

February 7, 2024

Dear USATT Board of Directors,

With all due respect, I would like to point out that yesterday, Feb. 6, 2024, was the one-year anniversary of Richard Char starting an illegal third consecutive term as chair of the USATT board of directors. I have blogged about this multiple times and spoken with some of you on this issue, and I now bring it to your official attention.

Char initially served as chair of the USATT “interim” board for three months (Feb. 26 - June 1, 2020), but for now, we won’t count that. He was elected chair of the permanent board on June 1, 2020, to complete the term of the previous chair, who had resigned. That term ended on Jan. 1, 2021. Bylaw 8.2 says, “The Chair of the Board shall be elected by the Board, as the first order of business at the Board meeting following expiration, removal, or resignation, incapacity, or death of the previous Chair.” With the expiration of Char’s term, there should have been an election for chair *at the first board meeting in 2021*, which took place on Feb. 1, 2021. It did not happen.

On March 28, 2021, Kagin Lee (former board member, former chair of the USATT Rules Committee, and an international referee) emailed the board reminding them of this. Willy Leparulo (president of NCTTA) and I both pointed this out in the comments during board meetings in 2021, and I blogged about it several times. But no election was held. (For whatever reasons, the USATT lawyer(s) apparently did not apprise the board of the “forgotten” election and/or were not asked about it.)

In December, 2021, with player rep elections for four positions about to take place, Char said he’d “forgotten” about the election (despite the reminders), and so the election for chair took place on Dec. 6, 2021, over ten months after the Feb. 1 board meeting and just before the player rep elections. That board meeting was the twelfth of the year. During those twelve meetings and ten months, USATT was in continuous violation of the bylaws. Alas, that is now history, and we can’t change history. (Note that the public notice of the Dec. 6 election went up that very morning, with the board notified only a few days before, so it was all rushed.) However...

Bylaw 8.3 states that, “The Chair shall hold office until the Chair’s successor is elected and qualified.” That means Char continued to hold continuous office as chair from June 1, 2020, until his re-election on Dec. 6, 2021, a total of 18 months in office as chair. That is a fact.

According to Bylaw 8.5, “In the event the chair serves a partial term, any term served more than one (1) year shall constitute as a full term.” Therefore, at the time of his re-election on Dec. 6, 2021, *Char had served a full term*. That is also a fact, and as noted above, we can’t change history. Bylaw 8.5 also states, “No individual shall serve as the chair for more than two consecutive terms, or for more than three terms in any eight (8) year period.”

However, in an apparent attempt to circumvent the bylaws by changing history and the length of his first term, the vote itself said the election was, “...effective as of January 1, 2021, to serve until January 1, 2023, or until his successor is duly elected and qualified.” This was an obvious attempt to make his first term less than 12 months even though it had been 18 months. However, the wording of the vote does not change the facts or the history, and, in fact, they violated the bylaws.

As noted in Bylaw 8.3 (above), a chair *continues to hold office* until his successor (Char himself in this case) was re-elected on Dec. 6, 2021. That’s 18 months. (If you count the interim board, then 21 months.) The bylaws state explicitly that the chair *stays in office* until the next election, and a vote of the board to make the election effective eleven months before does not change the fact that he had served as chair *continuously for 18 months*, a full term. Therefore, the vote itself violated the bylaws since the bylaws clearly say he *had* served a full term at the time of his re-election on Dec. 6, 2021, and the vote ignored that by creating a fiction where he had *not* served a full term.

To use a simple example, it would be as if the US Congress voted that George W. Bush’s or Barack Obama’s second inaugurations were effective two years and one day before they actually took place, so that their first terms no longer counted as full terms, enabling them to run for another (third) term.

Char then served his second term as chair from his re-election on Dec. 6, 2021, until the next election for chair, held on Feb. 6, 2023. (This was required since the Dec. 6, 2021 vote specified he was elected chair until Jan. 1, 2023, and so the election took place in the first meeting after that date.) That's fourteen months, which is also over one year, and therefore was his second consecutive *full* term. And so, at the time of the election on Feb. 6, 2023, he had served two consecutive full terms and was therefore *not eligible to run for a third consecutive term as chair*. That is a fact.

(Note that *if* they had not tried this fictional history, his second full term would have started on Dec. 6, 2021, and ended on Dec. 6, 2023. He would have then been ineligible to run for a third consecutive term after that date, and it would have required a vote for chair for the first board meeting after Dec. 6, 2023, which did not happen.)

To reiterate, Bylaw 8.5 states, "No individual shall serve as the chair for more than two consecutive terms, or for more than three terms in any eight (8) year period." And yet, Char was elected to this *third* consecutive term. And so, once again, USATT has been in continuous violation of its bylaws in the twelve months and five board meetings since Feb. 6, 2023. (Note that his third term has now been over a year, and so he has now served three consecutive *full* terms.)

Richard, there's nothing personal in this. It's a simple matter of following our own bylaws. They are not rules we follow only when they are convenient any more than the US Constitution is something we follow only when it's convenient; they are the governing laws of USATT. Above all else, the USATT board of directors, the governing body for USATT, should follow the governing laws of USATT. (There have been numerous bylaw violations during Char's tenure - don't get me started. To give just one example, Bylaw 15.2 requires a board meeting be held in conjunction with the annual USATT Assembly, which is so the board can discuss members' concerns. Despite my regularly pointing this out to Char, it hasn't happened for three straight years, not even a Zoom meeting.)

I am hopeful the USATT lawyer(s) will fairly represent USATT with the goal of following the USATT bylaws in this matter, as opposed to representing only certain members of the board or organization and arguing their case, right or wrong.

It's likely that some board members did not understand the implications of the wording at the time of the Dec. 6, 2021 vote, or that Char was not eligible for re-election on Feb. 6, 2023. Some current board members were not on the board at those times. However, now we know. I am hopeful the chair of the board, or the board itself, will take the appropriate actions. Again, with all due respect, after these series of actions, I do not believe Char can continue as either chair or as a member of the board of directors.

Here is a simple timeline:

- Feb. 26, 2020: Char is elected Chair of the Interim Board.
- June 1, 2020: Char is elected Chair of the Board.
- Jan. 1, 2021: Char's term of office ended but no election was held for eleven months, so he continued to hold office, as per Bylaw 8.3.
- Dec. 6, 2021: After serving 18 months as Chair, Char is elected to second term as Chair of the Board.
- Feb. 6, 2023: After serving 14 months in his second term as Chair, Char is elected to an illegal third consecutive term as Chair of the Board.

Sincerely,

-Larry Hodges

USATT member since 1976

Two-time USATT Board Member

Member, US Table Tennis Hall of Fame

2018 Lifetime Achievement Award Winner