

Hotlanta Softball League Emergency Executive Board Meeting –
Special Grievance Meeting
5/29/18

Board Members Present -
Bleu Holden Jeff Langer Jay Malloy Terry McGee Apryl Presny
Annette Baron via Phone

Meeting Start Time 7:44 called to order by Bleu Holden

Members Present - Kurt Peters

A Grievance has been submitted by Ron Leathers, naming Kurt Peters and Tim Clancy. The Grievance was read aloud. A response by Kurt Peters was read aloud before the board was given the opportunity to ask Kurt questions. A response from Tim Clancy was then read aloud. The responses provided answers to questions that were submitted by Ron Leathers.

Kurt then exited the room while deliberation and a vote was taken.

8:21 p.m. The Board Voted 6-0 in favor of the Grievance Not Being Valid.

A Second item was address at the meeting -

4 HSL members were ejected during the Big Peach Tournament

Charles Smith Enuuff Said - Unsportsmanlike Conduct
Melvin Boone Nighthawks - Unsportsmanlike Conduct
Danny Zayas Nighthawks - Unsportsmanlike Conduct
Brad Bernstein Reign D - Unsportsmanlike Conduct

The Board Discussed the incidents and consulted the HSL Rules and Regulations. 8:35 Vote

Jeff Langer Moves that Assistant Commissioner Bleu Holden's Recommendation that the Four Players be placed on Probation through the end of the 2018 GSWS be taken.

Approved 6-0

An email will be sent to players, coaches and AI Monkus

Meeting adjourned 8:38 p.m.

On Saturday April 14 at 11:18 am, 42 minutes before nomination deadline, KP accepted the nomination for HSL Commissioner, Treasurer, Parliamentarian/Historian, and Competition Coordinator.

Accepting a nomination is not against the rules, nor is it a manipulation of the election process.

He was nominated 2 minutes later at 11:20 am along with 9 other nominees all from the same person. The HSL Secretary has emails which validate these timeframes.

Being nominated by another member is also not against the rules, nor is it a manipulation of the election process.

The 13 nominations were made 40 minutes before nomination deadline, which makes the 24 hour turnaround time of notifying the members of their nomination, determining if to accept the nomination and then posting nomination to HSL website within 14 days of elections very challenging for the HSL Secretary.

I'm unsure the relevance of this statement as it relates to the charge against me, however, my recommendation would be to hasten the nomination deadline by the 40 minutes described above so as to curtail any such burden from occurring in future.

The nomination for HSL Officers were posted on Monday April 16 1:37pm. HSL missed the deadline. No complaints were received about the missing the deadline.

The only deadline that had occurred up to this point (1:37 pm, Monday, April 16, 2018)—to my knowledge—is the call for nominations; regardless, I personally did not say or imply that this particular deadline had been missed. If this deadline were indeed missed, only the persons wishing to be nominated or those in receipt of such nominations would be aware of those circumstances.

1.) I believe KP was aware of the other 9 nominations and 2.) the difficulty the HSL Secretary would have with a 24 hour turnaround timeframe. 3.) I also believe on Monday April 16 he was aware of the missed deadline and should have brought it to the HSL board's attention, which he failed to do so.

1.) I was absolutely aware of the other nominations—and even recommended a few people myself—though I gave little consideration to their number.

2.) I was—and still am—unaware of any (self-imposed?) 24-hour time requirement regarding what I'll assume is notification to the prospective candidates.

3.) Please see my response to the previous specification. I'd like to believe I do more than my fair share for HSL, considering I'm just a regular ol' member; that said, if there was a deadline missed on Monday, April 16, consider me at fault—provided, of course, someone is able to point me in

the direction of the bylaw(s) or rule(s) stating Kurt Peters (or Peterson) is responsible for notifying the board of this—or any—missed deadline.

On Sunday April 29, within 30 minutes of the announcement of the HSL election results, some HSL officers received an email with 3 bullet points stating that HSL had not followed HSL R&R and Roberts Rule of Order election rules and “kindly awaited our response”. The 3rd bullet point being HSL missing the deadline for posting of nominees. The HSL Commissioner TC informed the HSL board that KP wanted a “redo” of the election and that he will recuse himself from this matter. The HSL Assistant Commissioner replied to KP’s email on Thursday April 3 informing KP the HSL Election results stands and rebutted his 3 bullet points.

Please accept my apologies for the email. I fully intended to send it to all nine HSL Executive Board members, but did not have their email addresses handy and instead requested the six that did receive it to kindly forward on to those not in the original recipient list.

I received the aforementioned response from Bleu Holden, HSL Assistant Commissioner, at 9:02 am on Friday, May 4, 2018.

At no point in my official communications with the HSL Executive Board did I ask for a “redo” of the election.

And finally, it was not until the election had begun that the mandated period of time between nominees being announced and the election occurring, prescribed in HSL’s Rules and Regulations, had been violated. This fact was noted in Bleu’s email.

I believe KP has full knowledge of HSL R&R and proceeded to manipulate the 2018 HSL election for some unknown gain. The reasons for this assertion are:

1. KP’s nomination to every role
2. KP accepting the nominations before they were made, and knowledge of the 9 other nomination, causing the HSL secretary to do unnecessary work and missing the deadline
3. KP failing to notify the HSL board of the missed deadline
4. KP’s fast response to an election and calling for a redo is indicative of manipulating the electoral process without regard to what the players voted for and for the league overall.

1. The same person can be nominated for more than one office, even if voting for all offices is to take place at the same time on a single ballot. (RONR 11th ed., p. 432, l. 15-17)
2. Nominees need not accept candidacy until they have been elected. Refer to RONR 11th ed., p. 430, Chapter XIV.

3. According to Article V of the HSL Constitution, it is the duty of the elected Parliamentarian/Historian to be familiar with and advise the Commissioner and Executive Council on all matters of procedure in accordance with the HSL Constitution, Robert's Rules of Order, and HSL Open Division Rules and Regulations.
4. Please reference my original email dated April 29, 2018 to ascertain what I "called for."

RONR (11th ed., p. 662, ll. 1-17

A *charge* sets forth an *offense*—that is, a particular kind of act or conduct that entails liability to penalty under the governing rules—of which the accused is alleged to be guilty. A *specification* states *what the accused is alleged to have done* which, if true, constitutes an instance of the offense indicated in the charge. An accused officer or member must be found guilty of a *charge* before a penalty can be imposed. If the bylaws of the society provide for the imposition of penalties for offenses defined in the bylaws or an adopted code of conduct or similar set of rules, a charge may consist of such a defined offense. If such particular offenses are not defined or are not applicable, a member may be charged with "conduct tending to injure the good name of the organization, disturb its well-being, or hamper it in its work," or the like, and an officer may be charged with misconduct of the type just mentioned or with "misconduct in office," "neglect of duty in office," or "conduct that renders him [or "her"] unfit for office."

To: HSL Executive Board

There is nothing in this entire grievance that has any basis or is factually related to any rule that was violated. Nor does the grievance have any merit as to any actions being detrimental to the organization. It is based on emotion and retaliatory in nature against the candidate and me.

As a board, our goal should be to get people involved. I nominated very highly qualified people with skilled backgrounds or prior leadership within HSL within the time permitted who I firmly believe would serve the league well. There is not one person nominated who was an unknown or who people would say are not as qualified compared to the other candidates nominated.

There is no “fault” in our rules regarding nominations. We have a stated timed deadline. There is nothing that prevents a member from being nominated 1 second before the deadline or 2 weeks before the deadline. The grievance point regarding the time the nominations were submitted is irrelevant since they were sent in prior to the deadline as established under our constitution. Also note that we have historically had nominations submitted right before the midnight hour many elections without issue or grievances filed against those individuals. Therefore, the assertion made in the grievance is not valid.

There is no “fault” in our rules that a member can be nominated to every position. Just because something hasn’t been done before doesn’t mean it is a “fault” or not permitted. The ability for a person to be nominated for and run for more than one position was also verified by Jeff Langer shortly after nominations were announced. Many nonprofit organizations and corporations have the same person named in multiple positions. Had the outcome of the election been different, the membership or council could have easily rectified it and had the constitution changed if it so desired. The assertion made in the grievance is not valid.

I’m not sure how having the secretary contact the handful of people nominated via email, phone call or text message would be considered to have “facilitated a situation of non-compliance”. It should be noted that of the nominations that the parliamentarian cites, 4 were for the same person and he had accepted the nominations so no other action was necessary. Some of the other members responded immediately or by the following morning reducing the number of people to contact. Additionally, the Secretary and I discussed those nominated. At no point did he say the number of people that needed to be contacted was burdensome or required an overly significant amount of time to complete. Also, all executive council members were notified of the inability to verify the nominations including the Parliamentarian. The Parliamentarian is supposed to be the expert on the rules and should have been the person to determine if we had an issue or not when the announcement of the candidates was not met. Under the Constitution, Article V Section A(5) it states the following:

The general duties of the Parliamentarian shall include, but not limited to:

- a) *Advise the HSL Commissioner and Executive Council on all matters of procedure in accordance with the HSL Constitution, Robert’s Rules of Order, and division’s rules and regulations.*

No advice was offered or given by the parliamentarian to the executive council or myself on this or any other matter including in the run-off election when he was asked to research the issue on the additional ballots. This missed deadline is also the responsibility of the Parliamentarian and has therefore filed a grievance on himself.

This morning I received questions from Bleu that were asked by the Parliamentarian. I will gladly answer these questions. I apologize in advance for the duplication as the original response was drafted prior to the submission of the questions.

1. **Why would Tim nominate so many people to positions with out talking to them first? All his nominees that I talked to were surprised he nominated them, and did not know*

There is nothing in the rules that requires a discussion with those being nominated. Regardless, Parliamentarian clearly did not talk to all candidates as two of the candidates immediately accepted. In addition, I actually notified Kurt, Brett, Richy, Radney, Brian and Randy of the nomination via email. Terry as the incumbent, should expect that he would have been nominated.

Is the Parliamentarian also challenging other HSL members who submitted multiple nominations for the same position as well? There were nominations submitted to the Secretary for candidates both who subsequently turned down the nomination, specifically Wayne Brown and Bleu Holden for commissioner. These nominations were received by the Secretary either before or at the same time the nominated members were aware of the nomination which is consistent with how I submitted my nominations. Both of his nominations declined the nomination which was also similar to some of my nominations. Also, in prior years, many nominations have been submitted for people in various positions without it being discussed with the candidate (i.e. Kyle Erickson – Commissioner & Asst commissioner, Thomas McKay - Asst commissioner, Sam Guffin – Asst. Commissioner etc.)

2. *Why was multiple people nominated for every position but 1 HSL Commissioner. Was it an attempt to have runoffs for all positions except Commissioner?*

I assume this is 2 questions

I believe Kurt was and still is the most qualified candidate out of everyone I could think of since he is the one person who has been involved in HSL operations for multiple seasons, knows the rules better than anyone and I knew could handle the responsibility of the position.

No. I think the best person would win a majority in any election regardless of the number of candidates.

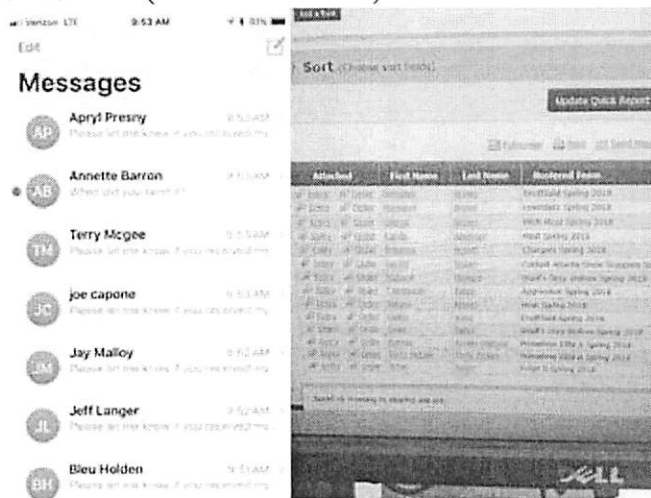
Why didn't Tim make all those 13 nomination when he nominated Apryl at 8:30 Friday night. Jay could have possibly made the deadline with an extra 15 1/2 hours.

As addressed previously, there is no requirement to nominate a person two weeks prior to or 1 second prior to the close of the nomination window. Nor is there a requirement to nominate everyone in one email or at one point in time.

Of the “13” nominations stated, only **10 separate individuals** were actually nominated unless you count Kurt and Randy a couple of extra times. 3 responded immediately or by early Sunday morning without action needed by the Secretary leaving only 7 people to contact.

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| 1. Kurt Peters - responded | 6. Randy Amerson - responded |
| 2. Brett Chaffin - responded | 7. Cedric Wynn |
| 3. Terry McGee | 8. Radney Galves |
| 4. Wayne Brown | 9. Brian Bates |
| 5. Richy Howard | 10. Dean Usher |

The second statement is likely a typo and meant to be 1 ½ hour and not 15 ½ hours. I'm super sure of it. However, just to be sure and test my theory, I sent a text message to each of you (7 people) this morning asking you to confirm receipt of my email (pic below). It took just over 2 minutes. Jay however, would likely not have everyone's email and phone number saved in his Gmail accounts or phone (although likely a few were). To compensate for this, I then ran a generic query from the database to obtain the contact information of HSL members that would include people with similar last names of those nominated. I timed this as well and it took 2 minutes and 4 seconds (pic below). Total time for both exercises combined was 4.5 – 5 minutes. Add some additional time for sending the initial confirmation emails and follow up emails, typing in phone numbers etc. we can get to 1.5 hours of time give or take a bit. If taken as written, the statement made by the Parliamentarian that an additional 15.5 hours were needed on top of the 24.75 hours (40.25 hours in total) were needed to contact 7 people is simply ludicrous.



Consequently, there is no basis for any of the statements made in this grievance and it should be determined to be not valid and dismissed immediately.

Respectfully,

Tim Clancy