal break.

Effective date: Summer 2022 NABC
Carried Nay: 8

Item 22S1-09: A&C Report on Hearings

The Chair of the Appeals and Charges Committee reported as follows:

In the matter of Daniel Thompson, the committee accepted the Negotiated Resolution entered into by Thompson and ACBL management in which he admitted a violation of the ACBL Code of Disciplinary Regulations (“CDR”) § 301(B)(9): Dumping. The agreement included a suspension of 60 days followed by a 2-year probation with no forfeiture of his ACBL

masterpoints. He will be not a member in good standing during the length of his suspension and his probationary period.

In the matter of Jerome and Margot Halperin, the committee determined that the circumstances surrounding this case prevented the Halperins from receiving a fair hearing as required by the CDR. The committee remanded the case to ACBL management to determine if it wishes to retry the matter in front of a different panel or take other action as it deems appropriate. The committee did not reach a determination on the underlying question of whether the Halperins engaged in Ethical Violations (as defined in the CDR) as charged and expressed no opinion on that question. This determination was made based on the review guidelines provided in CDR § 603(E)(1):

(E) Automatic Review by the Appeals and Charges Committee

....

In conducting such Automatic Review, the A&C shall not conduct a new hearing but shall review the previous hearing to ensure that: (a) procedures were followed in accordance with the CDR; (b) the decision and discipline imposed was supported by the evidence; (c) a fair hearing was conducted;

In reviewing the Halperin's case, the committee determined that fundamental procedural errors affected the substantial rights of the Halperins in a manner that undermined confidence in the integrity or fairness of the ACBL disciplinary process.

In the matter of Howie and Linda Halpern, the committee determined that the circumstances surrounding this case prevented the Halperns from receiving a fair hearing as required by the CDR. The committee remanded the case to ACBL management to determine if it wishes to retry the matter in front of a different panel or take other action as it deems appropriate. The committee did not reach a determination on the underlying question of whether the Halperns engaged in Ethical Violations as charged and expressed no opinion on that question. This determination was also made based on the review guidelines provided in CDR § 603(E)(1):

(E) Automatic Review by the Appeals and Charges Committee

....

In conducting such Automatic Review, the A&C shall not conduct a new hearing but shall review the previous hearing to ensure that: (a) procedures were followed in accordance with the CDR; (b) the decision and discipline imposed was supported by the evidence; (c) a fair hearing was conducted;

In reviewing the Halpern's case, the committee determined that fundamental procedural errors affected the substantial rights of the Halperns in a manner that undermined confidence in the integrity or fairness of the ACBL disciplinary process.

The report of the Appeals and Charges Committee Chair was received by the Board.

Item 22S1-10: Institute for Bridge Arbitration

The ACBL Code of Disciplinary Regulations was amended as follows:

Definitions:

Institute for Bridge Arbitration - The Institute for Bridge Arbitration (IBA) is the specialized disciplinary body of the American Arbitration Association (AAA) that hears cases alleging an Ethical Violation set out in CDR § 301(A)-(D).

4. PROCEDURES FOR IMPOSITION OF DISCIPLINE

403. APPLICATION OF DISCIPLINE BY DISCIPLINARY BODIES

- (A) **CDR Version.** Discipline imposed shall be in accordance with the version of the CDR effective at the time of the first Incident specified in the filing of the Recorder Complaint. Revisions of this CDR regarding procedures for all hearings apply to all hearings conducted on or after the effective date of the revision.
- (B) **Minimum Discipline.** A Reprimand is the minimum discipline that must be imposed upon a finding of responsibility for a violation set forth in CDR §§ 301-304.
- (C) **Maximum Discipline for Ethical Violations.** Upon a finding of responsibility for a violation set forth in CDR § 301, the following are the disciplines that may be imposed:
 - (1) Reprimand (§ 404(A))
 - (2) Probation – Maximum of Two Years ((§ 404(B))
 - (3) Suspension – Maximum of Six Months ((§ 404(C))
 - (4) Expulsion – Unavailable ((§ 404(D))
 - (5) Reduction of Forfeiture of Masterpoints – Maximum of 10% of Total Masterpoints ((§ 404(E))

If the Charging Party wishes to seek a discipline exceeding the maximum available upon a finding of responsibility for an Ethical Violation, the Charge must be removed to the IBA. (See § 502(C))

[§§ 403(C)-(E) relettered as §§ 403(D)-(F) but remain otherwise unchanged]

5. PROCEDURES FOR DISCIPLINARY BODIES OF ORIGINAL JURISDICTION

502. SPECIFIC PROCEDURES FOR THE CONDUCT OF HEARINGS BY A DISTRICT DISCIPLINARY COMMITTEE, THE ETHICAL OVERSIGHT COMMITTEE, THE ONLINE ETHICAL OVERSIGHT COMMITTEE AND THE ACBL DISCIPLINARY COMMITTEE (See also CDR § 501.)

* * *

(C) **Removal to Institute for Bridge Arbitration.** If the Charging Party wishes to seek a discipline exceeding the maximum available upon a finding of responsibility for an Ethical Violation, the case must be removed to the IBA.

- (1) The Charging Party must follow the procedures for initiating the case according to IBA and affiliated AAA rules.
- (2) The filing fee shall be paid by the ACBL or District who the Charging Party is representing.
- (3) The Charging Party is responsible for complying with all policies and procedures of the IBA and AAA.
- (4) The Charging Party shall select an Advocate(s) to represent the position before the IBA panel.
- (5) The Charging Party shall recommend a specific discipline to the IBA panel within the range set out in §§ 301(A)(7) et seq., balancing the factors set out in § 402.
- (6) The ACBL agrees to be bound by the decision of the IBA and any related appeal rights provided by IBA rules, and constitutes the final resolution of the matter.

[§§ 502(C)-(K) relettered as §§ 502(D)-(L) but remain otherwise unchanged]

ACBL management is directed to modify all ACBL arbitration provisions to reflect the handling of high level ethical charges where a Suspension longer than six months is sought.

Effective date: February 1, 2022 (the CDR version effective at the time of the first incident specified in the filing of a Recorder Complaint (as defined in the CDR) shall govern pending cases)

Carried

Abstain: 8

The Board adjourned sine die at 3:14 p.m. CST.