



Department Executive Committee  
Meeting Minutes  
September 30, 2018



The Department Executive Committee met on Sunday, September 30, 2018 at the Columbia Marriott, 1200 Hampton St, Columbia, SC 29201.

Dept Commander John Britt  
Dept Adjutant Nick Diener  
Department Historian Russ Cantrell  
NEC Michael Strauss  
Dept 1<sup>st</sup> Vice Cmdr Walt Richardson  
Dept 2<sup>nd</sup> Vice Cmdr Roberta Poulos  
Dept 3<sup>rd</sup> Vice Cmdr Ron Price  
Dept 4<sup>th</sup> Vice Cmdr Robin Rucker  
D-1 Cmdr Jim Jarvis  
D-2 Cmdr Chuck Blankin  
D-3 Cmdr Bridget Lewis  
D-4 Cmdr Wayne Southworth  
D-5 Cmdr Jack Wright  
D-6 Cmdr Jim Kvam  
D-8 Cmdr Chuck Shaffer  
D-9 Cmdr Doc Sweet  
D-10 Cmdr Tommy Sinclair  
D-11 Cmdr Jack Lonergan  
D-12 Cmdr Charlie Davis  
D-13 Cmdr Carlton Patterson  
D-14 Cmdr Michael Brandt  
D-15 Cmdr Leroy Williams  
D-16 Cmdr Jim Defrehn  
D-20 Cmdr Dave Mills  
Dept Chaplain Bill Quarles  
Dept Sgt-at-Arms George Oxner  
Dept Asst Sgt-at-Arms, Joe Dipasqua  
Dept Asst Sgt-at Arms, Kevin Joy

**Absent:**

J/A Stephen Lewis  
Asst J/A Anthony Livoti  
D-7 Cmdr Charlie Bethea  
D-17 Cmdr Ed Miller  
D-18 Cmdr Larry Pouncy  
D-19 Cmdr Bob Gibbons

**Also Present:**

PDC/PDA Jim Hawk  
PDC Joe Lysaght  
PDC Bob Scherer  
Dept Exe Dir, M. May  
Bruce Donegan, Post 111

Darlene Walton, Dept Mbrship Chairman  
Jessica Johnson, CPA & Audit Mgr  
Hugh Taylor, Post 4 Cmdr  
Kim Gooden, Post 215 Cmdr  
Matt Gooden, Post 215 Adj

Cmdr John Britt asked everyone to uncover and called on Chaplain Quarles for the invocation. The Commander read Resolution 288, led the Pledge of Allegiance and then asked everyone to join him to recite the Preamble.

Cmdr Britt called on Adjutant Diener to call the roll. Adjutant Diener called the roll and told Cmdr Britt he had a quorum.

**Dept Cmdr Britt: Thank you. Unless someone would just like to hear the last minutes of the meeting read, I call on a motion to dismiss the reading.**

**D-4 Cmdr Southworth: I make a motion we dismiss the reading the minutes**

**D-8 Cmdr Schaffer: Second that motion.**

**Dept Cmdr Britt: All in favor say aye? opposed? Motion carried.** Ok. Jim Jarvis, finance, please sir.

Finance Chairman Jarvis: I think it was the August meeting that we had our audit report from the Hobbs Group, they came in and gave us our 2017 Audit report and I've asked Jessica to come in and give us a brief report on that audit.

CPA Johnson: Good morning everybody. My name is Jessica Johnson, I'm a CPA and Audit Mgr with the Hobbs Group. We are a small public accounting firm right over on Laurel Street in Columbia and I had the privilege to work on your audit this year. I want to just start by saying thank you everybody for being here this morning, for taking time out of your schedule to hear about your audit report and your audit results. I think that the men and women in this room represent what's right about this country right now and I feel really, really honored to be just a small part of your mission and what you're doing as a non-profit. Ok, did everyone have a chance to look at the audit report?

Finance Chairman Jarvis: It's being passed out right now.

CPA Johnson: While those are being passed out, I will just start by saying there are three levels of opinions that you can get on your audit. The first one and the best one is called an unqualified or an unmodified opinion. The ones below that are a qualified opinion an adverse opinion. And sometimes we would disclaim which means we don't have an opinion at all.

You, as an organization, received an unqualified or an unmodified opinion. So that means that we did not find anything materially wrong with your financial statements. That's good on you. It represents the hard work that Nick and Maggie are doing every single day in your office and of course what you're doing at your posts. So applause for yourself would be great.

And you will see that opinion on page one and two on our audit report. That's the page with our letterhead on it and the one with our signature on it. Other than that, everything in that audit report is owned by The American Legion. These are your numbers your information and everything in it is a product of what you told us as your auditors. If you go over to page three, you will see your statement of financial position. If you're in a for profit world, this is what you refer to as your balance sheet. It's your assets, your liabilities and your net assets. I like to tell people, your assets are the things that you own, the liabilities are the things that you own and net assets are the difference between the two.

So you'll see on here, and these numbers should look familiar from what you see on a monthly or a pretty regular basis. But your total assets did increase from 2016 to 2017, your liabilities decreased by a significant amount in the same time period. And again, we're looking at the year ended 12/31/17. And your net assets increased. That puts you in a strong financial position. If you come over to page four, this is your statement of activity. If you're in the

for-profit world, that's your profit and loss statement or your net income statement. Your revenues did increase during 2017, the number that really stands out to us as auditors is your fundraising number. You had that rifle raffle that happened in 2017. I see an awful of fundraising programs and I can tell you, that was a good idea. Your expenses stayed roughly the same in 2017. And your net income which you'll see under changes and net assets from operations, did increase from \$206,000 the year before to \$273,000, rounded a little bit up.

If you come over to page five, this is your statement of cash flows, it's typically broken down into three sections, the operating section are the things like just cash going in and out that you see on a daily basis. The next section down is cash flows from investing. That's anything that would have to do with an actual investment. Or if you're purchasing fixed assets, you had some building improvements on the outside, not on the inside of your building, but on the outside of your building that happened during 2017 and so that's the \$21,000 that you see there. The next section down is your cash flows from financing activities, that will be any payments that you have on your debt or any proceeds that you get from borrowing. So you will see that you did not borrow any new debt in 2017 and you paid off a bunch. And we'll look at this a little bit further back in the footnotes but paying off that debt put you in a much stronger position in 2017.

Alright, page six three the end, are footnotes that basically describe all those numbers in the front in more detail. And I won't read through all of these but there are a couple that I'd like to point out. If you'll come over to page eight, under note B, you'll see cash & cash equivalents. As you may or may not know, when you put cash in the bank, it is insured by the FDIC up to \$250,000. So if anything happens to that bank, that bank goes bust, like a bunch did ten years ago now, your cash is ok. Anything over \$250,000 is not insured and you could lose that in the event that a bank went defunct. So we like to break that out so in 2017, you had \$250,000 in cash that was insured, it's going to be there no matter what. And then you had \$178,763 that was at a little more risk. We don't think anything is going to happen to our financial institutions right now but to be honest, we don't know. So that cash is out there and it's a little more risky. The way you can mitigate that problem is to put your cash into more banks. It's not more accounts with the same bank because it's \$250,000 per financial institution but you can break it out so you can put a little bit at Wells Fargo and maybe a little bit in BOA. There's pro's and cons to that, I've spoken with your finance committee on whether that may be a good idea but that's just something that I like to point out.

Note C talks about your Property Plant and Equipment. And that just shows the little bit of purchasing that was made out of the building improvements line. If you come over to page nine, this is the page that I got al excited about with the finance committee. You paid off a lot of debt. You'll see a year over year comparison, you'll see one, two, three, four things that were paid off in full. A lot of non-profits are not able to do that in a single year, you should be very proud of yourselves for being in that position. The top line is going to be your mortgage payable. And we talked about this, you'll have a balloon payment, which is going to include all you interest and all your principal which is going to be due in 2019. So we're in September now, so it's probably time to think of whether you as a group want to pay off that debt before 2019 or whether you want to refinance it into another mortgage but come April 2019 that amount will be coming due. It's a little less that now because of course you've been making payments but it's still a pretty good chunk. If you come over to Note K on page eleven, you are required under GAAP, Generally Accepted Accounting Principles, to disclose any related party transactions. Related parties are different organizations or different people that you have a closer than usual relationship with. So you'll see here your National Organization is a related party, so we need to disclose how much you paid them in membership dues during the year. The American Legion Auxiliary is also a related party, so we disclose in here about how much rent you received from them during the year. And there's a small note in here about those Eastover and Pamplico posts. That were taken over, one was subsequently given back to the post, so that information is in here as well as a related party. Any questions, I know you haven't had a lot of time to look at this but any questions on these financial statements.

Vice Cmdr Richardson: In 2016 the Department received contributions of cash equivalents, land and buildings totaling \$93,329 through the closure of the Eastover and Pamplico Posts. During 2017 the Contribution contributed \$7,500 of assets to the Eastover post for \$1. Where did we get the \$93,329 from?

J. Johnson: That number is a combination of a couple of things. There was a money market or some type of investment account that I think was \$18,000.

Adj Diener: CD's.

J. Johnson: And then the tax value of those properties is what made up that number.

Vice Cmdr Richardson: Oh, so that's the tax value, not what we received? Ok.

J. Johnson: Correct. Because we had to have something to value on that and we didn't have an appraisal so that was off the tax. Good question, what else? If you do think of anything, Nick and Maggie have my information, they have my information, they have my cell phone number and my email, I'm available all year round.

Vice Cmdr Richardson: I was reading over the report the night before last and the last page you said there were not written minutes available for several meetings. We recommend that all official minutes of the Finance Committee and Department Executive Committee be documented with written minutes. Such minutes will support important decisions that are made by the Department and those charged with governance. How important are those minutes?

J. Johnson: You're leading right into what I'm going to talk about next. Important, very important. You might have another document, I'm not sure if you received another copy of not. When we do your audit, we look at your internal controls because we need to know if those support the numbers that we're looking at. We don't give an opinion on your internal controls, so we don't say whether they're bad or good. We have to do that for some organizations like governments but not for you. But we do look at them and we do give you lots of suggestions when we think that things that could be improved. So I want to go over those few things and one of the things is keeping minutes for meetings. So on the second page of this report we noted that there not minutes available for several meetings. In the auditing world, if you don't write it down, it never happened. The reason the minutes are important for you as a group is because you have a budget and the budget is used on a daily basis to make decisions about what money can go in and what money can go out. If something is outside of the budget, it goes to your finance committee and the decision is made there, not necessarily the decision is made there but a recommendation is made there to you. To see if something can be done or not done based on information outside the operation budget. If that's not documented, we don't know if it's ok or not and you don't know if it's ok or not so minutes need to be kept all your meetings and we talked about that at length and I think that's happening now. Another thing we noticed is that the finance committee is receiving reports on a monthly basis that are not generated directly out of your QuickBooks accounting software and that's the accounting software that Maggie uses to record everything every single day. So what's happening now is there's QuickBooks here and that has all your information in it and your reports are here and typically we like this to be the same information but right now there's a step in the middle where things are going into a spreadsheet called excel, they're getting manipulated around, they're getting moved, massaged and I'm not saying changed. And I'm not saying anything is happening incorrectly or that the numbers are wrong. But there's some manipulation in the middle before you get your report but from an audit perspective we don't like that. That gives room for human error, anything can happen in that middle section and it also gives someone, if they wanted to, an opportunity to just change those numbers to say something different that what they're intended to say. And again, I'm not saying that happens, we didn't find any evidence of that but that possibility is there. So what we're recommending is that you use your QuickBooks to its fullest ability. That will involve some changes in the accounting and how the accounts are set up. We can help you with that or we can set you up with someone who can help you with that but we're wanting you to have your QuickBooks set up so Maggie can just press a button at the end of the month and there's your reports. Any questions on that?

**Finance Chairman Jarvis: That's an important part, because I'm going to.....I want to make a motion that we hire Jessica and the Hobbs Group for approximately \$2,000, we don't have the brainpower to get that QuickBooks to the point and reorganized to the point that we need it to. And it's going to solve another issue that I came up with, it's going to solve two issues that I came up with. If we allow her to reorganize QuickBooks and turn around and that QuickBooks will feed right into a statement and make the statement as simplistic as possible. The previous regime made a simplistic statement and it's a good one but there's too much disconnect between the two.**

**Vice Cmdr Poulos: I second the motion.**

Cmdr Britt: Any discussion?

Vice Cmdr Richardson: On the QuickBooks account, how long have we had these QuickBooks accounts?

Finance Chairman Jarvis: I couldn't answer that.

Adj Diener: Several years.

Vice Cmdr Richardson: Then why are we just learning this?

Adj Diener: That's one of the reasons we have a different set of eyes looking at it.

Vice Cmdr Richardson: That's not the answer. I asked why are we just learning this? If the QuickBooks program is several years old and it hasn't been utilized why haven't we been told before now that it hasn't been used to the fullest extent?

J. Johnson: I can't speak on behalf of your prior auditor.

Vice Cmdr Richardson: You just answered the question.

NEC Strauss: I already know the answer to this, but I just want to bring it out. Did the finance committee approve this recommendation?

Finance Chairman Jarvis: Yes, it was unanimous and that's the reason why I brought it forth to this, it was something that this body needed to vote on, but the finance committee was all in agreement with it. recommended it but it had to come back to this committee to vote on it.

PDC Lysaght: You need to understand too, when we bought it years ago, it's not the QuickBooks you're working with today. It's upgraded, and users have the option to upgrade the software. I don't think the Department is sitting there running 2013. I run it for my business and just recently we got the 2018 update. Just understand, we are not operating in an antiquated world. But we're not utilizing the tools that the Commander was referring to and now that we have it identified, I am positive that our finance committee will do what has to be done to get it in gear.

Finance Chairman Jarvis: It's also going to help us get this money spread out. We got Sons, we got Law Cadet Academy, everything is going in, it will help us get it underneath that coverage as well. It will organize all our checking accounts. My other goal is to move that into computer generated checks instead of handwritten checks, that kind of, we need to make the first step and the first step is somebody to get it organized and get us started and get the system to a point where we can do all that.

Vice Cmdr Richardson: How long will this process take?

J. Johnson: It will not take long, because your everyday accounting right now is being done and it's being done very, very well. Everything is in its proper account. So, like you were saying, if you want to look just at the Riders, we can get that information right now, it's just not easy to get to. But it is there so it's really just a matter of organizing things.

Vice Cmdr Richardson: A couple of months?

Finance Chairman Jarvis: I would expect if they started next month, it will be done by Thanksgiving.

Adj Diener: One of the things that we will have to look at though, as we're doing this, because we're right in the middle of a fiscal year. Do we start changing reports around or whether we want to wait until we get...we're this

close to the end of December. Do we want to shuffle everything before then or after then, but we certainly make sure we have it in place to where one January hits we're under the new ones?

D-16 Cmdr Defrehn: You know that's fine, getting this up to date with it. Will it be a continuous thing, buying the upgrades, do we continually buy the upgrades?

Dept Adj Diener: I just want to give an answer. We are using the most current version of QuickBooks, we've just never changed the way the accounts are set up, we've just been carrying forward. So we've got the most current version but we're not taking advantage of it.

J. Johnson: When I got the most current version from Maggie I couldn't load it on my computer and I asked Maggie, are you using 2018 already? And she said yup, and I said, oops, I guess I need to upgrade. So you are up to date. The software itself is no problem.

Finance Chairman Jarvis: It's just organization. And Jessica couldn't put an exact price on it, but Jessica said it will be about \$2,000.

Vice Cmdr Richardson: Do we have enough time to put it in next year's budget?

Dept Adj Diener: By approving this, this will be an expense that we need to incur this year.

Finance Chairman Jarvis: Yeh, it will have to go into this one. Or we can't use it, or we can't incur it.

Vice Cmdr Richardson: Do we have the money in the budget to incur this?

Dept Adj Diener: We don't have a budget line item for that, that's.....

Finance Chairman Jarvis: There is enough money to do this.

Dept Adj Diener: But that's what ya'll will be approving for us to go out and spend the money on an unbudgeted item.

Vice Cmdr Richardson: So we don't have to go into savings or nothing?

Dept Adj Diener: No, no. We've got plenty in the, the General Fund is fine.

**Dept Cmdr Britt: Anything else? All in favor aye? Opposed? Motion Carries. (the motion to approve approximately \$2,000 to hire Jessica and Hobbs to reorganize QuickBooks was passed and so ordered).**

J. Johnson: Ok, there are just two small items I want to bring up on the internal control factor. Sometimes when you reconcile cash, and it's being done on a monthly basis, no problem at all. Sometimes things get stuck there, maybe a check from 2015 or a deposit that went in twice so there are some of those so we are recommending those get cleaned up so you have a nice clean reconciliation. And on your credit card, we recommend that you always keep a receipt on anything charged on your credit card.

Vice Cmdr Richardson: So those items are dating back to 2014.

J. Johnson: We have a list, absolutely.

Dept Adj Diener: We've already cleared those out.

J. Johnson: There you go.

PDC Lysaght: We're running 2018. So you'll be devising reports that we can see manageable information in a simple format?

J. Johnson: And since you use QuickBooks, you will understand this. Right now, your P & L is just your revenue and your expense. What we would like to see happen and it's your decision as management, but what we would like to see happen is use the class feature. So you'll have a class for General, you'll have a class for the Riders, you'll have a class for somebody else. So all those expenses and revenue are still going to be the same. They'll roll up into one profit and loss statement. But you'll have your detail for each program that you do.

PDC Lysaght: That's a tool in QuickBooks so you don't have a multiple checking accounts, you'll have a class of categories.

Finance Chairman Jarvis: That's number three on my list.

J. Johnson: I think you'll find it really beneficial and it will give you all kinds of information that you can kind of dig into and digest every month. Alright, what else?

Vice Cmdr Poulos: I'd just like to tell you Jessica (inaudible) for telling us everything and thank you for coming out on a Sunday.

Dept Adj Diener: I just want to thank you, when you're going through this and she's asking for information in detail, in detail, in detail, that can sometimes be a little tough to deal with. Jessica and that group down there have just been a pleasure to deal with the whole time and giving us lots of hints and advice all the way through the process, so I just want to say thank you and we appreciate that. (applause).

Finance Chairman Jarvis: Ok. The financial statement, I think you all have been passed out one. As usual, I think it's self-explanatory. But I'd like to go through a couple areas that could pose a question for you. On page one, line item 7, Emblem Sales, we never know what that's going to be. We guess about \$2,000, we just happened to be a little bit lucky this year. It's \$425 higher so that's a plus this year. Line item 9, Department Convention, you'll notice that we're at 106.93%, remember, that's income, but if you look at the expense area. It's the same at each convention, in that ballpark area. Line item 13, is the sweepstakes fundraiser income. You'll notice we're probably about \$7000 less here. We run two sweepstakes. One of them basically pays for both of them. So we're coming up with about \$50,000. And we're falling short and it's not this last one, it's the series of them where we're going down. So I think part of that issue, actually we're trying to figure it out. We need it to level off and go back up. Maybe it takes us in this room trying to sell it a little more. That one worries us on the finance committee because that's significant income for us. Think about it this way, if you didn't have that Rifle Raffle in there, now look at that. And we're 500 members behind where we were last year membership wise. That's money, that's income. That's some significant, we really have four main incomes and we need to watch them closely. Now we're behind in membership, that's declining, we can't always rely, we never know what these incomes are going to do. We don't know what the Rifle Raffle is going to be. We know what we'd like it to be but it's a hit or miss on this so we got to watch the incomes a little bit. That sweepstakes one bothers me somewhat. Line item 30, the Rifle Raffle, you'll see the \$4,000 there. That's what I call the startup, the tickets and that kind of stuff. The rifles haven't been added in that, it will be in the next statement there, but I think we're taking \$25,500 but that's not in here yet.

Dept Adj Diener: That's in next year's budget.

Finance Chairman Jarvis: Page 3, line item 68 is membership mtg and supplies. Look at the actual expenditure, -32.50. That will be ironed out. That's my check that they gave me to reimburse me which kind of gave us more, that \$32.00, you'll see next month, the next statement. The other bills hadn't come in for this statement, they are now in and you'll see that reflected and evening out next month. I thought that -\$32.50 jumped out at me and I had to call Nick, how in the hell did we do that. But that's how that worked out. But that's the items on there that should have been explained a little bit. We're doing good. We're moving in the right direction, we have that surplus, we want to keep that surplus and like I said, the finance committee's looking at the incomes. The other thing is, we had a meeting, and Walt came up with an idea that we kind of liked and the committee kind of liked

and we're just trying to figure out how to do it. We have the convention, we have the conference, he's looking at me puzzled but as soon as I mention what it is, he'll remember it. Why not raffle off, somebody that stays at this hotel, because we're declining in that area too and that's an expense. We guarantee Marriott so much money, why not raffle off a night, two nights, in the hotel, for one of the people that stay there and then all of a sudden, they got a free stay. It's something we're looking at to initiate at the next convention, I'll bring it up at another DEC meeting, that was Walt's idea. Ok, so that's one thing that we're working on and the voting was done, I wanted to get you the budget well in advance. We got it, we got what we think is a good, we, being the committee, Bud Hennis, Jack Smith and myself. When you leave there's envelopes with your names on it, so we can mail it to the people that didn't get it. On the way out, pick up your copy, it gives you some time, but if you have a question, call me, call Nick so we can try to resolve these issues and then I think it's November 17<sup>th</sup> is our DEC meeting so we can give out the Rifle Raffle tickets, that's when we would vote on it.

Vice Cmdr Rucker: I have an item I want to add to the budget. I sent you email about some training and you said it was not in your purview, so I want to bring it before the DEC for our staff to go and have some customer service training. And I want to hand this out here, Commander, if I can please.

Finance Chairman Jarvis: To clarify one thing, training is the under the Adjutant's position, it's not my position and when we asked for inputs for the budget, I asked it to go to our finance officer, which is our Adjutant. And when he sent it to me, I forwarded it to the proper person. It shouldn't have gone to me. He brought it to the committee, we talked about it and we decided that one of the things that we had already put into the proposed was a training area, an all-encompassing training in an online basis, and online adjutant training for the state, that kind of stuff and we're implementing that. I know where you're coming from, I know why you're coming from that but then why don't we add Vice Cmdr and District Cmdrs in that as well. When you go to a school and they teach you for a commercial profit organization, that doesn't necessarily work for a non-profit, we put that in there and I pushed that over to the Adjutant where it belonged in the first place.

Vice Cmdr Rucker: **What you got there is a course from Midland's Tech which is right up the road, it has the price, it is only \$249 for one day. It's customer service, yes, it is for commercial but also, they do it for all types of businesses. As far as I can see that the department doesn't have any in-service except what we're doing here this weekend. It's a start, we can even go back to even having first aid, all kinds of things. If you own a business, you have to have certain requirements that you have to do, whether it's OSHA or whatever, and we don't have any of that. That's why I brought this forward. And I want to make a motion that we accept this training to move forward and if you want to include the vice cmdrs or the cmdrs, its fine with me. I talked to the Dr. that's over this course and he's very well versed about what non-profits do also and he told me that's what they recommended, and I think this would be a good start to have some type of training. I know at Law Enforcement, we had to have 40 hours every year to move forward and keep certification, ok. And that's what I want as a motion.**

Dept Cmdr Britt: Nick, would you like to respond?

Dept Adj Diener: No, we should have a second and then go into discussion

Dept Cmdr Britt: Is there a second?

**D-14 Cmdr Brandt: Second.**

Dept Cmdr Britt: Ok, discussion?

Vice Cmdr Richardson: If we're going to do this, then I think that not only should the people listed at the Department, but I think also the vice Cmdrs. and the district Cmdrs. should do it. Simply because, we're all in the same position, whether we're trying to work for people to help people to get what they need. Basically, the Vice Cmdrs. and the District Cmdrs. are a service for the membership.

Finance Chairman Jarvis: Part of my personal vision, I thought the creation of the membership team and I think it's worked phenomenally. I want to see in the future a training team as well as a marketing team and the marketing team, membership team and training team would all basically at some point in time be intermingling. I think we have all kinds of training that we should be having but we need to get organized and get that...the membership team did what it did and got accomplished what it did, by one person. One person got that going and got that perpetuated and there's some of that now trying to keep that going. Robin got that going. You got to find the right person to get that training and get the same enthusiasm going across the board, that's my thing. And the marketing to go with it.

PDC Lysaght: It's a good idea, training and education in any arena is certainly a positive goal. The American Legion like the Salvation Army, the Red Cross, these are non-profit organizations. They got a different set of rules. Midland Tech is not going to enter that arena. They're going to show us the business side of being polite to customers. We are indirectly with customers, we call them Legionnaires. We can pay for this, the fact is, we can pay for this.

All we got to do is quit buying the Adjutant's manual, the Post Cmdr.'s manual and do away with a lot of forms. Because there's your training material right there. We don't need to go hire somebody to read that manual to us. If you read the manual and apply the procedures that have worked for this country for a hundred years, then by God, we could be a number one Department. And that's where we're striving to go. We shouldn't burden our finance people with expenses that really are really justified. I mean, let's just be honest. I think it's a great idea but put it there on an ad hoc basis. So what are we going to do with our manuals? Pretty soon, we're going to do away with our all our forms. But that's to benefit the Legionnaires and the Legion. Those manuals that are paid for by your dues, you're buying them now. They're not free, they make sure that we get them. It's all right there in black and white. The only problem is, you got some people that can't read, I guess.

D-16 Cmdr Defrehn: Working in years past with different companies and things like that, companies develop their own facilitators, and develop a program that best suits their needs and then facilitators teach facilitators and work it down. It's definitely a better program.

Dept Adj Diener: And as Jim said, when this came to me, one of the things that I did and request through the finance committee is getting a line item into the budget. I'm not against doing training for staff and that's why I asked for that line item. However, I have looked at the particular course that Commander Rucker put in. I looked at it in detail and I don't think that's the course to meet our needs because of us being, we're a little unique in being a headquarters because sometimes, part of our mission, is to be bad guy. Ok. And trying to find a right class for that is going to take some work. And I don't think this particular class is the one for that. I think there might be one that fits the particular bill, but I don't think this is the one that does that.

NEC Strauss: I can't agree with Nick more and I think we're talking Nick's job, his job is to train his own staff and I don't think we need to be in the business of recommending, we can recommend it, but Nick ultimately knows staff. This training would be over \$5900.00 total, if you add all those officers in that were mentioned and I don't really think it's that good of an idea. It can be recommended but not mandated. You would have officers come from all over the state to go to Midlands Tech for six hours, you can barely get them come to this meeting here today. And we're talking about spending money to have them come to training that's not part of their job description, I think it's just a waste of money in my opinion.

D-8 Cmdr Shaffer: When I got elected as District Cmdr, it was just in a couple of days, I got a copy of the Constitution and Bylaws from headquarters, I got a copy of the Bylaws from all the posts in my district and as I read through this many, many times. And if I didn't understand something, I picked up the phone and called Past NEC Mickey Taylor or NEC Bud Hennis, I talked with Cmdr Lysaght.

As I read through this material, I don't think there's anything in there that's going to help us as District Cmdrs., if we utilize the resources that we have available, we'll be fine.

Vice Cmdr Rucker: The whole purpose of this is to get some type of training going for the staff, we don't have any now, going back, that's documented, that I can see. This is something that's local, available. But that's within reason starting out, you don't have to do all at one time, it's something that you can add. But \$240.00, you can have one person go, sit for six hours, but bottom line is, you're sitting in here, you know, we've been down this road before, where things have happened and got sued. We got to have background, some training if that's ever brought been brought up.

PDC/PDA Hawk: The DEC, about ten or twelve years ago, if I recall, passed unanimously, that every other year we'd send our staff to National Hdqtrs to cover our training, it covered many topics. And why every other year? Because it piggybacked with the Adjutant's who went every other year for their training. The training dealt with finance, community service, PR and everything that National put on. When I was Adjutant we did send the staff in the local community if I felt like it was pertinent to the Legion or a topic we were going into that needed clarification for benefit, which is the staff and the Legionnaires, we did send Dare and Jeannette and Maggie to various topics in the community. But that's the Adjutant's responsibility and that's what we pay the Adjutant for is to make those decisions. If we already have that passed already, the DEC passed it, exactly what year, it's been awhile. We've utilized that in the past, it's still a thing that's under the purview of the Department Adjutant.

Vice Cmdr Price: If what Mr. Hawk is saying is true, somehow along the years that fell out of the budget.

Finance Chairman Jarvis: It's in the proposed budget.

Vice Cmdr Price: Is it enough?

Finance Chairman Jarvis: We put \$2500 in there to get us started.

PDC/PDA Hawk: One of the training things that I've heard about from the E-board, Vice Cmdrs. District Cmdrs., Chaplain, Historian, staff, everybody. We did create a three-day retreat for everybody in this room called Officer's Retreat, Friday, Saturday, Sunday, it went on for many, many years, the last one was when Gene McDaniel was Cmdr, we haven't had one since then. Friday night was staff night, we went over everything you needed to know., Saturday morning was training on different topics, Saturday afternoon was the breakout, three groups, each group had a topic, you (inaudible) topic, Sunday you came back and you had to report on your topics, if there was (inaudible) the department you didn't know what it was about until the Adjutant gave you your topic that you worked on. And that was already in the budget. And we didn't go to the post. We went to Charleston, Mount Pleasant, we went to Columbia, it was like corporate. Take your supervisors out of the work environment where you can mingle and start working as a TEAM, as the commander's theme, as a TEAM. And ladies and gentleman, it worked, it worked. And it hasn't been put back in the budget. Two adjutants have come and gone, and they didn't think they needed it and didn't put it in the budget and we're paying for it now. But the tools have always been there. And to answer the budget issue, it was a line item. Thank you.

Post Adj Gooden: What is Leadership training?

Dept Adj Diener: That is the title we used for Legion College. Remember, this body approved to fund two people at \$600 apiece there.

Dept Cmdr Britt: Alright, I'm going to call for the question. Maggie, if you would please re-state what the motion. I'm sorry, exact verbiage.

M. May: Let me see if I can find it. I don't know if I can state it exactly.

Post Adj Gooden: That's customer service there.

M. May: Ok. Rucker said there's a course at Midlands Tech, it's \$249, we don't have any in service training, if you own a business you have certain requirements, whether it's OSHA or whatever, include the Cmdrs. and vice Cmdrs.

etc. I've talked to the Dr that's over this course, we had training in law enforcement, etc., I'm sorry, Commander, it was very long. Mike Brandt made a second.

Dept Adj Diener: Do you want to have him re-state the motion?

Dept Cmdr Britt: Do you want to restate the motion? Just the motion Robin.

**Vice Cmdr Rucker: To add this course, this customer service course, to the budget for next year, for the staff and it was seconded by Mike.**

**Dept Cmdr Britt: And Mike seconded it, and this is the way that I understand it is to put this exact course in the budget. Does everybody understand. All in favor, raise your hand. All opposed, raise your hand.**

Dept Adj Diener: I've got nine because Joe Lysaght raised his hand, but he doesn't get to vote. Ok, raise your hand up again, just voting members.

**Dept Cmdr Britt: There were nine yes's twelve nos. Motion fails.**

Finance Chairman Jarvis: And that's my report

Vice Cmdr Richardson: One more question. It says on the back page, the monthly financial report should include, at a minimum, a balance sheet, profit and loss statement and a budget or actual comparison report. Can we expect this at the next DEC meeting?

Finance Chairman Jarvis; That's what we're trying to generate.

Dept Adj Diener: I can print one out, but it would be gobbledy gook because....

Finance Chairman Jarvis: It's that confusing. I like the one that Grady did because we can understand it but we're going to try to get it as close as possible.

Dept Adj Diener: Let me try to explain. If I hit the button right now to try to produce those reports, it would have SAL, Riders, everybody else included and you can't make heads or tails out of it and that's what we're trying to get changes.

Dept Cmdr Britt: Thank you for that report. I now call on Darlene for the Rifle Raffle.

RR Chairman Walton: Ok, good morning gentlemen, ladies, the more I talk about this, the more excited I get. And the reason is I've heard the enthusiasm out there because this is a way for them to put money in their pockets. What I need from you this morning, you got a copy of the tickets and rifles in your packets and a list of rules. I need to ask the Cmdr to ask for a vote to get the list of rules approved because I need to get the tickets printed because I want them to be ready to be passed out at the next DEC meeting on Nov 17<sup>th</sup>. Before I asked him to take the vote, is there any questions?

Finance Chairman Jarvis: These are basically the same rules we had for the last rifle raffle.

RR Chairman Walton: Yes, they are.

PDC/PDA Hawk: Is F&N going to commit long term with us or is going to be year by year?

RR Chairman Walton: It could be raffle by raffle, but I'll be honest with you Mr. Hawk, that with the kind of rapport that we have developed with them, I don't think it will be hard (inaudible). One thing that I also want to say because I don't think that some of you were not in the meeting when I gave my first report during the conference. It came up by some people thought we were forcing this down their throats. There was never a force

with this. This is simply something as a department thanks to Mr. Richardson who brought this to our attention, we were able to see ourselves back up out of that hole and we want to proceed with that. And one thing, I made the suggestion to my post and I've told others about this. Because some of our posts were having mixed feelings about whether or not they could sell these tickets, with my post, we're proposing to our members, for every 25 tickets that a Mbr sold, would give them one free ticket. I've had several people that I presented it to at the conference and so I'm telling you this so when you're out there as District Cmdrs. and talking to these posts and getting ready to hand out their packets of tickets, you might propose it to them. Because if you stop and think about it, for every 25 tickets, the post is making \$250.00, it isn't going to break them up for them to spend that extra \$15, thank you sir.

Dept Cmdr Britt: Let's get a motion before we go into discussion. Is there a motion to approve the rules?

**D-1 Cmdr Jarvis: I make a motion to approve the rules as handed out.**

**D-4 Cmdr Southworth: I second the motion.**

Dept Cmdr Britt: Ok, we have a motion and a second, discussion?

Vice Cmdr Richardson: I was going through it and I do remember that last year, and I think Maggie will verify this, is somebody, I wish I could remember who it was, is that we were missing an application to join The American Legion. And I realize that space is cramped and everything but is there any way we can get an application for The American Legion.

RR Chairman Walton: Let me clarify, I know what you said, we put on there what we changed from last time, we put on there that we want you and gave them the information. And yes, there really isn't room to put on application, hopefully when you're out selling them, you'll have an application.

D-14 Cmdr Brandt: When I was selling tickets, I had a pocketful of applications.

Dept Cmdr Britt: Any other questions or comments?

D-5 Cmdr Wright: Call for the question.

**Dept Cmdr Britt: Ok, call for the question, all in favor of this set of rules, say aye? Opposed? Motion carries.**

RR Chairman Walton: Thank you, tickets will go out for printing tomorrow

D-1 Cmdr Jarvis: How many will we be forced to take? (laughter)

**Dept Cmdr Britt: I need a vote to go into Executive Session. Maggie needs to stay to take the minutes and Nick needs to stay to give you the information.**

**Dept Historian Cantrell: I make a motion to go into Executive Session.**

**D-1 Cmdr Jarvis: Second.**

## **END OF EXECUTIVE SESSION**

Dept Cmdr Britt: Ask the other people to come back in please. At this point we are going to have to have the election for Alternate NEC 'man. I'm going to have Nick come up and explain the process we're going to do.

Dept Adj Diener: We're basically going to do the normal procedures here, we're going to call for nominations, ok? And once, you know, the nominations are in, someone want to say something? Since we're doing this at the, not the normal processes, what we'll do, depending on how many candidates we have, we'll either flip a coin or draw lots but we will give them, each of the people that are wanting to run, we'll give them a couple of minutes to say a couple of words if they would like. Then we're going to go into the actual elections, now, only the voting DEC members, you know, can cast a ballot. What we have, we have some slips of paper up here, different colors in case we need to have different ballots, I will do a roll call, but we'll have the Sgt-at-Arms going around with a box, but we'll keep track of it. But's it's basically we'll call out your name, put your ballot into the box and Chaplain Quarles will count the votes. The one thing that I would ask for, as DEC members, if you're going to abstain, please write abstain on there and just make it easier on us. Then we don't have to figure it out if it was just a blank ballot, did somebody not turn one in, just write abstain on there if you're not wishing to vote.

**Vice Cmdr Rucker: I want to make a motion that we have a roll call vote. Open vote, because we are the representatives for the whole 20,000 members and I think they should have the opportunity to know who their representative voted for. Whoever runs. And this body by Robert's Rules of Order can make that decision.**

PDC Lysaght: But if you want the constituents in your district to know how you voted, it's your responsibility to face that music and you shouldn't pass it out to the other 19 District Commanders and four Vice Cmdrs. The idea behind the ballot is so you can vote the way you want to vote without current friendships (inaudible) or stand up and do something else.

Dept Adj Diener: At this point we need to get somebody to second or do something else.

**Vice Cmdr Richardson: I second.**

PDC Lysaght: Ditto, ditto, ditto on everything I said. I don't think it's polite, I don't think it is necessary. As a District Cmdr, you are representing the post in your district. You should have contacted the posts in your district and said, listen, I'm going to a DEC mtg, we're going to be electing an alt NEC, Post 1, whatever, Post 2, whatever and to my knowledge both of the candidates or alleged candidates who are going to put their hat in the ring, sent information to every one of you, along with the vice Cmdrs. So take that veil of confidentiality, it's not secrecy but it's just showing your trust. You need to stand up at your district meeting and face the music and if you didn't vote the way they wanted you to vote, you probably won't have a white hat.

Vice Cmdr Richardson: That being said, how will they know how you voted if it's a secret ballot?

PDC Lysaght: You simply stand up and tell them, Walt. You go to your district meeting and tell them.

Dept Adj Diener; I will say that the reason we chose that way is at the Dept Convention, where we normally elect the Alt NEC, it is done by paper ballot that is turned in, so I tried to mimic the procedure as it's been established as a precedent and that's why we chose the way that we did.

D-9 Cmdr Sweet: I'm sort of the new kid on the block and I've been to a lot of elections. Did anybody in here listen to Chaplain Quarles sermon? Because if you didn't, you should have. You know, having this thing done in a very, very open fashion would serve no purpose and it could hurt a lot of feelings. You know, we talked about being a Team and working together, if we do this as proposed, the only thing that can happen is bad. You're going to make enemies, you're going to hurt feelings, the candidates, I don't think we should do that or the way to go.

**Dept Cmdr Britt: Ok, we have a motion on the floor, voice vote. All in favor raise your right hand. Five to Eleven, motion fails. It will be a paper ballot vote.**

**Dept Adj Diener: Do I have any nominations for position of Alt NEC?**

**Vice Cmdr Richardson: I'd like to nominate Bob Scherer.**

**Dept Adj Diener: Do we have to have a second? I don't know if we need a second on that.**

**D-14 Cmdr Brandt: I second.**

**NEC Michael Strauss: I stand here to nominate to a candidate that's been an Adjutant for 16 years, during that time he was a three-time all-time high Adjutant and that feat had not been accomplished in South Carolina since the 1940's.**

**He's a graduate of Mississippi State University, he received his bachelor's degree there, he's led this Department in various fashions, Finance, Rehabilitation, Department Service Officer, and Department Veterans Benefits Chairman and numerous, numerous other committee chairmanships, he's well known at the National level, he's served on various committees at the National level. He's very deserving of this spot and I'd like to place the name of Jimmy Hawk in as a nomination.**

**D-13 Cmdr Patterson: I second that.**

Dept Adj Diener: Ok. We have Bob Scherer and Jim Hawk. Do I have any other nominations? Are there any other nominations? Are there any other nominations? Do I have a motion that nominations be closed?

**Vice Cmdr Poulos: I make a motion that nominations be closed.**

**D-14 Cmdr Brandt- Second.**

**Dept Cmdr Britt: All in favor of closing the nominations say aye? Opposed? (all present voted in favor of closing the nominations for Alt NEC.** We have two names in nomination, we have Jim Hawk, we have Bob Scherer.

Walt, I'm going to ask you to come up here, please, I want you to verify the coin flip. Bob, would you call heads or tails.

PDC Sherer: Heads.

Dept Cmdr Britt: I've got an Armor of God Challenge Coin, the front side has the picture of the soldier, the back side has the scripture of Ephesians. The solder on the front will be heads, Ephesians will be tails. And heads has been called.

Vice Cmdr Richardson: Tails.

Dept Cmdr Britt: I'm asking the candidates to take a couple of minutes for a word, two minutes. Bob, you go first, you won. No, you said heads I'm sorry, Jim Hawk, I'm sorry, my bad.

PDC/PDA Hawk: Thank you Mr. Commander. Thank ya'll, I hope you read my resume on what I can bring to the table on my experience on what I can bring to the Department. I think the Alt NEC position is one of vital importance because that position assists the NEC 'man in his or her duties, works with the staff, Commanders that come through on their project on their promotion as well as assist the NEC in transmitting information when we go to the NEC or at the National Convention back to this body and then to the blue cap Legionnaires. Having that experience over the years, I'm very grateful to have worked on numerous committees. But I've also seen this department go through some hard times and good times. And that experience makes me a better candidate to help offset some of the problems we're having Nationally, which everybody knows about as well as within the Department. I would consider it an honor and a privilege to work as your Alternate NEC and an honor and a privilege to work with our NEC 'man, Michael Strauss as well as the staff. So I appreciate your consideration when the vote comes up and thank you for your service because no matter what happens Bob will still be friends,

we'll still work together, and we'll still work for the betterment of The American Legion in this great state of ours and for God and Country,

Dept Adj Diener: Well said.

Dept Cmdr Britt: Bob?

PDC Scherer: I agree with what Mr. Hawk said about being the importance of the Alt NEC, about being a liaison between the National and Department and blue covers. By my resume, you've seen all that I've done, not only in this state but in other states. I'm qualified to handle the problems that come up, not only on the state level but the national level. I, like Mr. Hawk have served on many committees at National and know many people on National Committees, including Alternate and regular NEC 'man. But I'm going to ask you a couple of questions, number one. Who's called on your posts the most and gone around and talked to your district Cmdrs. the most. Who's been there to support you when you need it. I ask that you consider me for Alt NEC because I do too have the knowledge that we need to do it. I do have the energy and excitement to do it and I think I would make a very excellent NEC 'man because I will continue to serve you whether I am or not, but I would appreciate your vote. Thank you.

Dept Cmdr Britt: Thank you Bob. Alright, I'm going to ask each candidate to select one person to verify the count that is being done. Bob, I'm going to let you go first since Jim went first on that.

PDC Scherer: Walt.

Dept Cmdr Britt: Walt? Joe Lysaght. Ok. I'm going to turn it back over to Nick, we're going to get the ballots passed out and when we start the count, Joe and Walt will come up and (inaudible).

Dept Adj Diener; Sgt-at-Arms, would you please come up? Walt you can stay out there to vote but then once we start counting, if you could make sure, for the first ballot, in case we have to have more than one, we have these blue ballots, please give them to the voting DEC members. And again, check yourselves, if you would like to write the candidate that you're going to vote for on there and fold the piece of paper over. If anybody does need an ink pen, we have some extra ink pens up here. Does anybody need a pen that doesn't have one? And like I say, what I'm going to do is I'm going to go through the roll call list and call out your name, we'll have the Sgt-at-Arms walk around with a box and you'll place your ballot in the box. Once we've collected up everybody's we'll bring them up here do the count. Ok. Does anybody need more time to fill out the ballot or has everybody done so? Maggie, do you want you to hand the Sgt-at-Arms the box behind you. We have a real fancy election box here. We're going to go through these here.

**Department Adjutant Diener called the roll for the ballots and counted the ballots when they were brought forward.**

**Dept Cmdr Britt: The votes have been counted and verified. There were 22 votes cast. Jim Hawk received eight, Bob Scherer received 14. Bob Scherer has been elected as the new Alternate NEC 'man.**

Dept Cmdr Britt: Do we have anything for the good of The American Legion.

Vice Cmdr Richardson: Last Thursday, I went ahead and had a special election for D-10 and I was (inaudible). They wanted to know why we had to have three elections to elect the same person three times. And I tried to explain to them, I think I finally got over. What we need to do, we need to figure out, who in this Department, has the authority, the responsibility to declare an election invalid. Now, that's, you know, you know, the way I look at it, there's only two body's that can declare an election invalid, that is the DEC and the convention. That's just, you know, I just, I'm, I'm, I'm a little frustrated simply because nowhere does it say who can do it and quite frankly, people are just doing it. So we need to decide the procedure for declaring. Do we have a special meeting, do we have an electronic vote? However we decide to do it, we need to get it written down so we can go from that procedure so this will not happen again. Now, that's the problem as I see it. Do have a solution? You always

don't present a problem without having a solution. And my solution would simply be, simply, you know, put it our policies and procedures, which we're supposed to be working on right now. Where whoever this body decides has the authority to declare an election ineligible or invalid, then we write it down so we'll know exactly who does it.

**(unidentified person asked Walt to clarify what he is discussing)**

The first election was declared invalid because they didn't follow what was called, it was a tie vote, it's not in called in our constitution and Roberts Rules said they have to keep on voting. But the district decided as a whole because they were all there, they decided they would just do it by one hand, one vote and then that was declared ineligible.

And the second time, it wasn't our fault, Commander Sinclair did not complete The American Legion Institute Course, which he has completed now, by the way. So we had to have a third election and I understand that but the problem, was, for a lack of better words, I got my butt chewed. And, you know, I just don't think, that's not a pleasant feeling to stand up there in front of people and agree with every word they say and not really have any recourse to it. So the third time, hopefully that will be the charm, ok.

We just need to fix, this is a problem that needs to be fixed. You know, we can fix it right here, any questions? I hope I did a good enough job on that.

Dept Adj Diener: I just want to make a comment if I could on it. Part of it, for the first election on there, I do agree there's a problem. When I say a problem, Roberts Rules of Order, which our Constitution says you have to revert to and you have to follow Roberts Rules, says on a tie election, that you just have to keep voting, and keep voting. It has no procedure for a tie breaker in there and makes no provision for a tie breaker. In that particular case, when we were informed by the Dept Cmdr, he wasn't Dept Cmdr then, of what had been done, we ran that through the J/A to verify if we were reading Roberts Rules right.

And the J/A sent us a ruling back and said, yes, you did read it right. Robert's Rules were not followed and that the person conducting the election did not have the authority under Robert's Rules to do that. Now, I'm a firm believer that we ought to come up with a procedure for tie breakers because it's going to happen. But the reason that I wanted to say something here, is the second one, there was no, in my mind, there was no reason to bring it back before this body. The constitution last year was changed and the wording in the constitution says that if the Legion Institute Course or the Basic Training is not completed within 45 days....

NEC Strauss: I can read it. Our Constitution says "The failure to successfully complete the course with the 45-day period will automatically make the position vacant"

Dept Adj Diener: And that was the ruling there. Quite frankly, as this all came up, and I read that, I went, whoa! It says automatic, there was just no choice on it.

Vice Richardson: And we understand that. But the point I'm trying to make is, we need to come up with something, this body needs to come with something if you was a district Cmdr or Vice Cmdr, you don't have to go through what I went through Thursday night. Because it was not fun, and when there's people out there and they're chewing on you (inaudible).

D-10 Cmdr Sinclair: I'm kind in the center of this. You're right, I didn't complete the course, I went down to Fort Benning to see my son, my grandson, (inaudible). I said I did this 50 years ago, I can still do it, I couldn't, I ended up in the emergency room, (inaudible), etc, etc, and just forgot about it. So when you asked me on the phone what happened, I don't know what you expected me to say except tell a lie, I wasn't going to tell a lie. I just forgot about it.

Now, what we're missing here, from my perspective here, District 10 Cmdr, you're right, you got eaten alive brother. It's symptomatic of the feeling in the field, that you just kind of addressed a while ago, or you attempted

to address, with customer service feeling. What are you getting from Columbia, that's was about me. They were really thought you Hoo-dooing if you wanted to know the truth.

But I told them, But I didn't complete the course, I accept that. But that they were all that there that first night that you were in charge, (inaudible) when they felt like, it was a tie, we got a solution, we resolved the problem. Then for them to be told their efforts, which was collectively and unanimous overturned, not by the DEC apparently but by your interpretation that went to the J/A., alright. So that's what, that's what, that's what eats you alive as much as anything. There's a feeling out there, that I think the customer comment absolutely, I think you said this, you don't disagree with customer service training, you just didn't think that was the right. So I feel anxious to look at the future how that customer service training may come about.

PDC Lysaght: How many posts do you have?

D-10 Cmdr Sinclair? Say again?

PDC Lysaght: How many posts do you have?

D-10 Cmdr Sinclair: Seven.

PDC Lysaght: What's your total voting strength.

D-10 Cmdr Sinclair: Oh gosh.

Vice Cmdr Richardson: 25

D-10 Cmdr Sinclair: 25.

PDC Lysaght: 25, that's an odd number, isn't it? How'd it end up in a tie?

(Inaudible response)

PDC Lysaght: Did you have a quorum?

Vice Cmdr Richardson: Yes.

D-10 Cmdr Sinclair: Yes, it was just a tie, it wasn't an issue of whether it was a quorum or not. In fact, it was, Russ was District Cmdr at the time, he was out of town, John filled in for him, etc, etc, (inaudible) we were friends before then and friends after, it wasn't that kind of issue. (Inaudible).

Dept Cmdr Britt: Ok, what I'm going to do, the Const & Bylaws sub-committee, I'm putting you in charge of coming up with the rule changes for the vote, policies and procedures, whatever you want to call it code of conduct, whatever you want to call it, and bring it back to this body.

D-1 Cmdr Jarvis: We're tasking them with a code of procedures, not a constitution issue?

PDC/PDA Hawk: It would have to be a constitution issue, not a code of procedures issue.

D-1 Cmdr Jarvis: That's why I just asked that question.

Dept Adj Diener: Ok, what happens here, is, there are two different pieces here. Establishing a tie breaker, a set of procedures for doing tie breakers would take the constitution because the constitution says you have to follow this unless it's in the constitution. I'm not sure the portion of it on who can make the ruling of whether one's been held right nor not, if that wants to become back to the DEC, that could be a code of procedures.

(several people talking at the same time -inaudible)

Dept Adj Diener: There will be two parts to that.

Dept Cmdr Britt: It will be a constitutional change and it will be written into the policies and procedures.

Dept Adj Diener: No, a constitutional change for the tie breaker procedure, a policy and procedure manual for who can make the determinations of whether....

PDC/PDA Hawk: You have a code of procedures for the department convention, now you want to establish one for the Districts? In tie-breakers? Its two different topics here we're talking about.

Dept Adj Diener: Yeh, I think that's what you'd have is a code of procedures for conducting district...

PDC/PDA Hawk: It's a constitutional issue, if you want change, you've got to put it into the constitution and bylaws on elections of district commanders. Then, in that process, you've got to put in there if you have tie breaker, like Nick said, that's two different topics. Then the third topic, you got to go to the convention because they can appeal to the convention. You've got the code of procedures to the convention, which runs the convention, just like the code of procedures for the national convention. You have a code of procedures for that, that supersedes the constitution to a certain degree, but you got three topics now. You got to separate the three what Walt faced is what decision is, Robert's Rules says, da-da, da-da, da-da. Then you keep going until somebody wins the majority of the vote, then you got the quorum issue. Then you got the total votes within a district issue, you're going to have to eliminate some of that to get a positive understandable document instead of having interference, not interference. That's not the word, that's not the word I'm looking for, interpretation of one person over another.

Vice Cmdr Richardson: At our convention, I'm sorry to bring this up, I really am. At our convention, at the last convention we had, we have a, we have a procedure set up for the election. There was a motion on the floor that we suspend the rules and elect the candidates by voice acclamation, or something (inaudible). Is that in the policies and procedures?

Unidentified speaker said no.

Vice Cmdr Richardson: Then what is the difference in that and the district doing what they did?

D-16 Cmdr Defrehn: By acclamation is in Roberts Rules.

Dept Adj Diener: That's in Roberts Rules and the convention body can, in that body, if they make a motion and the convention elects it, they can elect to not follow this while the convention is in session. The delegates to the convention have that authority. At the district level, the representatives of the posts there, don't have the authority to do anything to the constitution or to not go with it. And the one thing that I will say on it is.....

Vice Cmdr Richardson: It's got to be fixed.

Dept Adj Diener; It does need to be fixed because and it wasn't from our part, but you know, there was some, previously there were some battles and discussions that went on with District ten and up in that area over baseball and you talking about the perception of looking bad, you're right. Because a lot of people knew that went on, the first election, you won, we said, no, do it again, you had to do another election, and then all of a sudden, we came up with a third reason, ok. It wasn't intended to be that way but if I was a post in District ten, I'd would be sitting there, saying, what are ya'll trying to do?

PDC Hawk: Getting back to all this. This is not a new issue, it's become more of an issue because of a lot of the misunderstandings of the new people that we're getting in the issue now. And that gets back to training, period, that we were talking about earlier. But, it seems like every convention, it's a resolution or amendment to the

constitution just for district elections, to simplify the process. It's come up every year and it's rejected every year. So that's another way, look at the process, simplify the district election. Why? You don't have the numbers like you do at a department convention, you don't have the issues other than the one candidate, most of the time and the numbers is not an issue. But if, like Walt said, the numbers, it's the district commander's responsibility to call the Department to see how many delegates they got and based on the posts that show up, you add, subtract, gives you the numbers. If you don't have a quorum and follow the department constitution. What does it say in the department constitution on how many posts must be present to have a quorum at the department convention.

Vice Cmdr Richardson: It doesn't say.

NEC Strauss: One fifth.

Vice Cmdr Richardson: One fifth.

PDC/PDA Hawk: One fifth. Then you, here's the training that you're talking about. Here's where the districts would apply that, if you don't have anything to establish a code of procedures for district elections only, then you have to refer to the department constitution, it's one fifth of the posts present. If you don't have that, you can't have an election. But that's not written because it's always in some form or fashion been rejected every year it comes in. So that's where we got to start, we've got three issues, and Commander, we'll tackle all three issues.

Dept Adj Diener: Because one of the things and it hasn't come to fruition, if at the convention, if we have three candidates for fourth vice, and off the ballot nobody gets a majority, based off the way the rules are right now, we keep voting, keep voting, keep voting. We can't say, low candidate has to withdraw because Roberts Rules strictly prohibits that unless they do it on their own. So when we address this, we may want to look at some sort of tie breaker or some type of procedures for when we're doing our department convention because we could have ran into the same thing. Or the event of a tie at a department convention is just a lot less likely.

D-20 Cmdr Mills: We can talk about this all day long. The original thing that came up is the constitution and bylaws working on this and present us with something. So we can go back and forth all day long but we have people in place to work on these things so we get our information. Let them do the research, let them provide us the information and then we can discuss it.

Dept Cmdr Britt: As I stated, but it's been spread out a little bit. The Const & Bylaws Cmte has been charged with the responsibility of coming up with 1, 2, 3, whatever it takes to resolve this situation from the district level all the way up.

PDC/PDA Hawk: To add to that Commander, that the DEC can make a constitutional change too, to be submitted.

Dept Adj Diener: Oh, to be submitted.

PDC/PDA Hawk: To be submitted so don't throw out of this equation, Walt. To get this thing resolved because it's always been an issue and to get a workable document, this body can bring it to the Const & Bylaws and pass it on the floor for consideration.

Dept Cmdr Britt: Alright. That's been charged, the charge has been given to the Const & Bylaws Cmte to come back to us with whatever it is they need to do and whatever it is we need to do here or at the convention to rectify the problem we have. Ok? Any other comments?

D-1 Cmdr Jarvis: I just want to remind you, we had to cancel two workshops, on the 13<sup>th</sup> I'm going to do the one in Lancaster, D-9 & D-12 at 10:30 and then on the 20<sup>th</sup>, Jim Kvam is going to the one in Anderson for D-10 & D-14. If anyone has missed one, that's where the last two will be. That's what we got, those two left.

Vice Cmdr Price: I'd like to thank you Chaplain Quarles (inaudible) the process that I've seen today in working out what we needed to work out. But the topic now that we're all here together, when does the Alternate NEC get sworn in, can that not be done in front of us now.

Dept Adj Diener: We're looking at that right now.

Dept Cmdr Britt: Yes, we're looking it up right now and it will soon be taking place. Anybody else?

Hugh Taylor: Conventions. Why don't we have this in February, why have it so close to convention? Why don't we have a spring instead of a Fall Conference?

Dept Adj Diener: One of the reasons we changed it back from a winter conference and changed it back, from my understanding at the time, the reason for the change was to help save money because part of the constitution, some of the training and the get together that we had this weekend is that we're required to do that. So we would still, even if we made the conference in January, we would still be having some version of this conference. At the time to try and save money, we tried to move the conference back together.

Hugh Taylor: It seems like to me that you're spinning your wheels and you're talking about all this training that we're not getting, you need to move the conference back to February.

Dept Adj Diener: But if I wait until February to do the initial training, all the officers that came in, don't get anything until February. So that's one of the reasons.

Hugh Taylor: That's leaving the posts out.

Dept Adj Diener: That's the posts officers, they wouldn't get any training until February. We need to increase the training, if we get some of the other programs....

Vice Cmdr Poulos: One of the reasons the Fall Conference is here, those of us that go to National Convention, and sit in those delegate spots, bring back information and at this Fall Conference, I did it at Americanism but I'm sure that the other people, I was not in there those because I couldn't be there. I called what Resolutions we went through and sat through. This is an informative time that we can bring back exactly what we just did at convention and passed to let everyone know what we as the American Legion are bringing to Congress. And that is one of the main reasons we have it in the Fall too. To let you know what your delegates went to National and that National is going to taking to Congress. And that's the quickest time to do it is right after the Convention.

Hugh Taylor: If that's the case there, (inaudible) why don't you send us at the post what you learned at the National. Not all of us can afford to go there. I don't understand it.

D-4 Cmdr Southworth: I'm a new district Cmdr this year, I can tell you I did go to National and this for me has been extremely informative. I can go back to District mtgs now and make sure the posts have updated information on everything they need to know and current status which is a great way to get the information. I couldn't agree with Roberta more. So now I can go back and share with all the posts everything and they know what they've got to do.

Dept Cmdr Britt: Any other comments. Bob Scherer, would you please come forward.

NEC Strauss: Tommy Sinclair needs to be sworn in also.

Dept Cmdr Britt: He was taken care of the other night. (Commander Britt proceeded to swear in Alt NEC Scherer). Commander Britt called on Chaplain Quarles and closed the meeting.

For God and Country,

Nick I. Diener  
Department Adjutant

ND/mm