

Annex 3 – Emails

This document encloses emails collected by the Ethics Officer in relation to the Complaint submitted before the World Sailing Ethics Commission by Mr Gary Jobson and Mr Scott Perry against Mr Kim Andersen on 22/04/2020.

Emails are *verbatim*, except for multiple line feeds and automated World Sailing institutional mentions, which have been trimmed in some cases to save space. A limited number of emails include mentions of confidential matters not related to the Complaint; such mentions have been deleted and replaced with “[DELETED]”.

Emails are presented in chronological order. Time indications in email programs depend on the configuration of the computer and are often based on local time. Some effort has been put into adapting them to GMT.

Comments and notes appear [between brackets].

Many emails span several pages, especially when they include attachments or previous emails they respond to or they forward. A solid line marks the end of each email:

From: Kim Andersen <kim@krandersen.com>

Subject: Sailing Illustrated!

Date: 26 Feb 2020 19:51:18 GMT

To: Jan Dawson <jan@jandawson.co.nz>, Gary Jobson - Comcast <garyjobson1@comcast.net>, W Scott Perry <scott.uru@gmail.com>, yann rocherieux <yrocherieux@gmail.com>, Torben Grael <torben@torben-grael.com>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, Nadine Stegenwalner <Nadine.Stegenwalner@dsv.org>, Quanhai Li <chnsailing@sina.cn>

Cc: Kim Andersen <kim@krandersen.com>

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 Feb 26, 2020, at 4:07 PM [21:07 GMT], yann rocherieux <yrocherieux@gmail.com> wrote [to Kim Andersen <kim@krandersen.com>, Jan Dawson <jan@jandawson.co.nz>, Gary Jobson - Comcast <garyjobson1@comcast.net>, W Scott Perry <scott.uru@gmail.com>, Torben Grael <torben@torben-grael.com>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, Nadine Stegenwalner <Nadine.Stegenwalner@dsv.org>, Quanghai Li <chnsailing@sina.cn>]:

Hello,

Yes to be discussed...

To save some of you a bit of time, Gary you are mention at least once at 53min..

Sorry Scott I can't handle Tom Ehman and his show more longer, I may have miss your name before or you are coming after in the show !

See you all on Friday

Yann

Kind Regards,

Yann Rocherieux

+33 6 82 68 96 95

World Sailing Athlete Commission Chairman

Le mer. 26 févr. 2020 à 20:51 [19:51 GMT], Kim Andersen <kim@krandersen.com> a écrit :

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

From: Gary Jobson - Comcast <garyjobson1@comcast.net>

Subject: Re: Sailing Illustrated!

Date: 26 Feb 2020 21:22:38 GMT

To: yann rocherieux <yrocherieux@gmail.com>

Cc: Kim Andersen <kim@krandersen.com>, Jan Dawson <jan@jandawson.co.nz>, W Scott Perry <scott.uru@gmail.com>, Torben Grael <torben@torben-grael.com>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, Nadine Stegenwalner <Nadine.Stegenwalner@dsv.org>, Quanhai Li <chnsailing@sina.cn>

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

On Feb 26, 2020, at 4:07 PM [21:07 GMT], yann rocherieux <yrocherieux@gmail.com> wrote:

Hello,

Yes to be discussed...

To save some of you a bit of time, Gary you are mention at least once at 53min..

Sorry Scott I can't handle Tom Ehman and his show more longer, I may have miss your name before or you are coming after in the show !

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Yann

Kind Regards,

Yann Rocherieux

+33 6 82 68 96 95

World Sailing Athlete Commission Chairman

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Best

Kim Andersen

From: Kim Andersen <kim@krandersen.com>

Subject: Re: Sailing Illustrated!

Date: 27 Feb 2020 07:47:27 GMT

To: yann rocherieux <yrocherieux@gmail.com>

Cc: Jan Dawson <jan@jandawson.co.nz>, Gary Jobson - Comcast <garyjobson1@comcast.net>, W Scott Perry <scott.uru@gmail.com>, Torben Grael <torben@torben-grael.com>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, Nadine Stegenwalner <nadine.stegenwalner@dsv.org>, Quanhai Li <chnsailing@sina.cn>, Kim Andersen <kim@krandersen.com>

Good point Yann re. saving time!

Regarding the Sailing Illustrated session:

Start re. WS 43:36

46:40 re. Gerado

50:58 re. Scott

51:53 re. Israel and Hungary

53.11 re. Gary.

Regards

Kim Andersen

Sendt fra min iPhone

Den 26. feb. 2020 kl. 22:07 [21:07 GMT] skrev yann rocherieux <yrocherieux@gmail.com>:

Hello,

Yes to be discussed...

To save some of you a bit of time, Gary you are mention at least once at 53min..

Sorry Scott I can't handle Tom Ehman and his show more longer, I may have miss your name before or you are coming after in the show !

See you all on Friday

Yann

Kind Regards,

Yann Rocherieux

+33 6 82 68 96 95

World Sailing Athlete Commission Chairman

Le mer. 26 févr. 2020 à 20:51 [19:51 GMT], Kim Andersen <kim@krandersen.com> a écrit :

Dear Board members,

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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.

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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

From: Kim Andersen <kim@krandersen.com>

Subject: Confidential - follow up on yesterdays board meeting

Date: 29 Feb 2020 09:01:22 GMT+1

To: W Scott Perry <scott.uru@gmail.com>, Gary Jobson - Comcast <garyjobson1@comcast.net>, Torben Grael <torben@torben-grael.com>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, yann rocherieux <yrocherieux@gmail.com>, Jan Dawson <jan@jandawson.co.nz>, Nadine Stegenwalner <nadine.stegenwalner@dsv.org>

Cc: Kim Andersen <kim@krandersen.com>, Jon Napier <jon.napier@sailing.org>, Kendall Harris <kendall.harris@sailing.org>

Dear Board,

Following up on yesterday's board only meeting.

Please find attached the letter regarding [DELETED] 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.

[DELETED]

See you shortly.

Regards

Kim Andersen

<Letter to Tom Ehman[2].docx>

13 May 2020

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

Presidents of Honour:
HM King Constantine
HM King Harald of Norway

Directors:
Kim Andersen
Jan Dawson
Torben Grael
Gary Jobson
Quanhai Li
W Scott Perry
Yann Rocherieux
Ana Sanchez
Nadine Stegenwalner

Registered office
69 Athol Street, Douglas
Isle of Man, IM1 1JE

Tel: +44 (0)23 80 635111
www.sailing.org

World Sailing Limited
Registered in the Isle of Man 79772C

[Note: the date is a field that updates automatically to the date of printing]

Subject: Amended draft letter to Tom Ehman
Date: Saturday, February 29, 2020 at 12:45:26 PM Central European Standard Time
From: W Scott Perry
To: Kim Andersen, Gary Jobson
Attachments: Letter to Tom Ehman[2].docx



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

~~Members of Council:
HM King Constantine
HM King Harald of Norway~~

~~Directors:
Kim Andersen
Jan Dijkstra
Torben Grahl
Gary Jobson
Quentin Li
W Scott Perry
Thom Ruchtiereux
Rob Smithecz
Madira Stagerweiner~~

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69 Athol Street, Douglas
Isle of Man, IM1 1JE

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From: Kim Andersen <kim@krandersen.com>
Subject: FW: Amended draft letter to Tom Ehman
Date: 1 Mar 2020 10:35:10 GMT+1
To: Rowena Farrugia <Rowena.Farrugia@sailing.org>
Cc: Daniel Smith <daniel.smith@sailing.org>

Hi Rowena,

Thanks for the great support this weekend!

Attached please find a letter to Tom Ehman. Could you please update the content as amended and send it to Tom on behalf of Gary and Scott.

Thanks.

Kim Andersen

On 2/29/20, 12:45 PM, "W Scott Perry" <scott.uru@gmail.com> wrote:

[Attached: Letter to Tom Ehman[2].docx]

6 May 2020

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

Letter send via email: tfe@fehman.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

Presidents of IMBIAW
HM King Constantine
HM King Harald of Norway

Directors:
Tom Anderson
Jill Dawson
Torben Grael
Gary Jobson
Quenhai Li
W Scott Perry
Vant'Rothenau
Ana Sanchez
Nadine Stegemann

Registered office
59 Athol Street, Douglas
Isle of Man, IM1 1JE

Tel: +44 (0)25 80 635111
www.sailing.org

World Sailing Limited
Registered in the Isle of Man 79772C

[Note: the date is a field that updates automatically to the date of printing]

From: Daniel Smith <daniel.smith@sailing.org>
Subject: FW: Amended draft letter to Tom Ehman
Date: 2 Mar 2020 10:06:46 GMT+1
To: Rowena Farrugia <Rowena.Farrugia@sailing.org>

Morning,

Can you send from the Exec Office account and his email is - tfe@tfehman.com.

Daniel

On 01/03/2020, 09:35, "Kim Andersen" <kim@krandersen.com> wrote:

Hi Rowena,

Thanks for the great support this weekend!

Attached please find a letter to Tom Ehman. Could you please update the content as amended and send it to Tom on behalf of Gary and Scott.

Thanks.

Kim Andersen

On 2/29/20, 12:45 PM, "W Scott Perry" <scott.uru@gmail.com> wrote:

[Attached: Letter to Tom Ehman[2].docx]

6 May 2020

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

Presidents of Honour
HM King Constantine
HM King Harald of Norway
Directors
Kim Andersen
Jan Dawson
Torben Grae
Gery Jobson
Quentin L
W Scott Perry
Tami Roldeneau
Anie Sorenson
Nadine Stegenwater

Registered office
88 Athol Street, Douglas
Isle of Man, IM1 1JE

Tel: +44 (0)23 80 635111
www.sailing.org

World Sailing Limited
Registered in the Isle of Man 797720

[Note the date is a field that updates to the date of printing]

From: Rowena Farrugia <rowena.farrugia@sailing.org>
Subject: Re: Amended draft letter to Tom Ehman
Date: 2 Mar 2020 11:06:33 GMT+1
To: Kim Andersen <kim@krandersen.com>
Cc: Daniel Smith <daniel.smith@sailing.org>

Will send it out now and will bcc you both.

Kind regards,
Rowena

Rowena Farrugia
Business Operations Manager
D: +44 (0)2039 404 914
M: +44 (0)7919 050 362
20 Eastbourne Terrace
London, UK, W2 6LG

On 01/03/2020, 09:35, "Kim Andersen" <kim@krandersen.com> wrote:

Hi Rowena,

Thanks for the great support this weekend!

Attached please find a letter to Tom Ehman. Could you please update the content as amended and send it to Tom on behalf of Gary and Scott.

Thanks.

Kim Andersen

On 2/29/20, 12:45 PM, "W Scott Perry" <scott.uru@gmail.com> wrote:

From: Rowena Farrugia <rowena.farrugia@sailing.org>
Subject: Re: Amended draft letter to Tom Ehman
Date: 2 Mar 2020 11:06:40 GMT+1
To: Daniel Smith <daniel.smith@sailing.org>

Noted!

Kind regards,
Rowena

Rowena Farrugia
Business Operations Manager
D: +44 (0)2039 404 914
M: +44 (0)7919 050 362
20 Eastbourne Terrace
London, UK, W2 6LG

On 02/03/2020, 09:06, "Daniel Smith" <daniel.smith@sailing.org> wrote:

Morning,

Can you send from the Exec Office account and his email is - tfe@tfehman.com.

Daniel

On 01/03/2020, 09:35, "Kim Andersen" <kim@krandersen.com> wrote:

Hi Rowena,

Thanks for the great support this weekend!

Attached please find a letter to Tom Ehman. Could you please update the content as amended and send it to Tom on behalf of Gary and Scott.

Thanks.

Kim Andersen

On 2/29/20, 12:45 PM, "W Scott Perry" <scott.uru@gmail.com> wrote:

From: World Sailing Executive Office <office@sailing.org>
Subject: Letter to Tom Ehman
Date: 2 Mar 2020 11:08:26 GMT+1
To: <tfe@tfehman.com>

Dear Mr Ehman,

Please find attached letter form World Sailing Vice President.

Regards,

World Sailing Executive Office



T: +44 (0)2039 404 888
sailing.org

20 Eastbourne Terrace
London, UK, W2 6LG

[Attached: Letter to Tom Ehman.pdf]

2 March 2020

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 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 us as the source of this misleading and inaccurate information. We unequivocally deny these allegations and quite honestly find your actions and attacks against us and World Sailing to be completely unjustified.

We ask that you immediately retract your statements, especially your claim that we are the source of your misinformation.

Regards,



Gary Jobson/Scott Perry
Vice-Presidents
World Sailing

Presidents of Honour:
HM King Constantine
HM King Harald of Norway

Directors:
Kim Andersen
Jan Dawson
Torben Grael
Gary Jobson
Quanhai Li
W Scott Perry
Yann Rocherieux
Ana Sanchez
Nadine Stegenwalner

From: Kim Andersen <kim@krandersen.com>
Subject: Re: Amended draft letter to Tom Ehman
Date: 2 Mar 2020 11:15:09 GMT+1
To: Rowena Farrugia <Rowena.Farrugia@sailing.org>



Sendt fra min iPhone

Den 2. mar. 2020 kl. 11.06 skrev Rowena Farrugia <Rowena.Farrugia@sailing.org>:

Will send it out now and will bcc you both.

Kind regards,
Rowena

Rowena Farrugia
Business Operations Manager
D: +44 (0)2039 404 914
M: +44 (0)7919 050 362

sailing.org <<https://outlook.office365.com/owa/?realm=sailing.org&exsvurl=1&ll-cc=2057&modurl=0&path=/options/maileignatures>>

20 Eastbourne Terrace
London, UK, W2 6LG

On 01/03/2020, 09:35, "Kim Andersen" <kim@krandersen.com> wrote:

Hi Rowena,

Thanks for the great support this weekend!

Attached please find a letter to Tom Ehman. Could you please update the content as amended and send it to Tom on behalf of Gary and Scott.

Thanks.

Kim Andersen

On 2/29/20, 12:45 PM, "W Scott Perry" <scott.ur@gmail.com> wrote:

From: Gary Jobson <garyjobson1@comcast.net>
Subject: Fwd: Letter to Tom Ehman
Date: 2 Mar 2020 23:40:16 GMT
To: W Scott Perry <scott.uru@gmail.com>

Disgraceful. See below. G

Sent from my iPhone

From: T F Ehman Jr <tfe@tfehman.com>
Date: March 2, 2020 at 5:36:25 PM EST
To: Gary Jobson <Garyjobson1@comcast.net>
Subject: Fwd: Letter to Tom Ehman

Second try... Sent it earlier as below. Please confirm receipt. Rgds,

Tom

From: T F Ehman Jr <tfe@tfehman.com>
Subject: Fwd: Letter to Tom Ehman
Date: March 2, 2020 at 12:27:14 PST
To: Gary Jobson <garyjobson1@comcast.net>

From: World Sailing Executive Office <office@sailing.org>
Subject: Letter to Tom Ehman
Date: March 2, 2020 at 02:08:27 PST
To: "tfe@tfehman.com" <tfe@tfehman.com>

Dear Mr Ehman,

Please find attached letter form World Sailing Vice President.

Regards,

World Sailing Executive Office



T: +44 (0)2039 404 888
sailing.org

20 Eastbourne Terrace
London, UK, W2 6LG

2 March 2020

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

Letter send via email: tfe@fehman.com

Dear Mr. Ehman,

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

We ask that you immediately retract your statements, especially your claim that we are the source of your misinformation.

Regards,



Gary Jobson/Scott Perry
Vice-Presidents
World Sailing

Presidents of Honour:
HM King Constantine
HM King Harald of Norway

Directors:
Kim Andersen
Jan Dawson
Torben Grael
Gary Jobson
Quanhai Li
W Scott Perry
Yann Rocherieux
Ana Sanchez
Nadine Stegenwalner

From: W Scott Perry <scott.uru@gmail.com>

Subject: Re: Sailing Illustrated

Date: 3 Mar 2020 10:53:17 GMT

To: Kim Andersen <kim@krandersen.com>

Cc: Jan Dawson <jan@jandawson.co.nz>, Gary Jobson - Comcast <garyjobson1@comcast.net>, yann rocherieux <yrocherieux@gmail.com>, Torben Grael <torben@torben-grael.com>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, Nadine Stegenwalner <Nadine.Stegenwalner@dsv.org>, Quanhai Li <chnsailing@sina.cn>

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 26 Feb 2020, at 19:51, Kim Andersen <kim@krandersen.com> wrote:

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

From: Kim Andersen <kim@krandersen.com>

Subject: Re: Sailing Illustrated

Date: 3 Mar 2020 12:16:37 GMT

To: W Scott Perry <scott.uru@gmail.com>

Cc: Jan Dawson <jan@jandawson.co.nz>, Gary Jobson - Comcast <garyjobson1@comcast.net>, yann rocherieux <yrocherieux@gmail.com>, Torben Grael <torben@torben-grael.com>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, Nadine Stegenwalner <Nadine.Stegenwalner@dsv.org>, Quanhai Li <chnsailing@sina.cn>

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

From: W Scott Perry <scott.uru@gmail.com>

Date: Tuesday, March 3, 2020 at 11:53 AM [10:53 GMT]

To: Kim Andersen <kim@krandersen.com>

Cc: Jan Dawson <jan@jandawson.co.nz>, Gary Jobson - Comcast <garyjobson1@comcast.net>, yann rocherieux <yrocherieux@gmail.com>, Torben Grael <torben@torben-grael.com>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, Nadine Stegenwalner <Nadine.Stegenwalner@dsv.org>, Quanhai Li <chnsailing@sina.cn>

Subject: Re: Sailing Illustrated

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 26 Feb 2020, at 19:51, Kim Andersen <kim@krandersen.com> wrote:

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

From: W Scott Perry <scott.uru@gmail.com>

Subject: Re: Sailing Illustrated

Date: 3 Mar 2020 12:50:25 GMT

To: Kim Andersen <kim@krandersen.com>

Cc: Jan Dawson <jan@jandawson.co.nz>, Gary Jobson - Comcast <garyjobson1@comcast.net>, yann rocherieux <yrocherieux@gmail.com>, Torben Grael <torben@torben-grael.com>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, Nadine Stegenwalner <Nadine.Stegenwalner@dsv.org>, Quanhai Li <chnsailing@sina.cn>

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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.

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On 03 Mar 2020, at 12:16, Kim Andersen <kim@krandersen.com> wrote:

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Date: Tuesday, March 3, 2020 at 11:53 AM [10:53 GMT]

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Kim Andersen

From: Kim Andersen <kim@krandersen.com>

Subject: Re: Sailing Illustrated

Date: 3 Mar 2020 13:03:43 GMT

To: W Scott Perry <scott.uru@gmail.com>

Cc: Jan Dawson <jan@jandawson.co.nz>, Gary Jobson - Comcast <garyjobson1@comcast.net>, yann rocherieux <yrocherieux@gmail.com>, Torben Grael <torben@torben-grael.com>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, Nadine Stegenwalner <Nadine.Stegenwalner@dsv.org>, Quanhai Li <chnsailing@sina.cn>

Scott,

I have never received any information not to send the letter, - if, - why would I ask it to be send!

Yes I forwarded your letter to Rowena to be send!

I was clearly leaving the content up to you and Gary and you came back with an amended letter saying WE instead of I as in the draft forwarded to you. I your letter it says "Amended draft letter to Tom Ehman", - no more no less! Not that it should not be send or I have made the amendments without listening to the Show. How should I now that you would send an amended letter without having heard the feed??

Scott, I have not more to say to the matter!

Regards

Kim Andersen

From: W Scott Perry <scott.uru@gmail.com>

Date: Tuesday, March 3, 2020 at 1:50 PM [12:50 GMT]

To: Kim Andersen <kim@krandersen.com>

Cc: Jan Dawson <jan@jandawson.co.nz>, Gary Jobson - Comcast <garyjobson1@comcast.net>, yann rocherieux <yrocherieux@gmail.com>, Torben Grael <torben@torben-grael.com>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, Nadine Stegenwalner <Nadine.Stegenwalner@dsv.org>, Quanhai Li <chnsailing@sina.cn>

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Best
Kim Andersen

From: W Scott Perry <scott.uru@gmail.com>

Subject: Letter from myself

Date: 3 Mar 2020 13:09:30 GMT

To: tfe@tfehman.com

Cc: "Gary Jobson - Comcast (garyjobson1@comcast.net)" <garyjobson1@comcast.net>

Dear Mr. Tom Ehman,

I owe you an apology.

At the recently convened meeting of the Board of Directors of World Sailing the President, Kim Andersen, informed the Board that you, in your 18th February 2020 program, mentioned Gary Jobson and myself as the source of information about World Sailing's financial difficulties. The President further urged Gary and myself to write a letter to you seeking an apology for having mentioned us as the source of the financial information.

During the meeting the President sent both of us a letter which he drafted. I made some corrections to the letter and asked Gary for his comments. Gary very wisely stated at the Board meeting that he would only agree to send a letter after he had listened to your 18th February program.

In any event the letter was sent to you yesterday with both Gary's and my electronic signatures without either of our permissions.

I have now listened to your 18th February program which, by the way, I found very interesting. It is patently obvious that the "Scott" you mention in the program is Scott Macleod not Scott Perry.

Please accept my apology for this sad confusion.

Yours Sincerely,

W Scott Perry
Director
World Sailing

From: Gary Jobson - Comcast <garyjobson1@comcast.net>

Subject: Draft of letter to the Board

Date: 3 Mar 2020 15:52:51 GMT

To: W Scott Perry <scott.uru@gmail.com>

Scott: Here is a draft of a letter I plan to send to our full Board. Please let me know if you have any edits, or comments? thanks Gary

<Untitled 4.docx>

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 the Sailing Illustrated host, Tom Ehman, attributed to me and Scott Perry. A draft letter was presented 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 Board member to refute Ehman's statements on our finances.

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.

From: Gary Jobson - Comcast <garyjobson1@comcast.net>

Subject: amended draft

Date: 3 Mar 2020 16:13:41 GMT

To: W Scott Perry <scott.uru@gmail.com>

I fixed a few typos. Use this version. GJ
<Sailing Illustrated draft letter WS.docx>

March 3, 2020

To: World Sailing Board
From: Gary Jobson

Sailing Illustrated commentary

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From: W Scott Perry <scott.uru@gmail.com>
Subject: Re: amended draft
Date: 3 Mar 2020 16:37:55 GMT
To: Gary Jobson - Comcast <garyjobson1@comcast.net>

Gary

Even more excellent as if that was possible.

Scott

Sent from my iPhone

On 3 Mar 2020, at 16:13, Gary Jobson - Comcast <garyjobson1@comcast.net> wrote:

I fixed a few typos. Use this version. GJ
<Sailing Illustrated draft letter WS.docx>

From: Gary Jobson - Comcast <garyjobson1@comcast.net>

Subject: Commentary on Sailing Illustrated

Date: March 3, 2020 at 12:28:07 PM EST [17:28 GMT]

To: Kim Andersen <kim@krandersen.com>, Quanhai Li <chnsailing@sina.cn>, Jan Dawson <jan@jandawson.co.nz>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, yann rocherieux <yrocherieux@gmail.com>, Nadine Stegenwalner <Nadine.Stegenwalner@dsv.org>, Torben Grael <torben@torben-grael.com>, W Scott Perry <scott.uru@gmail.com>

Cc: "Mr. Gary Jobson" <garyjobson1@comcast.net>

[To all: Attached please find my comments regarding the February 18, 2020 edition of Sailing Illustrated. Gary J]

<Sailing Illustrated draft letter WS.docx>

March 3, 2020

To: World Sailing Board
From: Gary Jobson

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From: Kim Andersen <kim@krandersen.com>

Subject: Re: Commentary on Sailing Illustrated

Date: 3 Mar 2020 17:48:43 GMT

To: Gary Jobson - Comcast <garyjobson1@comcast.net>, Quanhai Li <chnsailing@sina.cn>, Jan Dawson <jan@jandawson.co.nz>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, yann rocherieux <yrocherieux@gmail.com>, Nadine Stegenwalner <Nadine.Stegenwalner@dsv.org>, Torben Grael <torben@torben-grael.com>, W Scott Perry <scott.uru@gmail.com>

Dear Gary,

I have already answered the proceedings from my side, - receiving the letter amended by Scott stating WE instead of I, one would assume that you and Scott had coordinated your feedback. As already said I would never asked the office to send the letter had I had any knowledge of you and Scott would not have the letter send!

Regards

Kim Andersen

On 3/3/20, 6:28 PM [17:28 GMT], "Gary Jobson - Comcast" <garyjobson1@comcast.net> wrote:

To all: Attached please find my comments regarding the February 18, 2020 edition of Sailing Illustrated. Gary J

From: T F Ehman Jr <tfe@tfehman.com>
Subject: Re: Letter from myself
Date: 3 Mar 2020 18:22:08 GMT
To: W Scott Perry <scott.uru@gmail.com>
Cc: Gary Jobson <garyjobson1@comcast.net>

Thanks, Mr. Perry. Much appreciated. I shall await a letter of apology from Mr Andersen.

Kind regards,

Tom

On Mar 3, 2020, at 05:09 [13:09 GMT], W Scott Perry <scott.uru@gmail.com> wrote [to Tom Ehman and Gary Gobson]:

Dear Mr. Tom Ehman,

I owe you an apology.

At the recently convened meeting of the Board of Directors of World Sailing the President, Kim Andersen, informed the Board that you, in your 18th February 2020 program, mentioned Gary Jobson and myself as the source of information about World Sailing's financial difficulties. The President further urged Gary and myself to write a letter to you seeking an apology for having mentioned us as the source of the financial information.

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Please accept my apology for this sad confusion.

Yours Sincerely,

W Scott Perry
Director
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From: Gary Jobson <garyjobson1@comcast.net>

Subject: Quiet treatment

Date: 4 Mar 2020 12:04:59 GMT

To: W Scott Perry <scott.uru@gmail.com>

I am done with Kim Andersen. No integrity. From me he will only hear silence.

From: W Scott Perry <scott.uru@gmail.com>
Subject: Re: Quiet treatment
Date: 4 Mar 2020 12:39:36 GMT
To: Gary Jobson <garyjobson1@comcast.net>

Gary,

I can possibly understand how Kim might have misunderstood my sending him and you the corrected/amended Tom Ehman draft letter as my consent for it to be subsequently sent to Tom. But there is absolutely no way Kim could have misunderstood your very clear message that the letter was not to be sent until after you heard the Tom Ehman program !!!! (BTW Tom sent me a very pleasant thank you as a result of my note to him).

[DELETED]

Scott

On 04 Mar 2020, at 12:04, Gary Jobson <garyjobson1@comcast.net> wrote:

I am done with Kim Andersen. No integrity. From me he will only hear silence.

From: Gary Jobson - Comcast <garyjobson1@comcast.net>
Subject: Re: Letter from myself
Date: 4 Mar 2020 22:18:31 GMT
To: W Scott Perry <scott.uru@gmail.com>

Are you up and about? Gary

On Mar 4, 2020, at 5:16 PM, W Scott Perry <scott.uru@gmail.com> wrote:

Gary,

I suspect the rest of the Board is just as amazed as we are at Kim's complete refusal to apologise for sending out a letter in our names without our consent. I think Tom may bring it up in one of his programs and Kim and the rest of the Board will realise what a complete idiot he has been.

Scott

On 04 Mar 2020, at 21:38, Gary Jobson - Comcast <garyjobson1@comcast.net> wrote:

Scott: I wonder if you should forward this letter to the rest of our Board? Gary

From: W Scott Perry <scott.uru@gmail.com>
Subject: Letter from myself
Date: March 3, 2020 at 8:09:30 AM EST [13:09 GMT]
To: tfe@tfehman.com
Cc: "Gary Jobson - Comcast (garyjobson1@comcast.net)" <garyjobson1@comcast.net>

Dear Mr. Tom Ehman,

I owe you an apology.

At the recently convened meeting of the Board of Directors of World Sailing the President, Kim Andersen, informed the Board that you, in your 18th February 2020 program, mentioned Gary Jobson and myself as the source of information about World Sailing's financial difficulties. The President further urged Gary and myself to write a letter to you seeking an apology for having mentioned us as the source of the financial information.

During the meeting the President sent both of us a letter which he drafted. I made some corrections to the letter and asked Gary for his comments. Gary very wisely stated at the Board meeting that he would only agree to send a letter after he had listened to your 18th February program.

In any event the letter was sent to you yesterday with both Gary's and my electronic signatures without either of our permissions.

I have now listened to your 18th February program which, by the way, I found very interesting. It is patently obvious that the "Scott" you mention in the program is Scott Macleod not Scott Perry. Please accept my apology for this sad confusion.

Yours Sincerely,

W Scott Perry
Director
World Sailing

From: Gary Jobson - Comcast <garyjobson1@comcast.net>

Subject: Confidential message

Date: 5 Mar 2020 20:43:13 GMT+1

To: Jon Napier <Jon.Napier@sailing.org>, Kendall Harris <kendall.harris@sailing.org>

Jon, Kendall: Attached please find a letter that I sent to World Sailing's Board. I believe you both were in the room when the Sailing Illustrated issue came up. You will recall that I was very clear that I needed to hear what was said on the program before I could react to the comments. I also stated that I would include the transcript in the letter to reference any inaccurate statement. After listening to the program, I was only mentioned once in a kind of incoherent rant. But, the reference to me was accurate. Goodness knows how Tom Ehman gets his information? I did not feel I should demand an apology. As I mentioned in my letter to the Board, a letter was sent out with my signature that I did not write, I did not approve and I did not sign. In fact, it is not my actual signature. For the record, Tom Ehman did call me after receiving the letter (which I was not copied on). He was polite. I told him that I was not the author, nor did I authorize the letter. He accepted that explanation. I do not know who wrote the letter but Kim Andersen had Rowena send it out. Rowena, of course, was simply doing what she was told to do, so I have no problem at all with her. But, I consider this action to be a serious offense. I do not plan any further action. I am forwarding this to you for your files, in case, anything like this comes up again. Sincerely, Gary Jobson

<Sailing Illustrated draft letter WS.docx>

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.

From: Gary Jobson - Comcast <garyjobson1@comcast.net>
Subject: Fwd: Confidential message
Date: 5 Mar 2020 19:45:08 GMT
To: W Scott Perry <scott.uru@gmail.com>

Scott: Here is a copy of my communication to our legal team. Gary

From: Gary Jobson - Comcast <garyjobson1@comcast.net>
Subject: Confidential message
Date: March 5, 2020 at 2:43:13 PM EST [19:43 GMT]
To: Jon Napier <Jon.Napier@sailing.org>, Kendall Harris <kendall.harris@sailing.org>

Jon, Kendall: Attached please find a letter that I sent to World Sailing's Board. I believe you both were in the room when the Sailing Illustrated issue came up. You will recall that I was very clear that I needed to hear what was said on the program before I could react to the comments. I also stated that I would include the transcript in the letter to reference any inaccurate statement. After listening to the program, I was only mentioned once in a kind of incoherent rant. But, the reference to me was accurate. Goodness knows how Tom Ehman gets his information? I did not feel I should demand an apology. As I mentioned in my letter to the Board, a letter was sent out with my signature that I did not write, I did not approve and I did not sign. In fact, it is not my actual signature. For the record, Tom Ehman did call me after receiving the letter (which I was not copied on). He was polite. I told him that I was not the author, nor did I authorize the letter. He accepted that explanation. I do not know who wrote the letter but Kim Andersen had Rowena send it out. Rowena, of course, was simply doing what she was told to do, so I have no problem at all with her. But, I consider this action to be a serious offense. I do not plan any further action. I am forwarding this to you for your files, in case, anything like this comes up again. Sincerely, Gary Jobson
<Sailing Illustrated draft letter WS.docx>

From: Peter Hall <hall.w.peter@gmail.com>

Subject: Show 269– Tom Ehman- Sailing Illustrated

Date: 5 Mar 2020 21:06:40 GMT

To: W Scott Perry <scott.uru@gmail.com>, Gary Jobson <garyjobson1@comcast.net>

WOW. Listen to the first half hour!?? Kim in more trouble!??

Sent from my iPhone

From: Gary Jobson - Comcast <garyjobson1@comcast.net>
Subject: Re: Show 269– Tom Ehman- Sailing Illustrated
Date: 5 Mar 2020 21:30:37 GMT
To: Peter Hall <hall.w.peter@gmail.com>
Cc: W Scott Perry <scott.uru@gmail.com>

Peter: What does Ehman say? GJ

On Mar 5, 2020, at 4:06 PM [21:06 GMT], Peter Hall <hall.w.peter@gmail.com> wrote:

WOW. Listen to the first half hour!?? Kim in more trouble!??

Sent from my iPhone

From: Peter Hall <hall.w.peter@gmail.com>
Subject: Re: Show 269– Tom Ehman- Sailing Illustrated
Date: 5 Mar 2020 21:36:59 GMT
To: Gary Jobson - Comcast <garyjobson1@comcast.net>
Cc: W Scott Perry <scott.uru@gmail.com>

Kim is an idiot, liar, and not to be trusted. Kim IOC hungry. Talked of WS finance problem. Praised Gary. Acknowledged never talked to Scott Perry. Scott McCloud! Tom says Kim must go. He showed letter from WS with your signatures falsified and Scott's y. Very damaging to Kim.

Sent from my iPhone

On Mar 5, 2020, at 4:30 PM [21:30 GMT], Gary Jobson - Comcast <garyjobson1@comcast.net> wrote:

Peter: What does Ehman say? GJ

On Mar 5, 2020, at 4:06 PM [21:06 GMT], Peter Hall <hall.w.peter@gmail.com> wrote:

WOW. Listen to the first half hour!?? Kim in more trouble!??

Sent from my iPhone

From: Gary Jobson - Comcast <garyjobson1@comcast.net>
Subject: Re: Show 269– Tom Ehman- Sailing Illustrated
Date: 5 Mar 2020 21:42:44 GMT
To: Peter Hall <hall.w.peter@gmail.com>
Cc: W Scott Perry <scott.uru@gmail.com>

Peter: Well, he earned it. Very naughty behavior. Gary

On Mar 5, 2020, at 4:36 PM [21:36 GMT], Peter Hall <hall.w.peter@gmail.com> wrote:

Kim is an idiot, liar, and not to be trusted. Kim IOC hungry. Talked of WS finance problem. Praised Gary. Acknowledged never talked to Scott Perry. Scott McCloud! Tom says Kim must go. He showed letter from WS with your signatures falsified and Scott's y. Very damaging to Kim.

Sent from my iPhone

On Mar 5, 2020, at 4:30 PM [21:30 GMT], Gary Jobson - Comcast <garyjobson1@comcast.net> wrote:

Peter: What does Ehman say? GJ

On Mar 5, 2020, at 4:06 PM [21:06 GMT], Peter Hall <hall.w.peter@gmail.com> wrote:

WOW. Listen to the first half hour!?? Kim in more trouble!??

Sent from my iPhone

From: Peter Hall <hall.w.peter@gmail.com>
Subject: Re: Show 269– Tom Ehman- Sailing Illustrated
Date: 5 Mar 2020 22:37:42 GMT
To: Gary Jobson - Comcast <garyjobson1@comcast.net>
Cc: W Scott Perry <scott.uru@gmail.com>

Yes, as a lawyer, I might use a stronger word than naughty? Illegal or fraud more accurate. I think Kim has cooked himself!

Sent from my iPhone

On Mar 5, 2020, at 4:42 PM [21:42 GMT], Gary Jobson - Comcast <garyjobson1@comcast.net> wrote:

Peter: Well, he earned it. Very naughty behavior. Gary

On Mar 5, 2020, at 4:36 PM [21:36 GMT], Peter Hall <hall.w.peter@gmail.com> wrote:

Kim is an idiot, liar, and not to be trusted. Kim IOC hungry. Talked of WS finance problem. Praised Gary. Acknowledged never talked to Scott Perry. Scott McCloud! Tom says Kim must go. He showed letter from WS with your signatures falsified and Scott's y. Very damaging to Kim.

Sent from my iPhone

On Mar 5, 2020, at 4:30 PM [21:30 GMT], Gary Jobson - Comcast <garyjobson1@comcast.net> wrote:

Peter: What does Ehman say? GJ

On Mar 5, 2020, at 4:06 PM [21:06 GMT], Peter Hall <hall.w.peter@gmail.com> wrote:

WOW. Listen to the first half hour!?? Kim in more trouble!??

Sent from my iPhone

From: Kim Andersen <kim.andersen@sailing.org>

Subject: Sailing Illustrated.

Date: 7 Mar 2020 08:43:13 GMT

To: "W. Scott Perry" <scott.uru@gmail.com>, Gary Jobson <garyjobson1@comcast.net>, Jan Dawson <jan@jandawson.co.nz>, Yann Rocherieux <yrocherieux@gmail.com>, Nadine Stegenwalner <nadine.stegenwalner@dsv.org>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, "Quanhai Li" <chnsailing@sina.cn>, Torben Grael <torben@torben-grael.com>

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

From: W Scott Perry <scott.uru@gmail.com>

Subject: Re: Sailing Illustrated.

Date: March 7, 2020 at 4:14:23 AM EST [09:14 GMT]

To: Kim Andersen <kim.andersen@sailing.org>

Cc: Gary Jobson <garyjobson1@comcast.net>, Jan Dawson <jan@jandawson.co.nz>, Yann Rocherieux <yrocherieux@gmail.com>, Nadine Stegenwalner <nadine.stegenwalner@dsv.org>, Ana Sanchez del Campo Ferrer <anasanchezdc@gmail.com>, Quanhai Li <chnsailing@sina.cn>, Torben Grael <torben@torben-grael.com>

Kim

Sorry your email does not clarify why you sent the letter despite the fact that Gary Jobson clearly stated at the Board meeting that the letter was not to be sent BEFORE he had a chance to listen to Tom Ehman's program.

As the letter went out under 2 signatures, Gary's and mine, you should have waited for Gary's input. I was waiting for Gary's input and was shocked to learn that it was sent without Gary's permission, or mine for that matter.

Scott

Sent from my iPhone

On 7 Mar 2020, at 08:43, Kim Andersen <kim.andersen@sailing.org> wrote:

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.

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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

<Sailing illustrated 1.pdf>

<Sailingillustrated 2.pdf>

<sailkingillustrated 3.pdf>

<Sailing Illustrated 4.pdf>

<Letter to Tom Ehman[2][6].docx>

Attached Letter to Tom Ehman

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

From: Gary Jobson <Garyjobson1@comcast.net>
Date: March 7, 2020 at 7:50:01 AM EST [12:50 GMT]
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

From: Gary Jobson <garyjobson1@comcast.net>
Subject: Fwd: Apology
Date: 7 Mar 2020 12:51:36 GMT
To: W Scott Perry <scott.uru@gmail.com>

See below. Let's see how he responds. Gary

From: Gary Jobson <Garyjobson1@comcast.net>
Date: March 7, 2020 at 7:50:01 AM EST [12:50 GMT]
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

On Mar 11, 2020, at 9:03 AM, Kendall Harris <kendall.harris@sailing.org> wrote:

Hi Gary,

Apologies for the delay in responding, as I'm sure you can imagine it has been a busy few days dealing with all things coronavirus. Thank you for the update. I note you do not want to take any further action but from a practical perspective, I will ask that the electronic signature we have on file is deleted, and remind all staff that electronic signatures should not be applied to documents without the written consent of the person involved so we avoid anything similar happening again.

Kind regards,
Kendall

Kendall Harris

Director of Legal and Governance
T : +44 (0)20 3940 4904
M: +44 (0)7825 867 925
20 Eastbourne Terrace
London, UK, W2 6LG

* Admitted to practice in New South Wales, Australia

On 05/03/2020, 19:43, "Gary Jobson - Comcast" <garyjobson1@comcast.net> wrote:

Jon, Kendall: Attached please find a letter that I sent to World Sailing's Board. I believe you both were in the room when the Sailing Illustrated issue came up. You will recall that I was very clear that I needed to hear what was said on the program before I could react to the comments. I also stated that I would include the transcript in the letter to reference any inaccurate statement. After listening to the program, I was only mentioned once in a kind of incoherent rant. But, the reference to me was accurate. Goodness knows how Tom Ehman gets his information? I did not feel I should demand an apology. As I mentioned in my letter to the Board, a letter was sent out with my signature that I did not write, I did not approve and I did not sign. In fact, it is not my actual signature. For the record, Tom Ehman did call me after receiving the letter (which I was not copied on). He was polite. I told him that I was not the author, nor did I authorize the letter. He accepted that explanation. I do not know who wrote the letter but Kim Andersen had Rowena send it out. Rowena, of course, was simply doing what she was told to do, so I have no problem at all with her. But, I consider this action to be a serious offense. I do not plan any further action. I am forwarding this to you for your files, in case, anything like this comes up again. Sincerely, Gary Jobson

From: Gary Jobson <garyjobson1@comcast.net>
Subject: Re: Confidential message
Date: 11 Mar 2020 18:47:23 GMT+1
To: Kendall Harris <kendall.harris@sailing.org>

Kendall: Thank you. Gary

On Mar 11, 2020, at 9:03 AM, Kendall Harris <kendall.harris@sailing.org> wrote:

Hi Gary,

Apologies for the delay in responding, as I'm sure you can imagine it has been a busy few days dealing with all things coronavirus. Thank you for the update. I note you do not want to take any further action but from a practical perspective, I will ask that the electronic signature we have on file is deleted, and remind all staff that electronic signatures should not be applied to documents without the written consent of the person involved so we avoid anything similar happening again.

Kind regards,
Kendall

Kendall Harris

Director of Legal and Governance
T : +44 (0)20 3940 4904
M: +44 (0)7825 867 925
20 Eastbourne Terrace
London, UK, W2 6LG

* Admitted to practice in New South Wales, Australia

On 05/03/2020, 19:43, "Gary Jobson - Comcast" <garyjobson1@comcast.net> wrote:

Jon, Kendall: Attached please find a letter that I sent to World Sailing's Board. I believe you both were in the room when the Sailing Illustrated issue came up. You will recall that I was very clear that I needed to hear what was said on the program before I could react to the comments. I also stated that I would include the transcript in the letter to reference any inaccurate statement. After listening to the program, I was only mentioned once in a kind of incoherent rant. But, the reference to me was accurate. Goodness knows how Tom Ehman gets his information? I did not feel I should demand an apology. As I mentioned in my letter to the Board, a letter was sent out with my signature that I did not write, I did not approve and I did not sign. In fact, it is not my actual signature. For the record, Tom Ehman did call me after receiving the letter (which I was not copied on). He was polite. I told him that I was not the author, nor did I authorize the letter. He accepted that explanation. I do not know who wrote the letter but Kim Andersen had Rowena send it out. Rowena, of course, was simply doing what she was told to do, so I have no problem at all with her. But, I consider this action to be a serious offense. I do not plan any further action. I am forwarding this to you for your files, in case, anything like this comes up again. Sincerely, Gary Jobson

From: W Scott Perry <scott.uru@gmail.com>
Subject: Ethics Complaint
Date: 16 Mar 2020 18:24:54 GMT
To: JE.Faire@outlook.com, neupert@nplaw.ch
Cc: Gary Jobson <garyjobson1@comcast.net>

World Sailing Ethics Commission

John Faire (Chairman)
Dieter Neupert (Vice Chairman)

This email is to notify you that the undersigned intend to file an Ethics Complaint. However given the extraordinary circumstances we are living in both worldwide with the now infamous Corona virus and specifically within World Sailing (financial challenges, Olympic qualification, 2020 Tokyo Olympics uncertainty, etc) we have decided to postpone filing an Ethics Complaint until such time as we believe a semblance of “normality” has returned both worldwide and to World Sailing.

Yours Respectfully,

Gary Jobson
Vice President
World Sailing

W Scott Perry
Vice President
World Sailing

From: Dieter Neupert <neupert@nplaw.ch>

Subject: Pending Complaint by Gary Jobson and Scott Perry vs. Kim Andersen (filed on 22 April 2020)

Date: 30 Apr 2020 11:44:59 GMT+2

To: Kim Andersen <kim.andersen@sailing.org>, Gary Jobson - Comcast <garyjobson1@comcast.net>, W Scott Perry <scott.uru@gmail.com>, Josep M^a Pla <jspmpla@gmail.com>

Cc: Helen Mary Wilkes <helenmary@wilkessail.net>, Ng Ser Miang <sm1288@singnet.com.sg>, Joanne Keen <fytn@outlook.com>, John Faire <je.faire@xtra.co.nz>, Ulfur Hrobjartsson <ulfurh@simnet.is>, Nicolas Henard <nhenard.president@ffvoile.fr>, Manuel José Martín Domínguez <executive.director@ifbb.com>, Graham McKenzie <gmackconsulting@gmail.com>, Jon Napier <Jon.Napier@sailing.org>

Dear All

This is to inform you that the World Sailing Ethics Commission has appointed

Josep M. Pla

President of the European Sailing Federation (EUROSAF)

as **Ethics Officer** pursuant to World Sailing Reg. 36.5

His **mission** will be governed by

- The World Sailing Code of Ethics
- WS Reg. 36 (as *lex specialis* to Reg. 35)
- The Ethics Commission Rules of Procedure

We note with thanks that Josep M. Pla offered to work *pro bono*

May I remind all the addressees that the entire Investigation shall be kept **confidential** according to Art. 1.7 of the Code of Ethics and Art. 11 of the Ethics Commission Rules of Procedure

The Parties will therefore be notified about the next procedural steps directly by the Ethics Officer

With our best wishes

Dieter Neupert
Acting Chairman of the WS Ethics Commission

From: Mark Hovell <Mark.Hovell@mills-reeve.com>

Subject: Re: Kim Andersen [M&R-FirmDMS.FID38550897]

Date: 14 May 2020 18:30:37 GMT+2

To: "neupert@nplaw.ch" <neupert@nplaw.ch>, "jspmpla@gmail.com" <jspmpla@gmail.com>

Cc: "fytn@outlook.com" <fytn@outlook.com>, "je.faire@xtra.co.nz" <je.faire@xtra.co.nz>, "ulfurh@simnet.is" <ulfurh@simnet.is>, "executive.director@ifbb.com" <executive.director@ifbb.com>, "nhenard.president@ffvoile.fr" <nhenard.president@ffvoile.fr>, "helenmary@wilkessail.net" <helenmary@wilkessail.net>, "sm1288@singnet.com.sg" <sm1288@singnet.com.sg>, "jon.napier@sailing.org" <jon.napier@sailing.org>, Kim Andersen <kim.andersen@sailing.org>

Dear Sirs

As you are aware, we are instructed by Mr Andersen in relation to an internal investigation in respect of our client pursuant to the World Sailing Code of Ethics.

We are surprised to learn of what, on first blush, appear to be steps taken by World Sailing, which do not accord with principles of natural justice or fairness. Despite Mr Andersen drawing his concerns to your attention, these have not been addressed in a satisfactory manner and we have advised our client that these should be fully, before any Ethics Officer reviews the complaint and our client's response to the complaint.

We first of all note that pursuant to Regulation 36.4 any complaint should have been made to the Chief Executive Officer who shall consider whether to refer it an Ethics Officer. We note that this did not occur, as a Chief Executive Officer was not in place at the time and instead the Ethics Commission itself appointed Josep M Pla as the Ethics Officer. Given the importance of the Ethics Commission retaining its independence to properly deal with any prosecutions, there is a legitimate reason why it should not be involved in the appointment of what is effectively the Prosecutor.

Further we note that this decision runs totally contrary to a recent appointment of an Ethics Officer, where the decision of the Chair of the Ethics Commission was to out-source the appointment to an independent body, Sport Resolutions, to appoint an Ethics Officer that had no connection whatsoever to World Sailing, the complainants or those subject to that complaint. A London based barrister was appointed.

With no CEO in place, we suggest that there would have even more reason to utilise their services again.

This is however compounded by the fact that our client expressed his concerns regarding the independence of the Ethics Officer who was appointed by the Ethics Commission.

As per the correspondence that he shared with you all on 4 May 2020, Mr Andersen was concerned that his disagreement with the Ethics Officer and the Ethics Officer's alignment to a rival candidate for Presidency of World Sailing could result in a conflict of interest and he duly raised concerns regarding the perceived impartiality of the Ethics Officer.

In line with natural justice, we would have expected these concerns to be put to the Ethics Officer for him to address them directly. However, Mr Andersen's concerns were instead summarily

dismissed by Mr Neupert the very next day, on 5 May, who regarded them as an *'interference with the procedure'* and the Ethics Officer himself has made no response to Mr Andersen's concerns. It is not clear whether Mr Neupert came to this decision alone or whether he consulted the entire Ethics Commission, however we can see they were copied into his response.

We therefore formally request that our client's concerns are put to the Ethics Officer and that he provides a written response as soon as practicable to confirm whether he considers there is indeed a conflict of interest (or if not, why not) and whether he believes he can act with total impartiality. We would also be interested to hear from the Ethics Commission as to the wisdom of it appointing Mr Pla as the Ethics Officer, when there is the potential for that individual to then prosecute a case before his appointor, with the right to ultimately appeal against decisions of that body.

In the interest of fairness, we also request that the deadline of 15 May (we note the offer to extend this to 18 May) for the submission of our client's response be suspended pending the resolution of this matter. Please note however, that we have already collated the entire response to the complaint and will be ready to provide that to any Ethics Officer on a day's notice. This correspondence should not be seen as an *'interference with the procedure'*, rather our client has every right to have his concerns dealt with properly and a right to a fair and independent procedure.

We note that Mr Neupert has suggested that our client may complain to the Council as reporting authority for the Commission (Reg 8.14.6) and our client reserves his position to do this, if he feels that his legitimate concerns regarding the independence and impartiality of the Ethics Officer and his appointment cannot be satisfactorily addressed pursuant to this correspondence.

Whilst our client is prepared to exhaust all administrative remedies, he expressly reserves his right to ultimately have matters determined by the Courts of England and Wales by application of English law if he considers that the procedures followed in this important issue are flawed. Sports ethics and disciplinary issues form the foundations of good governance of sport and cannot be dealt with in a vacuum, without due regard to the principles of natural justice.

We trust however, that this is not necessary and that the requested steps can be taken to address our client's valid concerns.

Your faithfully

Mark Hovell
Partner
for Mills & Reeve LLP

From: Dieter Neupert <neupert@nplaw.ch>

Subject: Re: Kim Andersen [M&R-FirmDMS.FID38550897]

Date: 16 May 2020 20:18:01 GMT+2

To: Mark Hovell <Mark.Hovell@mills-reeve.com>

Cc: "jspmpla@gmail.com" <jspmpla@gmail.com>, "fytn@outlook.com" <fytn@outlook.com>, "ulfurh@simnet.is" <ulfurh@simnet.is>, "executive.director@ifbb.com" <executive.director@ifbb.com>, "nhenard.president@ffvoile.fr" <nhenard.president@ffvoile.fr>, "helenmary@wilkessail.net" <helenmary@wilkessail.net>, "sm1288@singnet.com.sg" <sm1288@singnet.com.sg>, Kim Andersen <kim.andersen@sailing.org>, W Scott Perry <scott.uru@gmail.com>, Gary Jobson - Comcast <garyjobson1@comcast.net>

Dear Colleague Hovell

Thank you for your submission which the **World Sailing Ethics Commission** interpreted as an **application to stay** the procedure in course according to World Sailing Reg 36.6 ss

Taking into account that

- the WS CEO - if there is one which was not the case - is **not at liberty to decide about the merits of a complaint but has to refer it to the Ethics Officer** (Reg. 36.4)
- The Ethics Officer (EO) is **appointed by the Ethics Commission** (Reg. 36.5) , and
- that there is **no ordinary remedy** against such an appointment

the **Ethics Commission resolved to dismiss the application to stay the procedure** and to direct the EO to proceed without further delay

This **decision is final and binding** and communicated herewith to all parties

Dieter Neupert

Acting Chairman of the Ethics Commission

From: Mark Hovell <Mark.Hovell@mills-reeve.com>

Subject: World Sailing [M&R-FirmDMS.FID38550897]

Date: 18 May 2020 15:54:14 GMT+2

To: "neupert@nplaw.ch" <neupert@nplaw.ch>

Cc: "jspmpla@gmail.com" <jspmpla@gmail.com>, "fytn@outlook.com" <fytn@outlook.com>, "ulfurh@simnet.is" <ulfurh@simnet.is>, "executive.director@ifbb.com" <executive.director@ifbb.com>, "nhenard.president@ffvoile.fr" <nhenard.president@ffvoile.fr>, "helenmary@wilkessail.net" <helenmary@wilkessail.net>, "sm1288@singnet.com.sg" <sm1288@singnet.com.sg>, Kim Andersen <kim.andersen@sailing.org>, "scott.uru@gmail.com" <scott.uru@gmail.com>, "garyjobson1@comcast.net" <garyjobson1@comcast.net>

Dear Mr Neupert

Thank you for your Decision below.

Whilst we did request a stay (and we note that this has been rejected), there was no formal application being made last week to the Ethics Commission. We had thought that it was clear that we were seeking clarification regarding the process that has been followed in relation to the Complaint against our client. We were looking to deal with this by correspondence, however, this is now the second time that you have largely disregarded the key issues.

As such, please now accept this email as a formal application that the Ethics Commission can consider and render a decision upon.

Our application is that the Ethics Commission, pursuant to World Sailing Regulation 8.14.8 (f):

(a) remove Mr Josep Pla as Ethics Officer; and

(b) appoint Sport Resolutions to duly appoint an independent replacement ethics officer.

The grounds for this application are:

- 1. It is unclear from World Sailing's Regulations and Code of Ethics who is to make such an appointment. Regulation 36.4 suggests that this should be done by the CEO, but then Regulation 36.5 classes the Ethics Officer as "an official appointed by the Ethics Commission". We note that the changes to World Sailing's Regulations appear to have been made in 2019, but have left untouched Regulation 8.14.8 (f). It appears to us, that the intention is that the CEO chooses the ethics officer and makes the referral, but that appointment is done by the CEO on the Ethics Commission's behalf. Your email to our client dated 25 April 2020 confirms that you acknowledged that "there are some contradictions between Regs. 8.14, 35, 36 and our Rules of Procedure".*
- 2. It is our position that an appointment by the body that will then hear any case by an ethics officer lacks good governance, independence and is against the rules of Natural Justice, as set out in our previous email. You have not addressed this point.*
- 3. What has also not been addressed by you or therefore been disputed, is that the only other instance of a complaint being received and referred to an ethics officer, was the one from last year against the then CEO and our client. The process adopted was to utilise the services of Sport Resolutions, to give the process the necessary degree of independence. Please be aware that the ethics officer so appointed worked on a pro bono basis, as Mr Pla has agreed to do. Please address in your decision why you decided to ignore this process.*
- 4. With the Complaint at hand, it is against the President of World Sailing and has been brought by two Vice Presidents (both copied in). This situation again concerns Board members and the previous precedent of utilising the services of Sport Resolutions should have been followed.*

5. *Whoever and however appointed as ethics officer should be conflict free, be able to act impartially and independently. We note that Regulation 35.6 provides some examples of people that would be conflicted, but that should not be the end of the list. The Rules of Natural Justice should ensure that the ethics officer considering the complaint at first instance should be conflict free, impartial and independent vis-à-vis the parties to the complaint (be that those making the complaint or those facing it). We refer you to the IBA Guidelines that are frequently applied by members of sports tribunals. It would be good governance to have checked with Mr Pla whether he met the terms of these in the light of the initial correspondence from our client and its attachments, dated 4 May 2020.*

6. *It may be that Mr Pla has been afforded the opportunity to comment on the issues raised by our client, but then any response should have been shared with our client, as we are openly keeping Mr Pla in copy.*

7. *We further rely upon the contents of that said correspondence and the attachments from our client dated 4 May 2020 and upon the email we sent to you on 14 May 2020, which appears below.*

8. *Again, we repeat this has nothing to do with delaying the process, no stay is being sought from you.*

We await the decision of the Ethics Commission, duly grounded and containing full details upon how any affected party may appeal, should the same be necessary.

Yours sincerely

Mark Hovell

Partner

for Mills & Reeve LLP

From: Mark Hovell <Mark.Hovell@mills-reeve.com>
Subject: World Sailing [M&R-FirmDMS.FID38550897]
Date: 18 May 2020 15:54:27 GMT+2
To: "jspmpla@gmail.com" <jspmpla@gmail.com>
Cc: Kim Andersen <kim.andersen@sailing.org>, Tiran Gunawardena <Tiran.Gunawardena@mills-reeve.com>

Dear Mr Pla

I refer to our previous correspondence.

You will have seen that we have now made a formal application to the Ethics Commission as our client is not prepared to stand by and accept the lack of respect to the procedures of World Sailing and the Rules of Natural Justice.

However, our client has been left in a position where you are the EO in office right now and you have set a deadline until today for him to file his response. As such, rather than risk any disciplinary measures for failing to meet this deadline, we hereby submit the Response and the various attachments.

This is totally without prejudice to our client's rights, which remain fully reserved.

Please acknowledge safe receipt of this email.

Yours Sincerely

Mark Hovell

Mark Hovell
Partner
for Mills & Reeve LLP

<Annex 9.pdf><Annex 10.pdf><Annex 11.pdf><Annex 12.pdf><Annex 13.pdf><Annex 14.pdf><Annex 15.pdf><Annex 1.pdf><Annex 2.pdf><Annex 3.pdf><Annex 4.pdf><Annex 5.pdf><Annex 6.pdf><Annex 7.pdf><Annex 8.pdf><239067032_1.pdf>

From: Mark Hovell <Mark.Hovell@mills-reeve.com>

Subject: RE: World Sailing [M&R-FirmDMS.FID38550897]

Date: 19 May 2020 10:59:40 GMT+2

To: "Josep M. PLA" <jspmpla@gmail.com>

Cc: Kim Andersen <kim.andersen@sailing.org>, Tiran Gunawardena <Tiran.Gunawardena@mills-reeve.com>, "neupert@nplaw.ch" <neupert@nplaw.ch>

Dear Mr Pla

Thank you for your email.

As you are aware an urgent application has been made to the Ethics Commission, so we're surprised that you are looking to do anything further before we hear from them.

I note that you copied Mr Neupert in to your email below, so I'm sure he is now aware of the urgency in rendering the decision of the Commission. To date Mr Neupert has responded quickly to our correspondence and to that of our client, so we expect that he will be able to do so in this instance too.

I have spoken to our client and he wishes for me to join him on any interview.

I am unable to make Wednesday, as I have a Board meeting all day and Friday I am on holiday. I will check with our client to see if Thursday can work. if not, we will provide you with some dates next week.

It would be helpful if we could understand in advance what he will be interviewed on. We have seen the Complaint and prepared the Response. Is there anything else you wish to discuss at this stage?

Yours sincerely

Mark Hovell

Mark Hovell
Partner
for Mills & Reeve LLP

From: Dieter Neupert <neupert@nplaw.ch>

Subject: Re: World Sailing [M&R-FirmDMS.FID38550897]

Date: 19 May 2020 14:47:50 GMT+2

To: Mark Hovell <Mark.Hovell@mills-reeve.com>

Cc: "jspmpla@gmail.com" <jspmpla@gmail.com>, "fytn@outlook.com" <fytn@outlook.com>, "ulfurh@simnet.is" <ulfurh@simnet.is>, "executive.director@ifbb.com" <executive.director@ifbb.com>, "nhenard.president@ffvoile.fr" <nhenard.president@ffvoile.fr>, "helenmary@wilkessail.net" <helenmary@wilkessail.net>, "sm1288@singnet.com.sg" <sm1288@singnet.com.sg>, Kim Andersen <kim.andersen@sailing.org>, "scott.uru@gmail.com" <scott.uru@gmail.com>, "garyjobson1@comcast.net" <garyjobson1@comcast.net>

Dear Colleague Hovell

**I herewith acknowledge receipt of your submission on behalf of the Ethics Commission
May I once more point out the following:**

The right to appoint the Ethics Officer

- Reg 36.4 states that the CEO “shall refer [any complaint] to an Ethics Officer”. It does not suggest that the CEO shall play any part in selecting the said Officer.
- Conversely Reg 36.5 is explicit that “An Ethics Officer is an official appointed by the Ethics Commission.”
- Reg 8.14.8 (f) is equally explicit: “(The Commission shall) appoint and remove Ethics Officers.”
- In Regulation 35 a similar procedure applies, Reg 35.6.12 specifies that the complaint shall be passed by the CEO to the Judicial Board, and the Judicial Board shall appoint a Disciplinary Investigating Officer.

The Appointment by the Body that will hear the Case

The procedures of the Ethics Commission closely follow those prescribed for the Judicial Board where the Board appoints both the Disciplinary Investigating Officer (Reg 35.6.12) and the “Independent Panel” (Reg 35.6.19)

Therefore the Commission will not hear your appeal

This decision is **final and binding** and herewith communicated to the Parties

Yours faithfully

Dieter Neupert
Acting Chairman of the WS Ethics Commission

From: "Josep M. PLA" <jspmpla@gmail.com>

Subject: Re: World Sailing [M&R-FirmDMS.FID38550897]

Date: 19 May 2020 18:53:14 GMT+2

To: Mark Hovell <Mark.Hovell@mills-reeve.com>

Cc: Kim Andersen <kim.andersen@sailing.org>, Tiran Gunawardena <Tiran.Gunawardena@mills-reeve.com>

Dear Mr Hovell

Thank you for your email. Please find my answers in your text.

Yours sincerely,

Josep M. PLA

On 19 May 2020, at 10:59, Mark Hovell <Mark.Hovell@mills-reeve.com> wrote:

Dear Mr Pla

Thank you for your email.

As you are aware an urgent application has been made to the Ethics Commission, so we're surprised that you are looking to do anything further before we hear from them.

I note that you copied Mr Neupert in to your email below, so I'm sure he is now aware of the urgency in rendering the decision of the Commission. To date Mr Neupert has responded quickly to our correspondence and to that of our client, so we expect that he will be able to do so in this instance too.

Yesterday (May 18) and today I was notified of the Ethics Commission rejection of your applications. If the Ethics Commission takes a new, different decision I will follow it. Meanwhile I understand the procedure goes on.

I have spoken to our client and he wishes for me to join him on any interview.

I note the wish of Mr Andersen.

I am unable to make Wednesday, as I have a Board meeting all day and Friday I am on holiday. I will check with our client to see if Thursday can work. If not, we will provide you with some dates next week.

Please note that I am ready to adapt to the needs of Mr Andersen. I know he has two WS Town Hall meetings tomorrow, convened today, therefore I understand tomorrow noon may not be suitable for him. Thursday (May 21) is a convenient date for me, 1200 CET (1100 UK time) or earlier. Please confirm whether it is convenient for Mr Andersen.

It would be helpful if we could understand in advance what he will be interviewed on. We have seen the Complaint and prepared the Response. Is there anything else you wish to discuss at this stage?

The interview is to obtain Mr Andersen's input on certain questions arising from the documents I have been provided with, in order to get a better understanding of the situation.

Yours sincerely

Mark Hovell

From: Rowena Farrugia <Rowena.Farrugia@sailing.org>

Subject: Re: Pending Complaint by Gary Jobson and Scott Perry vs. Kim Andersen (filed on 22 April 2020)

Date: 2 Jun 2020 11:48:02 GMT+2

To: "Josep M. PLA" <jspmpla@gmail.com>

Sure Josep,
I have screen shot the info for both signatures.
Please find attached.

Kind regards,
Rowena

Rowena Farrugia
Business Operations Manager



D: +44 (0)2039 404 914
M: +44 (0)7919 050 362
sailing.org

20 Eastbourne Terrace
London, UK, W2 6LG

From: "Josep M. PLA" <jspmpla@gmail.com>

Date: Tuesday, 2 June 2020 at 10:32

To: Rowena Farrugia <Rowena.Farrugia@sailing.org>

Subject: Re: Pending Complaint by Gary Jobson and Scott Perry vs. Kim Andersen (filed on 22 April 2020)

Hi Rowena,

Thank you again. Can you please check what is the creation date of the files with the signatures?
When I save them on my computer it shows today's date, not the original creation date.

Kind regards,

Josep M. PLA

On 02 Jun 2020, at 11:25, Rowena Farrugia <Rowena.Farrugia@sailing.org> wrote:

Hi Josep,

Please find signatures below that were used in the letter to Mr Ehman.
I have also attached the letter.

<image001.jpg><image002.jpg>

Kind regards,
Rowena

Rowena Farrugia
Business Operations Manager



From: <chnsailing@sina.cn>

Subject: 回复 : Fwd: Pending Complaint by Gary Jobson and Scott Perry vs. Kim Andersen (filed on 22 April 2020)

Date: 3 Jun 2020 03:31:28 GMT+2

To: "Josep M. PLA" <jspmpla@gmail.com>

Reply-To: chnsailing@sina.cn

Dear Mr Josep M.PLA

I am very glad to receive your email and wish you and your family a safe,health and happy life.

As for the question you mentioned in you letter, since I din not attend the meeting on February 28 and 29, I cannot give you any information about what happend during the meeting.

[DELETED]

My best regards

Quanhai Li

From: Jon Napier <jon.napier@sailing.org>

Subject: Re: Pending Complaint by Gary Jobson and Scott Perry vs. Kim Andersen (filed on 22 April 2020)

Date: 5 Jun 2020 11:55:08 GMT+2

To: "Josep M. PLA" <jspmpla@gmail.com>

Dear Josep,

Thank you for the email, I hope you are well too.

I was at the Board meeting for both days along with the rest of the Senior Management Team. I do not specifically recall the discussion of Sailing Illustrated, but I am certain that it was discussed by the Board. From what I can recall, there was some discussion when the staff were present in the room about a letter, then there was a break (at the end of Day 1) and the Board then continued its meeting in private without us (which is usual).

It was all very much a discussion between the Board members and not really involving the staff (as it is a political matter).

I'm afraid I cannot remember specifics any better than that – I hope that helps.

As for emails, I have two emails in my folder which contains emails about the Board. Both of them are attached. According to my system, I did not reply to either of them (which is what I would expect). To the best of my knowledge, I do not have any other documents or emails about the topic.

If I can assist further, please do not hesitate to let me know.

Best wishes,

Jon

From: Jan Dawson <jan@jandawson.co.nz>

Subject: Reflections on our conversation

Date: 8 Jun 2020 05:39:25 GMT+2

To: "Josep M. PLA" <jspmpla@gmail.com>

Hi Josep

Good to talk the other evening - I am not optimistic of a face to face meeting for World Sailing for the rest of the year however.

I was reflecting on our conversation and the questions you asked me about the letter being sent to Sailing Illustrated (SI) and decided that some further comments would be useful.

Probably the most important question you asked me was whether the letter containing the incorrect statements being sent to SI damaged World Sailing's reputation.

I consider that the incorrect statements in the letter to SI were embarrassing especially as it was sent to SI who has been very critical and unsupportive of WS over the 4 years that I have been on the Board. Any correction of error could have been handled more effectively if the reactions and subsequent responses by Gary and Scott had been more considered.

I don't think that the letter incorrectly stating that the comments attributed to Scott and Gary was damaging to the reputation per se but the resulting actions by Scott and Gary were definitely more problematic for the organisation.

The subsequent public airing of the disagreement between three directors and the announcement of an ethics complaint against the President by them was damaging. The obvious discord between board members and inability to resolve it caused questions from sponsors. In particular the interview by Mikkel Thommessen with Gary, which was recorded and played back over social media extended awareness of the complaint to the Ethics Commission by two board members against the President to a much wider audience.

As I said I think there were a number of mistakes made - none of which was intentional or unethical. They are just human errors which occur from time to time.

The first mistake was Gary and Scott not reviewing the SI broadcast when the concern about misinformation on SI about them was first raised by email to the board on 26th February and identified as a matter the board would discuss in Board in Board only time during the February meeting.

As a result of this lack of review they couldn't respond to the queries and points made in Board only time on the 28th February and then couldn't confirm or otherwise the letter which was drafted overnight and discussed at the Board on the 29th.

Despite asking for the letter not to be sent until after Gary had reviewed the SI video, he still did not immediately review the video and had not reviewed by the time the letter was sent on March 2.

The mistake Kim made was to ask the office staff to send the letter assuming that as he had heard nothing that there was no issue. He should have confirmed with Gary and Scott that they had listened to the video and were happy for the letter to be sent.

Personally I find it very unusual that two board members would make a complaint to the Ethic Commission about another board member in such circumstances and even more disconcerting that they would announce this complaint publicly. There have been questions raised about the

rationale for this action, especially given this is an election year but I have no opinion on their motives in this respect and have not been able to discuss with them.

I hope this clarification is helpful and if you wish to have another call please let me know

thanks

Jan

J/D

Jan Dawson CNZM

e jan@jandawson.co.nz

m +64 21 946 056

From: Kendall Harris <kendall.harris@sailing.org>

Subject: Re: Pending Complaint by Gary Jobson and Scott Perry vs. Kim Andersen (filed on 22 April 2020)

Date: 8 Jun 2020 13:07:14 GMT+2

To: "Josep M. PLA" <jspmpla@gmail.com>

Dear Josep,

Thank you for your email, I hope you are well also.

I was in attendance at the Board meeting and I do remember the matter being brought up. However, I was not present for the majority of the discussion as it was brought up at the end of a session, just before the meeting was due for a break. As I recall, Mr Andersen raised the issue and the need for the Board to discuss a response however, as it did not require staff input, we left the meeting for the break while the Board stayed to discuss it further.

I have searched my Outlook folders and to the best of my knowledge, I have three emails in relation to the matter – the one received from Mr Jobson cited in your email, my response and a further response from Mr Jobson. Please see the relevant thread attached.

Please let me know if you have any further questions.

Kind regards,
Kendall

Kendall Harris
Director of Legal and Governance



T : +44 (0)20 3940 4904

M: +44 (0)7825 867 925

sailing.org

20 Eastbourne Terrace
London, UK, W2 6LG

* Admitted to practice in New South Wales, Australia

From: Gary Jobson - Comcast <garyjobson1@comcast.net>

Subject: Re: Jobson signature.

Date: 10 Jun 2020 20:30:25 GMT+2

To: "Josep M. PLA" <jspmpla@gmail.com>

Josep: That could well be. I do recall Helen Fry needed my signature for a Conflict of Interest document and I told her to sign my name as I was running for an airplane at that moment. This was around 2014. So that may solve the mystery. Thanks, Gary J

On Jun 10, 2020, at 2:27 PM, Josep M. PLA <jspmpla@gmail.com> wrote:

Hi Gary,

I wish you are well.

I'd like to talk about the signature. I had a talk with Jan Dawson and she told me she had discussed the matter with you and it appeared that sometime ago (years) a document with your signature had to be provided and you authorised somebody to sign in your place; subsequently this signature was kept on WS servers and was used on the letter object of the complaint. I'd appreciate if you could confirm or otherwise.

If you prefer we have a talk, I am of course available.

I look forward to receiving your answer.

Best regards,

Josep M. PLA
