

**The American Legion Riders
Department of California**



For God and Country -

Agenda Minutes

January 11, 2014

1. **Called to Order** – President Albert Villa
2. **Invocation** – Chaplain Mary Estrada (absent) – Jr. Past President Luis Diaz gave the invocation.
3. **Roll Call** by Secretary Rita Christolear – President Albert Villa, Vice President James Adames, Secretary Rita Christolear, Treasurer Don Christolear, Sergeant-at-Arms Larry Miller, Chaplain Mary Estrada (absent), Judge Advocate John Bart, Service Officer Mike Schuster (absent), Quartermaster Patrick Tafoya, Junior Past President Luis Diaz, Historian Jack Jacobsen, Area 1 VP Edgar Brown, Area 2 VP Bill Roller (absent), Area 3 VP Stephanie Early (absent), Area 5 VP Kenneth Derr, Area 6 VP Christopher Coleman, Convention & Rally Terry Baughman, Commissioner Jim Banakus, Marc Mathes.
4. **Additions to the Agenda** – None
5. **Approval of Minutes** – November 16, 2013 – Marc Mathes motioned to accept the minutes as posted. James Adames second the motion. Motion Carried.
6. **Financial Report** – Don Christolear – Cash at the beginning of November 16, 2013 was \$52,580.23. Cash at the end of January 10, 2014 was \$54,092.80.

Judge Advocate John Bart to President Albert Villa – “Could we please make a statement as a point of order that because we are on a conference call please mute your telephone device because the background noise will cause us to have to recess this meeting and re-adjourn at a later date. Also the Area 3 Alternate is not online, the Area 3 VP Alternate is the only one that can vote in the absence of the Area VP.”

James Adames motioned to accept the financial report subject to audit. Second by Chris Coleman. Motion carried. This does reflect the \$250.00 donation to the MIA POW Memorial that was requested in our last DEC meeting.

Break in the Agenda - At this time President Villa made a change in the Agenda and asked everyone if they had read the charges against Chapter 208, Dixon CA. The DEC Officers confirmed that they have received and read the charges against Chapter 208, Dixon CA.

President Villa – “I want to make sure everyone is clear on this discussion before we move on.”

Jr. Past President Luis Diaz – “I have not read the charges.” Time was given to the Jr. Past President to review the charges.

President Villa – “I don’t like having to do this but it’s something that has to be addressed and can’t go on. With an accumulation of matters that have happened throughout the year here and going into a second year I wanted to bring it to everyone’s attention. It’s a serious matter and I know it is. It’s not only affecting a couple of people but an entire chapter.

We want to keep the American Legion as it is running today with the pride and honor that our riders show and that we represent the American Legion, not just the riders but we represent the American Legion. I’ve said this in the past in some of my talks that we have to represent ourselves accordingly using the By-laws. If there is a time that this isn’t followed then this has to be taken care of. These By-laws were written to uphold the American Legion Riders and if we have people that don’t want to abide by that then I’m O.K. with that, just don’t be an American Legion Rider. We’ve said this in the past we didn’t ask you to join and I’m speaking of an overall of people. If you don’t care how the By-laws run or if you think it’s not run accordingly or properly then yes you need to speak up. We have the proper channels to do that. You can voice your opinion on matters, but if it’s not for you then don’t join.”

Judge Advocate John Bart – “Point of Order, this is not a hearing as you know.” “In accordance to 505 Section 1 of the American Legion Riders Department of California Trial Manual the Question before this body is, Do the charges that have been presented to you establish good and sufficient cause for a charter to be revoked”?

“The authority given to you as a body in the trail manual is that you have the authority to cancel a charter. Not to revoke it but to cancel it.

If you find that good and sufficient cause based on the charges before you exist to cancel that charter then you would vote “Yes” on that issue. If you find that there is not good and sufficient cause to cancel a charter of a chapter of the American Legion Riders then you would vote “No”. That is the question before you today not any other consideration. Again this is not a hearing. This is given to this body to determine whether or not there is good and sufficient cause to cancel this charter. Once the body has taken that action, then that triggers other processes that we can discuss after this item has been resolved. That is what is before you and that is the only thing that is before you at this time.”

President Villa – “If you’ve read everything here and you understand what Mr. Bart has explained to us I’m going to ask for a vote of those that are in favor of canceling Chapter 208.”

Judge Advocate John Bart – “You will need a motion and a second.”

James Adames – “I make a motion to proceed with the cancellation of the Charter of Chapter 208, Dixon CA. as outlined in the Trail Manual and the Constitution and By-laws.”

Area 1 VP Edgar Brown – “I second the motion.”

Discussion – none

Motion carried.

Jr. Past President Luis Diaz called for a Roll Call vote.

Vice President James Adames – “Just to be clear, is this a unanimous vote or a majority vote”?

Judge Advocate – “This is a majority vote.”

Secretary Rita Christolear voiced a Roll Call vote for the DEC Officers that were eligible to vote. The results of the Roll Call vote were unanimous with one abstention to cancel the Charter of Chapter 208 Dixon, CA.

Judge Advocate John Bart – “The motion carried and the next process by direction the Secretary will prepare notice to Chapter 208 that their Charter has been canceled and effective on this date January 11, 2014. And, can no longer display or represent themselves as a Chapter of the American Legion Riders.”

“The process now is that if Chapter 208 surrenders their Charter, which will be contained in their letter, they will be given a date of 7 days to surrender their Charter. If they surrender the Charter to the Secretary then the proceedings are completed. If they refuse to surrender the Charter their Charter will remain canceled. However, that will trigger the next step which is a hearing and trial conducted by a subcommittee.

The next item before this body is the Resolution in accordance with Title 2 of the Trail Manual which reads as follows”;

Figure 1. The effect of the concentration of the solution on the adsorption of the dye. The concentration of the solution was 0.01, 0.02, 0.04, 0.06, 0.08, 0.1, 0.2, 0.4, 0.6, 0.8, 1.0, 2.0, 4.0, 6.0, 8.0, 10.0, 20.0, 40.0, 60.0, 80.0, 100.0 mg/L. The adsorption capacity was 0.01, 0.02, 0.04, 0.06, 0.08, 0.1, 0.2, 0.4, 0.6, 0.8, 1.0, 2.0, 4.0, 6.0, 8.0, 10.0, 20.0, 40.0, 60.0, 80.0, 100.0 mg/g. The adsorption capacity was 0.01, 0.02, 0.04, 0.06, 0.08, 0.1, 0.2, 0.4, 0.6, 0.8, 1.0, 2.0, 4.0, 6.0, 8.0, 10.0, 20.0, 40.0, 60.0, 80.0, 100.0 mg/g.

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DEPARTMENT OF COMMERCE
BUREAU OF ECONOMIC ANALYSIS

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

RESOLUTION

5

Judge Advocate John Bart – “That is the completion of the Resolution. I would point out that there is one typographical error in the 3rd WHEAREAS the date should read January 11, 2014. The subcommittee will have control over the dates and time of the hearing.”

Jr. Past President Luis Diaz – “I so move the Resolution that was just read by the Judge Advocate.”

Vice President James Adames – “I second.”

Discussion – none

All in favor - Motion carried.

Judge Advocate John Bart – “The first step in this process we completed today is that a notice will be sent out. If the Chapter chooses to not surrender its Charter then the complaint will be drawn up. The complaint will then be forwarded to the Chapter that they will have 7 days to surrender its charter. If they fail to surrender their charter the complaint will be drawn up and served on the chapter. When the complaint is served on the chapter in accordance with the Trail Manual the chapter has not less than 20 days or more than 60 days to respond. Once they have received the complaint they can only send a response after 20 days, they have up to 60 days to respond. At the end of that 60 day period then the trail can be set. The trail date can be worked out between the accused chapter and the subcommittee.

The authority of the Executive Committee is to cancel a charter and that is what you have done today. The charter of Chapter 208 is canceled.

The President’s charges are for revocation. If the chapter surrenders its charter prior to the date then that ceases all other actions against the chapter. Meaning that their charter has been canceled and at some future date they could reapply to become a chapter of the American Legion Riders of the Department of California. If it goes to trial before the subcommittee, the subcommittee after hearing evidence will determine whether or not the chapter should be suspended, revoked or canceled. A suspension means that the Department takes oversight of the chapter and typically has a trustee that oversees the chapter. The Department can then do several things, it could shut the chapter down and it could have the chapter operate under direct supervision of a trustee. There are a number of things that it could do, it requires a lot of work to oversee a chapter or post that has been suspended. The suspension can only last for one year. During that year there would be a list of things that would be presented and agreed upon by the Executive Committee that would remedy the problems and if the chapter met those requirements then they would come off of suspension. A revocation is just that, the chapter is revoked not to be reissued under that particular chapter. Under cancelation the members are free to seek membership in another chapter. On Suspension they are not free to seek membership in another chapter because the chapter that they are in is suspended. They could apply but there would be questions about the appropriateness of receiving them.”

Patrick Tafoya - “The letter to Ray Simmons says the revocation of chapter 208.

Judge Advocate John Bart – That is what the President has requested, but the Executive Committee does not have the authority to revoke the charter.”

Luis Diaz – “I am curious to know if any of the Area VP’s have visited this chapter and observed their precarious ways.”

Judge Advocate John Bart – “I of course can’t speak for the Area VP’s but these things have occurred over a period of time at a point where they came to our attention but not to a point where they placed the charter in danger. The most two recent events that the department President would agree on occurred in October and November.”

Edgar Brown Area 1 VP – “I have not been to a meeting of the Chapter. I did not know about the charges until this morning.”

Judge Advocate John Bart – “For everyone’s information, none of this was shared with any of the Department Executive Committee while these charges were being drafted and the investigation was being conducted. The Area VP and the Vice President were not aware that this chapter was in jeopardy until the presentation of these charges today. The 2 events that happened in October and November were the ones that raised it to this level.”

Area 1 VP Edgar Brown – “These are serious charges and I think that they should have a hearing and show their side.”

Vice President James Adames – “As Doc Bart stated we were not, unless you had firsthand knowledge of this, told about it which I am O.K. with. Our responsibility is to read what is presented to us, vote on the resolution and go from there. I do agree with you that the chapter has the right to have the subcommittee hear their side of the story if they so choose.”

Jr. Past President Luis Diaz – “And just for my own sake of clarity, a lot of issues with Chapter 208 seem to revolve around an individual and not probably a cluster of minds or will. Why not take action against the individual verses the chapter? What we have done is correct this is just for my own edification.”

Judge Advocate John Bart – “In reviewing all of the charges and all of the events that occurred over a period of time and a body of emails and behaviors it was the strong belief that the persona that permeated the chapter and by virtue of the fact that the chapter continues to re-elect the same leadership demonstrates the chapter’s mindset. Members of the chapter are free to voice their concerns but to my knowledge no concern about the leadership has been voiced to the Area Vice President or to the Department of California. Therefore one is left to believe that the membership is O.K. with that. If the chapter votes to surrender their charter then they have given themselves the opportunity to reapply for a charter at a later date under different leadership.

President Albert Villa – “Do we have any more questions for Mr. Bart? If there are no other questions on this matter then we can move forward to our Committee Reports.”

7. Committee Reports

- a. Quartermaster – Patrick Tofoya – The Quartermaster processed 126 orders. There were 551 patch sets. Out of those orders there were 340 Veterans, 108 Auxiliary and 97 Squadron patches. There were also 86 top rockers produced. So far this year the Quartermaster has sent the DOC approximately \$12,000.00.

- b. Convention and Rally – Terry Baughman – The Convention will be held April 11-13. The Rally will be September 12-14 at Chapter 31 in Salinas; information will be posted on the website. The Convention must be moved to another location. Chapter 69 and 31 would like to combine to have the Convention for 2014. Historian Jake Jacobsen said that Escondido Chapter 149 would like to be in consideration. President Villa asked Chairman Baughman to meet with his committee and get back to the Secretary about a location.
- c. Judge Advocate Report – JAG John Bart – Nothing at this time.
- d. Service Officer – Mike Shuster – Absent
- e. Safety Committee – Marc Mathes – The Group Riding Safety kits were purchased, 4 for Department and 1 for Chapter 3. If we want to present them at Convention it is more than possible, it takes about 45 minutes to present the Video. The courses that they use on the military bases (MSF) are still continuing and are very limited on seating, I highly recommend it.
- f. Jr. Past President – Luis Diaz – Area VP's if you have a death please post your information using the website and Post Everlasting to keep me informed when someone passes away so that I may post it on the website. When you have events please log them in on the Event page and I will post them on the calendar. Jr. Past President Luis Diaz will post information about the change for the location of the Convention on the website.
- g. Historian – Jake Jacobsen – Nothing to report.

8. Area Reports

- a. Area 1 VP – Edgar Brown – Christmas Parade and Poker Runs have all been done.
- b. Area 2 VP – Bill Roller – Absent
- c. Area 3 VP – Stephanie Early (absent) – Assistant Area 3 VP James Bennette – Cal City in Ridgecrest and Lodi are interested in forming Chapters. East Bakersfield is considering reinstating their Charter.
- d. Area 4 – Vacant
- e. Area 5 VP – Kenneth Derr – Area 5 remains a very busy Area. San Diego participated in Wreaths Across America and had a great turnout. Chapter 281 Newport will have an Open House on Feb 22, 2014. There is a lot of concern in my Area about where the conventions are being held. The concern is having to travel to Northern California and them not being able to take a three day weekend.

- f. Area 6 VP – Christopher Coleman – Area 6 has been busy Christmas events, escorts and parades. Chapter 136 Arroyo Grande has \$1000.00 to donate to the Legacy Fund. March 16th Oxnard Post is relocating and we don't have a destination yet, we are looking for a new building. Chapter 66 is interested in holding the convention in 2015.

9. Old Business

- a. Suspension of Chapter 383, District 6, Area 1, Fairfield, CA – Edgar Brown – Chapter 383 will comply with the by-laws. The Suspension does not have to go forward.

10. New Business

Don Christolear – Treasurer Don Christolear requested a donation of \$250.00 be given to Cy Tinnemberg to ship boxes to the Troops, their website is www.troopcarepaks.org. James Benette made the motion to donate \$250.00 to Si Tenenberg. Second by James Adames, no discussion, 1 opposed. Motion Carried.

Don Christolear – Treasurer Don Christolear requested a donation of \$100.00 be given to the Faces of Freedom Veterans Memorial in Atascadero. Their Memorial was vandalized and will cost them \$15000.00 to rebuild. Vice President James Adames made a motion to donate \$100.00 to the Faces of Freedom Veterans Memorial. Second by Jr. Past President Luis Diaz. No discussion, motion carried.

- 11. **Sick / Memorial** – Chaplain Mary Estrada (absent) – The Four Chaplains Memorial Service at St. Mary's Cathedral in San Francisco is February 8, 2014 at 11:00. Email Chaplain Mary Estrada for information about District 28's Four Chaplains Service on February 1, 2014.

- 12. **Good of the Order** – President Albert Villa – Nothing at this time.

- 13. **Benediction** – Chaplain Mary Estrada (absent) – Jr. Past President Luis Diaz gave the benediction.

- 14. **Adjournment** – President Albert Villa – The Secretary will inform the Dec when the next DEC meeting will be.