

NOTICE OF GROSS MISCONDUCT

OF THE BOARD OF ADMINISTRATION
OF THE US VIRGIN ISLANDS CHESS FEDERATION

PERSUANT TO § 2.4.1.4 OF THE USVICF CONSTITUTION AND ARTICLE I(C) OF THE USVICF BY-LAWS AND SECTIONS OF THE FIDE CHARTER AND VIOC BYLAWS AS DEFINED IN APPENDIX VII_ TABLE OF AUTHORITIES (TOA)

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TO: Mr. Michael Smith, Secretariat of the U.S. Virgin Islands Chess Federation
FIDE President, Arkady Dvorkovich
FIDE Deputy Chair, Dana Reizniece-Ozola
FIDE Deputy President, Anand, Viswanathan
FIDE Continental President for Americas, Carrillo, Jose Antonio
FIDE Office
VIOC President, Angel Morales
VIOC Secretary General, John Abramson

1. **WHEREAS** a complaint dated the 13th August, 2021 was filed against the United States Virgin Islands Chess Federation (USVICF) and its president Mrs. Margaret Murphy by Ms. Gail Widmer and a number of other persons from the Chess community in the USVI regarding alleged constitutional breaches and being "disenfranchised" by the said USVICF and its president.

2. **WHEREAS** the FIDE Council informed the said president of the USVICF of the said complaint, gave her an opportunity to respond to the said allegations and received a response from the said president with supporting documents.

3. **WHEREAS** the FIDE Council convened an emergency meeting virtually (Zoom platform) on Saturday, the 2nd October, 2021 to deal with the said issue at which the said president of the USVICF, Mrs. Margaret Murphy, appeared and was given an opportunity to respond in person to the said complaint and allegations.

4. **WHEREAS** the FIDE Council deliberated and decided the following:

(a) the Council noted the importance of member federations adhering to democratic procedures and providing opportunities for a wide cross-section of their chess fraternities and stakeholders, especially players, to become active members of their national federations;

(b) the USVICF should amend its Constitution no later than Monday, the 25th October, 2021 to include a democratic procedure for the admission of new

federation members and the re-election of the governing body of the USVICF, including officers. These amendments must also be in compliance with general principles enunciated in the FIDE Charter;

(e) the FIDE Council expected that the above-mentioned amendments to the USVICF Constitution would be approved, and take effect, not later than the 29th November, 2021;

(f) the FIDE Council expected that all Chess stakeholders in the USVI would be informed of the changes to the USVICF Constitution, be allowed to apply for membership under the provisions of the amended, new Constitution and that the USVICF will accept new members according to the updated Constitution no later than the 31st December, 2021, namely one month after the approval of the new Constitution;

(g) the FIDE Council committed to nominating an "Observer" to monitor or supervise the process regarding the amendment of the Constitution and all applications for membership of the USVICF;

(h) the FIDE Council expected that after the acceptance of new members by the 31st December, 2021 extraordinary elections will take place not later than the 20th January, 2022;

(i) the FIDE Council expected that the procedure for the extraordinary elections should be fair and democratic and the USVICF would consult with the FIDE Council's nominated representative who would serve as an Observer for the said extraordinary elections;

(j) the FIDE President has the right to appoint the above-mentioned FIDE Council representative after consultation with the members of the FIDE Council;

(k) if the USVICF refuses to affect the above-mentioned amendments to its Constitution, including the provision of the necessary democratic procedures for its elections and the other matters mentioned herein, the FIDE Council will consider this behavior for possible application of article 13 of the FIDE Charter which deals with suspension or expulsion.

5. **WHEREAS** the amended Constitution & Bylaws implemented by the USVICF Board of Administration were never officially approved by the FIDE Council or the VIOC.

6. **WHEREAS** the amended Constitution & Bylaws, although hugely modified and extended, remain as nondemocratic as the original contested statutes.

7. **WHEREAS** to date the USVICF Board of Administration continues to restrict membership by inventing roadblocks that reject club memberships and deny individual memberships, resulting in the continued exclusion of the majority of valuable, strong, and dedicated chess players.
8. **WHEREAS** the USVICF has, to date, virtually no presence on the islands of St. Thomas and St. John and no federation members on those islands, with the exception of the president's brother.
9. **WHEREAS** details of the USVICF Annual General Meeting (AGM) that took place on March 25, 2023, were not shared openly with the VI chess community and only appeared obscurely on the website on the day of the meeting with no details of how to attend.
10. **WHEREAS**, contrary to FIDE's expectation that an extraordinary meeting would take place and VI chess players, having been invited to join the federation, would elect new officers democratically, the AGM that took place on March 25, 2023, was only attended by six people, namely the five Board members and one other, who proceeded to elect themselves for four more years.
11. **WHEREAS** many attempts to negotiate and mediate have been unsuccessful and the USVICF board members have made no effort to compromise or embrace the wants and needs of the membership.
12. **WHEREAS** members' requests for information are often ignored.
13. **WHEREAS** current information regarding tournaments, meetings, decisions, etc. is not readily shared on the USVICF website or Facebook page or properly updated.
14. **WHEREAS** the USVICF Board of Administration has refused to negotiate with the US Chess Federation president, Randy Bauer, to allow members to conduct USCF rated tournaments in the territory, thereby terminating a friendly relationship with the US Chess Federation and denying members expanded opportunities to play in rated tournaments, a crucial need, especially for young people, in geographically isolated locations.
15. **WHEREAS** to date only a small percentage of VI chess players are acknowledged and accepted into the St. Croix Chess Club and, in turn, into the USVICF since the St. Croix Chess Club is the one and only club recognized by the USVICF. Of this small membership, some have no valid connection to the VI while others do not reside in the territory fulltime and do not file federal taxes in the VI.
16. **WHEREAS**, the amended bylaws of the USVICF only allow club presidents and vice-presidents to vote to elect new officers and since there is only one club, and since the president and vice-president of the one recognized club are Margaret Murphy, USVICF President and Anthony Mongiello, USVICF Treasurer, the only two

individuals with voting rights to elect new officers are the president and treasurer of the federation.

17. **WHEREAS** the St. Croix Chess club does not post the location, day, or time that the club meets on their website or Facebook page, it seems that the club does not presently have an actual physical premises where members of said club can gather.

18. **WHEREAS** to date the **intent** of FIDE's rulings has been overlooked in the amended Constitution & Bylaws and ignored by the USVICF Administrators, we the undersigned Members of the U.S. Virgin Islands Chess Federation (USVICF) hereby charge President Margaret Murphy, Vice-President Ernest Thyberg, Vice-President Marissa Allen, Treasurer Anthony Mongiello and yourself, Secretary, with gross misconduct as detailed below, pursuant to § 2.4.1.4 of The USVICF Constitution and Article I(C) of the USVICF By-Laws.

Pursuant to § 2.4.1.4 of The USVICF Constitution and Article I(C) of the USVICF By-Laws, the Secretariat must immediately furnish a copy of this Notice to the accused and to the Board and if a member of the Board of Administration is the accused, then that member must recuse themselves from reporting and voting on the case. Given that the entire Board of Administration of the USVICF is hereby recused from investigating, reporting, and voting on this case, the undersigned members hereby unanimously propose to elect Kai Nielsen as Interim President, Khalid Saleem as Interim STX Vice-President, Sinclair Wilkinson as Vice-President for STT, Anne Kershaw as Interim Secretary, and Bevan Smith as Interim Treasurer at a Zoom meeting on **December 23, 2023, at 9:00AM**.

The Interim Board shall call a Virtual Emergency Membership meeting, to be held no later than December 29, 2023, for purposes of appointing a Special Committee to (1) propose Constitution and Bylaw changes, (2) receive and sort applications for new USVICF officers, (3) notify the membership via email of an Extraordinary General Meeting scheduled for 9:00AM on February 17, 2024, wherein an extraordinary election of new USVICF officers will be conducted and a new Constitution & Bylaws will be voted into place. Official VIOC and FIDE observers are invited and welcome to attend.

CHARGES OF GROSS MISCONDUCT

1. The USVICF Board of Administration has committed gross misconduct in adopting and adhering to a Constitution and By-Laws that:
 - a. Strip USVICF Members of their right to vote, in violation of Virgin Islands law, Title 13, Section 496. (USVICF Bylaws, Article I/A.)
 - b. Strip USVICF Members of their right to amend statutes, in violation of Virgin Islands law, Title 13, Section 492. (USVICF Constitution, Chapter V, Article 5.1)

- c. Preclude USVICF Members from open and fair competition for seats on the Olympic teams that will represent the VI in the 2024 World Chess Olympiad. (USVICF Bylaws, Article IV/C.)
 - d. Allow non-residents to join the USVICF, maintain membership in perpetuity, and represent the Virgin Islands in Olympic events. (USVICF Constitution, Article 2.2)
 - e. Are not in compliance with VIOC bylaws regarding residency requirements, Article IX, Section 9.1a. (USVICF Bylaws, Article IV/B.)
 - f. Are not in compliance with the IOC Code of Ethics regarding the prevention of manipulation of competitions.
 - g. Are not in compliance with the IOC Charter, pg.77, Section 41.1 Nationality of Competitors which states that any competitor in the Olympic Games must be a national of the country of the NOC which is entering such competitor.
 - h. Are not in compliance with the FIDE Charter, Articles 2, 4, and 11.
 - i. Contain camouflaged discriminations and restrictions that preclude many highly qualified chess playing adults and students from joining the USVICF.
 - j. Are cumbersome and not functional in a relatively small chess community.
2. The USVICF Board of Administration has committed gross misconduct through a brazen and expanding effort to exclude valuable members of the Virgin Islands chess community and deprive these individuals of their civil rights.
 - a. Adults may not meet in any location where alcohol is served (USVICF Constitution, Article 2.2.12).
 - i. This restriction eliminates 3 to 4 clubs and 25 to 30 strong VI players.
 - b. Adults may not meet in private homes (USVICF Constitution, Article 2.2.12).
 - c. Individual players are not accepted as individual applicants (USVICF Constitution, Article 2.2.14).
 - d. All applicants are required to be affiliated with a club and attend club meetings regularly. This
 - i. Precludes those who are not club joiners (USVICF Constitution, Article 2.2.14).
 - ii. Precludes handicapped individuals and those with compromised immune systems.
 - iii. Precludes those with restrictive parental or elderly care responsibilities.

- iv. Precludes those with a work schedule that does not conform to the club meeting schedule.
- v. Precludes native Virgin Islanders who reside outside the territory.
- vi. Precludes the validity of online interactive play which is a common and highly accepted practice of chess play in the modern world.
- e. Scholastic clubs must be under the jurisdiction of an approved adult club to be recognized.
 - i. Hundreds of students involved in school chess clubs are disqualified from acceptance because they are not affiliated with the single adult club recognized in the territory, namely the St. Croix Chess Club (USVICF Constitution, Articles 2.2.10 and 2.2.15).
- f. Scholastic clubs have no voting rights (USVICF Constitution, Article 2.2.15).
- g. The general membership has no voting rights.
- h. The chess clubs that meet the USVICF requirements (only one in STX at the present time and none in STT) are not automatically admitted but must be approved through three observations of a USVICF board member, affording the USVICF Board of Administration unreasonable authority to make prejudicial decisions (USVICF Constitution, Article 2.2.12).

CHANGES WE EXPECT TO INITIATE

1. Accept all USVICF applicants who are VI residents or native-born Virgin Islanders without restrictions or qualifications.
2. Make all positions on the VI Olympic teams (open and women's) open to all Virgin Islanders and make team selection entirely merit based.
3. Remove the allowance of non-residents to maintain rights to qualify for Olympic competitions (USVICF Constitution, Article 2.2)
4. Remove the requirement for scholastic clubs to be under a national club and give voting rights to scholastic club advisors.
5. Allow individuals to join the USVICF as individuals, making club membership optional.
6. Amend the USVICF Constitution & Bylaws to be compliant with Virgin Islands law, Title 13.
 - a. Give each member equal voting rights.
 - b. Give each member the equal right to participate and vote in the process of amending statutes.
7. Remove unreasonable restrictions on where chess clubs are allowed to meet.
8. Remove the requirement of approval for club acceptance.
9. Amend statutes to be in absolute compliance with VIOC requirements.

10. Consistently share detailed information regarding tournaments and activities on the USVICF website and Facebook page in a timely manner, encouraging all Virgin Islanders to participate.