

Board decision by the Austrian Bridge Federation (ÖBV):

Expulsion from the ÖBV

The board of the Austrian Bridge Federation (ÖBV) arrived at the unanimous decision to expel its member Jovanka Smederevac from the ÖBV with immediate effect. Mrs. Smederevac had been given two weeks' time to answer a letter with 15 points in writing prior to this decision. There has been no reaction from her within this period.

Explanation

1.)

It is the duty of the board of the ÖBV to guarantee the diversity of bridge clubs in Austria. The club bc.at in Vienna is part of this diversity. Therefore, the board of the ÖBV has done everything possible to save and reorganize the club on a solid economic basis, when it was confronted with the danger of immediate economic ruin in the end of 2011 because of debts that had piled up under the presidency of Mrs. Smederevac.

This process was successful, even a sum of EUR 3.000 for legal costs provided by the ÖBV has been paid back, although the actual costs were more than twice this amount.

2.)

This plan never would have worked without the altruistic commitment of many persons (the succeeding presidents and board members of bc.at as well as many other supporting volunteers, who did not take a cent for their work).

3.)

Mrs. Smederevac was welcome to continue her work at the club including teaching courses, giving lectures and playing with clients and allowed to use the entire infrastructure of the club. Although promising otherwise towards board members of the ÖBV and the bc.at, she did nothing to support the club however. Instead in several steps Mrs. Smederevac tried everything to ruin the bc.at again.

4.)

During her presidency of the bc.at in 2011 Mrs. Smederevac did neither forward the annual membership fees nor the masterpoint fees of the club members to the ÖBV, whereupon a criminal procedure (abstraction of club funds and serious fraud) by the Department of Prosecution Vienna (Staatsanwaltschaft Wien) was initiated (GZ 61 St 33/14p).

5.)

Mrs. Smederevac did not fulfil her part of the agreement of the 13th of April, 2012 (she should have supported the bc.at financially from the lectures and workshops she was allowed to hold at the clubs premises) between her, Mr. Sascha Wernle and the ÖBV as fixed in a protocol and confirmed in an e-mail from board member Mr. Helmuth Ölsinger.

6.)

Although having agreed at the general assembly of bc.at on the 29th of April 2012 (with several board members of the ÖBV being present), that the furniture (which is essential for the running of a club) was at the club's disposal, Mrs. Smederevac sued for surrender of this at the 14th of October, 2013 (27 Cg 140/13a)

7.)

At the general assemblies of bc.at on the 25th of March 2012 and 29th of April 2012 (again with several board members of the ÖBV being present) Mrs. Smederevac claimed once to be the owner (together with Mr. Wernle), once that they were the property of Mrs. Höbarth-Flesh and later, that they were owned by a KEG, whose general partner Mrs. Smederevac was.

As the general partner of the KEG Mrs. Smederevac started the sue for the furniture without the (legally necessary) approval of the limited partners.

8.)

In spite of better knowledge Mrs. Smederevac declared the value of this furniture with EUR 35.000 to raise the lawyers cost for bc.at, which was at that time nearly bankrupt because of Mrs. Smederevac's mismanagement.

9.)

In July 2013, when Doris Fischer and Bernd Saurer tried to stop her from suing the club and explaining, that the arrangement from 13th of April 2012 was very favourable to her, Mrs. Smederevac declared this for irrelevant and said: "I want to destroy the club".

10.)

Within a conversation about the bc.at with Mr. Andreas Babsch and Mr. Helmuth Ölsinger (both board members of the ÖBV) at the Babenberger Bridgetage in December 2013 Mrs. Smederevac uttered the following threat: "Blood will be shed and it won't be mine".

11.)

Although it seemed illogical (hindering a quick decision from the court) Mrs. Smederevac has submitted several appeals against the grant of legal aid for the bc.at.

Meanwhile a consultant of Mrs. Smederevac indicated during another attempt at reconciliation in 2014, that even in the case of Mrs. Smederevac losing at court there would be no reimbursement of costs possible as her monthly income is around EUR 700 per month, and the legal risks thus were on the bc.at alone.

12.)

In Mrs. Smederevac's appeal against the grant of legal aid for the bc.at there was a point about: "...the club having omitted to build up reserves and thus being blamable for its economic situation..." although the debts (more than EUR 50.000) had been taken over from Mrs. Smederevac's presidency and the club (successfully) did its best to reduce them thereafter.

13.)

In an appeal from 9th of January, 2015 (GZ 17 C 887/13y) Mrs. Smederevac wrongly accused the accounting department of the club of booking donations towards Mr. Bernscherer as debts. This disturbed the organizers of charity events in favour of Mr. Bernscherer very much.

14.)

Mrs. Smederevac then sued Mrs. Christa Pölzlbauer, her successor as president of bc.at and member of the ÖBV, for „suspicion of deception while trying to get legal aid for the case ZRS Vienna, 13th of February 2014".

This in the face of the fact, that Mrs. Pölzlbauer (along with her board members of bc.at as well as many other supporting volunteers) had done their best to reduce the debts left by Mrs. Smederevac.

In this "summons of the accused" from 12th of January 2015, Mrs. Smederevac accused Mrs. Pölzlbauer of obtaining legal aid with deceptive and incorrect information about the financial situation of the club.

Both the appeals and the suing of Mrs. Pözlbauer have been rejected legally binding by the OLG Vienna (higher regional court).

15.)

Apart from these many attempts to damage the bc.at and disparage its board members, Mrs. Smederevac ignored the decision of the ÖBV from April 2014 to deny her entry at all events organized by the ÖBV; the Vienna Bridge Federation (WBV) and the Bridge Federation of Lower Austria (NÖBV) followed this decision.

Mrs. Smederevac thereafter accused the WBV and the NÖBV via lawyer of acting contrarious to their statutes.

16.)

Although having been informed about the denial of entry to any event organized by the ÖBV, Mrs. Smederevac took place at a table at the Austrian Team-Championship on the 2nd of May 2014 and left the room only after several requests.

17.)

Although the ÖBV's conditions of contest make it clear in 2.4.2. that the organizer "*reserves the right to deny any entry without giving reasons*", Mrs. Smederevac has nonetheless instructed her lawyer to write registered letters to the WBV (Einschreiben 14/079 / P/tl „I Klage“) and the NÖBV (Einschreiben 14/225 / P/tl).

18.)

Following a request for arbitration in the mentioned registered letter the WBV named its assessors and a date for a meeting was fixed on the 23th of March 2015 and sent to Mrs. Smederevac's lawyer. She was also requested to comment the charge as published in "Bridge Aktuell" from May, 2014. While the president of the WBV as well as his assessors were there, neither Mrs. Smederevac as plaintiff, nor her lawyer or her assessors turned up. There was no further reaction of any of these persons.

Conclusion and legal requirements

From the conduct of Mrs. Smederevac over a period of three years it is beyond dispute for the board members of the ÖBV, that the main goal of all lawsuits and the multiple appeals against the bc.at was the financial (and existential) ruin of the club.

In spite of several mediation and reconciliation efforts from the boards of the ÖBV and bc.at and contrary to repeated promises from Mrs. Smederevac, this conduct went on without restriction.

The ÖBV did wait a long time to make the decision to expel Ms Smederevac. But even a decision one year ago (not to accept Mrs. Smederevac's entries at events organized by the ÖBV) did only intensify her efforts to destroy the club and members engaged therein.

This behaviour is massively opposed to the interests of the ÖBV and thus rated as damaging behaviour.

The ÖBV is aware of the international successes of Mrs. Smederevac, but this is no excuse for her ignoring the rules and duties of an association member.

The board members of the ÖBV believe it is vitally important to represent the interests of its members (in this case the bc.at) and protect them from being intentionally damaged.

Article 2.1 of the ÖBV's statutes:

"The ÖBV is the parent organization of the Austrian bridge clubs. Its activities ... serve ... mainly the promotion of the Bridgesport in Austria"

Mrs. Smederevac did violate the "rights and duties of association members"

Article 6.6 of the ÖBV's statutes:

"Every association member is obliged to follow these statutes, to promote the association goals, to safeguard the ÖBV's reputation, to fulfil its financial obligations and follow the resolutions of the association's organs."

The manifest infringement of the statutes of the ÖBV by the deliberate damaging of an association member is so serious that more lenient measures could not be taken into consideration and the expulsion from the ÖBV was the only possible solution.

The ÖBV board members' right to do so is clearly fixed in the statutes:

Article 11.7 of the ÖBV's statutes:

"The board may use disciplinary measures as far as the infringement is not within the competence of the Honour and Disciplinary Board (EDR), especially concerning financial irregularities, thereby applying the system of penalties used by the EDR."

Article 13.3 c) of the ÖBV's statutes:

"Expulsion: the ÖBV membership ends. A renewal of the membership is soonest possible after five years. Participation in any event organized by the ÖBV or any of its members is forbidden."

For the board of the ÖBV