

USATF-SC AAP Written Opinion on PFunnie Disciplinary Action

South Carolina Association of USATF – AAP Opinion and Final Written Decision

This is the final written opinion and decision of the USATF-SC Association Arbitration Panel (AAP) issued after deliberations on Thursday, February 27, 2020, in an action brought under Standing Rule 5 of the South Carolina Association of USATF, Inc. (herein referred to as the Association, this corporation, or USATF-SC).

Member of the Association subject to this disciplinary proceeding:

Name: Perry Funnie

USATF Membership Number: 1405865625

Decision: The AAP rules in favor of the Association over Perry Funnie on all issues. This decision is effective as of February 27, 2020 and shall not be stayed and is not appealable.

Waiver by Perry Funnie: Perry Funnie failed to submit a written answer to the Association Secretary within thirty (30) days after receipt of the Notice of Proceeding of the Disciplinary Action, and furthermore he has not filed any answer, *or* other communication in any form since the receipt of the letter notifying him that a disciplinary complaint had been filed. Therefore, per Association Standing Rule 5 (H), Perry Funnie has waived the opportunity to have a hearing or to appeal any adverse decision *on* this matter. The record shows that due notice was given to the respondent, Perry Funnie, and that he was fully aware of this proceeding, as evidenced by multiple letters and USPS records including the delivery of the Notice of Proceeding to P Funnie on 1/8/20, provided to the AAP, and made a part of the record. *NOTE: All letters, notices and other correspondence regarding this matter, have been mailed or emailed to the physical or internet addresses that the respondent has entered in the USATF National membership database.*

Opinion:

1. Jurisdiction:

The Association has jurisdiction over this disciplinary proceeding since it relates to matters that have arisen within the boundaries of the Association, and the subject matter is neither a sexual misconduct allegation nor a doping violation.

2. Issues:

The Association alleged that Perry Funnie had violated several USATF and USATF-SC Bylaws, Operating Regulations, Standing Rules, and policies within the State of South Carolina. The issues involve the Association and a member of the Association.

3. Arguments:

- a. Perry Funnie did not dispute any of the arguments made by the Association. Perry Funnie has obstructed USATF-SC's enquiries since August 2018.

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- b. Perry Funnie has or should have in his possession funds belonging to the Association, he has refused to hand over those funds, and he has obstructed investigations regarding the funds;
- c. If Perry Funnie did not receive those funds, then he has impermissibly provided services from the Association to friends and family members without payment;
- d. Perry Funnie has or should have in his possession records belonging to the Association, has refused to hand over those records, and has obstructed investigations regarding the records.
- e. Perry Funnie impermissibly obtained benefits and/or financial advantages for his family, household members and/or others which should have been limited to certified officials of the Association.
- f. Perry Funnie has acted and continues to act in a manner detrimental to the purposes of the Association and USATF.
- g. Perry Funnie has unfairly benefited from the activities and/or net earnings of the Association. He has used assets of the Association for his own enrichment which is not a charitable purpose, and has thus violated the 501(c)(3) organization regulations governing the dedication of the Association's assets to charitable purposes.
- h. Perry Funnie has endangered young athlete members of the Association, USATF Georgia, and USATF Florida by placing as certified officials people who were not certified officials, and who were not in compliance with the SafeSport requirements. For example, Perry Funnie falsely certified officials who worked at the Association Junior Olympic Cross-Country Championships in 2016, Association Junior Olympic Championships in Track and Field in 2017 and 2018, and the Region 4 Junior Olympic Track and Field meet in 2016.
- i. Perry Funnie tampered with the USATF National Officials database in order to defraud USATF-SC of funds and/or services for himself, his family and/or others.
- j. Without the authority to do so, Perry Funnie entered and altered USATF database records to his advantage and/or the advantage of his family members.
- k. Perry Funnie impermissibly took intellectual property belonging to USATF, including the answer keys to officials exams and tests.

4. Finding of Facts with Citations: The Association produced evidence in its Notice of Disciplinary Complaint dated November 22, 2019 (the Complaint), the Notice of Disciplinary Proceeding dated January 4, 2020 (the Notice), the supporting documents

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appended to the Complaint and/or the Notice (the Documents), and in unredacted documents shared confidentially with the AAP which correspond to those supporting documents. Additional documents were received as supplementary evidence (the Supplementary Evidence) dated February 20, 2020. All of these documents were found to be convincing and reliable by the AAP, are hereby made a part of the record, and are incorporated in this decision. Those unredacted supporting documents shared confidentially with the AAP during this proceeding are made a part of the record and this decision, but shall be sealed to protect the privacy of Association members not party to this disciplinary proceeding. Unless otherwise noted, the following facts were established by the Complaint, the Notice, the Documents and/or the Supplementary Evidence:

1. Perry Funnie was USATF-SC Chair of the officials committee, a standing administrative committee of the Association, at least for the period from October 2014 to August 18, 2018. (Association Bylaws, Article 13A)
2. It was the duty of Perry Funnie as chair of the officials committee to track the background check and SafeSport training of all officials within the Association. (Association Bylaws, Article 15.A.2.5)
3. Perry Funnie was terminated from the position of officials chair for the Association on August 18, 2018. From the moment of termination, Perry Funnie had no authority to access or alter any records in the USATF officials database. After August 18, 2018, Perry Funnie entered the USATF officials database without authority and altered records, notably altering records to his personal advantage and/or the advantage of his family members.
4. During his tenure as USATF-SC officials chair, Perry Funnie falsified the USATF officials database to qualify his friends and family for positions for which they were not eligible due to one or more of the following: insufficient experience, missing or failed tests, missing or complete lack of a background check.
5. Perry Funnie tampered with the USATF database to impermissibly advance his own qualifications as an official. Perry Funnie has not provided the paperwork that should have been retained had he in fact met all of the requirements for advancement and some of the retained paperwork indicates plagiarism of test responses from the USATF answer key.
6. On November 9, 2018, Perry Funnie handed over some of the documents but none of the funds in question to a representative of the Association in response to one of the multiple demand letters sent by the Association.
7. On November 9, 2018, Perry Funnie provided seven (7) containers to Michael Flournoy who was acting on behalf of the Association. Perry Funnie represented that these seven (7) containers held the USATF-SC officials records. Michael

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Flournoy sealed the seven containers and passed them unopened to Norman Venyah, the Association's officials certification chair, on November 10, 2018.

8. Since at least November 10, 2018, Perry Funnie, has failed and refused to relinquish the balance of the Association's Officials records and funds as repeatedly requested by the Association.
9. Perry Funnie currently is not an officer of the Association and does not have the right to hold the Association's funds or the Association's records in his possession. Perry Funnie has impermissibly retained funds and/or records from the Association and has refused to provide any explanation or exculpatory information on the status of said Association's funds and records.
10. Perry Funnie, by his actions, has prevented the Association from fully reconciling money received from officials with the financial reports from USATF.
11. Perry Funnie has, by neglect or by conduct, acted in a manner subject to discipline pursuant to the Association Standing Rule 5 D-I-a.
12. For a large number of officials, Perry Funnie has not provided any of the paperwork he was required to keep for all of the Association's officials.
13. To the extent that funds are missing in this case, Perry Funnie has failed to produce paperwork to verify that the funds were ever paid. EITHER he has impermissibly retained the payments OR Perry Funnie has impermissibly altered the USATF database to give the appearance that payments were made when they were not made. Perry Funnie was the Officials Committee Chair and bears full responsibility for the missing funds regardless of which impermissible method of handling the funds he has used.
14. During his tenure as USATF-SC Officials Chair, Perry Funnie told Association officials that he would only accept mailed paperwork and not accept electronic submissions; however, the files provided by Perry Funnie to the Association in 2018 include numerous file folders that are empty but carry the names of individuals. These files have been impermissibly purged by Perry Funnie.
15. During the period 2014 to 2018 in question, Perry Funnie turned in some cash and checks in partial payment for officials fees to the Association. This demonstrated that Perry Funnie knew he was required to hand over funds and knew how to do so but chose not to do so in full.
16. The total amount due for officials' fees that should have been handed over to the Association by Perry Funnie which he has impermissibly withheld total at least \$850. A portion of the USATF database relating to officials from the period in

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question is attached as an example of this diversion of funds by Perry Funnie. The document is partially redacted to preserve the privacy of the officials.

17. Some of the fees due to the Association are from Perry Funnie's family, funds over which he still has control and yet has impermissibly refused to turn in to the Association.
18. Perry Funnie tampered with the USATF database on multiple occasions to enrich himself and/or others. Perry Funnie entered inaccurate dates in the database allowing individuals to impermissibly act as certified officials when they were not.
19. Perry Funnie tampered with the USATF database to impermissibly recertify officials who had not paid fees and/or *not* submitted paperwork required for recertification. This allowed these falsely certified officials to impermissibly work meets and be paid by the Association.
20. Perry Funnie did not score or save all of the required written examinations for the advancement, certification or recertification of officials. Some of the retained paperwork indicates plagiarism of test responses from the USATF answer keys.
21. Perry Funnie either failed to obtain OR failed to retain paperwork sufficient to show the work history of each official advanced by him in the USATF database and required for each said advancement.
22. The AAP reviewed the unredacted USATF database report, and supporting materials, with the heading, "Uncertified officials - People without background checks certified by PFunnie to work USATF-SC Youth meets 2016-2018" and accepted this evidence as legitimate. This document is evidence of one or more of the following offenses by Perry Funnie: violating the USATF SafeSport mandate; tampering with the USATF officials database; making false representations to national office; falsifying officials certification dates; endangering youth athletes; arranging impermissible stipends to the benefit of himself, his family members and/or others.
23. From at least August of 2016 until August of 2018 inclusive, Perry Funnie carried out multiple transactions on the USATF database from which he impermissibly retained funds and/or services and/or caused others to impermissibly obtain funds and/or services.
24. Perry Funnie impermissibly accessed and used a USATF email account to his personal advantage, including but not limited to the unauthorized taking of USATF intellectual property, during the period from August 18, 2018 to about September 6, 2018.

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25. Perry Funnie has refused to fully hand over the Association's records and funds. He is therefore liable for the officials certification fees paid to him during his tenure as officials chair and for which no funds have been turned in to the Association.
26. Perry Funnie has obstructed the Association's investigation into the funds and records he has, or should have, in his possession and has forced the Association to enter this formal disciplinary proceeding which costs Association money for printing, copying, and sending documents.
27. Falsification of records by Perry Funnie caused the Association to pay out at least \$1050 in officials stipends to people who were not certified officials, including, but not limited to, payments to his own family members.
28. Perry Funnie has attempted to hide his misappropriation of funds and services for himself, his family and/or others by refusing to turn over the balance of the documents and funds that are or should be in his possession. Perry Funnie has thus acted and continues to act in a manner detrimental to the purposes and functioning of the Association and USATF.
29. Perry Funnie violated the SafeSport mandates.
30. In 2014, the USOC recommended the implementation of the SafeSport program, and it has been mandated for national governing bodies since 2015. USATF is a partner in this effort. USATF have the goal of protecting participants at all levels, but particularly those who are age 18-and-under. (Letter from Max Siegel, CEO of USATF)
31. The U.S. Center for SafeSport policy prohibits sexual contact between an athlete and a person who has a position of power over the athlete. The U.S. Center for SafeSport defines a "person with a position of power" to include officials. USATF requires a current background check before officials are listed as certified. (USATF SafeSport Handbook. Section 4 - Screening and Background Check program)
32. Perry Funnie subverted the SafeSport mandate by failing to act as gatekeeper. Perry Funnie placed people as certified officials for at least three USATF-SC meets for young athletes knowing that these people could not be certified officials because they had never completed the required background check. This action endangered the Association's young athletes and is outrageously contrary to the goals of USATF-SC, USATF and SafeSport. In addition, based upon Perry Funnie's representation that these individuals were certified officials, the Association paid a stipend to said uncertified and unqualified individuals.

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33. The AAP accepts that USATF-SC were unaware of Perry Funnie's subversion of the SafeSport mandates and USATF-SC repudiates Perry Funnie's irresponsible actions. Perry Funnie as the Association gatekeeper for certifying officials, has endangered the Association's youngest members and simultaneously profited from his subversion since some of his own family were amongst those improperly placed, remunerated and otherwise rewarded with goods as certified officials when they never have completed the required background check.
34. Perry Funnie subverted the SafeSport regulations and gave uncertified individuals, who had not passed a background check, access to young athletes at least for three USATF-SC Junior Olympic events. By these actions, Perry Funnie violated the USATF officials Code of Ethics and Performance Guidelines. The code and guidelines require that USATF officials conduct competition in a safe and professional manner. (USATF Officials Code of Ethics III.)
35. Perry Funnie violated USATF-SC's non-profit status.
36. USATF-SC operates in accord with and as defined by the Bylaws and Regulations of USATF, and Section 501(c)(3) of the Internal Revenue Code of the Internal Revenue Service, Department of the Treasury, USA. (Association Bylaws Article 3.A) The Association is incorporated under the laws of the State of South Carolina as a non-profit corporation. (Association Bylaws, Article 4) The Association is a regulated entity as a 501(c)(3) organization and is compelled to operate under rules applying to both the activities and the governance of the Association. These rules require that no part of the activities or the net earnings of the Association can unfairly benefit any director, officer, or any private individual. As a 501(c)(3) organization, all assets of the Association are permanently dedicated to a charitable purpose.
37. Perry Funnie has unfairly benefited from the activities and/or net earnings of the Association and is thus in violation of the regulations governing the operation of 501(c)(3) organizations. Perry Funnie has used assets of the Association for enrichment of himself and/or his family members which is not a charitable purpose, and Perry Funnie has thus violated the 501(c)(3) organization regulations governing the dedication of the Association's assets to charitable purposes.
38. Perry Funnie has violated USATF-SC's Bylaws and Standing Rules.
39. It is a duty of USATF to provide the means to certify coaches and officials throughout the United States in all disciplines and at all levels of athletics. (USATF Bylaws Article 3.B.10) The purpose of USATF-SC is to encourage, improve and promote amateur athletics in the State of South Carolina in accord with and as defined by the bylaws and regulations of the USATF. (Bylaws of the Association, Article 3) USATF-SC utilizes that authority granted to it by the

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bylaws and administration documents of the USATF and to that end USATF-SC; 1) exercises independent jurisdiction, supervision and control over the administration of its affairs; 2) establishes eligibility requirements and training; 3) governs the acceptance of its members and member clubs; 4) oversees the fair and equitable enforcement of the rules of competition; and, 5) exercises sanctioning authority for events and meets held within the State of South Carolina. (Bylaws of the Association, Article 5)

40. Perry Funnie had the responsibility as Chair of the Officials Committee to train, certify and generally supervise officials within the Association, consistent with the rules, procedures and directives of the USATF. (Bylaws of the Association, Article 15.A.1) There was a specific duty to develop, maintain and facilitate instructional programs to develop and improve the skills of all officials and pre-officials; to certify Association level officials; to recommend to the USATF candidates for Nationals and Master Official designations; and to encourage member clubs and organizations to promote a program to recruit and train officials. (Bylaws of the Association, Article 15.A. 2)
41. USATF-SC has the responsibility to fulfill its purpose by the selection of qualified officials for certain events sanctioned within the Association's bounds, including the Association and Regional Cross-Country Championships. In order to achieve USATF- SC's purpose, records are maintained to show the status of officials within the Association. These records include such things as documents that show what exams each official has passed, each official's track and field work resume, certification payments made to the Association by the officials, and other documents indicating each official's qualifications.
42. Perry Funnie has obstructed investigations into his handling of USATF-SC records and funds. The maintenance of records for officials is delegated to the Association's Chair of the Officials Committee. From 2014 to August 18 of 2018, Perry Funnie was the Association's Chair of the Officials Committee. In 2014, the Association's officials' records were given to Perry Funnie by Norman Venyah in person at the Florence library on Sunday, October 19, 2014 (Norman Venyah statement of Facts)
43. In November of 2018, Perry Funnie claimed to have the Association's officials' records in his possession "at present." At that time, Perry Funnie was not an officer of the Association and had no right to hold the Association's records in his possession. Norman Venyah is the Association's Officials Certification Chair. On September 21, 2018, Norman Venyah requested the USATF-SC's officials' records from Perry Funnie. On September 25, 2018 Tracy Meyers asked Perry Funnie to protect "all official records" since failure to do so could cause the certification of several of the association officials to be in jeopardy. Tracy Meyers told Perry Funnie that the Association would cover the expense of renting a safety deposit box to preserve the Association's officials documents. Tracy

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Meyers asked what Perry Funnie was doing to protect the records. On September 25, 2018 Perry Funnie claimed the files were “very much protected.”

44. On September 25, 2018 Tracy Meyers responded to Perry Funnie to ask why he was holding the Association’s records hostage. Further, Tracy Meyers told Perry Funnie that the Association’s officials’ records should go to the Officials Certification Chair. Perry Funnie stated that he would not hand over the Association’s files until after a pending grievance was resolved.
45. On September 29, 2018, Perry Funnie sent a text to Norman Venyah stating that he would meet Norman Venyah and hand over the documents. Perry Funnie claimed he would deliver the Association’s officials’ documents on October 10, 2018 but failed to do so. On October 10, 2018, Norman Venyah waited for an hour at a restaurant 45 minutes from his home, but Perry was a no-show. Perry Funnie told Norman Venyah that he would bring the officials’ documents when he picked up his daughter from Claflin on October 13, 2018. Norman Venyah told Perry Funnie to let him know when he was leaving. Again, this meeting did not take place and Perry Funnie again failed to deliver the documents, not calling or contacting Norman Venyah in any way on the agreed day. (Norman Venyah statement of Facts)
46. In an email dated September 30, 2018, Perry Funnie told Norman Venyah that he would have to navigate through the database with the paperwork in order to determine each official’s status. Thus Perry Funnie knew that his refusal to hand over the paperwork made it impossible to verify the status of USATF-SC officials.
47. From at least September, 2018 to November 9, 2018, Perry Funnie refused to relinquish any and all of the Association’s officials’ records which had been entrusted to him. As a result of Perry Funnie’s refusal to hand over the Association’s documents, all the officials who submitted documents or money to him from 2016 to 2018 inclusive were requested to resubmit their certification documents. This was oppressive and burdensome on the officials, and caused numerous complaints. Some officials did not keep records which made this request especially onerous.
48. The delay and waste of time which Perry Funnie caused USATF-SC’s officials was prejudicial to the officials’ ability to progress to higher levels of qualification as quickly as possible. Age is a factor in approval as an IAAF official, and the Olympics are to be held in the US in 2028, thus Perry Funnie’s intransigence damaged the ability of some officials to progress to a level from whence they could be accepted as staff at the Olympics.
49. To this day, Perry Funnie continues to refuse to hand over the balance of the Association’s officials records. His conduct is detrimental to the functioning and

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purposes of the Association and Perry Funnie is subject to discipline pursuant to Association Standing Rule 5 D-I-a.

50. Perry Funnie has broken numerous USATF-SC Bylaws and Standing Rules. All members, whether an individual, club, organization, or other constituency shall abide by any and all USATF policies and procedures, and agree to comply with and be bound by the SafeSport rules, policies and procedures of USATF and the U.S. Center for SafeSport. (Association Bylaws, Article 6G)
51. As Officials Chair, Perry Funnie was required to collect fees and send to the Association Treasurer a transmittal report along with all fees collected for each individual official. Perry Funnie was not permitted to take any offsets, credits, or other deduction against any fees collected as Officials Chair and due to USATF-SC for any reason. (Association Bylaws, Article 13E)
52. As Officials Chair, Perry Funnie was required to keep or cause to be kept records of any financial transactions relating to the functions of the Officials Committee, and such records must be in Perry Funnie's safekeeping and turned over to the incoming committee chairperson. (Association Bylaws, Article 13E)
53. As Officials Chair, Perry Funnie was required to collect or cause to be collected certification fees for officials within the Association. (Association Bylaws, Article 15D.1)
54. As Officials Chair, Perry Funnie was required to perform duties and collect fees and records associated with the certification of officials. (Association Bylaws, Article 15D. 2)
55. As Officials Chair, Perry Funnie was required to provide a monthly report to the Treasurer regarding all funds received for USATF-SC and to keep an accurate record of all deposits. (Association Bylaws, Article 15D.5)
56. As Officials Chair, Perry Funnie was required to keep all records and receipts on all expenditures regarding the Officials Chair's business and submit all receipts to the Treasurer for record keeping. (Association Bylaws, Article 15D.7)
57. As Officials chair, Perry Funnie was required to work closely with the Treasurer to insure timely deposit of funds collected. (Association Standing Rules 1.A.3)
58. Under the Association Bylaws 13E; 15D.1; 15D.2; 15D.5; 15D.7; and Standing Rule 1.A.3, the Officials Chair has a fiduciary duty to the Association including at least a duty of loyalty which precludes self-dealing.

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59. Perry Funnie has breached Association Bylaw, Article 13E at least by refusing to turn over the records of financial transactions relating to the Officials Committee to the incoming Officials Certification Committee Chairperson.
60. As Officials Chair, Perry Funnie has violated Association Bylaws 13E; 15D.1; 15D.2; 15D.5; 15D.7; and Standing Rule 1.A.3 and his fiduciary duty of loyalty to the Association by appropriating benefits for himself and/or his family instead of the Association. Perry Funnie's self-dealing was in the form of him improperly taking benefits, or improperly giving benefits to others, from a transaction or transactions that were executed on behalf of the Association.
61. Perry Funnie has not worked closely with the Treasurer to ensure timely deposit of funds collected. Perry Funnie has either retained funds that should have been deposited, or has impermissibly certified officials who lack the required credentials and waived their fees for certification. Perry Funnie has appointed unqualified officials—including members of his own family—to act as certified officials in positions receiving remuneration. In at least four cases, those uncertified officials received USATF officials shirts and USATF-SC Association officials shirts. Perry Funnie is therefore in violation of his duty of loyalty to the Association which precludes self-dealing.
62. Perry Funnie has violated the USATF Code of Ethics. As a member of USATF-SC during the period in which he acted as USATF-SC Officials Chair, per the Association Bylaws, Article 6G, Perry Funnie was required to abide by all USATF policies and procedures, including but not limited to the Code of Ethics effective January 1, 2007.
63. Under the USATF Code of Ethics, the Officials Chair is expected to conduct business on an ethical basis and not to put, nor be perceived to have put, their personal interests ahead of or in conflict with the interests of USATF. Perry Funnie violated the Code of Ethics of USATF by his diversion of funds and/or services. As the USATF Code of Ethics applies to the Association, Perry Funnie was deemed '*a responsible person*' but has not acted responsibly. Perry Funnie used his position as Officials Chair to further his own and/or a friend, and/or a family member's and/or a member of his household's personal interest, which is a violation of the USATF Code of Ethics.
64. Perry Funnie violated the USATF policy on Code of Conduct by members. Per the Association Bylaws, Article 6G, Perry Funnie was required to abide by the USATF Code of Conduct, mandating he conduct affairs for USATF-SC on a basis consistent with the great trust placed in USATF. This required his behavior conform to the highest ethical principles. As a responsible Person, Perry Funnie was required to conduct business with integrity and to maintain a standard of ethical conduct consistent with the laws and regulations of South Carolina. Furthermore, conduct which appeared to be improper was also unacceptable.

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65. As a USATF member, Perry Funnie was required to conduct the business activities of the Association with honesty and integrity (USATF COC 1), provide fair treatment for everyone (USATF COC 3), was prohibited from determining financial benefits for relatives and/or cohabitants (USATF COC 5), and was mandated to provide fair play with no cheating, unequal opportunities or corruption. (USATF COC 7)
66. Perry Funnie has violated the USATF policy on Code of Conduct because his conduct of business as Officials Chair and conduct since his termination from that position has been unethical, inconsistent with the laws and regulations of South Carolina, and/or appears to have been improper.
67. Perry Funnie has violated the USATF policy on Code of Conduct subsection 1 through his dishonest actions and lack of integrity, subsection 3 by failing to provide fair treatment for everyone, and subsections 5 and 6 by corruptly giving financial benefits to some and not others, and by cheating the Association out of funds.
68. Perry Funnie falsified records by tampering with the USATF officials database.
69. Perry Funnie altered the USATF officials database records to impermissibly advanced some officials, including himself and his brother Kenneth Funnie, who were unqualified for advancement for one or more of the following reasons: lack of time served, lack of work experience, lack of membership status, lack of SafeSport training, lack of a background check, lack of supporting letters, lack of approval by the Officials Certification Committee, lack of approval by USATF, and/or lack of properly completed examinations, and plagiarizing test answers.
70. Perry Funnie diverted USATF property to his own advantage, notable by emailing the answer key to certain USATF officials exams to himself after he had been removed as Officials Chair.
71. Perry Funnie used USATF Certification Rules Review answer keys to copy his answers and impermissibly advance his own officiating level of apparent certification.
72. Perry Funnie accepted a USATF Certification Rules Review from his brother Kenneth Funnie in an application for advancement as a Masters Level Official in which Kenneth Funnie had used the USATF answer keys to copy the answers. By this action, Kenneth Funnie was falsely advanced to an officiating level unsupported by his paperwork.
73. Perry Funnie conspired with his brother Kenneth Funnie to breach USATF Association Management Area database policy by impermissibly sharing

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personal information on members of the Association drawn from the *USATF* confidential database.

74. Perry Funnie violated the USATF policy on conflicts of interest by members. Under USATF-SC Bylaws, Article 6G, Perry Funnie was required to abide by the USATF policy on Conflicts of Interest which states that a responsible person has a conflict of interest if they help a family member or friend obtain benefits (financial or otherwise) or other preferential treatment for which he or she would not otherwise qualify, (USATF COI III.A.4), or indulges in prohibited conduct which, when viewed through the eyes of a reasonably prudent person, the conduct has the appearance of impropriety.(USATF COI III.C)
75. Severally for each official entered on the USATF database by Perry Funnie for which no funds have been forwarded to the Association, Perry Funnie has either retained funds belonging to the Association, or Perry Funnie has violated the USATF policy on Conflicts of Interest III.A.4 by his actions as Association Officials Chair in helping a family member or friend obtain benefits (financial or otherwise) or other preferential treatment for which he or she would not otherwise qualify.
76. Perry Funnie violated the USATF policy on Conflicts of Interest III.A.4 by improperly obtaining USATF insurance coverage. By falsely listing certain people, including members of his family, as “Certified Officials” in the USA Track & Field officials database, Perry Funnie obtained insurance coverage under the USATF General Liability Insurance for Officials Program to which those people were not entitled.
77. Perry Funnie has ignored multiple demand letters from the Association that asked for the Association’s officials’ records that Perry Funnie was required to keep under the Association Bylaws. If Perry Funnie has failed to keep, or has destroyed, or continues to refuse to turn over said records, then Perry Funnie is in violation of USATF-SC Bylaw Articles 15D.5 and 15D.7
78. Perry Funnie has violated the USATF policy on Conflicts of Interest III.C in that his actions in refusing to hand over the Association’s funds and/or records, and/or by obstructing investigation of his conduct has the appearance of impropriety when viewed through the eyes of a reasonably prudent person.
79. After the closing of submissions of evidence in this disciplinary action, additional information came to light concerning further misdeeds by Perry Funnie in his role as USATF-SC Chair of the Officials Committee. When Perry Funnie was contacted by meet directors in search of qualified officials, he limited his circulation of information concerning the opportunity to work at the meet. Perry Funnie systematically excluded some USATF-SC officials from remunerated work opportunities while systematically including some others. This, in and of itself, is

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a wrongful act. Additionally, it is alleged that Perry Funnie requested certain actions in return for this preferential treatment of certain officials.

5. Relief:

The AAP order the following sixteen (16) remedies. If any one of these sixteen (16) remedies is barred or reversed for any reason, the remaining remedies shall still stand.

1. Perry Funnie improperly took funds or services for himself, his friends and/or his family. Perry Funnie shall pay the Association \$850 and any other verifiable monies owed by him to the Association and/or USATF National Office.
2. Perry Funnie caused persons who were improperly certified officials to gain financial advantages, including stipends and/or payment for hotel rooms on their behalf. Perry Funnie shall pay the Association that amount which the Association documents it has paid out to and/or paid on behalf of those individuals Perry Funnie entered in the database as officials, and assigned to work Association meets as certified officials and who were not current members and/or not certified or recertified officials of the Association. Within ten days of this ruling, the Association shall produce documents sufficient to show any amounts paid as described. These shall be verified by the finance committee, and the exact amount shall be appended to this ruling.
3. Perry Funnie has obstructed the Association's investigation into the funds and records he has, or should have, in his possession and has forced the Association to enter this formal disciplinary proceeding. Perry Funnie is required to pay the Association's printing, copying, telephone conference, and document transmittal costs, and any reimbursements to the AAP for this disciplinary proceeding. The Association shall produce documents sufficient to show their costs in this disciplinary proceeding. These shall be verified by the finance committee, and the exact amount shall be appended to this ruling.
4. Perry Funnie shall be disbarred for life from holding any office with USATF-SC. Perry Funnie shall never again be allowed to hold any position, whether elected or appointed, as an officer of the Association, chair of any committee of the Association, or to be a member of any committee of the Association.
5. Perry Funnie shall be suspended from membership of USATF-SC for life. Under no circumstances whatsoever shall Perry Funnie regain eligibility for membership of the Association until he has paid in full the amounts required by these remedies. It is recommended that the Association remove Perry Funnie permanently from the Association through the procedures outlined in the bylaws and standing rules of the Association.
6. Perry Funnie shall relinquish all records and funds belonging to the Association.
7. The current Officials Chair shall be empowered to review all alterations to the USATF officials database made by Perry Funnie, to require from members verification of questionable changes, and to remove or reduce qualifications where appropriate.

USATF-SC AAP Written Opinion on PFunnie Disciplinary Action

8. Perry Funnie shall either return the four officials' shirts that were given impermissibly to his family members or shall pay to USATF-SC the value of the shirts. This amount is \$200 based on the current price of federation shirts from the USATF store.

9. Perry Funnie shall have his officials' certifications reduced to match only those supported by the documentation he provided to the Association on November 9, 2018, excluding those rules reviews plagiarized from the USATF answer keys, and shall return his current credentials to *the* USATF-SC Officials Certification Chair.

10. Kenneth Funnie shall have his officials' certifications reduced to match only those supported by the documentation Perry Funnie provided to the Association on November 9, 2018, excluding those rules reviews plagiarized from the USATF answer keys, and shall return his current credentials to the USATF-SC Officials Certification Chair.

11. USATF-SC shall forward the relevant findings from this action to USATF and the US Center for SafeSport.

12. USATF-SC shall assess the costs and probable outcome of legal action against Perry Funnie, and to pursue return of USATF-SC funds and documents if this assessment indicates such action would be prudent.

13. USATF-SC shall investigate those who have impermissibly benefited from the actions of Perry Funnie, and remove those benefits where appropriate.

14. USATF-SC should further investigate the allegations that certain USATF-SC officials were given work opportunities preferentially, and that Perry Funnie requested some form of pay-back for this preferential treatment.

15. Should Perry Funnie fail to pay all of the monies due to the Association as the result of this action within a reasonable time, or make arrangements to make payment over time, it is recommended that the Association file a small claims court action against Mr. Funnie to recoup all verifiable monies he owes to the Association. If the Association is required to file a small claims action against Mr. Funnie, the Association's court fees and other costs shall be paid by Mr. Funnie.

16. This Association Arbitration Panel recommends that this matter be referred to USATF National and encourages that USATF impose a minimum of a 10-year suspension from all USATF Associations, and that an email be sent to all current USATF members and Associations notifying them of this decision and relevant remedies.

USATF-SC AAP Written Opinion on PFunnie Disciplinary Action

Pursuant to USATF-SC Standing Rule 5, the USATF-SC Association Arbitration Panel for the Perry Funnie Disciplinary Action deliberated on February 27, 2020 and their decision was issued on February 28, 2020. This is the written opinion of the AAP and shall be in full effect from the date of issuance.

Association Arbitration Panel

Joyce Welch, AAP Chair

Jennie Cirillo, At-Large Member

Michael Burchett, Active Athlete



Joyce Welch, AAP Chair

March 27, 2020

Date

Perry Funnie Disciplinary Action - Funds Due based on AAP Final Decision 3/27/2020

| Item # | Description | Amount |
|---------------|---|------------------|
| Item 1 | Officials Fees not paid to Association by PFunnie | \$850.00 |
| Item 2 | Cost of benefits to Incomplete/Uncertified Officials | \$1050.00 |
| Item 3 | Association direct costs to process disciplinary action | \$509.47 |
| Item 15 | Cost to Association to recoup monies due.... Not Yet Determined | \$0.00 |
| | TOTAL DUE to USATF-SC | \$2409.47 |
| | | |
| Item 8 | Cost of Officials T-shirts due to USATF National | \$200.00 |
| | TOTAL DUE to USATF | \$200.00 |

2017 - 2018 Officials Certification Status - Officials with Unpaid Certification Fees

| Year | Membership # | First Name | Last Name | Suffix | Zip | Last Bkg. Check | SafeSport | Olympiad | Shirt Sent | Overall Cert Level | Initial Cert Date | Last Recert Date | Cert/ Recert Payment | Money Due/ Missing |
|------|--------------|------------|-----------|--------|-----|------------------------|----------------------|-----------|------------|--------------------|-------------------|------------------|----------------------|--------------------|
| 2017 | | | | | | 02/09/2018: pass: NCSI | Dec 19 2015 12:00AM | 2017-2020 | True | Master | 05/09/1989 | 12/31/2020 | No record | \$15.00 |
| 2017 | | | | | | 12/09/2016: pass: NCSI | May 14 2017 12:00AM | 2017-2020 | True | National | 02/08/1997 | 12/31/2020 | No record | \$15.00 |
| 2017 | | | | | | | May 14 2017 12:00AM | 2017-2020 | True | Apprentice | 05/06/2015 | | No record | \$20.00 |
| 2017 | | | | | | 11/09/2016: pass: NCSI | Feb 5 2017 12:00AM | 2017-2020 | True | Association | 03/03/2004 | 12/31/2020 | No record | \$15.00 |
| 2017 | | | | | | | May 14 2017 12:00AM | 2017-2020 | True | Apprentice | 08/02/2016 | | No record | \$20.00 |
| 2017 | | | | | | | May 14 2017 12:00AM | 2017-2020 | True | Apprentice | 04/16/2015 | | No record | \$20.00 |
| 2017 | | | | | | | May 14 2017 12:00AM | 2017-2020 | True | Apprentice | 08/25/2016 | | No record | \$20.00 |
| 2017 | | | | | | 04/14/2017: pass: NCSI | Apr 18 2017 6:16AM | 2017-2020 | True | Association | 06/10/2015 | | No record | \$15.00 |
| 2017 | | | | | | 05/15/2017: pass: NCSI | Dec 6 2015 9:33AM | 2017-2020 | True | Association | 05/30/2014 | 12/31/2020 | No record | \$15.00 |
| 2017 | | | | | | 03/29/2017: pass: NCSI | Mar 31 2017 11:05AM | 2017-2020 | True | Association | 02/20/2014 | 12/31/2020 | No record | \$15.00 |
| 2017 | | | | | | 05/31/2019: pass: NCSI | Feb 5 2017 12:00AM | 2017-2020 | FALSE | Apprentice | 06/20/2017 | | No record | \$15.00 |
| 2017 | | | | | | 02/14/2017: pass: NCSI | Jan 24 2016 5:34PM | 2017-2020 | True | Association | 08/25/2016 | | No record | \$15.00 |
| 2018 | | | | | | 12/14/2017: pass: NCSI | Dec 16 2017 12:00AM | 2017-2020 | True | Apprentice | 01/22/2018 | | No record | \$25.00 |
| 2018 | | | | | | 11/27/2017: pass: NCSI | Dec 19 2015 12:29PM | 2017-2020 | True | Association | 08/19/2012 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 11/02/2017: pass: NCSI | Oct 14 2017 12:00AM | 2017-2020 | True | Apprentice | 03/03/2018 | | No record | \$25.00 |
| 2018 | | | | | | 12/29/2017: pass: NCSI | Dec 16 2017 12:00AM | 2017-2020 | True | Apprentice | 01/22/2018 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 06/06/2018: pass: NCSI | Jun 15, 2018 12:00AM | 2017-2020 | False | Apprentice | 12/31/2020 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 06/30/2017: pass: NCSI | Apr 15 2016 8:46AM | 2017-2020 | True | Apprentice | 06/06/2018 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 04/25/2018: pass: NCSI | May 3, 2018 12:00AM | 2017-2020 | True | Apprentice | 06/06/2018 | | No record | \$25.00 |

| Year | Membership # | First Name | Last Name | Suffix | Zip | Last Bkg. Check | SafeSport | Olympiad | Shirt Sent | Overall Cert Level | Initial Cert Date | Last Recert Date | Cert/ Recert Payment | Money Due/ Missing |
|------|--------------|------------|-----------|--------|-----|-------------------------|---------------------|-----------|------------|--------------------|-------------------|------------------|----------------------|--------------------|
| 2018 | | | | | | 06/19/2018: pass: NCSI | Jun 9 2018 12:00AM | 2017-2020 | False | Apprentice | 12/31/2020 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 11/03/2017: pass: NCSI | Oct 14 2017 12:00AM | 2017-2020 | True | Apprentice | 01/21/2018 | | No record | \$25.00 |
| 2018 | | | | | | | Jun 9 2018 12:00AM | 2017-2020 | False | Apprentice | | | No record | \$25.00 |
| 2018 | | | | | | 04/24/2018: pass: NCSI | Jun 30 2018 12:00AM | 2017-2020 | True | Apprentice | 12/31/2020 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 01/29/2018: pass: NCSI | Dec 16 2017 12:00AM | 2017-2020 | True | Apprentice | 01/26/2018 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 12/14/2017: pass: NCSI | Dec 16 2017 12:00AM | 2017-2020 | True | Apprentice | 01/22/2018 | | No record | \$25.00 |
| 2018 | | | | | | 01/24/2018: pass: NCSI | Dec 16 2017 12:00AM | 2017-2020 | True | Apprentice | 12/31/2020 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 05/22/2018: pass: NCSI | May 22 2018 12:00AM | 2017-2020 | True | Apprentice | 12/31/2020 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 01/10/2017: pass: NCSI | Jan 18 2016 7:20PM | 2017-2020 | True | Apprentice | 08/03/2018 | | No record | \$25.00 |
| 2018 | | | | | | 11/02/2017: pass: NCSI | Oct 14 2017 12:00AM | 2017-2020 | True | Apprentice | 01/26/2018 | | No record | \$25.00 |
| 2018 | | | | | | | Jun 9 2018 12:00AM | 2017-2020 | False | Apprentice | | | No record | \$25.00 |
| 2018 | | | | | | 04/10/2018: pass: NCSI | Apr 24, 2018 6:25PM | 2017-2020 | True | Apprentice | 12/31/2020 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 08/07/2018: pass: lbird | Aug 5 2018 12:00AM | 2017-2020 | False | Apprentice | 12/31/2020 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 03/31/2017: pass: NCSI | Apr 4 2016 10:11AM | 2017-2020 | True | Apprentice | 08/24/2018 | | No record | \$25.00 |
| 2018 | | | | | | 01/20/2017: pass: NCSI | Jan 29 2017 3:46PM | 2017-2020 | False | Apprentice | 05/06/2015 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 08/03/2017: pass: lbird | Dec 19 2017 12:00AM | 2017-2020 | True | Apprentice | 03/03/2018 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 12/21/2017: pass: NCSI | Dec 11 2017 6:03PM | 2017-2020 | True | Apprentice | 01/22/2018 | | No record | \$25.00 |
| 2018 | | | | | | 06/15/2018: pass: NCSI | Jun 14 2016 12:52PM | 2013-2016 | False | Apprentice | 07/11/2013 | 12/31/2020 | No record | \$25.00 |
| 2018 | | | | | | 05/29/2018: pass: NCSI | Feb 19 2017 10:52AM | 2013-2016 | False | Apprentice | 05/07/2012 | 12/31/2020 | No record | \$25.00 |
| | TOTAL | | | | | | | | | | | TOTAL | | \$850.00 |

Uncertified Officials - People without Background Checks Certified by PUnnie to work USATF-SC Youth Meets 2016 - 2018

| Year | Membership # | First Name | Last Name | Suffix | Zip | Last Bkg. Check | SafeSport | Olympiad | Shirt Sent | Overall Cert Level | Initial Cert Date | Last Recert Date | USATF-SC Meets Worked as Officials | Check # | Stipend Paid as Certified Official |
|------|--------------|------------|-----------|--------|-----|-----------------|--|----------------------------|---|--|-------------------|---|--|---|------------------------------------|
| 2017 | | | | | | | May 14 2017 12:00AM | 2017-2020 | True | Apprentice | 05/06/2015 | | 2016 JO XC | #1360 | \$50.00 |
| | | | | | | | | | | | | | Hurricane Throwers | #5019 | \$50.00 |
| | | | | | | | | | | | | | 2017 JO T&F | #5091 | \$100.00 |
| 2017 | | | | | | | May 14 2017 12:00AM | 2017-2020 | True | Apprentice | 08/02/2016 | | 2017 JO T&F | #5095 | \$100.00 |
| | | | | | | | | | | | | | 2018 JO T&F | #5222 | \$150.00 |
| 2017 | | | | | | | May 14 2017 12:00AM | 2017-2020 | True | Apprentice | 04/16/2015 | | 2016 JO XC | #1361 | \$50.00 |
| | | | | | | | | | | | | | 2017 JO T&F | #5087 | \$100.00 |
| | | | | | | | | | | | | | 2018 JO T&F | #5224 | \$50.00 |
| 2017 | | | | | | | May 14 2017 12:00AM | 2017-2020 | True | Apprentice | 08/25/2016 | | 2017 JO T&F | #5079 | \$100.00 |
| | | | | | | | | | | | | | 2018 JO T&F | #5234 | \$150.00 |
| 2018 | | | | | | | Jun 9 2018 12:00AM | 2017-2020 | False | Apprentice | | | 2018 JO T&F | #1396 | \$150.00 |
| | | | | | | | Evidence of not following USATF SafeSport mandate: BLANK = Background Checks NEVER completed. | SafeSport Completed | Evidence of tampering with National database: Falsely adding uncertified officials to 2017- 2020 Olympiad. | Evidence of lying to National Office: True = National Officials shirts sent to unqualified individuals. | | Evidence of tampering with National database: Falsifying certification dates. Dates added without background checks completed. | Evidence of SafeSport violations: Placing adults not certified as officials on Officials Roster and allowing them impermissible access to youth athletes. | Evidence of impermissible payments: Record of uncertified officials being paid as Certified Officials. | \$1050.00 |
| | | | | | | | | | | | | | | | |

| Perry Funnie Disciplinary Action - Direct Costs Summary | | |
|---|---|-----------------|
| Date | Item | Amount |
| 09/18/2019 | USPS Certified Mail - Notice of Pending Action | \$4.05 |
| 11/22/2019 | USPS Signature Confirmation - Notice of Complaint | \$17.75 |
| 1/3/2020 | Walmart - Binders & materials for Notice of Proceeding | \$36.44 |
| 1/4/2020 | FedExOffice - Printing Notice of Proceeding | \$119.47 |
| 1/4/2020 | FedEx Shipping - NOP to Interested Parties | \$64.76 |
| 1/6/2020 | USPS Signature Confirmation - Notice of Proceeding to KFunnie | \$17.75 |
| 2/20/2020 | USPS - Supplemental to AAP | \$23.25 |
| 2/28/2020 | USPS Mail... 2 stamps - AAP Final Opinion | \$1.00 |
| 6/20 | AAP Meeting Costs | \$225.00 |
| | TOTAL | \$509.47 |
| | | |