

Annex 1 – Complaint

The Complaint

The undersigned, Gary Jobson and Scott Perry, [the Complainants] hereby file the following complaint under the World Sailing Code of Ethics against Kim Andersen for the unauthorized use by him on World Sailing[WS] letterhead of their respective electronic signatures .

In particular, notwithstanding that the Complainants had expressly advised Kim Andersen that they did not authorize the sending of the correspondence under their signatures without the opportunity to review and comment on the matters the subject of the correspondence, he proceeded to send such correspondence, either personally, or he directed a World Sailing staff member to do so .

Giving an organization or a person an electronic signature is a significant act of trust, and using it without permission [or in this case expressly being told not to do so] is a serious breach of trust.

No proper explanation or apology has been received from Kim Andersen for his actions.

Kim Andersen being the President of the Federation is a Party within the meaning of para 1.1[a] of the WS Code of Ethics, and therefore he is bound to comply with the said Code.

The actions taken by Kim Andersen in sending the unauthorized letter was carried out in his capacity as a WS office holder.

It is therefore submitted

- 1 such action constitutes unethical behavior by Mr Andersen in carrying out his duties as a WS officer holder
- 2 such action constitutes a serious breach of the WS Code of Ethics , and in particular para 1.3 [e] .

Background

On 18th February 2020 Mr. Tom Ehman in a Sailing Illustrated internet program mentioned Gary Jobson and Scott Macleod in connection with sailing matters being discussed.

On 26th February Kim Andersen sent the following email to the whole Board of World Sailing:

Dear Board members,

It has come to my attention that there is fake news actively being spread online that directly affect members of our board.

You might have already seen this, but Sailing Illustrated recently aired a show where the host Tom Ehman not only misinformed about the finances of our organization and various other items, but also specifically mentioned two of our VPs by name as his source for getting this fake information: Scott Perry and Gary Jobson.

<https://www.facebook.com/SailingIllustratedBlog/videos/203966347466731/>

To slander and to connect two of our board members to Sailing Illustrated is unacceptable, I am sure that you agree with me that something must be done about this. I suggest that

we include this as a point on our meeting agenda for this weekend and discuss how we handle this going forward.

Best

Kim Andersen

On the same date, 26th February 2020 Gary Jobson sent the following email in reply to Kim Andersen's above email:

I can assure you that I have not spoken to Tom Ehman, or be involved in his internet program. Gary J

At a subsequent meeting of the Board of World Sailing over 2 days (28th and 29th February 2020) in London both Gary Jobson and Scott Perry denied any knowledge of what was said on the program as neither had listened to the program.

Kim Andersen also stated that he had not listened to the program and suggested that both of the undersigned write a letter to Mr. Tom Ehman stating that neither of them had made any of the statements attributed to them or provided any information as mention in his program of 18th February 2020.

During the Board meeting on Saturday 29th February 2020 Kim Andersen sent the following email to the whole Board of World Sailing the relevant parts of which are:

Dear Board,

Following up on yesterday's board only meeting.

Please find attached the letter regarding the issue with a member of the CC committee and the draft letter to Sailing illustrated.

I would propose to Scott and Gary to adjust and amend the letter to their liking, but as agreed the letter should make it clear to Tom Ehman the he is not correct when using the names of World Sailings board members as proof for misinformation.

Please let the board know when the letters are send in order for the board to be on the same page.

Below is the draft letter attached to Kim Andersen's above email:

May 2, 20

*Tom Ehman
c/o BSYC
2217 Beach St.
San Francisco, CA 94123*

Letter send via email: tfe@tfehman.com

Dear Mr. Ehman,

On February 18th, a Sailing Illustrated's TFE Live show was aired on Facebook. The show raised several issues regarding World Sailing and you intentionally shared misleading information about the working of our organisation, the finances of our organisation and the World Sailing Trust.

In the show, you specifically mentioned me as the source of this fake information. I unequivocally deny these allegations and quite honestly find your actions and attacks against myself and World Sailing to be completely unjustified.

As a World Sailing Board member for eight years, I have dedicated my time to building up our sport. There have been many positive achievements within our sport, yet you are determined to spread lies and create chaos by spreading false information. I don't know what your motives are, but as a journalist it is your responsibility to provide honest and truthful information to your listeners. Your biased opinions are not only careless, but they hurt our sport.

I ask that you immediately retract your statements, especially your claim that I am the source of your misinformation and lies.

Regards,

*Gary Jobson/Scott Perry
Vice-President*

World Sailing

Upon receipt of the above draft letter Gary Jobson stated to the whole Board that he would only agree to send the letter after listening to the 18th February program to satisfy himself of what was said, and to include and quote and specific passages from it in any letter to be sent to Tom Ehman. .

After hearing Gary Jobson's request to listen to the program before agreeing to the letter being sent Scott Perry made some corrections to Kim Andersen's draft letter above and sent the amended draft to Kim Andersen and Gary Jobson in an email without any comments. Scott Perry's amended draft follows:

Tom Ehman
c/o BSYC
2217 Beach St.
San Francisco, CA 94123

Letter send via email: tfe@tfehman.com

Dear Mr. Ehman,

On February 18th, a Sailing Illustrated's TFE Live show was aired on Facebook. The show raised several issues regarding World Sailing ~~and you intentionally shared~~ including misleading and inaccurate information about the working of our organisation, the finances of our organisation and the World Sailing Trust.

In the show, you specifically mentioned ~~me~~ us as the source of this fake misleading and inaccurate information. We unequivocally deny these allegations and quite honestly find your actions and attacks against myself us and World Sailing to be completely unjustified.

~~As a World Sailing Board member for eight years, I have dedicated my time to building up our sport. There have been many positive achievements within our sport, yet you are determined to spread lies and create chaos by spreading false information. I don't know what your motives are, but as a journalist it is your responsibility to provide honest and truthful information to your listeners. Your biased opinions are not only careless, but they hurt our sport.~~

We ask that you immediately retract your statements, especially your claim that I am we are the source of your misinformation ~~and lies~~.

Regards,

Gary Jobson/Scott Perry
Vice-President
World Sailing

The letter was amended to clearly state that it was a letter from both Gary Jobson and Scott Perry. This was done in light of the fact that Gary Jobson had stated to the whole Board that no letter should be sent before he had a chance to listen to the 18th February 2020 Tom Ehman program and comment on it .

No subsequent authorization or permission was given to Kim Andersen by either Gary Jobson or Scott Perry for the letter to be sent to Tom Ehman.

On Monday 2nd March 2020 both Gary Jobson and Scott Perry learned that pursuant to Kim Andersen's instructions the World Sailing office sent the letter to Tom Ehman with both the electronic signatures of Gary Jobson and Scott Perry.

The letter was sent [or directed to be sent] by Kim Anderson to Tom Ehman notwithstanding the clear direction for it not to be sent .

On Tuesday 3rd March 2020 Scott Perry sent the following email to Kim Andersen:

Kim,

In your email below and at our Board meeting last week you informed the Board that Tom Ehman in his recent program aired on 18th February 2020 named myself and Gary Jobson as the source of his misinformation about World Sailing's troubled finances. You were understandably upset that two Vice President's could be falsely accused in this manner on a very sensitive matter. I was certainly more upset than you as I have never spoken to, written to or communicated in any way with Mr. Ehman.

As a result of the above you suggested that Gary and I should write a letter to Mr. Ehman demanding his apology for this false accusation. You sent both Gary and

*I a draft letter which I amended and sent to you and to Gary for his approval. Gary asked that the letter **not be sent** before he had a chance to listen to a recording of Mr. Ehman's program as he, Gary, wanted to quote passages from that program in our joint letter.*

Apparently the letter was sent yesterday without Gary's or, for that matter, my consent.

I have today received several phone calls and emails asking me why I have sent such an aggressive letter as the "Scott" mentioned in Mr. Ehman's program was in fact Scott Macleod an individual whom I don't know who is the Commercial Manager of the New York Yacht Club's Americas Cup challenger, American Magic.

I have now listened to Mr. Ehman's program and it is very apparent that I am NOT the "Scott" he mentioned. He mentioned Mr. Scott Macleod in the context of how difficult it is to obtain sponsorship for sailing. In fact at the very beginning of the program he mentions Mr. Scott Macleod and describes what he does. If you had listened carefully you would have realised that when Mr. Ehman mentions someone he always describes what they do and what position, if any, they have. When Mr. Ehman mentions Scott further on in the program you should have realised that it wasn't me from the moment Mr. Ehman didn't say what Scott does, there was no need to do so as he had introduced Scott Macleod at the very beginning of the program. As I have never been involved in seeking sponsorship of any kind it is patently obvious that you made a mistake. Unfortunately your mistake is causing me considerable embarrassment.

I will today send a letter to Mr. Ehman apologising for the joint letter which was sent without Gary's permission or mine as I was awaiting Gary's comments. I will further explain that I agreed to send the letter at your urging because you misunderstood the "Scott" he was speaking about.

Scott

On 3rd March 2020 Kim Andersen replied to Scott Perry's above email as follows:

Scott,

As you will see from my mail to you and Gary regarding the case, I was asking you and Gary to send the letter!

For you to ask me or WS to send the letter and then not even having listen to the issued when forwarded to you before the board meeting

must be your own responsibility.

I have not been informed about any information for the letter not to be send. I your letter it says "Amended draft letter to Tom Ehman", - no more no less!

Scott, I am not following Sailing Illustrated, but was given the feed from well-meaning MNA`s for whom it was not apparent that the Scott mentioned was not a board member.

Best regards

Kim Andersen

On 3rd March 2020 Scott Perry replied to Kim's above email as follows:

Kim,

What are you talking about ??????

You instructed Rowena to send a letter under Gary's and my electronic signatures without waiting for Gary opinion which he clearly stated at the Board meeting that he would only give AFTER listening to Tom Ehman's program.

To now try to somehow blame me for sending a letter which was not authorised is simply ridiculous. You state:

I have not been informed about any information for the letter not to be send

The question is did Gary and I agree that the letter be sent - the answer is we clearly DID NOT !!!!!

I am sending an apology to Tom Ehman today.

Scott

On 3rd March 2020 Kim Andersen replied to Scott Perry's above email as follows:

Scott,

As you will see from my mail to you and Gary regarding the case, I was asking you and Gary to send the letter!

For you to ask me or WS to send the letter and then not even having listen to the issued when forwarded to you before the board meeting must be your own responsibility.

I have not been informed about any information for the letter not to be send. I your letter it says "Amended draft letter to Tom Ehman", - no more no less!

Scott, I am not following Sailing Illustrated, but was given the feed from well-meaning MNA`s for whom it was not apparent that the Scott mentioned was not a board member.

Best regards

Kim Andersen

Gary Jobson sent the following letter to the full World Sailing Board also on Tuesday 3rd March:

March 3, 2020

*To: World Sailing Board
From: Gary Jobson*

Sailing Illustrated commentary

During our Executive Session at the Board meeting in London, Kim Andersen pointed out that there were some inaccurate comments expressed by Sailing Illustrated's host, Tom Ehman, attributed to me and Scott Perry. A draft letter was presented to us asking Tom Ehman for an apology. I stated that I would have to hear what was said on the program before I sent a letter to Mr. Ehman and that I would use the transcription to refute any inaccurate information.

I have now listened to the program that mentions me. Tom Ehman is the narrator and here is the transcript from his program:

"I think US Sailing has been weak. The rest of the world looks to US Sailing, the RYA, the Australians, and a few other countries like the Germans and the Spanish, and so on. It's up to US Sailing to lead, and the US is sitting around. It looks like they are twiddling their thumbs. They are not strong. I know behind the scenes that Gary Jobson, who is an American and a Vice President, he was very helpful of getting rid of the non-sailing CEO. There I said it. I know he agrees with what I am saying, but he won't say it publicly because World Sailing, like US Sailing, which I criticize for having secrecy."

This is the only reference about me that I found in the 1 hour and 42 minute program. Scott Perry is not mentioned anywhere in the program. There is a reference to Scott MacLeod, who is a marketing manager for the New York Yacht Club's America's Cup challenger, "American Magic." I see no reason to demand an apology.

While I have never been on the Sailing Illustrated program, nor have I discussed World Sailing with Tom Ehman, he is correct that I was one of the advocates of dismissing Andy Hunt. It is unclear where he learned this fact, but it is accurate. As far as "agreeing" with Tom Ehman, I take some exceptions to his comments, but overall he is not far off the mark when he speaks about the difficulty of marketing the sport of sailing during this time period. He is quite critical of World Sailing and our finances, but then so are we. It doesn't seem like he has accurate information on our actual financial position. I am not the correct Board member to refute Ehman's statements on our finances. Someone closer to our financial situation would be more appropriate to address this.

To my great horror, I learned yesterday that a letter was sent to Tom Ehman with my signature demanding an apology. I did not write this letter. I did not approve this letter. And, I did not sign this letter. You will recall during our discussion about this matter at the Board meeting I said, that I needed to hear the program before I would make any comments. This is a serious breach of trust.

After some days passed Kim Andersen sent the following email to the whole Board on 7th March 2020:

Dear board,

There has been a lot of back and forth stemming from Sailing Illustrated that is causing confusion in our board and now in our sport.

As mentioned last week, I received inputs from members of the sailing community that Sailing Illustrated were referencing two of our board members as sources that were giving information about World Sailing. I later heard the session myself and came to the same conclusion, believing that this media were misinformed and wrongly using members of our board.

In order to protect these individuals, the board and World Sailing I wrote to you before the board meeting about this topic so that we could discuss it together. (See attached letter 1)

As discussed in the board meeting when we addressed this point, we agreed to draft and send a letter stating that Scott and Gary were not the source claimed in this media and did not appreciate the attack on WS and them. We agreed that I would draft the letter and forward it to the board, then upon receiving feedback on the letter it would then be sent.

The draft was done and sent to you all that same evening. (See attached letter 4)

The next day, during the board meeting, I received an amended letter from Scott with no further instructions (attachment 2, see attached Word document – the amended letter). There were no additional amendments or feedback from the board, therefore after the board meeting the amended letter was forwarded to the WS office for release (attachment 3).

I did what we agreed and I did it to protect our board members and World Sailing.

I hope this clarifies the situation, and that we can continue working together to deliver good work for our sport.

Regards

Kim Andersen

In reply to Kim Andersen's email above Gary Jobson sent the following email on 7th March to Kim Andersen:

From: Gary Jobson <Garyjobson1@comcast.net>

Date: March 7, 2020 at 7:50:01 AM EST

To: Kim Andersen <kim@krandersen.com>

Subject: Apology

Kim: I do not know why you sent a letter to Tom Ehman with my signature. I was very clear that I was not sending any communication until I had a chance to review the comments on Sailing Illustrated. Whoever told you about me and Scott Perry did you a terrible disservice. It is extremely upsetting that you sent a letter on my behalf without my permission. After reviewing the Sailing Illustrated program, I found there wasn't much there regarding me and nothing at all regarding Scott Perry. Your only honorable option is to issue an apology to me, Scott Perry and Tom Ehman. I suggest you send this in the next few days. Kim, have the courage to do the correct thing. Gary Jobson

Nothing further was heard from Kim Andersen on the subject.

Gary Jobson
Director

Scott Perry
Director