

Meeting Record

Meeting of the District 10 Judiciary Committee, 10/23/2014, concerning the memo sent by Ms. Amy Downing, ACBL No. O141838, 10/15/2014, Subject: "Unit 144 annual elections not in keeping with the by-laws"

The meeting was held as a telecom, in order to minimize expenses and to meet the request of the Unit 144 Board for a timely resolution. Since Meeting Notices had already been sent to the Unit membership, the target date to resolve the matter was 10/24/2014.

The Committee members were as follows:

Chairman: Mr. Paul Munafo, Q101884

Member, Mr. Tom Clarke, L874958

Member: Mr. Rick Logan, L781097

Mr. Munafo called the meeting to order at approximately 5:30 PM.

Chairman Statement to the Committee: The Chairman stated that the purpose of this meeting was to exercise due process regarding the statements of Ms. Downing, made in an E-mail to District 10 President Mr. Chuck Wilkinson on 10/15/2014 and expanded upon, at the request of Mr. Munafo, on 10/23/2014.

The ACBL Code of Disciplinary Regulations (CDR), Sections 9. and 9.1, reads as follows:

9. Disciplines and Procedures.

9.1 When it is alleged that a Unit has violated ACBL, District, or its own bylaws or regulations, has acted in an illegal or improper manner, or has improperly failed to act upon a disciplinary complaint, a member, or group of members, or Unit or District may bring the matter directly to the District Disciplinary Committee to request a hearing. The District Disciplinary Committee may decide not to conduct a hearing if it finds that: the case does not warrant any action; or the matter was dealt with in a reasonable manner at the Unit level; or the matter lacks significance to warrant a hearing.

Evidence Discussed by the Committee: The Unit provided minutes of the Unit Board Meeting on January 19, 2014 and the meeting notice sent to the Unit membership in early October. Those documents are included in the forwarding memo for this Meeting Record.

Ms. Downing forwarded the following passages excerpted from the Unit 144 By-laws:

A. There shall be an annual membership meeting held in conjunction with a tournament or other Unit 144 function in late November or early December... Each qualified member shall vote for no fewer than 2 candidates. All ballots shall be secret. Ballots may be cast in person between noon and the commencement of the meeting on the day of the annual meeting. Ties shall be broken by the flip of a coin.

After the slate has been published, any Area 1 Unit 144 member in good standing may obtain an absentee ballot from the Secretary or board-appointed designee.

Quoting from her E-mail of 10/23, it was the position of Ms. Downing that:

“...Because voting is allowed, in absentee format, the day the slate is published, with the main voting required to be held on the day of the meeting, the election itself should not be considered the "other" Unit function stipulated in the by-laws.

Article V. C. (copied at the bottom of this message) indicates the "Ballots may be cast in person between noon and the commencement of the meeting on the day of the annual meeting." This ties the election and the meeting together and neither would be the "other" event mentioned in Section A....”

In addition to the preceding documents and statements, which constituted the primary data under discussion, there were several E-mail messages containing opinion statements from other Unit 144 members regarding whether the combination of an election and a membership meeting met the requirements of their by-laws.

Discussion/Conclusions: There had been some confusion in the minds of the Committee members in the days prior to the meeting, regarding what the requirements of the Unit 144 by-laws actually were. The Committee concluded that the argument presented by Ms. Downing was correct, i.e. that the election and the meeting were “tied together”, and that the “other event” mentioned in the by-laws was intended to imply something like a holiday party or other event that would promote attendance.

The Committee also concluded that the Unit Board had reasonable cause to conduct its business as it had chosen.

Recommendations:

It is recommended that Unit 144 be allowed to continue with its plans to conduct its Unit membership meeting, election and holiday bridge event as advertised.

It is recommended that Unit 144 be advised to act within its own by-laws in conducting these events in the future, and to amend those by-laws if necessary.

It is recommended that a meeting of the District 10 Disciplinary Committee not be held to address this matter.