



TO ALL NATIONAL FEDERATION MEMBERS
RE: THE TRUTH WILL SET US FREE

August 8, 2013

Dear National Federation Member:

The ITKF has a valid Constitution that has been in force since 1974 when the ITKF predecessor, the International Amateur Karate Federation (IAKF), was formed. The current ITKF Constitution brings forward the history of IAKF into its current policies. However, to put an end to this debate and refute the unsubstantiated and false information circulated by Mr. Kwiecinski, I have attached a letter from Sensei Nishiyama from 2003 which serves to prove the point that every National Federation is (or should be) aware of the validity of this Constitution. This is the same Constitution that is being used today, with the inclusion of the amendments passed in the subsequent ITKF World Congresses – most recently, 2010 and 2012.

The suspended status with the Secretary of State in California does not negate the Constitutional validity of the ITKF. This has already been dealt with in previous communication from me dubbed “*The Red Herring*”. Mr. Kwiecinski is also well aware of this fact as the Polish Federation contacted the Secretary of State directly this week by telephone and was told that “the ITKF is working properly with the agency to correct this situation.” However, Mr. Kwiecinski chooses not to share that positive information with the world.

Moreover, no one can dispute that the Attorney General in any jurisdiction is the governmental office to determine legal issues. Consequently, I have attached a screen shot from the Attorney General’s website related to the status of ITKF. As you can easily see, the Attorney General of California considers the ITKF to be a Tax Exempt organization that is **ACTIVE!** Moreover, the Attorney General considers the ITKF to hold this tax exempt status since 1990. This latter fact also exposes another false accusation by Mr. Kwiecinski. That is, the application of tax exemption is a “private initiative of Mr. Jorgensen and a scandal”. Sensei Nishiyama and the previous Board of Directors initiated the tax exempt application some years ago. The current administration is simply trying to complete the process across all agencies of government as there appears to be confusion between government agencies as to the ITKF tax exemption.

I do not intend to deal with every nuance of Mr. Kwiecinski’s letter as the aforementioned points are enough to expose his destructive behavior. However, there are some additional false claims made by him that also need to be illustrated. These include:

The situation of suspended status never being discussed with the General Membership:

- The question of the suspended status of ITKF was actually asked as a question on the floor of the World Congress in 2010 in Curitiba, Brazil, by the ITKF National Federation member, AAKF. The question was asked and answered on the floor of this same assembly. Additionally, this same member met privately with a number of Board members and revealed this fact to them. All these individuals remain on the ITKF Board today. To state that it was not known, hidden or not discussed is also a completely false statement.



The situation of suspended status never being discussed with the Board of Directors:

- The previous answer also answers this false claim. Furthermore, as a former Vice President of the ITKF, Mr. Kwiecinski was a member of the Executive Committee. His claim of this situation not being discussed is simply not true. As an example, Mr. Michael Crowe, Mr. Kwiecinski and the current ITKF Chairman discussed this issue thoroughly at a meeting in Los Angeles as we tried to determine the best course of action for ITKF to resolve the matter quickly. If it was so scandalous to him – why did he not bring it up at the last World Congress held just months ago? He certainly knew about it.

Indeed, the question of the tax issue was discussed at a number of ITKF Board Meetings and the majority of the ITKF Board of Directors will attest to this fact. If Mr. Kwiecinski was as unaware as he claims, then he was not doing his job as 1st Vice President of ITKF, or participating in Board meetings diligently.

The Tax Exempt status application is a “private” initiative of Mr. Jorgensen and is a scandal.

- Setting aside the absurdity of this statement, the application for Tax Exempt Status was actually made by Sensei Nishiyama and his Board of Directors in 1990. This is evidenced by the attached information from the Attorney General’s office. However, in 2009 the current Chairman learned that there was more to the tax exempt process, involving more government agencies and began to try to complete it across all government agencies. This effort was thwarted by a negative tax issue created by the AAKF in 2009. Before ITKF could continue with the tax exemption process, it had to resolve this tax burden created by the AAKF. This was completed in 2012. Additionally, tax returns from 1995-2002 created further issues and the ITKF was asked by FTB to provide information from records dating back almost 20 years. This was almost an impossible task. However, the ITKF is continuing to work with the FTB to provide the necessary information to achieve the Tax Exemption status across all government departments, including the FTB. If successful, it will be a positive benefit for all of ITKF members. This is all documented through official correspondence and communication between the ITKF and its Accounting Firm from the 1990’s, the FTB, the IRS, and the Attorney General. How is this scandalous?

The “so called” Legal Opinion of Romulo Machado, Chairman ITKF Legal Services.

- I will leave Mr. Machado to speak to his own legal opinion. However, I do make note of the high standards of fairness that Mr. Kwiecinski sets for others – but not for himself. Mr. Machado’s legal opinion was based on the ITKF Constitution. Mr. Kwiecinski’s are based on his own opinion and his actions are completely contrary to the ITKF Constitution. Mr. Machado simply needed to compare the Constitution containing the sanction policy of ITKF against the actions of Poland itself and those of Mr. Kwiecinski in the World Cup sanction process to achieve “both sides being heard”. On the other hand, Mr. Kwiecinski has never brought any of his accusations forward to the ITKF



Board, at any time - or in any official manner. Rather, he has simply circulated them world-wide and interpreted them for others as fact using his own opinion. He has never provided the courtesy to the ITKF Chairman, the ITKF Office, or the ITKF Board of Directors, the opportunity to “have both sides heard”. His accusations are simply rumour. Thus, he lives by a double standard – a standard which currently threatens to destroy the ITKF.

HERE ARE SOME REAL FACTS

1. Poland breached the Sanction Policy on several different occasions and was suspended by ITKF Board of Directors through a solid majority vote.
2. The ITKF has a fully functional and operating Constitution as confirmed in the attached 2003 letter from Sensei Nishiyama.
3. Poland also breached several policies of ITKF in the World Championships it hosted in 2012. This resulted in a protest against Poland by a number of countries.
4. The suspended status of ITKF with the State of California does not affect the organization’s constitutional validity (see the attached information from the Attorney General’s office).
5. Poland’s own lawyer letter concedes that any “consequences associated with suspended status in California can have an exemption” when the organization has applied for Tax Exempt status. (Please refer to the letter from Poland circulated previously).
6. The so called “Extra-ordinary meeting” called by Mr. Kwiecinski, in Poland on August 17, is a real attempt by him and the Polish Federation to steal the ITKF organization from its real members. This action is invalid, null and void and is treasonous to the ITKF.

HERE IS SOME REAL TRUTH

1. Mr. Kwiecinski has called a meeting using the name of ITKF and using unsubstantiated accusations, As seen in this brief overview, these do not have validity and have been shown to be false and unfounded on a number of different levels.
2. Mr. Kwiecinski wishes the location of his “new” ITKF organization to be in Switzerland. Why? Because the PZKT has a law firm that can operate in Switzerland. Therefore, it is the plan of PZKT to force the ITKF to defend its name in Switzerland where the PZKT will be able to access legal services for free – but force ITKF to pay for legal services. This is not unlike the tactics used by the WKF in the 1980’s with the WKF changing its name and claiming unification. The unscrupulous action of Mr. Nelson Carrion to aid this effort will be exposed to the World by the ITKF in the very near future.
3. Any National Federation member, or ITKF Official, who lends credence to any of these claims and aids in the effort to steal the name of the legitimate ITKF, is not supporting ITKF. Indeed the other National Federation members should consider whether a two year suspension is sufficient rebuke given the enormity of the misinformation that has been circulated and the damage that has been done world-wide to the ITKF by these people.

4. The ITKF is a completely valid and operating organization. To even debate any other notion is utter nonsense. More importantly, to suggest otherwise is to lay waste to the reputation of Sensei Nishiyama and his life work.

Perhaps some mistakes were made by Sensei Nishiyama in following the formal filing and submission of documents, but that does not give anyone the right to distort the magnitude of these errors. Nor, does it give anyone the right to blame others for Sensei's errors. We all accepted Sensei's shortcomings with ultimate respect. However, as the beneficiaries of Sensei Nishiyama's hard work and dedication to us, we should be working harder toward overcoming these situations and building the organization that contains his vision of preserving Traditional Karate for future generations – not destroying it. There cannot be a “new” ITKF organization created by Mr. Kwiecinski as the old one remains intact. The existing organization can be democratically modified – but it cannot be stolen. Any “new” organization will not contain Sensei's vision or work. It will be a vision of an individual who has been shown to have no concern for truth or fact. Charisma and charm should not be mistaken for good intention. Nor should personal opinion be substituted as fact or truth. Such behavior will never set anyone free.

What will set people free is to continue forward with the ITKF of Sensei Nishiyama's vision. **Consequently, I am recommending to the Board of Directors that a properly constituted and legitimate Extra-ordinary General meeting be called as soon as possible.** The first purpose of the meeting will be to determine the support of the National Federation members to move forward with the vision of Sensei Nishiyama through the only legitimate ITKF organization. The second purpose of the meeting will be to determine the sanctions and action that should be taken in light of the enormity of the misinformation that has been circulated and the damage that has been caused to the ITKF world-wide.

The ITKF Constitution calls for a minimum of 30 days of notice to be given to the ITKF members. Therefore, it is my expectation that the meeting will be set for late September. This will give the ITKF Board of Directors enough time to consider my recommendation and provide their direction. In accordance with the ITKF Constitution an agenda will be circulated with the call of the meeting, setting the specific date, time and location therein.

It is time for this nonsense to stop and the members of the legitimate ITKF organization to decide their future.

Sincerely,



Richard Jorgensen, Chairman
International Traditional Karate Federation