

Under the constitution of Table Tennis New Zealand

**BEFORE TABLE TENNIS NEW ZEALAND
AT AUCKLAND**

In the matter of: An Appeal against a decision of
North Harbour Table Tennis

BETWEEN **ANDREW PALMER**

Appellant

AND **NORTH HARBOUR TABLE
TENNIS ASSOCIATION**

Defendant

BUNDLE OF EVIDENCE OF ANDREW PALMER - APPELLANT

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List of people mentioned in appeal:

Andrew Palmer – NHTTA executive member in 2012

Jack Stapleton – NHTTA President

Geraldine Stapleton – NHTTA Secretary

June Logan – NHTTA Chairman in 2012

John Stapleton – NHTTA General Manager

Terry Shorter – NHTTA executive member in 2012

Mitchell Barker- NHTTA Selector in 2012, Team Manager to 2012 Junior Nationals

Brian Barker – NHTTA Selector in 2012

Blake Lovie – 18, NHTTA high performance junior

Momo Miura – 18, NHTTA high performance junior

Victor Pollett – 16, NHTTA high performance junior, TTNZ representative

Alan Moore – Tournament Manager, 2012 Junior Nationals

Barry Thomas – Four Winds Foundation

Wayne Gear – Police detective, Chairman ATTTA

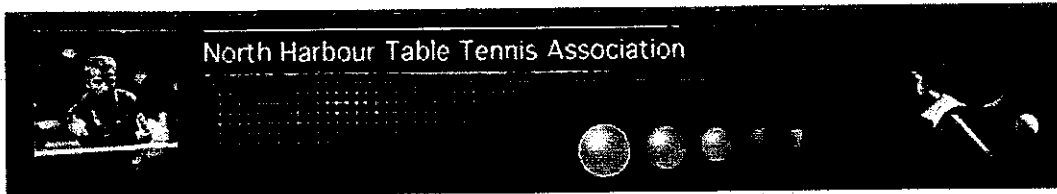
Hanson Ling –NHTTA management committee

Helen Chen – NHTTA management committee

Ben Jung – NHTTA member

Jai Sheppard – Restaurant Manager

1. NHTTA invitation letter (26th October 2012) to disciplinary meeting on 23rd November 2012



North Harbour Table Tennis Association

5A Akoranga Drive, Northcote, North Shore City

P.O. Box 36-112, Northcote, North Shore City

Phone /Fax 09-418-3344

E mail nhttstadium@gmail.com

Website www.nhtta.info

Mr Andrew Palmer

By email

26 October 2012

Dear Andrew,

You are hereby notified that a meeting of the North Harbour Table Tennis Executive Committee will be held on Friday November 23 commencing at 2pm at the NHTT stadium, 5A Akoranga Drive Northcote.

This meeting has been called under Rule 40 of the North Harbour Table Tennis Association Inc. ("NHTTA") constitution ("the constitution"). The purpose of the meeting is to investigate instances of alleged misconduct by you.

The specific allegations are:

(1) That you, on Wednesday August 1st at a time between 5pm and 7pm at the NHTT stadium, verbally abused and used foul

language towards the secretary and made threats to the Secretary against the General Manager of the Association.

(2) That you acted dishonestly and inappropriately in relation to the NHTTA trip to Christchurch for the NZ Junior championships in July last, for which you were the manager.

Specifically it is alleged you:

- a- Without authority from NHTTA advised that a North Harbour player, Blake Lovie ("Blake"), could be included in a composite team as a draft player and as Manager allowed him to play in the New Zealand Junior Championships teams tournament.
- b- Allowed Blake to stay in the motel where the NHTTA team was staying despite the fact that he was not a team member and had not paid \$310 as other players were required to.
- c- NHTTA applied to the Four Winds Foundation for a grant for motel costs for 12 people - 3 coaches and 9 players as decided at the Executive Committee meeting on 17 June 2012 that you attended. NHTTA has reported back to the foundation that 12 people stayed and provide the receipts from you. NHTTA has now breached the terms of the application by incorrectly advising them of the number of people and this may result in NHTTA needing to pay back grant funds thereby bringing NHTTA into disrepute and putting the success of future applications at risk.
- d- The 9 team players all paid \$310 as agreed at the Executive Committee meeting which you attended and at which you offered to write letters to each of these players and collect the monies. Due to 13 people staying in the motel NHTTA will have to advise the parents of these

players and refund any monies due thereby bringing NHTTA into disrepute.

- e- The parents of Blake Lovie will also have to be informed of this matter relating to non-payment of airfares, accommodation and any other monies that were paid for Blake travelling to this event thereby bringing NHTTA into disrepute.
- f- Attempted to use an air ticket intended for another person to get Blake to and from Christchurch. This was refused by the airline and upon the team's return you asked that the Association pay for this airfare despite the fact that player's expenses were not to be reimbursed by NHTTA.
- g- By your actions in a- above breached, or caused NHTTA to breach, Rule 14.2 of the Table Tennis New Zealand Handbook which concerns placing players into the drafting pool, thereby bringing NHTTA into disrepute.

(3) That on October 3 and October 9 2012 you misrepresented yourself as a member of the NHTTA Management Committee on Facebook.

(4) That on or about October 10 2012 you disrupted a meeting of the Day Club without reason or invitation and further that you misrepresented yourself as a member of the NHTTA Management Committee.

You are invited to attend the meeting and may make oral or written submissions and produce such evidence to the meeting as may be relevant to the refutation of the allegations. You are also entitled to bring to the meeting a legal representative and /or support person(s) (although the support person(s) will have no right to speak unless invited to do so by the Chairperson of the meeting).

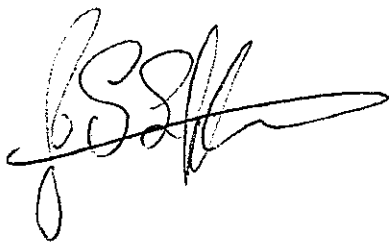
The Executive Committee may receive such documentary or oral evidence as it considers relevant and may also ask any person to make submissions to the meeting who appears to possess knowledge relevant to the determination of the truth of the allegations.

The Executive Committee will consider the submissions made at the meeting and determine if the allegations are well-founded or whether they are to be dismissed. You will be notified in due course of the Committee's decision.

Should the Executive Committee consider that some or all of the allegations are well-founded the Committee may choose to impose sanctions in respect of those allegations as allowed under the constitution. Those sanctions may be a reprimand, suspension from NHTTA and its activities or expulsion from NHTTA.

I note that the constitution allows you to request a postponement of the proposed meeting date for a period not exceeding seven days from the original proposed meeting date. Please contact the Secretary with any such request.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J. Stapleton', with a long horizontal flourish extending to the right.

JACK STAPLETON
President

2. NHTTA minutes (24th January 2013) of 23rd November 2012 misconduct meeting
– taken by Geraldine Stapleton

MINUTES OF THE MEETING OF THE EXECUTIVE COMMITTEE OF NORTH HARBOUR TABLE TENNIS ASSOCIATION ('NHTTA') HELD FRIDAY 23rd NOVEMBER 2012

Meeting opened at 2.05 pm

Present: Jack Stapleton (Chairman), Robert Dunn (Treasurer), Velma Mayclair, Terry Shorter, Geraldine Stapleton (Secretary)

In Attendance: Chris Davis, Andrew Palmer, Ken Nicholson,

The Chairman opened the meeting and it was agreed that Andrew Palmer ('Andrew') would present his evidence as each allegation was read out by the Chairman. The allegations were taken as read.

(1). That you, on Wednesday August 1st at a time between 5pm and 7pm at the NHTT stadium, verbally abused and used foul language towards the Secretary and made threats to the Secretary against the General Manager ("GM") of the Association

Andrew first asked for someone to elaborate on what the statements and threats were and then went on to state that he was at a tournament until 8pm with 20 people and came into the stadium at about 8.30pm; therefore the time stated in the complaint was incorrect. The Chairman explained that there was a witness to the alleged statements. Andrew agreed that he was at the stadium on the relevant date, but denied being in attendance at the time stated.

Andrew said he had a conversation with the Secretary expressing his frustrations about the GM and the job Andrew had been contracted to do. Andrew said that the Secretary told Andrew if he wanted to make a complaint about the GM that this "would not end well" for him.

The Chairman asked if the argument took place; Andrew stated that a conversation had taken place. Andrew said he had documented with June Logan verbally and by email that he had a problem with the tone used by the Secretary during the conversation. Andrew stated that the GM came in and they both went into his office and sorted out the problem they were having. Andrew said he carried on doing this work with no problems for the next month and could not understand why this complaint was made a few months later.

(2) That you acted dishonestly and inappropriately in relation to the NHTTA trip to Christchurch for the NZ Junior championships in July last, for which you were the Manager. Specifically it is alleged you:

a- Without authority from NHTTA advised that a North Harbour player, Blake Lovie (Blake) could be included in a composite team as a draft player and as Manager allowed him to play in the New Zealand Junior championships teams tournament.

Andrew stated that as Team Manager the GM asked him to deal with Table Tennis Canterbury ("TTC") regarding teams. Andrew stated that the GM asked Andrew to sort out membership of NHTTA under 15 teams as Andrew was dealing with Alan Moore (of TTC) directly.

Andrew referred to a timeframe of events that he said he had already provided the Executive Committee ("EC"). Andrew said that this timeline showed that Andrew emailed the GM on the 26th June telling him that Blake would be going to the nationals, that Blake would be playing in a composite team, that Andrew had organised with Blake's father that Blake would be staying at the same motel as the NHTTA team, that Blake would be paying \$150 for his own food and as the motel

had already been organized Blake would be sleeping on the couch at no further cost to the Association.

The Chairman asked Andrew to confirm that he had organised Blake's inclusion in a composite team without approval from NHTTA and commented that this was against the TTNZ constitution. Andrew disagreed that this was against the TTNZ Constitution. The Chairman pointed out that the TTNZ Constitution states that only an Association can enter players into a composite team or any teams.

Andrew stated that he was the appointed NHTTA team manager for the NZ Junior Championships and was instructed, by the GM, to liaise with TTC regarding the national championships. . The GM had asked Andrew to talk to TTC about getting NHTTA a composite player for the U-15 boys. Andrew said that Blake was a late entry and could only confirm that he was going on the 25th June. Andrew said he did ask Alan Moore to accept Blake as a late entry into the individual competition. It was Alan Moore's suggestion that Blake play in a composite team as they were one player short and it would help out the tournament. This was on the 25th June. Andrew said that he didn't think this would be a problem as Blake was going to be there anyway. As Andrew had advised the GM on the 26th June of this Andrew felt that if there any problems with this arrangement they could have been raised. Andrew said that Brian Barker talked to the GM about Blake Lovie and the GM was happy for Blake to go. Andrew emailed the GM advising that Blake would be playing in a composite team and said that he had an email from the GM saying that "this was fine" or words to that effect

The Chairman asked for clarification of this email from the GM and received a confirmation from Andrew. Andrew also referred to supporting statements from Mitchell Barker and Blake Lovie corroborating this version of events. He also referred to a supporting email from Alan Moore.

On further request from the Chairman Andrew read to the meeting an email from himself to the GM dated June 26 2012. The Chairman asked if there was a reply to which Andrew responded that there had been. Andrew said he had also talked to the GM verbally about this matter and had given him a budget for the event showing Blake paid \$150 for food.

Andrew stated that the GM had also emailed the EC and that he (the GM) had seen the budget and was happy with it. Andrew commented that the EC would have all received this email. Ken Nicholson asked the EC if they acknowledged receiving this email and the Chairman responded in the negative. Andrew referred to an email on 27th June from the GM saying "this was fine". Andrew then read to the meeting an email from the GM to the EC dated 23rd July 2012.

Andrew reiterated that the GM was fully aware that Blake was going and that he (the GM) had told Brian Barker and Andrew that he was happy with it. As a result Andrew stated that he did not understand what the issue was.

Chris Davis recommended that copies of these emails are taken and this is agreed.

b-Allowed Blake to stay in the motel where the NHTTA team was staying despite the fact that he was not a team member and had not paid \$310.00 as other players were required to.

Andrew stated that he informed the GM that Blake would be staying in the motel and would be sleeping on the couch and that it would be at no further cost to NHTTA. Andrew confirmed that all the juniors had paid the \$310 as organised by him. Andrew said that NHTTA was going to pay for the food and due to this Andrew told Blake that he would need to pay \$150 for his food. Andrew said that due to the sleeping arrangements and as Andrew was aware that a grant had been applied for he didn't feel that Blake should have to make any contribution towards the cost of accommodation.

Andrew stated that he had given the GM the budget which listed Blake and informed the GM that Blake was paying for his own food. Andrew stated that he understood the GM was perfectly happy with the arrangement.

The Chairman asked Andrew why there was no record of \$150 on the budget supplied by Andrew after the event. Andrew stated that he received the money from Blake Lovie and spent this money on Blake's food and he gave receipts for the NHTTA money he (Andrew) had spent on food for his own reimbursement.

The Chairman asked for and received confirmation from Andrew that Blake Lovie stayed in the motel free of charge. Andrew reiterated that there was no cost to NHTTA and the GM was aware in advance of this and approved of it.

Andrew said that in a meeting held on July 13 he explained what had happened and provided the receipts.

Andrew stated that it was not his intention to do anything wrong. He said that the Selectors (including the GM) were aware of Blake Lovie going to the nationals.

The Chairman asked again if Blake Lovie stayed for free. Ken Nicholson asked if any players had been refunded at this time. The Chairman stated none had at this time and explained that as per (c) in the notice of meeting there was a problem in NHTTA accounting for the number of people staying at the motel.

(The discussion now moved to c- stated in the notice of meeting).

c- NHTTA applied to the Four Winds foundation for a grant for motel costs for 12 people-3 coaches and 9 players as decided at the Executive Committee meeting on 17 June 2012 that you attended. NHTTA has reported back to the foundation that 12 people stayed and provided the receipts from you. NHTTA has now breached the terms of the application by incorrectly advising them of the number of people and this may result in NHTTA needing to pay back grant funds thereby bringing NHTTA into disrepute and putting the success of future applications at risk.

The Chairman explained that NHTTA had had to go back to the Four Winds Foundation and tell them of the extra player. Andrew said that he did not understand this. Andrew said he was asked to make the motel booking for 13 people, consisting of 10 players and 3 managers; subsequently one player pulled out. The Chairman said that there were 9 players and 3 managers. Andrew replied that he had an email asking him to book for 10 players and 3 managers. Andrew stated that it was his understanding that when the receipts were given to the Four Winds Foundation NHTTA were fully aware that there were 10 players and 3 managers that stayed at the motel. Andrew was accordingly unsure why NHTTA advised Four Winds that there were 9 players and 3 coaches staying.

There was further discussion on this point and the Chairman, in response to a question, advised that due to this issue, the players had not received any monies back at this stage.

There was then further discussion on the likelihood of the outcome of the grant situation.

There was then discussion on meeting process about whether Ken Nicholson had the ability to speak on Andrew's behalf. Andrew asked if the committee would advise him whether they felt his actions were appropriate and the Chairman responded that the EC would provide a written reply to Andrew after the meeting.

d- The 9 team players all paid \$310.00 as agreed at the Executive Committee meeting which you attended and at which you offered to write letters to each of these players and collect monies. Due to 13 people staying in the motel NHTTA will have to advise the parents of these players and refund any monies due thereby bringing NHTTA into disrepute.

Andrew stated that he denied this allegation.

Andrew said that on July 13 he provided all of the receipts and information and did not know why it was approved and then questioned at a meeting weeks later. Andrew asked why it was not raised on July 13 if the EC knew and also why he (Andrew) received approval for Blake to go?

Andrew stated that he understood that Blake didn't need permission to enter as an individual and he felt it was better for him (Blake) and the tournament if he played. Andrew felt it was safer for Blake if he stayed with the NHTTA contingent and Blake's parents agreed for him to go. Andrew asked how it was that he could be considered to have brought NHTTA into disrepute when he had kept everyone informed. Andrew said the EC had approved it on July 13.

e-The parents of Blake Lovie will also have to be informed of this matter relating to non-payment of airfares, accommodation and any other monies that were paid for Blake travelling to this event thereby bringing NHTTA into disrepute.

Andrew asked for clarification of the allegation. The Chairman asked why did one player get to travel to the event for free and none of the others and why did NHTTA pay for this? Andrew stated that Mitchell Barker paid for Blake's air fare. Andrew stated that he only suggested to the GM that NHTTA make a refund to Mitchell Barker because NHTTA was seeking a grant and Mitchell Barker had decided that it was the right thing to do to pay for a ticket for Blake as he had trouble with his arranged flight. Andrew said that he himself was in Christchurch and knew nothing of this until after the fact. Andrew did not know that Mitchell had bought the flight until Blake was already in the air.

Andrew said that when the GM rang Andrew on July 3 they had a discussion about this and Andrew said that it was probably the right thing to do to pay for the flight as Mitchell had paid for it himself because there was a problem with the ticket that Andrew thought Blake could use. Andrew went on to state that he had already considered another parent using that ticket because it was a spare ticket and that Victor Pollett's mother and Brad Chen had been suggested as candidates. Andrew said that at no stage was it ever said to him that it was the wrong thing for him to do to use that ticket. Andrew informed the meeting that Brad Chen, Mitchell Barker, and Blake were the last three to come down and that Jetstar wouldn't allow Blake to use the ticket. Andrew stated that to this day he doesn't understand why this happened.

Andrew reiterated that it was Mitchell's decision to pay for Blake's flight and Andrew stated that if he was in that position he probably would have taken the same course of action.

Andrew said that the GM rang him in Christchurch and told him that the grant had been approved and that NHTTA would give all the monies back to the players. As a result of this Andrew suggested that the right thing to do was for NHTTA to pay for Blake's flight. Andrew said the GM agreed with this.

The Chairman then asked who paid for Blake's flight on the way back and Andrew said he did following the conversation with the GM. The Chairman asked if they used the ticket which NHTTA had already purchased on the return flight. Andrew said that they didn't try to use the ticket on the way back due to the problems on the Auckland - Christchurch leg.

Andrew said that he explained at the July 13 meeting that Blake had had problems with his flight and provided receipts to the meeting. Andrew asked to be reimbursed and the meeting approved this and Andrew said he had emails and signed statements from Mitchell Barker and Blake and also emails from the GM to the whole EC explaining that there would be additional costs incurred as a result.

The Chairman asked if they tried to change the name on the ticket. Andrew confirmed that he had tried to change the Brian Barker ticket into Brad Chen's name but was unable to as Jetstar said it was a cheap fare. He then discussed using Brian's ticket for Brad Chen. He says Brian didn't have a problem with this and they discussed whether they could try and get Victor Pollett's mother or Blake Lovie's father to go down. Andrew said that those parents were unavailable. Andrew said that because there was a spare ticket and Blake was a late entry Andrew thought that the ticket might as well be used because it would be \$400 to buy a new ticket and Andrew didn't see why the ticket should be wasted.

Andrew said he talked to Blake and his father and explained that Blake was using this ticket at his own risk and that if he couldn't use the ticket issued to Brian Barker, then he couldn't go. Andrew spoke to Mitchell and also explained same to him.

Andrew said that Mitchell was at Auckland Airport and couldn't contact him; Jetstar had refused to fly Blake and Mitchell decided to buy Blake's ticket. Andrew said he did not know until Blake was in the air that this had happened and felt that the right thing to do was to pay for the ticket. Andrew then said that the GM or EC could have refused to pay for the ticket.

f-Attempted to use an air ticket intended for another person to get Blake to and from Christchurch. This was refused by the airline and upon the team's return you asked that the Association pay for this airfare despite the fact that player's expenses were not to be reimbursed by NHTTA.

f- was not mentioned specifically but the circumstances were included in the discussion of e-above

g-By your actions in a- above breached, or caused NHTTA to breach, rule 14.2 of the Table tennis New Zealand Handbook which concerns placing players into the drafting pool, thereby bringing NHTTA into disrepute.

Andrew stated that he disagreed with this as Blake was never put into a draft pool. Andrew explained what he considered to be the differences between a draft player and a composite player. Andrew said Alan Moore requested that Blake play in a composite team. Andrew said he emailed all three selectors including the GM and told them on the day that this was confirmed. Andrew said he had talked to Brian Barker, Mitchell Barker and Brad Chen prior to that and they were quite happy for Blake to go. Andrew said that they felt that Blake was a high performance member, trained hard and it would be good if he could go.

The Chairman stated that he believed Andrew was incorrect as one has to be a draft player to get into a composite team as per rule 14.2 of the TTNZ handbook. Andrew stated that in that case Alan Moore, obviously didn't know the rules because Alan requested that Blake Lovie be in a composite team. Andrew said there was never any talk about a draft pool.

Andrew also pointed out that in 2011 North Harbour hosted the Junior Nationals and entered 57 players. Andrew claimed that about twenty players played in composite teams, that there was no mention of the drafting pool, that the selectors were not consulted and that these players were placed into teams on the day.

The Chairman reiterated the process on draft players as per Rule 14.2 TTNZ Handbook. There was further discussion and the Chairman noted that there was a disagreement between the parties on the process for draft players.

(3) That on October 3 and October 9 2012 you misrepresented yourself as a member on the NHTTA Management Committee on Facebook.

Andrew stated that he did not understand the allegation and was an NHTTA Management Committee member as elected at the last AGM. He had received no notice that he was no longer a Management Committee member therefore his Facebook comments were not a misrepresentation.

The Chairman stated that Andrew had resigned as a member of the NHTTA Management Committee. Andrew denied this. Andrew declared that he had not resigned from either the EC or the Management Committee.

The Chairman asked Andrew why he had resigned and given his keys back. Andrew said he had not resigned but that he did give his keys back to the Secretary and explained his reasons to the then Chairperson (June Logan) that night and over that weekend, and discussed the reasons why he gave his keys back.

Andrew repeated that he had not resigned and advised that he had formally emailed the EC a month ago saying that he had not resigned and asked the Secretary to supply any evidence or correspondence that she felt evidenced his resignation.

The Chairman stated that the EC had accepted Andrew's verbal resignation, which was given in front of witnesses, and the return of his keys and therefore Andrew had resigned. Andrew said he handed his keys back and his exact words were "I don't want these anymore".

The Chairman and Secretary stated that these were not the words that Andrew had used. Andrew reiterated his previous statement and added he "didn't need them anymore". The Chairman stated that Andrew had said "I resign from everything" and then gave his keys back. Andrew stated that possession of keys doesn't signify membership of the committee.

Andrew stated that the reason he gave his keys back was on the day he was spoken to by the Chairman, who told Andrew that the EC wanted Andrew to resign. The Chairman stated that this was incorrect. Andrew continued that the Chairman said to him that the committee was unanimous that it wanted Andrew to resign because of issues or incidents in the past. Andrew says he then asked why he was requested to resign and that the Chairman wouldn't elaborate. Andrew then claimed that the Chairman said to him that if he didn't resign that he would be blamed for stealing the money. Andrew then stated that he had a witness to this conversation. The Chairman stated that Andrew did not have a witness and that he had never accused Andrew of stealing the money. Andrew disagreed and reiterated his allegation. The Chairman strongly repeated his denial.

The Chairman then went on to state that in fact he had asked Andrew to stand down from the Management Committee so that the Blake Lovie affair could be investigated. Andrew was not asked to resign but was told that if he didn't stand down there was the possibility that the Management Committee could vote for Andrew to be removed.

Andrew restated that the Chairman told him that if he didn't resign then he would be blamed for the theft.

The Chairman responded that this did not occur and that he did not mention money at all. Andrew said then that he could get a statement from a person who said he heard the Chairman say this. The Chairman then said that he did not know how Andrew could produce this witness as there was no one else present in the committee room during the conversation bar himself and Andrew. Andrew said he rung his friend at the time and this person heard the entire conversation and is willing to testify that the Chairman used those words. Andrew said that is why he gave the keys back because he was upset and thought the Chairman had threatened him and he didn't want to have access to the stadium.

Andrew then repeated that he gave his keys back because he was upset and thought that the Chairman had threatened him about being blamed for the theft and he did not want to have access to the stadium in case he was blamed. He immediately rang June Logan and told her what had occurred and that he had not resigned. Andrew then said that over the next few weeks he discussed with June whether or not he should resign. Andrew re-stated that he had not resigned or given the EC any resignation letter. Ken Nicholson asked if there was a paper trail supporting this. Andrew stated that there was.

Andrew said he had emailed the Secretary a month prior to this meeting formally stating that there had been a misunderstanding and that he hadn't resigned; to date the Secretary had not responded to Andrew's request for a copy of any resignation letter.

The Chairman then stated that a resignation letter was not required and that a verbal resignation was quite acceptable.

Ken Nicholson stated then that Andrew hadn't resigned and that this was a difference of opinion.

(4) That on or about October 10 2012, you disrupted a meeting of the Day Club without reason or invitation and further that you misrepresented yourself as a member of the NHTTA Management Committee.

Andrew stated that he did go to the Day Club and that anyone is entitled to go without invitation or reason. He said he went there because Craig Dye had emailed the entire committee with a formal complaint. Two of the email addresses bounced back (Len Osbourne and Denis Ralph). Therefore Andrew printed off the emails and went in to give them the emails as they hadn't had a chance to read them. Andrew said he tried to speak to Len Osbourne at which stage Terry Shorter requested Andrew to vacate the stadium. Andrew replied that he was on the Management Committee as at the time he genuinely thought that he was.

The Chairman thanked Andrew for his attendance and advised a response from the Executive committee detailing what, if any, action would be taken would be forthcoming in due course.

There was then discussion regarding concerns Andrew said he had raised with the EC; however these were not on the agenda and so could not be considered. Andrew was advised to make a formal complaint and was also advised on how he should go about that.

It then became apparent that Andrew had been taping the meeting without first obtaining the consent of the participants. Chris Davis and the Chairman strongly disagree with this conduct and advised it should not take place in the future. It was agreed that Andrew would forward the sound file of the recording to NHTTA and/or Chris Davis.

The Meeting ended at 3-15pm.

3. Transcript of 23rd November 2012 misconduct meeting - taken from audio recording

Present:

NHTTA Executive: Jack Stapleton, Geraldine Stapleton, Robert Dunn, Velma Mayclair, Terry Shorter

Andrew Palmer

Ken Nicolson: Andrew Palmer legal representative

Chris Davies: NHTTA legal representative

Jack: We call the meeting to order, the secretary will take the names of all those present

Jack: Right the purpose of the meeting is to read the charges against Andrew Palmer. Now I can read all the charges out if you want, or are you willing to accept what you've got written down.

Ken: Are we going to go through them one at a time.

Jack: I can read them out one at a time

Ken: And would you like a response one at a time

Jack: You can give a response one at a time if that's what you would like to do. Andrew or yourself can speak, but not both.

Jack: now do you want me to read all the charges out first

Chris Davies: I think you can take them as read can't you

Jack: Or can you take them as read

Andrew: Charges taken as read, as long as we deal with them one by one

Jack: Thank you

Jack: Charge number 1...(Jack reads out charge)

Andrew: um that's (the charge) quite vague.

--- Andrew is talked over by Geraldine

Geraldine: Excuse me. Hey

Jack: Andrew's answering.

Andrew: Yeah I'm answering . That's quite vague. Can you please elaborate on what the statements were as to the threats, I don't recall any threats, I would like to point out that I was actually playing

in a tournament until 8pm that night as well so I find it hard to believe that I was at the stadium between 5 and 7 O'clock.

Jack: We have a witness that you were here

Andrew: I was here. I am saying the time in your statement is incorrect. I was at a tournament until 8pm with 20 people. I turned up here at 8:30pm. I had a conversation with Geraldine where I expressed frustration that I felt John (Stapleton) was being unhelpful with work that I had been contracted to do. At one point I commented that I had emailed John a one page document and he complained that he had to print it out and put it on the wall. I stated that I thought that was an issue if he had a problem printing out a 1 page document that maybe we had a problem with his job description. Geraldine then pointed at me and said "If you want to make a complaint about John it won't end well for you Andrew". John then walked in and said "great that you're here Andrew we can go look at those spreadsheets, we went into his office and we amicably worked out the problem with the spreadsheets.

--- Andrew is talked over by Jack

Jack: We don't want to get off the point. What we are talking about is the argument. The argument took place, do you agree or disagree.

Andrew: I had a conversation with Geraldine. I agree. And I have already documented with June Logan in an email to June that I had a problem with the tone Geraldine used with me and that after the conversation I had thought it had been resolved amicably with John, that we had resolved the issues we were having with the spreadsheets and for the next month I did the work for him with no issues. So I'm unsure why three months later I'm hearing that there was a problem with my tone.

Jack: Thank you. Next one. Charge 2...(Jack outline charge as read)

Andrew: I was team manager for the junior nationals and John asked me to deal with tabletennis Canterbury around teams, he asked me to sort out the u15 team and I was dealing with Alan Moore directly. I have already provided to the committee (email provided - August 30) a timeframe of events that shows that I emailed John Stapleton on June 26 (email provided – June 26) that Blake Lovie would be going to the nationals. I told John that Blake would be playing in a composite team. I told John that I had organised with Blakes Dad that Blake would be staying with us. That Blake would be paying \$150 for his food, because the association was paying the food for the other players. As Blake wasn't in a (NHTTA) team we felt he should pay his own food. I told John that Blake would be sleeping on the couch and that as we had already organised the costs of the motel, and it wasn't going to cost anything extra for him to go

--- Andrew is talked over by Jack

Jack: Can you go back to the first statement you organised a player to play without the consent of the north harbour table tennis which is against the constitution of TTNZ

Andrew: Point of Order that is not against the constitution of TTNZ

--- Andrew is talked over by Jack

Jack: TTNZ constitution states that it must be an association that enters a player in a composite team or any team

Andrew: And yes I have told you that I was the appointed manager

--- Andrew is talked over by Jack

Jack: You were team manager

Andrew: John instructed me to liaise with Table Tennis Canterbury who are hosting the nationals. We had only two boys going in the under 15s and he asked me to talk with Alan Moore about us getting a composite player. Blake Lovie was a very late entry into the individuals event. Entries closed 6 weeks before the nationals, he only confirmed he could go on 25th June. I did ask Alan Moore if he could accept Blake as a late entry into the individuals. Alan Moore was quite happy to do that. It was Alan Moore's suggestion that Blake could play in a composite team as they were one player short and it would help out the tournament. That (request) was on the 25th June. I said I didn't think that would be a problem as he was going to be down there anyway. On 26 June I let John (Stapleton) and all the selectors, know all of this, this was 2 weeks before the nationals. If they had any problems they could have said. Brian Barker talked to John Stapleton about Blake going, John was happy for Blake to go. I have an email here from John, I had emailed John telling him that Blake was going and that Blake was in a composite team and I have an email back from John saying that is fine so I'm not sure what else I was expected to do.

Jack: Do you have an email from John

Andrew: Yes

I have a statement from Mitchell Barker stating that my timeframe of events that I sent to June Logan August 27th is correct

I have a statement from Blake Lovie saying that was correct, that he knew it was organised late, that his Dad agreed for him to go

I have an email from Alan Moore saying that Blake Lovie was granted a very late entry into the individual competition

--- Andrew is talked over by Jack

Jack: But you don't have an email from John

Andrew: Yes I am just getting to that.

I have an email from me to John Stapleton cc Brian cc Mitch on 26th June - << Andrew reads out the email on 26th June which informs John that Blake is going to the nationals, email attached >>

Jack: Did John reply

Andrew: Yes

And I also talked to John verbally about that. When I gave him the budget for the event which had Blake listed as staying with us. It had Blake listed as paying \$150 for food. I talked to John about it at the time and he emailed the executive saying I've seen the budget and I'm happy with it. You would have all received that as it was sent to all of you.

Ken: Do you acknowledge that

Jack: No. We don't

Andrew: So you are stating that none of you received an email from John that he has seen the budget and he is happy with it

Jack: That's right

Andrew: Here is an email from John Stapleton to me Wednesday June 27th "that's fine. Do you want to take a shirt down with him and get it back after the teams finish"

Ken: Do you wish to see it

Jack: No I believe him

Andrew: There is an email from John Stapleton Tuesday 3rd July going to all the executive "Hi all we have received a grant today for accommodation for the junior nationals we had 9 players and 3 coaches and an extra player Blake Lovie who was playing in a composite team. Andrew has asked if he can delay a decision on how << email attached >>

It goes on to talk about the financials, and the problem with a flight. This was sent to the entire executive on July 3rd.

As John was fully aware that Blake was going . John told Brian Barker and myself that he was happy for Blake to go. I don't understand the issue.

Chris Davies: I would recommend that we should get copies of those emails if you don't mind. I assume you can take copies, do you have a copier here?

Andrew: I can provide you the copies here. <<hands over copies of emails >>

Jack: Charge number 3...(Jack outline charge as read)

Andrew: Yes as I said I informed John Stapleton that Blake was staying in the motel. I told John that Blake was sleeping on the couch. That it wouldn't cost North Harbour any extra. At that time all the other juniors had already paid their \$310 as this (Blakes inclusion) was organised very late and North Harbour was going to pay the food for all the players so I told Blake he had to pay his own food and if he slept on the couch then I didn't see that he had to pay anything towards accommodation given that I was aware that North Harbour had already asked for a grant and the intention was that the players would get their money back anyways so I didn't see the point in charging a player for sleeping on the couch when I thought we would be giving the money back anyways. That was my understanding at the time. As I said when I gave John the budget I told him Blakes circumstances

John saw that it had Blakes name down there as staying I told him he was paying for his own food. John was perfectly happy.

Jack: And yet when you gave us the budget and the charges for the nationals there was no \$150 written down on it for Blake.

Andrew: yes because Blake Lovie gave me that money. So I gave you receipts for all the money that North Harbour gave me, and then we spent his money on his food. He bought his own food down there

--- Andrew is talked over by Jack

Jack: And so Blake Lovie stayed in the motel free of charge

Jack: yes or no

Andrew: yes. Which was the agreement that I reached beforehand

--- Andrew is talked over by Jack

Jack: Out of all the players that went down there Blake went down and stayed at north harbours motel free.

Andrew: No. He paid \$150 which went to his food.

--- Andrew is talked over by Jack

Jack: His accommodation wasn't paid for in the slightest

Andrew: His accommodation didn't cost anything. He was sleeping on the couch. I let John know that beforehand he was perfectly aware of that . If the motel had come back and said there was an extra charge for Blake staying we were more than happy to give him that bill. But they didn't it cost no extra. And I was told before we went that we would get a grant for the accommodation and the intention was to refund all the accommodation costs for the players anyways. As this was organised very late I didn't think there was much point in getting money of him to give it back anyways when it would have been extra money back anyways and I would have had to give back \$150 divided by ten players. And as far as I'm aware John was perfectly happy with that. And I was quite clear in the meeting July 13th when I gave you the receipts what had happened that Blake had stayed and as you can see from the email from John on July 3rd he knew that Blake had stayed and he knew the circumstances. There was never any intention to do anything wrong . I found out late a junior could goto the nationals late and everyone was happy that he could go. I talked to Brian, Brad Mitchell and John . They were all happy he could go.

--- Andrew is talked over by Jack

Jack: but he still stayed for nothing

Ken: Were the players going to get refunded

Jack: They haven't been no.

Andrew: But that was the intention

Jack: because if you go to paragraph C we now have an incorrect number of players when we applied to the four winds foundation for funding. So we have had to go back to the four winds foundation and tell them of the extra player

Andrew: Well I don't understand that because when I was asked to book the motel I was asked to book for 10 players and 3 managers. After booking the motel Kwan Yuan pulled out. So I'm not sure why you would have at that stage told the four winds foundation that 9 players were going

Jack: 9 players were originally picked

Andrew: Well I have an email here asking me to book for 10 players and 3 managers. When you gave the receipts for four winds foundation you were fully aware that 10 players and 3 managers went so I'm not sure why you would have done that.

Jack: Because we have to be honest with the four winds foundation and tell them exactly how many players

Andrew: Then why did you tell them 9 players. Because you were fully aware that 10 players went.

Jack: not until you came back

Andrew: No. John knew on the 26th June which was before the nationals

--- Andrew is talked over by Jack

Andrew: We have an email from John on the 3rd of July to you telling you that Blake Lovie went.

Jack: We applied to the four winds foundation prior to you going away for 9 players and 3 managers. 12 in total. We never applied for 13. Once you came back we then had to tell them that there was 13 and we are in the process of readjusting our grant. So the players haven't got any money back.

Ken: But they will?

Jack: We don't know. We might have the entire grant taken off us

Ken: But do you think they will.

Jack: Again we don't know.

Ken: I doubt it.

Jack: it's up to the four winds foundation we can't do anything

Ken: Hold on. Andrew followed all the steps appropriately. Including the managing director who was informed of what the intention was.

Jack: Actually you're not supposed to speak.

Ken: Well I'm not going to sit here and listen to you railroad Andrew when its not fair.

Jack: YOU CAN NOT SPEAK

Chris Davis: With all due respect its not your decision to decide who is being railroaded here. This is an executive committee matter.

Ken: And yes he had told you the truth and you are suggesting

--- Ken is talked over by Jack

Jack: WE ARE LISTENING BUT YOU DO NOT SPEAK.

Ken: Well I am a representative not a support person. All right.

Chris Davis: Either one or other of you speaks, not both of you.

Ken: Well I assume I can speak when he is not speaking.

Chris Davis: No no you can't have two goes.

Ken: Well no, I'm explaining that I feel that whats happening here is that he is saying what he said is the truth , he explained he went through all the steps with his executive people

--- Ken is talked over by Jack

Jack: Your not allowed to speak

Chris Davis: The point is Jack, if I can speak for a moment, the allegation has been made. Andrew has given his answer to the allegation. It doesn't need anymore discussion

Ken: As long as you hear the answer appropriately and take on board what he is saying

--- Ken is talked over by Jack

Jack: We have heard the answer, we don't need to hear from you

Ken: We don't want any predetermined decisions

Jack: We havn't predetermined any decision. That's why we are here

Ken: Well he has explained the process he went through and it sounds perfectly legitimate and now your suggesting its not.

Chris Davis: Well its for the committee to make that decision when the hearing is over.

Andrew: I would like the committee to tell me if you do not think that was appropriate actions. What do you think I should of done.

Jack: We will give you our reply in writing after the meeting.

Jack: the next one of course is virtually an extension of what we have been talking about the 9 players all payed \$310 . Due to 13 people staying in the motel nhtta will have to advise the parents of the players and refund any monies which hereby brings nhtta into disrepute.

Andrew: I deny that as I do not understand why you would apply for 12 people when originally I was asked to book for 13 and John knew that 13 people were going , that you knew that 13 people were going. What you told four winds foundation I don't understand why you would say that. I don't understand why that would bring north harbour into disrepute and I don't know why on July 13th when I gave you all the receipts and gave you a full report from the nationals and told you who went that you then said that's great and signed off on that and then waited another 6 weeks to then have a go at me in a meeting. Why didn't you raised this on July 13th if you knew then. Why didn't John tell me on June 26th . John gave me approval for Blake to go.... I mean one of the purposes of the association is...

--- Andrew is talked over by Jack

Andrew: ... I mean how does this(allegation) fit in with the wellbeing and advancement of tabletennis players. What did you want me to do here. I got told that a junior could goto the nationals , he could go by himself, he doesn't need permission (from NHTTA) to enter the individuals. I felt it was better for him to go and play in a team, it was better for the tournament for him to play, it was safer for him to stay with us, his parents agreed for him to go, I told John, I told Brian, I told Mitchell, I asked Brad if it was ok for Blake to go, you knew that he was going, and you signed off on it on July 13.

So how did I bring North Harbour into disrepute.

Jack: Thank you for your answer. The next charge is (e)...(Jack outline charge as read)

Andrew: Again, what is the charge here.

Jack: What we want to know is why did North Harbour table tennis pay for one player to fly down and back and none of the others, pay for his accommodation and none of the others

Andrew: I did not pay for the flight for Blake Lovie. As has already been advised to the committee Mitchell Barker at the airport paid for that flight. I merely suggested to John Stapleton that seeing as we had grant and he was talking about giving all the money back to the players that in the best interests of this, as Mitchell had taken time of work and he had decided that it was the right thing to do to pay for a ticket for Blake at the airport as he had trouble using his arranged flight. That he (Mitchell) had paid for the flight. I knew nothing of this as I was already in Christchurch ferrying players to the motel from the airport. I did not know that Mitchell had bought a flight for Blake until Blake was already in the air. When John (Stapleton) rung me on July 3rd in Christchurch we had a discussion about it. I said it was probably the right thing to do for us to for us to pay for that as Mitchell has paid it out of his own pocket. There was a problem with the flight that we thought Blake could use. We (John, Brian, Andrew) had already discussed using that flight for an additional parent to go. It was a spare ticket. We had talked about using it for Victor Polletts mum. We had talked

about Brad using that flight. At no stage was it ever said to me that it was the wrong thing to do to use that ticket.

Mitchell Barker was a selector, and he was one of the managers going to the junior nationals.

Because everyone was flying down to Christchurch at different times of the day Brad Chen, Mitchell Barker and Blake Lovie were the last three to fly. They flew at 7pm that night. We went down at 10am that morning. They were at Auckland airport by themselves. Blake went to use his ticket, that we thought he could use, and Jetstar said he couldn't. To this day I do not understand how that could happen.

Mitchell decided instead of having a kid crying at the airport, unable to go to his first nationals that he thought the right thing to do was to pay for his flight himself. In that circumstance I probably would have done the same thing. To be honest if it had been I probably would have just paid it myself.

Because it was Mitchell, he is only a young guy, when they got to Christchurch and John rung and said we have got the grant and we are going to give all the money back to the players I suggested to John that the right thing to do was to pay for his (Blakes) flight. It was a suggestion.

John said yes that does seem like the right thing to do.

So when I came back I gave you all the receipts for that.

--- Andrew is talked over by Jack

Jack: Who paid for the flight on the way back.

Andrew: I did.

After the conversation with John, where he said the right thing to do was to pay for the flight.

Jack: You didn't attempt to use the return ticket.

Andrew: No we didn't because he couldn't use it on the way down so we thought it was safer to get another ticket. Otherwise if it hadn't worked he would have been stuck in Christchurch alone with no adults. So I paid for his flight back. And then we gave you the receipts in the July 13th meeting, explained that Blake had gone, that was an issue with his flight, and asked for them to be reimbursed. The meeting approved that.

As I say I have got emails and signed statements from Blake Lovie, Mitchell Barker and emails from John to the whole executive saying that Blake had gone, there was trouble with Blakes flights and that was going to occur a cost.

Jack: You never attempted a name change.

Andrew: yes we did. We attempted to do a name change to change the name from Brian Barker to Brad Chen and Jetstar said because it was a cheap flight you had to buy an entire new ticket.

So we discussed using the ticket (without the name change) for Brad Chen to go down. Brian didn't have any problem with that but he said on the 1% chance he can't use it we shouldn't risk it as we didn't want to be without a manager.

(This is why Brian Barker paid for a flight for Brad Chen out of his own pocket prior to the nationals)

We discussed using that ticket to get another adult to go down as Brad was only going to be there for 3 days not the full 7. We talked about getting Victor Pollets mum or even Blake Lovies dad to go down. In the end those parents were not available so we had to go down with 3 managers and Brad was only there for 3 days.

So because we had the spare ticket and Blake was a late entry I thought he may as well use it, because it was only 2 weeks to go it would have been \$400 for him to buy a flight then and I didn't see why we would waste that ticket.

I talked to Blake and his Dad and said look you are using this ticket at your own risk. If you can't get down you can't go.

I talked to Mitchell before he went to the airport and said look Blake is using this flight at his own risk, if he can't go down he can't go.

Mitchell got to the airport and couldn't contact me as I was driving around. Blake couldn't get on the flight, he has never flown before, he has never been to the nationals before, Mitchell decided to pay for a ticket. I didn't know until Blake was in the air.

And as I said I thought the right thing to do was for us to pay. If John had said no we are not paying. If you (Finance meeting July 13) had said we are not paying. We would have looked at other means to pay this ticket. Probably by ringing his Dad. But we thought it was the right thing to do rather than giving all the players back their money when they had a good trip and they were not expecting to get their money back. We thought it was the right thing to do.

As I said it was a suggestion and you could have said no.

Jack: Right (g) we have already discussed.

Andrew: (G) I have an issue with as Blake was never put into the draft pool. He was asked to play in a composite team.

Jack: That's a draft team.

Andrew: No.

There is two different things. A composite team is players of three different associations who play as a composite team. A draft pool is where for example North Harbour has two players and we say we want a 3rd. You get a draft player. That team becomes a soley North Harbour team.

He was in a composite team. Its different.

As I said it was Alan Moore from Table Tennis Canterbury request that he play in a composite team. Alan Moore never said there would be a cost. I'm not sure if there was.

I emailed all selectors, including John Stapleton, and told them the day which that was confirmed.

I had talked to Brian, Mitchell and Brad prior to that, about the day before, because I happened to see them at the stadium. They were quite happy for Blake to go. Blake is a high performance member, he trains hard, and they thought if he can go that's good.

Jack: I have to disagree with you about the composite team. Because to get into a composite team you have to be a draft player.

Andrew: No, you don't.

Jack. You do, according to rule 14.2, you go forward as a draft player and they put three draft players into a composite team.

Andrew: Well then the organiser of the junior nationals Alan Moore obviously doesn't know the rules, because he requested that Blake Lovie play in a composite team. There was never any talk of him going into a draft pool.

I would like to draw your attention to the 2011 junior nationals last year that north harbour hosted. North Harbour played 57 at that tournament. About 20 of them were just put into composite teams (by John Stapleton) there was no mention of them going into draft pools. The selectors were never consulted they were just placed into composite teams on the day

Jack: A draft player is a player that is put forward by an association to the host association and its upto the host association to put the draft player into a team. Being either composite or one player with another two players. And the only way under 14.2 that players can go forward is if they go forward as draft players.

Andrew: Well as I said, Alan Moore , who is the organiser of the junior nationals, requested that Blake Lovie play in a composite team. I have an email here from Alan Moore stating that.

There was never any question of him going into a draft pool and as I said I told all the selectors that was happening. If any of them had any issue with that , any of the 3 selectors could have raised that.

Jack: We have a disagreement on what a draft player is.

Jack: Number 3 (reads out charge re representing yourself as a management committee member on facebook)

Andrew: Again I don't understand the charge. I am a North Harbour management committee member. I was voted on at the AGM. I received no notice that I am no longer a management committee member, and in good faith I said on facebook I am a management committee member and this is what I think the process to be (regarding NHTTA rules)

Jack: and yet you resigned

Andrew: I have not resigned as you know full well as I have emailed you to clarify that. I have not resigned from the management committee or the executive.

Jack: then why did you resign and hand in your keys

Andrew: as I said I did not resign. I gave my keys back to Geraldine Stapleton and I have explained my reasons to the chairperson (June Logan) in a discussion over that weekend, why I gave my keys back.

I have not resigned and I have already formally emailed the committee a month ago saying I have not resigned and I have asked the Secretary to provide any evidence or correspondence that she feels says that I have resigned.

--- Andrew is talked over by Jack

Jack: We accepted your verbal resignation in front of witnesses and we accepted your keys back. And you made a resignation.

Andrew: No. I handed my keys back and my exact words were "I do not want these anymore"

Jack: That wasn't the words that you used.

Andrew: I gave the keys back and I said "I do not want these keys anymore"

Jack: You handed your keys back and said I resign

Andrew: the keys have go nothing to do with being on any committee

The reason I gave the keys back was because on that day Jack Stapleton spoke to me and said we want you to resign. The committee has voted

--- Andrew is talked over by Jack

Jack: That again is incorrect

Chris: Just let him finish Jack

Andrew: Jack Stapleton spoke to me and he said the committee has voted and is unanimous and we want you to resign because of issues and incidents in the past this year. I asked why you wanted me to resign. And you wouldn't elaborate.

In the end you said "if you do not resign we will blame you for stealing the money"

And I have a witness

Jack. You have no witness whatsoever.

Andrew: yes I do

Jack: And I have never accused you of stealing the money.

Andrew. No but you said if I don't resign we will blame you for stealing the money. I was upset and I gave the keys back and said I don't need these anymore

--- Andrew is talked over by Jack

Jack: I'll give my explanation now.