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February 14, 2022

Colorado Amateur Hockey Association  
c/o Randy Kanai, President  
*via email @cahapres1@gmail.com*

Re: CAHA Affiliate Agreement Issues and Ongoing Disputes

Dear Randy and CAHA Board:

As has been discussed with Randy and CAHA's counsel, USA Hockey is very concerned with the ongoing governance and operational issues with the Colorado Amateur Hockey Association ("CAHA"). In our discussions you have acknowledged that CAHA has not conducted elections for its officers and/or board members, and has not filed its tax returns, since 2019. These failures constitute a breach of Sections III.B and III.I, respectively, of CAHA's Affiliate Agreement with USA Hockey. USA Hockey is also concerned about the financial affairs of CAHA and CAHA's compliance with USA Hockey's requirements regarding conflicts of interest and whistleblower protections. USA Hockey is commencing an investigation into these issues.

We are also aware of ongoing disputes between CAHA and one of its member programs, Aces Hockey Academy ("Aces"). These disputes include various requests for documents made by counsel for the Aces (dated December 9, 2022) and CAHA's response to them. We have not independently reviewed the Colorado statutory authority cited by Aces' counsel but are not aware of any basis under which the requests are in bad faith. At this time USA Hockey takes no position on the substance of those disputes.

We are also in receipt of a letter from CAHA's attorney, Peter J. Schaffer, dated January 23, 2023 and entitled NOTICE OF SPOILIATION AND INVESTIGATION, in which Mr. Schaffer is acting under the authority of the CAHA Executive Committee, and which is directed to various parties inside and outside of CAHA. The letter states:

"The executive committee has instructed me to commence an investigation into possible CAHA and USAH violations pertaining to alleged libelous and slanderous statement. This matter is only an investigation and includes..."



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There is no reference to any specific libelous or slanderous statements or indication of who (entity or person) is alleged to have made the statements. The letter then goes on to (1) request document production from the recipients, akin to a document production in litigation, for documents related to the financial matters of CAHA and CAHA's dealings with third parties, and (2) advises that the recipients have a duty to preserve evidence related to the matter. With respect to the request for production of documents, there is no authority cited under which CAHA can make such a demand to any specific individual or organization.

We have also received copies of emails from Mr. Schaffer to the Aces' counsel (Reid Page) dated February 8 and 9, in which Mr. Schaffer advises that it intends to "perform data and forensic accounting on digital devices (sic)" on iPads, cellular devices and computers of the Aces and its representatives. The February 9 email indicates that CAHA intends to commence disciplinary procedures for failure to comply with the requests in Mr. Schaffer's January 23<sup>rd</sup> letter.

We also received an e-mail from Mr. Schaffer dated February 12, 2023 in which Mr. Schaffer reiterates CAHA's demand for the production of various personal electronic devices and states that "CAHA is seeking information in the form of emails, correspondence and texts" from the Aces "in regard to the accusations that have been presented to the EC." Again, there is no specificity as to the allegations (specific statements/persons who published alleged statements and dates the alleged statements were published to third parties). Mr. Schaffer states that "This is standard for such an investigation." It is not standard, however, for an organization to conduct an investigation into allegations of libel/slander that are not within the governance or oversight of a USA Hockey Affiliate. Nor is it standard to conduct "forensic and digital accounting" of electronic devices outside of litigation.

The Aces have alleged that CAHA's January 23<sup>rd</sup> request for documents and actions described in Mr. Schaffer's subsequent emails are in retaliation for the Aces' requests in Mr. Page's December 9, 2022 letter and therefore violate CAHA's and USA Hockey's Whistleblower Policies. Mr. Schaffer has denied that any Whistleblower complaints have been submitted, but clearly Mr. Page's February 9 letter requests USA Hockey and CAHA to enforce their Whistleblower Policies.

We understand the January 23<sup>rd</sup> letter and February 12<sup>th</sup> e-mail to allege that unspecified statements by unspecified parties may constitute libel or slander against CAHA or its unspecified representatives. Without any supported basis for those allegations, or any authority cited to support CAHA's request for documents, we do not see any legitimate basis for CAHA to commence disciplinary procedures against a party that does not comply with CAHA's demands.





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In light of CAHA's noncompliance with its Affiliate Agreement with USA Hockey, and its threats of disciplinary procedures against the Aces that are alleged by the Aces to be in violation of USA Hockey's Whistleblower Policy, USA Hockey requires that CAHA immediately cease any disciplinary or other action against the Aces related to Mr. Schaffer's January 23<sup>rd</sup> letter. CAHA's failure to comply with this directive will require that USA Hockey evaluate action against CAHA and its representatives to enforce the USA Hockey Whistleblower Policy and to pursue remedies under USA Hockey Bylaw 10.F. for CAHA's breach of its Affiliate Agreement with USA Hockey.

We expect that this letter will be shared with the entire CAHA Board of Directors.

Sincerely,

*Casey L Jorgensen*

Casey L. Jorgensen

Enclosure

cc: Michael Trimboli, President, USA Hockey  
Pat Kelleher, Executive Director, USA Hockey  
Steve Stapleton, Esq.  
Peter Schaffer, CAHA counsel



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