



**WORLD ASSOCIATION
OF KICKBOXING ORGANIZATIONS**
DISCIPLINARY & ETHICAL COMMITTEE

Proceedings against Mr. Francis Mcardle

Mr. Francis Mcardle

By email: wako.aus@gmail.com

DC00082024

SUBJECT: Decission

Dear Mr. Francis Mcardle

DECISION:

The Disciplinary and Ethical Committee of WAKO decides that:

Mr. Francis Mcardle is warned to strictly adhere to the WAKO Code of ethics and the WAKO Social Media Policy in the future.

REASON:

(1) On 02nd of October 2024 the Chairman of the WAKO Coaching Committee, Mr. Daimi Akin sent a complaint to the WAKO DEC concerning a posting of Mr. Francis Mcardle as follows:

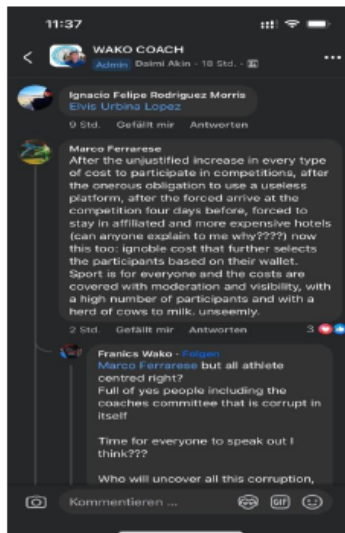
WAKO IF Coaching Committee report

Re: Francis Mcardle accusation August 2024

26/09/24

The Coaching Committee held an in person meeting in Budapest on the 24th August 2024. Attendess at the meeting were Dev Barrett, Nikos Memmos, Essa Abu Nassar, Sabrina Sedin Roskvist, Dave Heffernan and Daimi Akin. One of the topics discussed was the comment (see Below) made by Francis Mcardle WAKO Australia President (at the time of comment).

Although the committee sympathise with the comments made by Marco Ferrase regarding the rising costs of participation in our sport and would agree with the fact that these are among many challenges facing WAKO in our Journey to be an Olympic sports participating at the summer games. It was felt that this was and is the wrong forum for such comments and only goes to bring our sport into disrepute, offering antagonists from other organisations a platform to undermine the incredible work and success WAKO has had thus far in its Olympic Journey.



However the committee felt that the comments made by Francis Mcardle, stating that “the Coaches Committee that is corrupt in itself” is unfair, hurtful and damaging to the reputation of all the coaches on this committee who volunteer their time in order to improve our sport.

Besides that such posting is against the social media policy it is even more important that such comments is not suitable at any social media platform. Last but not least such accusation are highly defamatory for us as hard working coaches.

The coaching committee held an online vote on Sunday 26/09/24, asking all members of the committee: “ If the committee should report Francis McArdle’s Facebook post to the disciplinary committee?”

The committee voted unanimously that this comment should be brought to the Disciplinary committee.

Dev Barrett, Nikos Memmos, Essa Abu Nassar, Sabrina Sedin Roskvist, Leonie Rosin, Emmanuel R Atagana, Seda Duygu Augun, Suresh Babu, Dave Heffernan and Daimi Akin

(2) On 7th of October 2024 the WAKO DEC decided by written resolution to open proceedings against Francis Mcardle. Furthermore, the WAKO DEC decided that Mr. Nikolaus Gstättner conduct these proceedings as secretary and that no procedural fee be charged in this case.

(3) On 07th of October 2024 WAKO Disciplinary and Ethical Committee informed Mr. Francis Mcardle about the opening of disciplinary proceedings against you and that him and that he have the opportunity to justify himself by 24th of October 2024.



(4) On 08th of October 2024 Mr. Daimi Akin communicated on request by Nikolaus Gstättner that the post was shared on WAKO Coach Facebook Group with more than 10.900 members.

(5) On 23rd of October 2024 Mr. Francis McArdle sent a statement as follows:

To Nikolais,

My name is Francis McArdle, and I am the founder of WAKO Australia, the National Sporting Organization (NSO) for Kickboxing in Australia, recognized by the Australian Sports Commission and Sport Integrity Australia (SIA). Over the past nine years, I've built WAKO Australia from the ground up, with little to no formal support from WAKO IF. During this time, our federation has achieved significant success, including four WAKO World Championship gold medals and numerous other accolades. These achievements were solely due to domestic development and hard work, without external support from WAKO IF or other National Federations (NFs). In fact no federations have ever visited any events in Australia, nor have they reached out to offer support. With only WAKO USA sending athletes for a K1 challenge in which I arranged the logistics of the Gala.

I am writing in response to the concerns raised by the ethics committee regarding a recent social media comment.

The comment in question was about a process, not any individual. The phrase "in itself" referred to the committee's structure and selection process, not the people involved. I have personal friendships with several committee members, some spanning over 20 years, and they understand that the comment was not directed at them. The comment was deleted within hours of posting. Interestingly, the original post by Romeo, which caused significant unrest among WAKO members, was also removed. I am curious if any actions were taken in response to that, as many of its statements raised concerns.

To clarify my comment, I will explain the reasoning behind my opinion. The selection process for the Coaches Committee lacks transparency, as acknowledged by a committee member who stated, "There's no formal process, the board just decides."

When asked who votes on the selections, they responded, "No idea. Daimi suggests someone, then gets told who to pick."

This lack of clear governance is concerning and would raise serious scrutiny in any other sport. Consider the following case:

Both Females from the same National Federation:

- Female 1 (50 years old): A two-time WAKO World Champion, multiple-time European Champion, and coach to multiple WAKO World Champions. And National Coach to her Federation team. She was nominated by one of the longest-standing members of the Coaches Committee also for a position on the coaching committee.*
- Female 2 (24 years old): No WAKO World Championship experience, no coaching qualifications, no athletes with WAKO accolades, I would add did not even coach at a World Championships, my Australian Coaches took that role at the SINGLE event attended by the individual(also not in a coach capacity), and no national reputation. Not nominated from NF nor was the NF ever approached about a nomination for this particular coach. Not even a national Coach.*

Despite this disparity, Female 2 was selected for the committee, raising questions about the integrity of the process and reasoning behind the decision.



Additionally, I question the intent behind Daimi's formal complaint. His actions appear to be influenced by Roy Baker, who suggested discussing the matter in the committee and potentially reporting it to the disciplinary committee.

Mr Akin message to members:

"Roy called me and said that we should discuss this in the committee and consider to report it to the disciplinary committee"

I would also add some members of the committee did not see the need for the formal complaint, which again leads me to concerns.

Here's the timeline of events:

- August 2024: Comment posted and removed within 24 hours.
- August 2024: Message from Roy Baker.
- October 2024: Complaint from Daimi.

In summary:

- 1. My comment was not aimed at any individual, it was at the process of formation ,and if it was interpreted that way, I apologize.***
- 2. Based on the case study above, the committee selection process appears questionable and would likely face significant media scrutiny in other sports.*
- 3. The interference and guidance from Roy Baker to Mr. Akin seems like an attempt to push me out of WAKO and atonognise, despite my contributions to the organization.***

I have chosen not to publicize this matter as it would not benefit WAKO IF, especially in light of future goals like the 2032 Olympics in Brisbane. I hope this explanation clarifies the intention behind my comment. My goal remains to support the growth of Kickboxing and its athletes, and I trust this will be taken into consideration moving forward ending this matter.

I have attached letters from both the Australian National Federation and Para Kickboxing committee member Ed Bavelock.

I will highlight it is not my intent to escalate this issue. I would hope this closes the discussion positively.

Sincerely,

Francis McArdle

Founder, WAKO Australia Ltd.

Attached to Mr. Francis Mcardle's statement were two letters as follows:



PARAKICKBOXING
Inclusive



From: Gregory (Ed) Bavelock, Director of Para Kickboxing
World Association of Kickboxing Organizations-USA Para Kickboxing
10450 66th St North No. 1, Pinellas Park, Florida (727) 547-2662

To: WAKO IF
From: Greg (Ed) Bavelock
Re: Francis McArdle
20 October 2024

Dear WAKO IF Leaders,

I am writing this letter to share my experience of WAKO Australia from 2014-24. Francis McArdle recruited me in 2014 to join the journey of the WAKO federation in Australia. He is Irish born and I am born in the USA. From Francis' vision of what organized Kickboxing in Australia was in 2014 and what it could be was very powerful to me as a Kickboxer athlete and coach. Together we have worked hard at keeping the focus on the "athlete first". Francis has always been the driving force in our teamwork. He has selflessly shared his knowledge and experience of the "WAKO Way" to Australia. Every competition, national team camp and international championship that Australia has participated in has come from Francis' sweat & hard work. Please understand this as the truth.

Francis McArdle also single handedly negotiated his way through the administration forest that exists in Australia to gain National Sporting Organisation (NSO) status for the sport of Kickboxing in Australia, known as National Governing Body (NGB) in most other countries including the USA. This was an extraordinary task accomplished.

I personally have benefited greatly from the life experiences of WAKO Australian Kickboxing and WAKO International Kickboxing. I am a Kickboxer; it is an identity I hold dear. Now we view the wider community of WAKO as a family. As most families experience there are hurdles and mistakes made emotionally and in behavior. Francis has made a mistake publicly. My hope is that his hard work over the last decade is not undone by this mistake.



PARAKICKBOXING
Inclusive



I am no longer on Team Australia but now work leading USA Para Kickboxing with WAKO USA. I share the same view as today's WAKO Australia leadership:

"WAKO Australia is aware of an ethical complaint about Francis McArdle. As WAKO Australia, we are deeply concerned about the implications of this matter and would like to express our disappointment in the circumstances surrounding it.

Francis played a crucial role in shaping both WAKO Australia and the broader development of kickboxing standards across the country. His longstanding relationships within our community are the foundation upon which we operate today and his continued efforts to support our National Federation (NF) have been nothing short of exemplary.

The potential escalation of this complaint threatens to significantly harm key relationships, not only within WAKO Australia but also between our federation and WAKO IF, as well as across the Australian region. Such an outcome would be a considerable strain on our future collaborative efforts and, quite frankly, would be a disappointment to all parties involved.

We sincerely hope this matter can be resolved swiftly and we can continue to foster positive collaborations moving forward."

Sincerely,

Gregory (Ed) Bavelock

Email:
ed.kimekai@gmail.com
or
Phone:
Personal:
+44 7928 144134



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SPORT AUS National Sporting Organisation for Kickboxing
3 Krarup Court, Canungra, Qld.4275
+61416419985 E:wakickboxing.inc@gmail.com | www.wakoaustralia.org

Australian Government
Australian Sports Commission



Dear WAKO Ethical Committee,

WAKO Australia is aware of an ethical complaint about Francis McArdle. As WAKO Australia, we are deeply concerned about the implications of this matter and would like to express our disappointment in the circumstances surrounding it.

Francis played a crucial role in shaping both WAKO Australia and the broader development of kickboxing standards across the country. His longstanding relationships within our community are the foundation upon which we operate today and his continued efforts to support our National Federation (NF) have been nothing short of exemplary.

The potential escalation of this complaint threatens to significantly harm key relationships, not only within WAKO Australia but also between our federation and WAKO IF, as well as across the Australian region. Such an outcome would be a considerable strain on our future collaborative efforts and quite frankly, would be a disappointment to all parties involved.

We sincerely hope this matter can be resolved swiftly and we can continue to foster positive collaborations moving forward.


Yours sincerely,

Alex Perov

AP

President – WAKO Australia

Michael Gouck



General Secretary – WAKO Australia

(6) On 30th of October 2024 the DEC held a meeting and discussed the case. The WAKO DEC decided that the posting by Mr. Francis McArdle violates the WAKO Code of Ethics and the WAKO Social Media Policy. In view of the fact that the WAKO Facebook group comprises more than 10,900 participants, the posting was public. The sentence ‘Full of yes people including the coaches committee that is corrupt in itself’ violates the requirement of objectivity. The WAKO Social Media Policy obliges members as follows:

‘Always do so with respect and with the facts. If you speak about others, make sure what you say is based on fact and does not discredit or belittle that party, or organisation, or official of federation or individual associated to WAKO’.

The decision on the penalty was based on the mitigating circumstances, that Mr. Francis McArdle had no previous convictions, the misconduct did not result in any



major damage, the posting was removed after a short time and he apologised, at least in part, in his statement of 23rd of October 2024.

The WAKO Disciplinary and Ethical Committee unanimously decided to officially warn Mr Francis Mcardle.

APPLICABLE RULES :

WAKO Statutes, Article 39. Disciplinary Committee

6. The Disciplinary and Ethical Committee is competent to deal with any disciplinary and ethical matters.

7. Further and more detailed provisions regarding the Disciplinary and Ethical Committee and the disciplinary and ethical proceedings under its competence are set forth in regulations issued by the Board.

Article 13. Members' Obligations

1. The Members of WAKO shall have the following obligations:

a. to comply with these Statutes as well as ANY and all regulations, directives and DECISIONS enacted or issued by WAKO BODIES at any time and to comply with the decisions of the Court of Arbitration for Sport (CAS);

4. WAKO Individual Affiliates, when participating to WAKO activities and competitions shall be subject to the provisions of these Statutes and of other WAKO regulations. In case of breach, they shall be subject to disciplinary actions as well as consequences and sanctions resulting therefrom, as provided by these Statutes and other WAKO regulations.

WAKO By-Laws, 1.6.13 Disciplinary and Ethical Committee

the Disciplinary and Ethical Committee is in charge of the conduct of the disciplinary proceedings and investigations conducted as a consequence of any possible violations of the WAKO Statutes and further WAKO rules and regulations and codes by WAKO Members, officials, officers and/or WAKO Individual Affiliates National Federations or Continental Federations (as indicated in WAKO Disciplinary Code); - Moreover, the Disciplinary and Ethical Committee is responsible to take actions and apply sanctions on the basis of the WAKO Disciplinary Code and the suggestions of the President and/or the Board of Directors.

WAKO Code of Ethics, Art. 1 Scope of application

The Code of Ethics shall apply to all WAKO members (the affiliated National Federations or Associations and their members), any persons elected or appointed to any position within the organization of WAKO and its Continental Divisions, WAKO staff, officials, athletes, coaches and referees, and, in general, any individual engaged in WAKO activities and events (collectively, the "Parties"). It shall also apply to consultants and contractually-connected persons/companies, including those representing and/or serving WAKO. The Parties shall observe the Ethical Principles (as hereinafter defined) set forth in this Code of Ethics, including but not limited to fair play and sportsmanship, when participating in any WAKO's championships, events and any other activities.



WAKO Code of Ethics, Art. 2 General conduct regulations

2.1 All Parties shall show commitment to an ethical attitude while fulfilling their task. They shall pledge to behave in accordance with all ethical principles set forth in the present Code of Ethics such as, by way of example but not limited to, the following:

- 1) Human Dignity;
- 2) Non-discrimination, either on the basis of race, gender, nationality, ethnic origin, religion, philosophical or political opinions, nationality, sexual preference or any other grounds;
- 3) Non-violence, including abstaining from any kind of pressure and harassment, whether physical, mental, professional or sexual;
- 4) Friendship, mutual aid and fair play;
- 5) Integrity;
- 6) Priority to the interests of the sport of Kickboxing and of the athletes in relation to financial interests;
- 7) Protection of the environment and health and safety of the athletes and participants;
- 8) Political neutrality;
- 9) Promotion of the Olympic Movement ideals and principles;
- 10) Non defamatory approach to any party;
- 11) Respect and adherence to WAKO Statutes, By-laws, policies, meeting conduct and procedures;
- 12) Collective Agreement, respecting the majority decision on the various Committees.

WAKO Code of Ethics, Art. 8 Loyalty and confidentiality

8.1 While performing their duties, the Parties shall remain loyal to WAKO and the decisions of its competent bodies and various Committees.

8.2 The Parties shall refrain from disclosing any information concerning WAKO or its activities that has not been made public or approved to be publicly distributed, unless such a disclosure has been authorized by the competent bodies of WAKO or in case it is mandatorily required by law or by a competent Authority.

8.3 The disclosure of information must not be aimed at making profit or taking any personal advantage, nor may it be motivated by malicious intent to damage the reputation of any Parties or WAKO's bodies and members of the Committees.

WAKO Code of Ethics, Art.9 Conflict of interests

9.1 In discharging their duties to WAKO, the Parties shall act for the benefit of WAKO when making decisions that affect, or may affect, WAKO and to do so without reference to their own personal interests, either financial or otherwise.

WAKO Disciplinary Code, Art. 4 General principles

4.1. Violations of the WAKO Statutes, By-Laws, Rules, Regulations and decisions of the Board of Directors or the General Assembly, including the ethical principles outlined in the WAKO Ethical Code, may be sanctioned in accordance with the terms of this Code save as otherwise provided under the respective provisions of the aforementioned legal documents whereby the competence of another Committee



(i.e. the Arbitration Committee) may be provided.

4.3. Unless otherwise specified, offenses and infringements are punishable regardless of whether they have been committed intentionally or negligently.

4.7. Any Subjected Parties can request to DEC to initiate an inquiry on any matter which is under the application of this Code.

WAKO Disciplinary Code, Art. 5. Disciplinary Measures

5.1. The following sanctions may be imposed on a natural person:

a) Reprimand and Warning;

b) Ban from participation in events for a defined period of time;

c) Fine;

5.7. The DEC may impose that a fine is to be paid by the Subjected Parties. The fine shall be no more than EUR 2,500 per individual, per infringement, and not be more than EUR 5,000 per sanctioned National Federation or Club.

WAKO Disciplinary Code, Art. 6. Common Rules

6.1. Sanctions provided for above in Article 5 may be combined, where deemed appropriate by the DEC.

WAKO Disciplinary Code, Art.7. Execution of Sanctions

7.1. The DEC that imposes the sanctions under this Code decides the scope and terms of the same and, where applicable, the time limits for the payment of any fine.

7.3. Fines must be paid to the WAKO bank account - as indicated by WAKO Administration - no later than two (2) months after receipt of the notification of the imposed sanction.

7.4. Should the person or entity fined not pay within the time limit set in the preceding paragraph, payment due will incur a twenty per cent (20%) per annum arrear interest each twelve-month delay and cause prohibition from participation in Competitions until the entire fine is paid.

WAKO Disciplinary Code, Art.15. Competence of the WAKO Disciplinary and Ethical Committee (DEC)

The WAKO Disciplinary and Ethical Committee (DEC) is the body responsible for the application and the implementation of the provisions of the Code regarding disciplinary matters and (ii) the Code of Ethics regarding the ethical matters related to the Subjected Parties under Article 2 above as a consequence of an offense or a breach as provided in Article 1 above.

WAKO Disciplinary Code, Art.16. COMPOSITION OF THE WAKO DEC

16.5. The members of the DEC cannot take part in any case in which they have any personal interest and/or which involves in any way, their federation, family members or relatives, or persons having a direct link or involvement with them. In such a case, it is incumbent on the DEC member/s concerned, to declare the interest and/or the connection to the Chairman of the DEC.

16.9. A member of the DEC may be challenged if the circumstances give rise to legitimate doubts over his/her independence or over his/her impartiality. Challenges shall be determined and ruled by the Chairman when the circumstances give rise to



legitimate doubts over a member's independence or over his/her impartiality and determined by the members when the chairman's independence or impartiality is affected.

DISCIPLINARY PROCEDURE

17.1. The proceeding under this Code is initiated by written notification (or by e-mail) to the DEC by the petitioner (the "Claimant"). This request has to be filed within 30 days after the day of the knowledge of the infringements sanctioned under this Code but, in any event, no later than 1 year.

WAKO SOCIAL MEDIA POLICY

11. Discrimination, sexual harassment and bullying

The public in general, and WAKO's employees and members, reflect a diverse set of customs, values and points of view. You must not post any material that is offensive, harassing, discriminatory, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate. When using social media you may also be bound by WAKO's values and regulations such as the WAKO Statutes, the WAKO Code of Ethics, the WAKO Safeguarding Policy, the WAKO Declaration of Integrity, the WAKO-Integrity-Code-of-Conduct, the WAKO Policy Solidarity and Social Integration, WAKO Guidelines Good Governance.

12. Avoiding controversial issues Within the scope of your authorisation by WAKO, if you see misrepresentations made about WAKO in the media, you may point that out to the relevant authority in WAKO. Always do so with respect and with the facts. If you speak about others, make sure what you say is based on fact and does not discredit or belittle that party, or organisation,

FINDINGS AND DECLARATIVE STATEMENT OF THE WAKO DISCIPLINARY AND ETHICAL COMMITTEE:

- 1) in August 2024 Mr. Francis Mcardle made a posting in the WAKO facebook coach group as follows: *'Full of yes people including the coaches committee that is corrupt in itself'*.
- 2) In view of the fact that the WAKO Facebook coach group comprises more than 10,900 participants, the posting was public.
- 3) The sentence *'Full of yes people including the coaches committee that is corrupt in itself'* violates the requirement of objectivity.
- 4) The posting by Mr`. Francis Mcardle violates the WAKO Code of Ethics and the WAKO Social Media Policy.
- 5) It is certainly legitimate to criticise, but constructive criticism must be based on facts, presented in the appropriate forums and must not be aggressive in style. In any case, Mr Francis Mcardle has violated this rule with his choice of words.



CONCLUSION:

The WAKO Disciplinary and Ethical Committee decides the following:

The WAKO Disciplinary and Ethical Committee unanimously decided to officially warn Mr Francis Mcardle.

INFORMATION ABOUT APPEALS:

Decisions passed by the DEC may be appealed before the Arbitration Committee within 21 (twentyone) days of notification of the decision to the parties. The appeal must contain the reasons that justify the appeal. The appellant must deposit a sum of \$500 (five hundred \$ or the equivalent amount in Euro) net of any bank charges to the WAKO bank account. This sum will be reimbursed to the appellant in the case of a favorable decision. The appeal will not suspend the decision of the DEC.

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WAKO DISCIPLINARY AND ETHICAL COMMITTEE

Mr. Nikolaus Gstättnner (Austria) (Chairman),

Mrs. Özge Kayıcı (Turkey), Mr. Kiandro Lebon (Belgium),

Mrs. Lamija Bektić (Bosnia Herzegovina), Mr. Thomas Steenberg (Norway)

On behalf of WAKO DEC

Mag. Nikolaus Gstättnner
Chairman WAKO Disciplinary and Ethical Committee
<https://wako.sport/committees/>

Ludmannsdorf, 11.11.2024