

UNITED STATES POLO ASSOCIATION
BEFORE A HEARING COMMITTEE OF THE USPA
DISCIPLINARY PROCEEDING

IN THE MATTER OF:

CASE NO. 2009-HC-003

UNITED STATES POLO ASSOCIATION,

Charging Party/Petitioner,

vs.

JAMES DEANGELIS,

Charged Party/Respondent.

FINAL ORDER

THIS CAUSE came before Peter Poor and Ed Armstrong acting as the duly appointed Hearing Committee of the United States Polo Association (the "USPA") for expedited hearing on October 7, 2009. The hearing, which took place in a meeting room in the Holiday Inn Express Hotel & Suites, 901 Jefferson Boulevard, Warwick, Rhode Island 02886, arose from a Notice of Conduct Violation, Issuance of USPA Charge & Notice of Expedited Hearing dated October 2, 2009. The USPA and the Respondent, who were both present at the Hearing either personally or telephonically, offered witness testimony and various documents in support of and in defense of the charges. Having considered the charges, the testimony given by the witnesses, the documents offered by the parties, and after otherwise being duly advised in the premises, the following findings of fact, conclusions, and rulings are made.

I. The Charges Against Respondent.

Respondent was charged, by Notice of Conduct Violation, Issuance of USPA Charge & Notice of Expedited Hearing dated October 2, 2009, with violations of Outdoor Rule 27(a) and 27(b) of the United States Polo Association Rules of Outdoor and Arena Polo. [Exhibit 1].

Outdoor Rule 27(b) provides, in pertinent part, that “[n]o player may seize [another player] with the hand, strike or push with the head, hand, arm, or elbow....” Outdoor Rule 27(b) provides, in pertinent part, that “[n]o player may physically abuse another player or the player’s own or another player’s mount.”

II. Findings of Fact.

Samuel Shore, a nineteen (19) year old Member of the USPA, testified that on Saturday, September 26, 2009, during the Finals Match at Newport International Polo Series in Portsmouth, Rhode Island, Respondent punched him in the face. Respondent also testified that he struck Mr. Shore in the face. Respondent further testified that his act was intentional although he regrets having hit Mr. Shore. The Official on the field, David Markell, testified that he called a penalty and ejected Respondent from the remainder of the game. While on the field, Respondent admitted to Official Markell that he hit Mr. Shore.

On September 29, 2009, Official Markell authored a written complaint to the USPA. [Exhibit A]. The complaint was delivered to the USPA on September 30, 2009¹ and the Notice of Conduct Violation, Issuance of USPA Charge & Notice of Expedited Hearing (the “Notice”) was sent to Respondent *via* pdf email and Federal Express on October 2, 2009. At the hearing, Respondent argued that he never received the Notice by

¹ This issue is discussed further *infra*.

pdf email although there is a receipt showing that it was delivered and received by Respondent on October 2, 2009 at 5:08 p.m. [Exhibit 3]. Respondent's testimony in this regard is thus not credible. Respondent further testified that Federal Express did not deliver the Notice to him on October 3, 2009 notwithstanding that there is a Federal Express confirmation of delivery. [Exhibit 2]. Again, Respondent's testimony is not credible on this point. Respondent finally admitted that he received the Notice on October 5, 2009, more than 48-hours before the hearing.

With respect to the issue of the timeliness of the Notice, Respondent argues that the Notice dated October 2, 2009 is not timely because it was sent to Respondent more than 72-hours after the USPA's receipt of Official Markell's written complaint. Notwithstanding Respondent's arguments to the contrary, the issuance of the Notice on October 2, 2009 was timely. Although Official Markell's written complaint is dated September 29, 2009, it was actually received by the USPA on September 30, 2009.² The October 2, 2009 Notice which was sent to Respondent by the USPA less than 72-hours after the written complaint was *received* was thus timely.

III. Conclusions.

The fact that Respondent punched Mr. Shore is undisputed. Respondent, a then "coach" or "instructor" for Mr. Shore at the University of Connecticut, admitted that he indeed struck Mr. Shore. It is clear that Respondent violated Outdoor Rules 27(a) and (b) when he punched Mr. Shore on the field during a USPA game. Conduct of this sort is not condoned, nor tolerated by the USPA. This is especially true where, as here, the

² Apparently, on September 29, 2009, Official Markell attempted to fax the complaint to the USPA using two (2) incorrect numbers. [(803) 642-9950 and (859) 231-9938]. This appears to be the reason why the USPA did not receive Mr. Markell's complaint until September 30, 2009.

“victim” is a teenager and the Respondent was his polo instructor or coach. The USPA has a duty to protect its members and enforce the organization’s rules.

After considering all of the factors, the USPA Chairman adopts the findings of fact and conclusions made by the duly appointed Hearing Committee, and further finds that the above-mentioned Rule violations occurred and that a penalty as recommended by the Hearing Committee is appropriate.

IV. Penalty.

As a result of his violation of Outdoor Rules 27(a) and (b), and pursuant to By-law 11(e)(1), a penalty should be imposed on Respondent. Based upon the above findings of fact and conclusions, the USPA Chairman renders the following penalty:

A. Respondent is suspended by the USPA and prohibited from playing in any USPA Event, USPA Sanctioned Event or at any USPA member club for a period of twelve (12) months commencing on October 10, 2009 and expiring on October 9, 2010;

B. Respondent is placed on probation with the USPA for a period of twelve (12) months commencing on October 10, 2010 and expiring on October 9, 2011 (the “Probation Period”). If, during the Probation Period, Respondent is ejected from any USPA Event or USPA Sanctioned Event or tournament and a subsequent complaint and hearing on that violation takes place wherein Respondent is determined to have again violated a USPA Rule, Respondent shall receive at a minimum an additional twelve (12) month suspension from all USPA Events, all USPA Sanctioned Events and tournaments and all USPA member clubs;

C. Respondent is ordered to pay to the “United States Polo Association,” within fifteen (15) days of the date of this Final Order, the Association’s costs of this

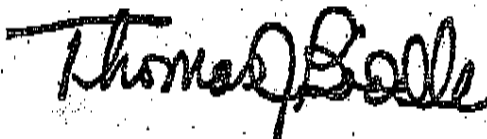
proceeding in the amount of Eight Thousand Three Hundred Eighty Dollars (\$8,380.00).

In the event that payment is not made timely, (i) the sum shall accrue interest at the highest rate allowed by law, and (ii) the USPA may extend Respondent's suspension by the number of days of delinquency;

D. By virtue of this Final Order, the USPA hereby publicly censures Respondent for his conduct which violates Outdoor Rules 27(a) and 28(b). A copy of this Final Order (or a summary thereof) shall be published in The Morning Line newsletter, Polo Players' Edition magazine, and/or on the USPA website; and

E. A copy of this Final Order shall be placed in Respondent's permanent membership file with the USPA and may be used by the USPA for any purpose in any future disciplinary matters involving Respondent.

Ordered and Adjudged by the USPA Chairman on this 12th day of October, 2009.



Thomas J. Biddle, Sr. Chairman

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