



Department Executive Committee
Meeting Minutes
February 4, 2017



The Department Executive Committee met on Saturday, February 4, 2017 at American Legion Department Hdqtrs, Columbia, SC 29210.

Dept Cmdr Robert Scherer
Dept Adjutant Nick Diener
Dept Assistant J/A Anthony Livoti
NEC Bud Hennis
Alt NEC Gary Mitchell
Imm PDC Joe Lysaght
Dept 1st Vice Cmdr Mike Strauss
Dept 2nd Vice Cmdr John Britt
Dept 3rd Vice Cmdr Walt Richardson
Dept 4th Vice Cmdr Roberta Poulos
D-1 Cmdr Jim Jarvis
D-2 Cmdr Dwight Cargile
D-3 Cmdr Clyde Mabery
D-4 Cmdr Stew Koontz
D-5 Cmdr Jack Wright
D-6 Cmdr Jim Kvam
D-8 Cmdr Bill Wade
D-10 Cmdr Russ Cantrell
D-11 Cmdr Richard Lackey
D-12 Cmdr Charlie Davis
D-13 Cmdr Carlton Patterson
D-14 Cmdr Mike Brandt
D-15 Cmdr Ron Price
D-17 Cmdr Jack Lonergan
D-18 Cmdr Larry Pouncy
D-19 Cmdr Grady Richardson
D-20 Cmdr Robin Rucker
Dept Chaplain Bill Quarles

Excused:

Dept J/A Stephen Lewis
D-9 Cmdr Isaac Miller
D-16 Cmdr Jim DeFrehn
Dept Sgt-at-Arms George Oxner

Absent:

Dept Historian Matt Gooden
D-7 Cmdr John Coaxum

Also Present:

PNEC John Palmer
PDC Bob Gibbons
PDC Cecil Phillips
PDC/PDA Jim Hawk
M. May, Dept Exec Dir

Past D-4 Cmdr/P-40 Adj Bill Shoe
Post 40 Cmdr Thomas Long
Darlene Walton, P-130 Adj
Steve Goulet, P-193 1st Vice Cmdr
Miles Blassingham, P-80 Mbr

Cmdr Scherer opened the meeting 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 for the Preamble. Dept Cmdr Scherer called on Vice Cmdr Walt Richardson.

Vice Cmdr Richardson: I need the contingencies from M. Beach P-40 and Chapin 193 and their District Cmdr's to come forward.

P-193 Vice Cmdr Steve Goulet: Good morning, thank you so much for letting me come down here to make this presentation. Each year, just like every post that we have in SC, we do fundraisers and we raise money so that we can take that same money and put it back into the community. We use it to assist with veterans causes. This year we were going through our list looking at things that we wanted to make donations to, and in our meeting Walt was there. And he happened to mention that one of our posts here in the State, P-40, had some problems from Hurricane Matthew and they had a lot of damage done to their post. So the Executive Committee of our post we sat and we talked about it and we come up with the conclusion that we wanted to make a donation to P-40 to kind of help them get their stuff going and get back on their feet again. So what we'd like to do is present this check for \$500 to the P-40 Adjutant Bill Shoe and Cmdr Tom Long and thanks so much for everything that you do for veterans and we hope this helps to get your post back together (Applause).

P-40 Adj Shoe: Thank you very much. If we could take a little bit of your time before you leave. We took the time to do a certificate up, we didn't know this was coming from the Riders.

P-193 Vice Cmdr Goulet: No, let me make that clear, I'm a member of the Riders, this morning we're doing a membership drive for the Riders and we're also doing a fundraiser so that's why I'm dressed like this but I'm also the first Vice Cmdr for the post and this donation comes from P-193.

P-40 Adj Shoe: So we did a you certificate of appreciation for P-193 in recognition of outstanding support and contribution of \$500.00 for the (inaudible) Hurricane Matthew in October 2016. Applause. During Matthew we had four to six foot of water on our property, we couldn't get down to the road to get to our property. We had 18" of water in our post, we had to tear out all the floorings out, all the cabinets, all the bathrooms, walls, insulation and everything, then we had to treat for bacteria and mold. We've got the walls back up, the insulation, the 16th and the 17th. Home Depot, and I've mentioned Home Depot before to all your veterans organizations out there. Get off your duffs, if you've got problems, go talk to the general manager at the Home Depot. This is twice they've helped us out. We give them a quote, they come in and gave us a quote on everything on flooring, for cabinets, for appliances and everything, they gave us \$10,700. We took this two part application you have to do with them, it went to Atlanta and just before Christmas they sent us 10 gift cards in the amount of \$1,070 per gift card for a total amount of \$10,700. On the 16th and 17th we went in and got our sub-floors prepared, they're going to come in with their personnel from four or five stores and they're going to put our floors and cabinets in and we're going to put the baseboard in and we hope to be back in by March. Communities, by all means get out into your communities. We've had outstanding support in Myrtle Beach, we got a free storage unit to put our stuff in. Service-Pro come in and did our bacteria and mold treatment. Quote price on that was \$3,800, they come in for six days and charged us \$500 and we gave them a certificate for a donation. Get out into your communities. (Walt Richardson came forward and thanked P-40 Adj Shoe).

Dept Cmdr Scherer: If your phone hasn't been turned off, please turn it off. Nick would you like to do the minutes. Do we have a motion to do the minutes as presented?

D-19 Cmdr Richardson: I make a motion to suspend the reading of the previous minutes.

Dept Cmdr Scherer: November and December.

D-19 Cmdr Richardson: I amend my motion to include both of them.

D-1 Cmdr Jarvis: Second.

Dept Adj Diener: We've got a second.

Dept Cmdr Scherer: Thank you, sir.

Dept Adj Diener: Can I make one recommendation on the minutes from the December meeting. Since we put those minutes, normally put those minutes out on the webpage. If ya'll remember we were discussing the Assistant Adjutant position, or Adjutant position. The salaries of everybody ended up being in the minutes of that meeting and I would recommend that as part of the approval we either don't put those minutes on the webpage or that if we do put them in the webpage those pertinent areas other than the Adjutant's salary but all the other salary information that we put on there I would recommend that we black it out so it's not out there for privacy purposes.

D-5 Cmdr Wright: In the November minutes I recommend they be amended to show where it showed where I was excused that a letter was sent to the Department asking for excusal due to the fact that I had already booked a meeting with a church organization and we were out of the country on a mission at the time. If you see fit, I would greatly recommend changing.

Dept Cmdr Scherer: If I remember right you did change it?

Exec Dir May: We never received it.

D-5 Cmdr Wright: I have a copy of it.

Exec Dir May: But if we don't have it, that's why you were marked unexcused.

Dept Cmdr Scherer: **All in favor say aye, opposed? Carried (motion to approve November and December minutes was passed and so ordered).** Past Department Commander Cecil Phillips? He will bring forward some things and J/A Livoti purposely took time off to come to this meeting for this.

PDC Phillips: Good morning everyone. Just a few things that we're going to propose. The Const & Bylaws met on January the 14th and there were a few other people present besides the const & bylaws cmte. We had some controversy about the const & bylaws and we did bring those up and we have some proposed changes and that's all we're going to do. What this is for is recommending or proposing to the DEC to (inaudible) or approved and what have you or any changes made, the DEC would have to submit an amendment to change the const & bylaws. There's only like three places that can submit a change to the const & bylaws. That's a post, a post Executive Committee or the DEC, that's the only places that can submit a change to the const & bylaws. What we did in the const & bylaws committee, we made, we took the articles and did a proposed change for that and this is what we're going to submit to the DEC. You can argue and carry on and do whatever you like but this is only a proposal and not an amendment. The first one we took up was the DEC. These are really, if you've got these, if everybody has them, you can see what the current article says. There's only one thing in that particular article and it was the fact the word "BE" was not, in about the 5th sentence down. Where it says shall be permitted to BE present and privileged to participate. The only thing we did here, and this was told to us, we added the word BE after permitted to. Now, that was really a supposedly a typographical error from what was passed. But since this const & bylaws is on print, we felt that we should go ahead and put an amendment in to add the word "BE". That would show the membership we're not just trying to add words.

Dept Adj Diener: We went back and looked and checked and the actual wording in the amendment that was passed at the convention did include the word BE in there. So the printing of the constitution that we did was actually in error because that word was in there. So it comes down to the question and Anthony, I wanted to get your opinion. Is that something that goes before the convention or is it just a correction?

Asst J/A Livoti: If the language has already been approved by the Convention and it was just a Scribner's error to go from the approved language to what ended up being printed. I would, my opinion would be we wouldn't have to make another change for that. If the language wasn't already approved than that would be a different story. But you and Maggie are telling me that language that had it in there and in fact had "BE" in there and it was just a Scribner's error from transmitting it from what was approved to the final document then I think that's just a correction that can But I just think if it was approved initially with that same language then I think it was just a transmittal error.

PDC Phillips: If that's the consensus when we can print a new const & bylaws and put that word in there. That was just brought up, and that's why we did it. Ok, the next Article VIII, these are under the constitution. Article VIII, election of Department Officers, Section 7. Under the current constitution, it says "All Department Officers and Members of the DEC will within 45 days following the conclusion of the annual Department Convention, take the American Legion Extension Institute Course and successfully graduate from said course.

Proposed Change: All Department Officers and members of the DEC who have not successfully completed and graduated from The American Legion Extension Institute Course will within 45 days following the conclusion of the annual Department Convention, take and successfully complete and graduate from said course.

The next one is under the Bylaws – Article II- Finances, Section 1. Current: The local posts as of July 1, 2009, shall pay into the treasurer of this department \$29.00 for each member for each fiscal year. The Department Adjutant shall remit annual \$13.50 per capita upon the membership of this Department to the National Finance Officer of The American Legion and shall use \$15.50 per capita for the usual expenses of the Department. Also that if the National Organizations raises it's per member capita to the Department that the Department will automatically rise it's per capita accordingly. That would say you're supposed to raise it twice in a sense, you raise the dues that National has submitted and also you add the amount for the Department. There was some, from what I understand too, there was a lot of discussion about that and a lot of arguments and what have you.

The proposed change is, and I'll read the entire thing even though it's a little long. We won't be too long though. This is as of January 20th and this needs to be changed because that's when the actual increase was put into effect. The local posts as of January 20, 2016, shall pay into the treasurer of this Department \$34.00 for each member for each fiscal year. The Department Adjutant shall remit annually \$18.50 per capita upon the membership of this Department to the National Finance Officer of The American Legion, as the dues of this Department in the National Association and shall use \$15.50 per capita for the usual expenses of the Department. In addition, two (\$2,00) dollars of this per member capita be put into Department savings for the future of the Department. Also, if the National Organization raises it's per member capita to the Department the Department will automatically raise the National organization per member capita amount only to the local posts. If the Department requires a per member capita increase, the DEC shall submit an amendment to the Constitution and Bylaws for the increase to be voted on at the ensuing Department Convention.

The next one was like an addendum. The current one, Article III, Duties of Officers, Department Adjutant, 5th paragraph. Immediately after each annual department convention, he/she shall have a full complete audit of his/her accounts made by certified public accounts, agreeable to the DEC and such audit shall be submitted to the first DEC after said audit has been conducted.

Proposed Change: Immediately after the end of the fiscal year he/she shall have a full complete audit of his her accounts, etc., etc., like the first. And that's it. That's the changes that the const & bylaws committee that met on the 14th has come up with. Also, I think on March 17th is the deadline for any amendments to be submitted by the post. And we will have a meeting on the 18th to discuss those. That's my report.

D-1 Cmdr Jarvis: Can we make a recommendation for a change?

PDC Phillips: Sure.

D-1 Cmdr Jarvis: On Article II. Finances. Down there where we're making the changes here. We all know what's happening. National increased the dues so we're trying to clarify the fact that ok, National increased it and we're passing that National increase on to the post. The word raise is not the word to use in that circumstance. I think the word pass should be in there. Also, before "to the local post". Cross out "ONLY". So I say that it should read the Department will automatically pass the National Organization's per capita amount to the local posts. Instead of saying "Raise".

PDC Phillips: You might want to ask the Department J/A.

Asst J/A Livoti: I actually had kind of amended some of that language too and I submitted that to one of ya'll. The way I think I had drafted it was saying "furthermore, the National Organization raises its per capita contribution to the Department, the Department will automatically raise the National Organization per capita amount charged to the local post". But we can certainly tweak that even more to get rid of the local post part and we could even say "will automatically pass on that increase to the local post". My sense of it was ya'll, and I had my phone out to look at all those e-mails but my sense of it was that the DEC wanted to say that if National increases the dues we're going to pass that on to what we collect from the local posts but any action of increasing the Department's dues would be taken separately.

PDC Phillips: So you're asking to change the word raise to pass and then we delete the word "Only". Leave the word only?

D-20 Cmdr Rucker: Pass on.

D-1 Cmdr Jarvis: Yes. I liked his furthermore in there too.

Asst J/A Livoti: Furthermore the National Organization raises its per capita contribution to the Department the Department will pass on that increase to the local posts. Getting rid of per capita amount (inaudible). Is that what you said?

D-1 Cmdr Jarvis: Yes.

PDC Phillips. Now, this is just a proposal, once the DEC gets this, they can change this to however, they want to submit that. And we're not technical writers so, that's why we have a Judge Advocate.

J/A Livoti: You could actually say it "furthermore, if the National Organization raises it's per member capita to the Department, the Department will automatically pass on that increase to the local post. Because that increase refers to the increase of (inaudible).

D-1 Cmdr Jarvis: That's it. That's it.

Vice Cmdr Strauss: I'd like to say a couple things that I'd like you to consider. And that is putting in wording, National did this at the National convention and made it effective in January and to change our bylaws we'd have to wait all the way until the convention. Can we put the wording in such a way that it automatically changes our bylaws in accordance so if they do that type of thing. So when National raises their per capita, can we put the wording in there to change our bylaws so we don't have to wait until the convention to do so?

J/A Livoti: Yeh, I actually thought about that. We could actually propose to have language in there that it would automatically amend these bylaws without any further action by the convention. But specifically only if there's a National dues increase.

Vice Cmdr Strauss: Does everybody agree with that? So we don't have to wait all the way until the convention for a national dues increase to change our bylaws?

PDC Hawk: The Post doesn't have the alternative. When National raises their per capita per member, the post has to get to raise their per capita per member automatically. There's no discussion on that.

J/A Livoti: Jim, you're saying it already happens without any further action by us?

PDC Hawk: When it passes at the National convention in August and it goes into effect the following July, that gives the Department a whole year to get the verbiage out to the post to get it back for the July 1 per capita increase of X number of dollars. But when it happens in January, that only gives you five months to get it out.

Dept Cmdr Scherer: Hold on one second guys, I think you missed the second sentence there. It says the Department requires it's per member capita increase, the DEC shall submit an amendment for the increase to be voted on at convention. So it says if National raises theirs \$5.00 we automatically do it but it also says if the Department wants money we go to them and you know darn well if we go to the convention that we want \$5.00 then we're not going to get it. So be careful if you pass this you're not going to get a dues increase. Because you're asking the Department to vote on that.

D-6 Cmdr Kvam: That's the only thing we can do.

PDC Hawk: For the board it has been done in the past because National at one time within five years raised their dues twice. So when the convention came up and the Adjutant's heard it was going to be raised again, even though it was fifty cents or something but it still was a raise. The convention passed it that we would automatically raise ours without doing a constitution amendment which would have to go back to the post again and say we're going to raise the per capita dues again. Now, that last sentence is already in the constitution, you just moved it from one place to another. Any dues increase on the department level has to go before the department convention to be passed. And that could be immediate or as Cecil said, January or the following July. That part never changed. That's always a function of the Department Convention, to increase the Department dues. Not National. National dues we don't have a dog in the hunt. We just got to do it. Sometimes the Department passed it. One year we did not raise the Department dues when National did. That year the finance committee recommended not to raise them. So it's getting around to the same thing but you just got to be sure you understand that when National does it, we have no option but to do it.

D-1 Cmdr Jarvis: And that's what this is saying.

Imm PDC Lysaght: Jim covered it too. The last sentence is already in the Constitution. If we want to increase the dues in this Department where we have oversight on the post then we can do it. Just like National has oversight on the Department and all we're doing is passing that down.

PDC Phillips: According to the current Article, Section I, we automatically increase the dues the same as National when they increase theirs.

Imm PDC Lysaght: I don't think the word automatic's in there.

PDC Phillips: I think so. I'm not going to stand here and argue.

Imm PDC Lysaght: No, no, I'm not arguing.

PDC Phillips: Let the J/A tell you.

Imm. PDC Lysaght: No, no, I was here when National passed it and I know what we went through. And there was really no automatics in there.

Dept Adj Diener: That's what we're trying to clarify so there won't be all the discussion.

PDC Phillips: These were just proposed changes by the const & bylaws committee. This DEC can change these or submit them however they want. These are not in concrete.

NEC Hennis: There's no reason to discuss it.

D-11 Cmdr Lackey: The last copy of the const & bylaws I have was printed in October of 2016 and that's the wording that we're talking about it, is that correct?

Dept Cmdr Scherer: It was printed in October 2016 and amended in June 2016.

D-11 Cmdr Lackey: So there's changes in that from the.....

Dept Adj Diener: No, that paragraph is all the same.

D-11 Cmdr Lackey: Why was it printed again and sent out to the post?

D-1 Cmdr Jarvis: It went out with the amendment and resolution forms for convention.

Vice Cmdr Strauss: The first time it went out last summer there was an omission. And when that was pointed out it was sent out. Bottom line it's on the website.

D-11 Cmdr Lackey: I did not receive a copy. And I should have received a copy.

Exec Dir May: It went out with the minutes yes.

D-1 Cmdr Jarvis: I got one.

NEC Hennis: I got mine with the minutes.

D-11 Cmdr Lackey: Ok, second thing is, what we said here is that this organization is going to submit these changes to be voted on at the convention, is that correct?

D-5 Cmdr Wright: It goes through the DEC first.

D-11 Cmdr Lackey: So we're not changing anything, I want to make sure everybody understands that.

Dept Adj Diener: Ok, I'm kind of going out of order because we needed our J/A here. We've got an appeal in and due to some of the nature of the things I need to tell you all in the summary, Commander, I would recommend that we go to Executive Session on that. I don't think this will be a long one but again I need to cover a couple of things in there and that doesn't need to be out for everybody to hear for privacy.

D-20 Cmdr Rucker: I make a motion that we go into Executive Session.

Vice Cmdr Poulos: Second.

Dept Adj Diener: Can we get you to amend the motion that staff and Chaplain stay.

D-20 Cmdr Rucker: Amend the motion so the staff and Chaplain stay.

Executive Session Closed.

Dept Cmdr Scherer: Ok, let's go ahead and continue on and do the membership report, Robin?

D-20 Cmdr Rucker: Thank you Commander, couple things I want to talk with you about, ok, we got some good news and not so good news. Good news is we got 30 posts at 100%, one we got to get on there but haven't been able to transfer yet but that is a high, that's great, 30 posts, you ought to be telling those if they're in your district that you appreciate that number. We're 4th Nationally, that's good too, but on the not so good is that we haven't our own goal for the state. One plus one (inaudible) means membership and I want to help you do that. We got nine days to make up 2,417 members. Ok? 90 days. 20 districts, a lot of your districts are close, eight districts are within a hundred members, ok? You can do this thing. I just need your help. But we are behind where we were this time last year. We're 910 members behind where we were last year, ok? And what that basically, we're at 75% renewals we were only 75.75, where last year we were at 77.36% so we're not picking up the renewals for whatever reason. Now on new members, we're actually ahead of where we were last year, ok? So we're getting new members in, that's great. We've had 604 new members so far this year, last year we were at 575 so we're doing the right thing but we got to get those renewals in, ok? And I do appreciate that. You need to look at this, you need to look at your list and see where you're at. I'm here to help you. We've had two state revitalizations in the last month and overall we picked up about 18 renewals and we picked up, with both of them, we picked up seven new members. Ok? So it can work. So that leads me to my next part. Other good news is that Nick had gave me the opportunity to talk with National and we have two revitalizations coming up. One the 8th, 9th and 10th, at District 6, Goose Creek, Charleston area. Ok?

Dept Adj Diener: 9th, 10th & 11th.

D-20 Cmdr Rucker: 9th, 10th & 11th. Sorry. And then March 23rd, 24th & 25th will be D-15 at the North Augusta/Aiken area. Now, I want you to have the opportunity to do that too. But it takes a commitment on your part to provide some things. First of all we've got to get all your posts there when we have this thing for three days, basically. Two days of calling, one day of meet and greet and have a little training session. So you have to get your posts at this location, that's part of what National requires. It also requires you to have a service officer there for two days, ok? And the other thing is to provide a place where we can have it and everybody bring a cell phone and be ready to work, Ok? And we've got that obligation from D-6 Cmdr and D-15, and D-2 already. See me, call me, I'm on the internet, we want to do that. We want to start that and continue (inaudible), ok? We haven't done this in years. Some states do this every year. That's what I want to work toward, ok? Now, the other thing that's not very nice that I want to talk to you about is under our constitution you have to keep 15 members of a post. We have 15 posts that have not met that requirement. As of March the 1st, they will be in violation of our constitution. So, this is the proposal. First of all, I do not want to revoke charters, that's not what I'm after, I'm after getting people's attention, so bear with me on that. But under the department Constitution, Article VII, Section 7, states that the DEC shall have the power to revoke any local post charters for the further reason of a post failing to report at least fifteen members to Department Hdqtrs by March 1st of the year. With this in mind the Membership committee has directed me to make the following motion to you. **That the DEC revoke the charter of the following post:**

P-18 Timmons ville	P-47 Timmons ville	P-46 Barnwell	P-246-Barnwell
P-75 Williston	P-247- Russellville	P-91 Blackville	P-201 Gaffney
P-213 Bennettsville	P-50 Honea Path	P-100 Ware Shoals	P-95 Ridgeland
P-118 Nichols	P-144 Johnsonville	P-226 Lakeview	P-249 Dillon

If any of these posts fail to report 15 members by March 1st, I further request that a letter be sent out from the Department to each member of those posts listed above stated the same. I know that is a lot but I had to quote the constitution and it is not about wanting to pull their charters. What we're trying to do is to get them, I think we got seven posts out of that 15 that are within two members of having their numbers, ok? So, we will send a letter to get their attention but I got to have your approval to be in connection with the Constitution and Bylaws so that's my motion to you and I would like to have a second, Commander?

Dept Adj Diener: You have to have a first.

D-20 Cmdr Rucker: I'm making the motion, right?

Dept Cmdr Scherer: You can't make the motion as the chairman.

D-20 Cmdr Rucker: I'm sorry.

D-3 Cmdr Mabery: I make a motion.

D-20 Cmdr Rucker: I've got it written right here. As stated?

D-3 Cmdr Mabery: As stated.

D-20 Cmdr Rucker: Ok.

D-1 Cmdr Jarvis: I second that.

D-20 Cmdr Rucker: Ok.

Dept Cmdr Scherer: Now, you're not pulling the charters, I want to make that clear, you're just sending the letters, is that right?

D-20 Cmdr Rucker: Just sending the letters but we have to do it by March 1st because if they don't then we pull the charter. That is it.

D-1 Cmdr Jarvis: If we're going to say something then we need to follow through with it for a change. This is a problem that's been going on and on and on. We all know 15 people and they're not responding and they're not cooperating so maybe this will be one last ditch effort (inaudible).

D-20 Cmdr Rucker: That's why we have to follow the constitution and bylaws but we need to do it this way to make it right.

D-14 Cmdr Brandt: I got a post, 100, that has transfers from 172 to their post? Do they count?

Dept Adj Diener: No.

D-14 Cmdr Brandt: So in other words they got to pay for their two members?

D-1 Cmdr Jarvis: Yup.

Dept Cmdr Scherer: Because they paid another post.

Vice Cmdr Richardson: Are you crazy? You want to pull the charters of 15 post?

D-20 Cmdr Rucker: It's by the constitution if they don't do it by March 1st, that's what you don't understand.

Vice Cmdr Richardson: You got a small post out there, Nichols, that just went through a flood, and you got small posts that got 13 or 14 people that are sending people to Boys state and you want to pull their charter? No! Uh, uh.

PDC Hawk: Can Ware Shoals and Calhoun Falls merge? Ware Shoals has had that issue for years, could they merge into one post?

D-14 Cmdr Brandt: It's too far away, 25 miles.

PDC Hawk: To gain Ware Shoals membership into Calhoun Falls, that 25 miles is not going to make a difference. All you lose is a number but you save the members. Like Robin was saying, you're saving the members. Can that be done, can the district cmdr consolidate them?

Dept Cmdr Scherer: That's his job to do that.

PDC Hawk: I know it, but in his case as a new district cmdr we need to look at where he's coming from, maybe they can consolidate into one post.

Dept Adj Diener: Can I, can I make one comment on the transfers? The way the wording in there is that they would have had to pay through, ok? However, this body can decide that if you want to count transfers that are currently paid, in other words if I add up all the members of the post that are last paid year 2017, if you want to count that as against the 15 members, you certainly have the authority to do so.

D-20 Cmdr Rucker: The thing guys, we got this in the constitution and bylaws. Again I say, I don't want to pull anybody's charter, but the committee asked me to come up and bring that to you, ok? So I don't to be the bad guy about pulling, I don't want no...because I got a post that made it but they're close. I don't want to pull anybody's charter but we have got this many posts we got to make some decision if we're going to stick with the bylaws and the constitution.

PDC Hawk: Mike, as National MP&A, 172 Hdqtrs Post, throughout the nation and other departments, it doesn't say that they will count but do they count in other departments?

Vice Cmdr Strauss: I think there is the way the department says it, it's got to be paid to be counted, the way we got it now. But National does have a new Resolution coming forward being transferred after the first year instead of three years. Yes, I think, based at this list, the Blackville post has squeezed every last ...and there's some like Ware Shoals that haven't really tried to address, I think some of them deserve it but I think some of them we could work with them and talk about consolidate them. With Beech Island and Jackson, there have been successful consolidations.

Dept Adj Diener: Some departments count transfers, some don't, it's different across the board.

PDC Hawk: (inaudible).

D-2 Cmdr Cargile: There's something good here, because it's always been confusing, when you get someone from another post that's already paid, we don't get to bill them until the next year. Maybe that might be a carrot to keep pushing harder, let's think smarter here, if we could count those people as transfers. That's not to mean everybody (inaudible) but that could mean encouragement (inaudible). We know that, a lot of places, the reality is nationally we're all struggling to keep our membership high but if this committee could agree to allow those transfers in, you'd have probably less likelihood of ticking off a whole bunch of people, and I'm not saying anything argumentative about the const & bylaws but I think we have the authority (inaudible) and if some places do it, we have a lot of low hanging fruit (inaudible) and that would make it good for everybody.

Vice Cmdr Poulos: At National when they do our membership and our bottom line is including 172, they're already included in our state, all we're trying to do then, that 172 post, which is our state, our Dept, our goal is to make 172 zero. You can't make them zero if you keep counting them that year so once you transfer them to a post from 172, that's that post member. They buy a hat for that post, they become part of that post and that's where we're going wrong in this state because other states and I know from true experience, and they're taken out of 1362 or whatever that one was in that other state I was in. They were no longer counted in there so that was coming closer to that zero mark and it gave that post somebody, the bottom line is exactly the same. They don't give a flying flip. So anyway, that's my point.

Dept Adj Diener: When I brought that up for counting it, what I was talking about counting them for was against whether a post had met the minimum 15 as far as pulling the charter. As far as what you all are discussing for counting them on the membership report once they transfer, ok? Our systems will not allow that, ok? I mean, we simply have no, and national doesn't count that, if somebody transfers from North Carolina to South Carolina, National counts that against where they paid. In order to try and keep track of all those transfers, ok, I could never give you an accurate report, ya'll may not see it but I've got people that bounce around posts all the time so I would constantly be taking from this post, credit, to this post, oops, now they've gone from over here to over there. All that would have to be done manually because we simply...the systems are not set up to do it that way. Those departments...I know Illinois give their people credit, they have their own computer system that they had written, they have their own programmer that does their computer system. We simply don't have the resources to do it that way.

Vice Cmdr Poulos: I'm not talking about coming from another department.

Dept Adj Diener: I have no way to be able to do all that unless we're going to hire a couple people to do it manually.

D-15 Cmdr Price: I'd like to call for the question. The question being can we go ahead and send out the letter.

Dept Cmdr Scherer: Point of order. Go ahead.

Imm PDC Lysaght: What Commander Poulos is talking about has got validity. We have paid members sitting in our holding post. We're encouraged to recruit these members to the local post. She's not asking to change any of that, she's recommending that we simply move numbers around. Like putting apples from shelf A to shelf B. Do we not have that capability? We'd have to manually do it?

Dept Adj Diener: We'd have to manually do it.

Vice Cmdr Poulos: We're only talking about, how many members are in 172?

Imm PDC Lysaght: 2,000 and something.

Vice Cmdr Poulos: So we're only talking about if we're manually doing it, we're only talking about 2,000 people that we're worrying about anyway. That can literally be done on a little....

Imm PDC Lysaght: No, we're not worrying about that, we're worrying about transferring people, if you need five people in a post and you can draw five people from 172 to give them their 15. Because they've already paid, the money's already in the department.

D-20 Cmdr Rucker: Some of them haven't paid.

Imm PDC Lysaght: If you've got them in 172 listed, and they haven't paid we've got a problem. But what I'm saying we got an opportunity here, I think we need to kind of let it resonate a little bit and think about it, if we can find an individual in 172 who wants to go into the post and then the following year you're billing that person, we're not really doing anything, we're not doing apples and oranges, we're simply changing numbers. Instead of being a number in 172 it now becomes in 147 or 156 or 210, wherever. We are helping the post. Now, I am adamantly opposed to carrying the post and I put the onus on that on the post commanders and the district commanders, you know exactly where your posts are at. And as Commander Strauss said, as Nick has said, Robin's got a great program, you got to get out and knock on some post doors and build the post, ok? But I still think there's a sense of unfairness when we put 16 posts out of this department and I don't know how many Legionnaires.

Dept Cmdr Scherer: Couldn't we just look at the posts and say they got 13 members but they have 14 transfers, isn't that enough to make them stay? I mean, why are we worrying about it, they got 20 something members.

D-20 Cmdr Rucker: If they're all transferred, I....

Dept Cmdr Scherer: I mean, let's look at the posts, we got posts that have members but we're not counting them.

Dept Adj Diener I mean, we got two different issues. One of them is to keep a post from losing its charter, do we go ahead and count those 172 people which my recommendation on that would be yes. Trying to give credit on the membership report to match goals for all the transfers is a totally separate issue and a totally separate can of worms. I don't know, if you told me to do that today, I don't know how to do it. So we got two separate issues.

P-130 Adj Walton: I just want to make one statement and being on the membership committee and having come to the DEC as long as I have. Yes, he gave you a long list, but if you really look at the list they're maybe only a handful there who have been riding this bullet now, this boat, for five years. Have never come up to Par, it's in the constitution. I think you need to look at the constitution. I think if they've done this more than three years ago, their charter needs to be pulled, because ya'll just keep rolling it down.

D-2 Cmdr Cargile: I really think that a lot of posts, especially small posts if they lose some members through death or whatever, remember you've got to do the backstroke and backfill in to reach your goal. Can you imagine how much better it would make them feel knowing they could count those transfers in and put them back because I agree with Roberta, we need to make sure if somebody is playing this game, we need to look at it. One other thing, if our system is so antiquated, because, we can search for PUFL's, SAL and Auxiliary, maybe it's just getting somebody that can wrote a program for that.

PDC Hawk: All these District Cmdr's have Mylegion.org, they can get the 172's by zip code. It's the responsibility of the district and posts to look at new members if they can't get them there. That would alleviate what Robin...the post, the system is already there to get them into the post. Another thing, why can't we send a letter to all the 172's members saying you will be transferred to the post within your zip code. It's been done in the past and National stopped it. But's it's coming back up, some departments their DEC authorizes all hdqtrs go straight to the post by zip code within a local post area. And then district commanders decide where they go based on their zip code but that's got to come from this body.

Dept Cmdr Scherer: We've got a motion. The other day we found 15 members in 172 down there in Timmons ville, District 18. That list was sent to Post 147.

D-19 Cmdr Richardson: Can we read that motion, that was a long time ago.

Exec. Dir May: Ok. **Under the Dept Constitution, Article VI, Section 7, states the DEC shall the power to revoke any post charter for the further reason of the post failing to report at least 15 members to dept Hdqtrs by March 1st of any year. With this in mind the membership committee has directed me to make the following motion. That the DEC revoke the charter of the following posts.**

P-18 Timmons ville	P-47 Timmons ville	P-46 Barnwell	P-246-Barnwell
P-75 Williston	P-247- Russellville	P-91 Blackville	P-201 Gaffney
P-213 Bennettsville	P-50 Honea Path	P-100 Ware Shoals	P-95 Ridgeland
P-118 Nichols	P-144 Johnsonville	P-226 Lakeview	P-249 Dillon

If any of these posts fail to report 15 members, paid members by March 1, 2017, I further request that a letter will be sent from the Department to each member of these posts stating same.

D-19 Cmdr Richardson: The motion we're going to revoke their....

Dept Cmdr Scherer: Well, they're going to send a letter to them telling them we're going to revoke.

D-19 Cmdr Richardson: The motion says revoke.

Dept Adj Diener: If they....

D-19 Cmdr Richardson: No, no, no, the motion says revoke.

D-20 Cmdr Rucker: By March 1st.

Dept Adj Diener: The motion says if they do not have 15 members by March 1st they are revoked.

Dept Cmdr Scherer: Ok. All those in favor say aye, opposed? Motion doesn't carry. Rifle Raffle? Walt?

Vice Cmdr Richardson: And I won't take long, I promise you that. Guarantee you short, sweet and to the point. So far we've got \$19,460 in the bank. We've got another deposit in the basket. Hopefully when we get this deposit in the basket, we'll be able to pay off the rifles. The rifles will cost us \$23296.00, ball park figures, because of the change in the prices, I told you that back when we started this thing. So it's looking good, get on out there and sell these tickets. Now, that being said, strange things are happening and I've noticed this. We have already, initially, we issued out 16,400 tickets. In addition to those tickets, we have already issued out 1200 tickets. We've only got 960 and some odd tickets back in. That means these tickets are being hoarded. God almighty people, please don't let them do that. Don't let them do that. When we get an envelope this thick, it's hard to type all those tickets in. It's easier to do them a little bit at a time instead of coming here for six hours and typing. So please go to your posts and tell them, do like Bill Shoe does, once a week we get one from him it's got 15 or 16 tickets from him every week. If they could do that, I sure would appreciate it. The Connector went out earlier and we started from posts asking, what is this Rifle Raffle? Where are my tickets? Only thing I've got is, District Commanders. If you cannot get tickets to your post, I don't care why, I don't care. If you cannot get those tickets to these posts, turn them in. I'll take the damn tickets to the post. Bottom line, case closed, end of discussion. I don't want to hear no excuses, you signed up for the job, I expect you to do it. If you're not going to do it, turn them in. I'll take them down there. Next. So far, (inaudible) the post have a profit of \$4845. That goes to 33 posts. That's all we've heard from is 33 posts, out of 169 posts, that's less than 25%. Please get out there and talk to your posts and have them turn those tickets in. Now, most important is, oh, by the way, District Commanders, 1, 2, 3, 6, 12, 13 & 20, I ain't talking to you. The rest of you, turn the damn sheets in. Where you're supposed to have those things signed, that's all. Just turn the sheets in, it ain't that hard. Just turn them in. Now next, at the convention, we've already spoken to Palmetto State Armory, they're going to have the rifles and the shotguns at the convention. They're going to have the tables lined up, they got people that are going to be there and they're going to answer any questions. We've even got armed security's going to be there.

NEC Hennis: We've had armed security there before (laughter).

Vice Cmdr Richardson: You ain't had 52 rifles and shotguns there before. That being said, what I need from this body right here. We're going to sell tickets at the convention. What the finance committee came up with was, two people need to be there selling tickets. What we're going to do is, for every member that sells tickets at the convention for every two hours they work, we give them one ticket. That way it don't cost us nothing, we take the tickets off the back.

D-1 Cmdr Jarvis: Just don't put them in the drum either (laughter).

Vice Cmdr Richardson: Let's say Larry has one of his commander's sit there for two hours and sell tickets, then when he's done with it, we hand them a ticket, he fills it out and puts it in the drum. Do we have any problem with that?

D-18 Cmdr Pouncy: No, you're running the show.

Vice Cmdr Richardson: Is that agreeable? Does anyone have any problem with that? Is everybody getting the updates? I try to send one out every two weeks. I'll put that in my next update. If you would, please, please, forward these updates to your posts. We've got to keep the interest up. Gentlemen, and ladies, once we get that \$23,296.00, it's profit. I'm shutting up Jack. I'm shutting up. Any questions?

D-13 Cmdr Patterson: I've got one question. There was talk before about pre-drawing these and putting them in a safe.

Vice Cmdr Richardson: Yes.

D-13 Cmdr Patterson: Let's don't do that. If these people out here buying tickets and they find out that's being done, they're going to say this thing is rigged.

Vice Cmdr Richardson: We've always said we'll announce the names on Tuesday of every week.

D-13 Cmdr Patterson: All I'm saying when we got all these tickets, they're expecting these tickets to be drawn out of the basket every week. Not pre-tickets that has already been drawn and put into a safe.

D-15 Cmdr Price: (inaudible)

Vice Cmdr Richardson: They will be drawn between June 16th and July 1st because the Chaplain is going to do it.

D-13 Cmdr Patterson: But you said all the tickets would be drawn at one time.

Vice Cmdr Richardson: Let me ask you one question. Are you going to come up every Tuesday and supervise the drawing of the ticket?

D-1 Cmdr Jarvis: We can't do that, that's illegal. The Secretary of State says we can have four raffles a year, we can't have 52 raffles. We have no choice, and that was put out at the beginning.

D-13 Cmdr Patterson: What I'm saying, is we don't need to let them know that.

Dept Cmdr Scherer: Let's make a motion to give one ticket for every hours.

D-1 Cmdr Jarvis: I make a motion that we do as Walt recommended as far as giving a ticket for every two hours of work.

D-15 Cmdr Price: Second

Dept Cmdr Scherer: Any further discussion? Opposed? Carried. (Motion to give a ticket to any volunteer working two hours selling raffle tickets passed and so ordered)

Dept Adj Diener: I will make this short. The National Commander's visit, he will be here March 5 through the 8th. In the Connector is his schedule so I'm not going over that again today. But please look at it, there's a lot of meet and greets going on at the different posts so he's going to be all over there's a good chance for all of your folks to come and see him at some of the meet and greets so look at it and get the word out to your post. Needless to say on the 8th of March is when we have our meeting down here at the convention center that everybody is invited to and then the Ntl Cmdr will go over and speak at the State Legislature.

Vice Cmdr Strauss: He has an Aide that goes around with him all over the United States and this Aide collects Harley Davidson poker chips....

D-19 Cmdr Richardson: Who cares.

Vice Cmdr Strauss: If you go to one of the meet and greets and you're one of the people that collects them and it's just something cool and I just think that would be a surprise (inaudible) poker chips.

Dept Cmdr Scherer: I just want to say thank you and big shout out to the ALR who are going to meet him there and he has consented to ride on the back of a motorcycle, his aide said he's going to ride on the back of a motorcycle and the Exec. Cmte has challenged me to ride on the back of a motorcycle, I will ride also, and Sherri will also ride so we'll all go down together so we'll all be doing the same thing. Any other old business to come before the committee? Constitution and Bylaws update, we just did that, never mind. Finance Report?

Finance Chairman Richardson: I will be brief. Before I start, all of ya'll know that Ron is a member of the finance committee, and Leroy Williams from Post 212 down in the Aiken area is also one of the finance committee members. Both of them are valuable members of the finance committee and believe me when we sit in the committee meetings, we has a lot of things out. It don't always go the way one of us wants it, but when we get out of the committee, it's the way it is. Alright. If you look at the finance report, the main thing I want you to look at is on the back page, in the yellow, in the yellow. \$28,892.95 surplus last year. That means that's money we had left over. But, if you look to the side of that, to the left side, you will see total proposed budget, actual income and expense. The difference, now, that's a chunk of change difference. The difference in that is when we took the loan out from South State Bank to pay off the Rock Hill loan, we had to show that money as income. And when we paid that money to Rock Hill, we had to show that as a disbursement. That's the difference, that's why we had a little over \$600,000 actual income budgeted, and we had a little over 1.1 million dollars actual income. Because of that loan and a little bit other money coming in that we weren't anticipating. \$28,892.95, that's a lot of money. But we have still got to be very vigilant in expenditures of the department for two reason, two main reasons. # 1, the enhancement is over, it's gone, poof. Just like they say in the Shawshank Redemption, it ain't going to go there. It's gone. Also, this year, in the budget report for January is not ready yet, it takes awhile at the end of the month to put everything in. Maggie works diligently on that. It's kind of hard in three days in to get everything posted. We'll have that for you at the next meeting. This year's budget is based a lot on the rifle raffle. We got big hopes for this thing. And I want to tell you, I think it's going to take off, it's going to take off. We budgeted right at \$50,000 profit for the rifle raffle, ok? We're not going to have that money for 2018 coming in. We're not selling tickets in 2018. That's why we need to be careful, we put, for the first time, in my memory, short anyway, we put \$2.00 per member in a savings account this year, we were able to do that. We got this \$28,000, we got that left over. This is money that we're going to have to put in our back pocket for 2018. To have there because the enhancement's not coming in and the rifle raffle's not coming. We'll have the two sweepstakes, we're still doing that but we won't have that big chunk of change from those other two things. That's why we have got to pay due diligence on what the department spends. Any questions? Now, I could go on with this line by line but ya'll can read.

D-18 Cmdr Pouncy: The enhancement, since our enhancement, (inaudible) finance coming in?

Finance Chairman Richardson: Well, we got the rifle raffle coming in, we got two sweepstakes coming in, we got dues coming in, we have a little bit of other money coming in. We need to make it, if we're diligent with our money.

D-18 Cmdr Pouncy: What about a dues increase?

Finance Chairman Richardson: I'm not going to talk about a dues increase right now. I am 100% against a dues increase. However, (inaudible) people, these post don't sell these tickets and we don't have the money, we're going to look at it, we're going to look at it hard. But, that's a last resort, you know. Nobody wants to raise dues, Larry doesn't want to raise dues. But if we got to raise them to operate this department, I'll fight for it 100% . If, if that times comes.

D-18 Cmdr Pouncy: I was saying, you know, we got to look forward. Because this raffle's not going to last for long so we got to look further on down the road. We don't want to wait until we get in the red and then try and do something. So we need to start looking now.

Finance Chairman Richardson: I understand. Look, every time we have a finance meeting we look ahead, we look ahead, you know. What if this, what if this, what if this. We look at, you know, we're in the process, we're going to start a five year plan with the finance committee. You can't have just one, you got have a five year plan, if this does it, if this doesn't come through, you got to have this five year plan, and this five year plan, and that's what we're going to start working on at our next finance committee meeting.

D-18 Cmdr Pouncy: So we're not looking at no dues increase no time soon?

Finance Chairman Richardson: It's not in the plans. If the finance raffle will sell like we think it can, no, we're not going to have a dues increase.

Imm PDC Lysaght: What's the nomenclature for the last entry on the back sheet?

Finance Chairman Richardson: Which entry is that, Commander?

Imm PDC Lysaght: The very last one? You show a figure of \$7297.27

Finance Chairman Richardson: That's a CD, both of those are CD's.

Imm PDC Lysaght: (inaudible).

Finance Chairman Richardson: I understand. I need a motion to accept the final finance report.

D-14 Cmdr Brandt: I make a motion to accept the finance report as written

D-17 Cmdr Lonergan: I second that

Dept Cmdr Scherer: All those in favor say aye, opposed? Carried (Motion to accept the finance report as written was passed and so ordered).

Finance Chairman Richardson: I was just handed the balance sheet for the enhancement, we still have ten posts that have not paid for a total of \$1900. Which isn't bad, not good but it isn't bad. Do you have a copy to pass out? District Cmdr's I'm asking you if your post is in here, please get on these posts to get this paid.

Dept Adj Diener: I want to tell you, Maggie has called a majority of these posts and there several of them that say the money is on the way. And there's some of them that we can count on it too.

Dept Finance Chairman Richardson: The last item that I'm going to talk about, last summer, and the finance committee talked about this a couple weeks ago. Last summer the finance committee put a proposal before the DEC, or somebody put a proposal before the DEC to pay the money off on the Rock Hill loan. Rock Hill is paid off, this is the loan at the bank. The finance committee, and we talked, and Nick, extensively about this at the last meeting. Going ahead and paying off this South State Bank loan, and he was asked, I know he was asked by two of the finance committee members, maybe all three and vice cmdr's that were there.

Dept Adj Diener: Five times.

Finance Chairman Richardson: Can we, can we pay this loan off? And the balance is what?

Dept Adj Diener: 80,361.64.

Finance Chairman Richardson: If we pay this loan off, are we solvent the rest of this year?

D-1 Cmdr Jarvis: What's the rest of this year?

Finance Chairman Richardson: The rest of this physical year.

Exec. Dir May: Fiscal, fiscal, fiscal. (laughter)

Finance Chairman Richardson: Fiscal. (laughter). Are we solvent for the rest of this fiscal year? Mr. Diener, are...can we make it? Are we solvent, can we run the department the way it needs to be run?

Dept Adj Diener: If we bring the monies in as projected, if the rifle raffle at least breaks even, ok, and we continue membership as we anticipate getting the memberships in, then the answer is yes.

Finance Chairman Richardson: You say breaks even on the rifle raffle?

Dept Adj Diener: Yes, and we're almost there.

D-11 Cmdr Lackey: You mean if we just break even? (inaudible).

Dept Adj Diener: Right, we would still be ok.

D-20 Cmdr Rucker: My only concern, and I've talked with Nick about this too, my only concern, if we have something to go wrong with this department (inaudible). Whatever, and we pay this loan off, where is that going to put us. Ok. I don't mind paying some of it, maybe two payments, catch up a payment, but I just don't think we should write a check for \$80,000. And as far as we've come guys, in the last couple years and you want to pay it off, I just got some concerns.

D-1 Cmdr Jarvis: What's our monthly payment.

Dept Finance Chairman Richardson: \$5500.

D-18 Cmdr Pouncy: If we have the money and he says we can break even, it's just like waking up in the morning, you're taking a chance, you're taking a chance (inaudible), and look at the interest we can save on it. A little bit here and a little bit there, if we have the money, go ahead and pay them. There's no use in holding the money. Pay it off.

Dept Adj Diener: One of the critical areas we always have is making it January through June because we have more expenses going out than income coming in the January through June time frame and in July we start getting memberships back in and I'm talking about cash in the bank. That's always been the concern in making it January through June. I've done a cash flow analysis and this is based on the rifle raffle coming in as what we projected it but at that point with paying off this loan, and when I did it I based it on \$90,000, so that's even better, ok. But with paying off this loan, the lowest we should be down at the end of June, we should still have \$111,000 in the bank. Basically at this point is the enhancement has done what it was supposed to do. With what we collected this year, that's basically what we're going to use to pay the loan off?

Vice Cmdr Richardson: What's the interest on the loan?

Dept Adj Diener: It's four point something.

Vice Cmdr Richardson: I thought we were told that that was a no interest loan.

D-20 Cmdr Rucker: No, Rock Hill wanted to go up to six percent and this is a four point loan.

PDC Hawk: I hear where everybody is coming from but I kind of agree with Robin and I agree with him for one thing. We're in the terrible lean months of nothing coming in, period. And previous old time DEC members know that it gets rough, and Nick pointed it out, it gets rough. These projections on this cost analysis, he said, are projections on on a "come" that we have no idea what 'comes's going to be. Now, when that Come Comes in the next four or five months. Maybe then look at where we're going and pay it off. Not only would it be cheaper than what he projected now but we would have more sound footing on where our finances are going to be with membership, we'll have our sweepstakes calculations to throw in which will be about \$25,000 we will net....

Finance Chairman Richardson: More or less, yup.

PDC Hawk: More or less, that goes into that pile. That gives more money to pay the loan off and still be ahead of the game. And still be ahead of the game. And I think we need to be stewards of the money, like Finance says, Walt says, and Robin says right now,, because we don't know. We don't know what the economy is going to do, even though it's doing good, we still don't know. So I'm going to recommend, which I can't but I can suggest that we look at once July comes in and membership starts coming in, revisit this. Maybe look at the State Convention DEC looking at it. See where it is, get more up to date, because we'll have the sweepstakes in, we'll also have the LIT insurance money to add to that, we never know how much it is.

Vice Cmdr Poulos: I would like to know what the recommendation of the finance committee is on this issue as of right now today, please.

Finance Chairman Richardson: As of the finance committee two weeks ago, the recommendation was to pay it off. Based up vote of the DEC, you know. . We can only recommend, you know. We work at the discretion of the DEC.

D-1 Cmdr Jarvis: I understand what everybody's saying and I think it's to our benefit to pay this off as quickly as we can. But why don't we just try to play it the safe route and maybe pay \$11,000 a month, double the payment, that's seven months and it's gone away. By August it will have been paid off. That way we're still keeping money in there but we're making a better movement toward the end goal.

Finance Chairman Richardson: The finance committee and the Adjutant will do the bidding of the DEC.

D-1 Cmdr Jarvis: I'm just making a recommendation.

D-20 Cmdr Rucker: I make a motion that we pay the regular payment plus an additional payment up until we can review this after the first of the year, July, the first of the fiscal year, to review it at that time.

Finance Chairman Richardson: The fiscal year starts in January.

D-20 Cmdr Rucker: After the convention, we review it again, ok? That's the motion I make. That we make the two payments a month until the DEC meets after the convention.

Imm PDC Lysaght: Second.

PDC Hawk: Do you agree if we need the money to run the Department the second payment will not go forth?

D-20 Cmdr Rucker: Yes. If for some reason something I amend my motion not to make that payment if an emergency comes up. Do you agree, Commander?

Imm PDC Lysaght: I do.

Dept Cmdr Scherer: Any further discussion? If not, call for the vote. All those in favor say aye, opposed? Carried. One nay. (Motion to make two payments a month to South State Bank on the loan unless the Dept needs the money was passed and so ordered)

Finance Chairman Richardson: At our next DEC we've changed this to make it a little bit easier to read, we think. We'll have it at the next DEC.

Dept Cmdr Scherer: We're up to the Adjutant's job description. How many of you got these on your computer last night and read them? Should we pass both of them out?

NEC'man Hennis: Why not just the new one?

Dept Cmdr Scherer: The premise for making or changing the job description was because it was just more or less cutting and pasting what was in the constitution. The reason we went ahead and did this was because there really wasn't a detailed description of what the adjutant does and doesn't do. This gives him the opportunity to know what he can and can't do within the realms without him getting in trouble or people accusing him of doing something he shouldn't do. It does not take away from any of his power and it's his bible to go by, as a matter of fact, it gives him even more because now he knows what he can and cannot do. The committee spent a lot of hours on this. We met first and then got back together and then last Thursday spent four and a half hours going over it again. It's been very detailed and if you asked Mr. Diener our Adjutant, he agrees that it helps him out. Is that true, sir?

Dept Adj Diener: It will help. Yes. That one paragraph.

D-20 Cmdr Rucker: I make a motion the DEC have time to review and provide comments on the recommendation of the Adjutant's job description. Furthermore, the DEC needs to review and compare the job description to the Employee handbook, to make sure that the two documents do not conflict.

D-1 Cmdr Jarvis: Second that motion.

Dept Cmdr Scherer: At the last meeting you were given the job description.

Exec. Dir May: Repeat that please. You got it written out?

D-20 Cmdr Rucker: Constitution and Bylaws.

Dept Cmdr Scherer: It's got nothing to do with Const. & Bylaws. Now, guys, it doesn't do anything other than letting him know how to do...Nick, stand up. Do you think other than that one little sentence in there, one or two words, is this a good one for you?

Dept Adj Diener: What we came up with as the committee, I agree with everything in there except one line in there where it talks about the personnel committee and we never came to a conclusion on that because I have concerns about the definitions of that personnel committee are, ok. As I say, I had time to look at it, I mean, I can't, you know, when I look at theirs. I don't have any problem with it other than that one.

D-11 Cmdr Lackey: Could you enumerate exactly what number that is?

D-1 Cmdr Jarvis: # 15. 15 on the second page.

Dept Adj Diener: Yes, B, 15.

D-11 Cmdr Lackey: I'm looking for clarification on that.

Dept Adj Diener: My concerns on that, not necessarily the actual wording on that. My concerns is that it's mentions a personnel committee and we have not established a personnel committee, what their rules are and all that. That wording may be ok, but until I know what all those rules are and procedures, I can't go along with that until fully we establish that.

Dept Cmdr Scherer: Let me clarify that Mr. Lackey. We are having a personnel committee meeting shortly after this. They in turn are going to go over the whole personnel handbook. As he agrees, there's everything in that but there's one section that's not doing so well that he wants clarified. That will be clarified. That will protect him as an Adjutant and will protect our employees now and in the future. Once that is done, that will go to our lawyers for verification according to the law and regulations of this state. Once that is done, it will be brought back to you for a vote. At that time, if that one little word is wrong, we'll change it. Guys, it's just a job description, get serious.

D-11 Cmdr Lackey: I think you made the next point I wanted to make. There are several possible comments here and I think we can make those at some other time when those are incorporated or not incorporated, whichever you chose, we'll vote on it. Is that what you said?

Dept Cmdr Scherer: There's nothing wrong with this right now except a personal vendetta to change it.

D-20 Cmdr Rucker: Ain't no personal vendetta. What it is is I don't want Nick's job to be a Director as the Adjutant for the employees. By our constitution, all the the employees work for him.

Dept Cmdr Scherer: True.

D-20 Cmdr Rucker: That's right.

PDC Hawk: That don't change that.

D-20 Cmdr Rucker: We don't have nothing in the constitution that says nothing about a personnel committee. That's something that's been the Ethics Committee. We have an Ethics Committee.

Dept Cmdr Scherer: Every business has one. Sit down sir, we've had enough.

D-1 Cmdr Jarvis: He had the floor, you gave him the floor.

D-20 Cmdr Rucker: I had the floor, you gave me the floor.

Dept Cmdr Scherer: Ok.

D-20 Cmdr Rucker: Ok. The bottom line is, let's get all this out on the thing. What is all this about? Why is this so important that we got to change everything all of a sudden and not give you, as the DEC, the opportunity to take this home and study it. Don't ram it down my throat. That's the bottom line. If I don't agree with it then I ought to be able to study it, come back to you, or you come back here and be able to make a statement and change this because we are the DEC. We are the ones that represent all the blue hats in this state. And we have two employees, possibly three employees that work for the DEC. Don't let somebody take that power from you.

Dept Cmdr Scherer: Let me correct you. The Adjutant work for the DEC. The employees work for the Adjutant.

D-11 Cmdr Lackey: I was not finished. The last sentence on the last page, I think it's probably a typo. It says policies and procedures all followed by everyone. I think it should say ARE followed by everyone. And then I would like to submit that at some point in here probably as an addition to # 14 there would be a note to indicate that the adjutant would have an annual recorded review with each employee to talk about accomplishments and goals for the new year.

Dept Cmdr Scherer: That's in the personnel handbook.

Dept Adj Diener: Yeh, the personnel handbook here and in here it says we have to follow the personnel handbook.

D-5 Cmdr Wright: Conclusion, we just made a recommendation here this morning to change that and then we're voting on this to put it in there which is just the opposite of what we voted on this morning.

D-6 Cmdr Kvam: That's the old one.

Dept Cmdr Scherer: When we started this I went to five different states and got their job descriptions for their adjutants and we all got a copy of that and we all sat down and we talked about them, we merged what we could, we left, Diener and myself, we sat down, we both filled out another one, we brought it before the committee, which was Mr. Hennis, Mr. Hawk, Walt, and myself, and Mr. Diener, and we went over this for four hours, word by word, period by period. And these were brought together so it's just not one person doing this considering that five other states are doing the same thing.

Dept Adj Diener: Jack. That wording is in there under the new change of fiscal year.

D-5 Cmdr Wright: I just wanted that clarified so everybody understands that. The other thing that I ask for is some kind of, to me, this is my opinion, ok. We somewhere in the future are looking at another administrative person to take some of this awesome responsibility that this gentleman and some of the other people in the department is being paid. I look at this, and I've asked several other people to review it, from the standpoint of the responsibility plus the salary for the awesome responsibility that he has. I would think at this point in time that maybe it would be a good idea to take this into consideration and maybe come back and review this after we hear from the committee that is looking for someone to assist in that position or where are we standing on that? That's where I'm having a little bit of difficulty with this. This is a serious document, with serious responsibilities for one person to take on and in due respect to this awesome responsibility, I think we're just moving a little quickly on this.

PDC Hawk: Just want to reiterate that the Cmdr and the DEC approved the committee to look at the job description and that committee met twice to look at the job description. The old one and the five departments that we had and everybody agreed that Wisconsin had a good one and we kind of followed that. And then we came back and met Thursday right here at headquarters and from that meeting, we put together, with Nick's approval on everything, including 15.

Dept Adj Diener: No, sir.

PDC Hawk: Including 15. He agreed with this document it came up, it was passed and approved by everybody at the Thursday meeting to be presented here for a job description for the Adjutant. It's a job description for now in the future, unless duties changes. But it sounds like you're not even hearing the recommendations of the committee. Then why have committees? Then why don't you let the committees work?

D-1 Cmdr Jarvis: Well, why don't we select who's on that committee?

PDC Hawk: You gave the prerogative to the Cmdr. Period.

Dept Cmdr Scherer: That's part of my responsibility.

PDC Hawk: That's part of his responsibility. If you don't like it, tough. But the point is you gave that authority to the Commander. And that authority was fulfilled just like the personnel committee. Now every person in here has worked for somebody that had a personnel committee or Human Resources. If you didn't, you were self-employed. Now, he brought that up, in good faith, he brought that up and his concerns. His concerns is the

wording that it's not in place now. But if we hire another employee, two employees, where is the grievance process going to stop? If it's a, pardon my French ladies, pissing contest between the adjutant and employee and the individual goes to the adjutant, and doesn't get satisfaction, what recourse do they have? This is the modern world now, you've got to have it. And I just say that just to be in tune with what the real world is now in a suit happy, blame happy society. But the end result is everybody agreed with it. Walt brought up some good suggestions and gave them to Nick that the personnel committee is only in place if it's a grievance or whatever, it's not there. Finance has got to approve positions and recommend to the DEC because they got a budget and that's based on the Adjutant's recommendation for future employees. Personnel committee was there just to help with the grievance process. It's also not being told that the personnel committee was only a one year ad-hoc committee, am I right? Appointed by the commander for one year to hear grievances. So you've got to have a personnel committee in there someplace and 15 is where it is. Now it says hires and fires, personnel committee can send out the notices along with the adjutant, they can be the interview board, along with adjutant and whomever, don't make any difference, but that's all they do. Unless you get into the employee handbook, disciplinary, grievance, procedure, and that's an extra hand that the adjutant has to protect him, the employee, the department. It's a sounding board and it's a vetting of frustration that can be given at any time. But it does not hinder the adjutant's ability from performing his or her duties. But if you're not going to let the committee make the recommendation that the adjutant agreed upon? Hey, where's it written that the adjutant is got to agree with everything that's written? Where's it written that the adjutant's got to agree with the DEC passes? No, it don't work that way. We accept what the DEC gives us to go, marching orders to go forth. Good, bad or indifferent. If you do not like it, tough. But it's still our marching orders. You can frown, shake your head and cry about it all you want to but the end result is if you don't let your committees work, folks, just like finance, if you don't let your committees work, why have committees? If a few are going to stand up and object about everything, then we are going to have issues now and into the future. And our NEC'man agrees with it. He even told how, if I recall, the adjutant how to do things. You got to remember one thing ladies and gentlemen. He's only been in office a month. He really does not know what the adjutant does. I do. Been there, done that. He doesn't. He can perceive it. Will he do good? Yes. We hired Nick. When we hired Nick, he wouldn't be sitting there if we didn't think he had potential. But being in office on month and all of a sudden he's got this knowledge? Uh, uh. The Adjutant learns everyday. So let your committees work, recommendations of the committee, approved by the adjutant except for one word. You have a no-brainer here folks. It's approved by the committee, presented forth and that's it. Bud, do you agree?

NEC'man Hennis: Yes, sir, that's what the committees are for.

PDC Hawk: That's what the committees are for.

Dept Cmdr Scherer: Do you have anything to add, Bud?

NEC'man Hennis: Other than when you put committees together, the committees bring back to the commander or bring back to the body what their recommendations are and usually whatever that committee brings back to the body is the gospel. I've seen it happen a hundred times, not just in this department but on the national level. Your committees are formed for purposes and you've got to let the committees do the work.

D-14 Cmdr Brandt: I'm on a school board and we need committees. As DEC members, we can't decide what's going on and the committees need to bring suggestions to us, we need committees. They are very important. And we have a personnel committee. When my superintendent has a problem, she comes to the committee and we help her out. That's what committees are for. . And the Dept Cmdr is the one that chooses the committee. Just like on my board, my chairman approves the committee. She picks the one that heads the committee and then he gets the people (inaudible). We got to back them.

D-15 Cmdr Price: One, I agree with having committees and I think committees are important. But I don't think that because a committee brings forth a recommendation, that should be gospel. I, as a DEC member, have not lost my capability of thinking. I think I should hear what that committee presents and then as a DEC commander I should weigh whether it's good or bad. Just because you have a committee bring forth something, doesn't make it gospel. Just like we witnessed earlier. The finance committee brought forth their recommendation and they

recommended we pay off the note. The DEC decided that was not the best recommendation and they went with a different one. So DEC, do not lose your ability to think, you have that right. Now, the only thing I'm going to say, I look at both of them that was sent to us late yesterday afternoon. It was sent late, some of you may or may not have had a chance to pull up your e-mails and read it and I look at the difference. On the old one it reads Dept Adjutant, at the bottom, it says in the event of a financial emergency, when time does not permit the calling of a DEC meeting for approval, the the Dept Cmdr, Dept Adjutant and Finance committee shall be permitted to borrow money in the name of The American Legion Department of South Carolina in a sum not to exceed \$5,000. That was left out of the new one, completely. Whether it's important or not, it was left out. Now, if something happens to this building or something needs to be done right away, we've stripped the Adjutant of the ability to make the decision to spend up to \$5,000. That's been taken out completely. Alright, the other thing that was left out, it says, at the bottom of the original one, it says the dept first, second, third and fourth vice cmdr shall represent the Dept Cmdr and or the Dept at various functions as prescribed by the Department Cmdr and Dept Adjutant throughout the year. That was left out and what was put in was B-25, "He/She will represent the Dept at various functions when asked by the Dept Cmdr throughout the year". All I'm doing is pointing out the differences. That would put the Adjutant doing a lot of running and, and, not making use of our first, second, third and fourth vice which is in the old script. Now, again, I'm not advocating one way or another. What I'm trying to do is give you what the difference is because some of you I know, haven't had a chance to read this.

Dept Cmdr Scherer: May I suggest you look at the constitution? Because that's in the constitution, the constitution overrides this.

Vice Cmdr Poulos: This is just the job description for the Adjutant, it's not for the Vice Cmdr's, it's not for the Dept Cmdr, it's just a little description for him to fall back on. It doesn't have a thing to do with the constitution, and this body still has the law of governing. This is just a job description.

D-15 Cmdr Price: I understand that. Again, I'm not advocating one way or the other, I'm just trying to point out, they gave me two PD's here. I'm trying to quickly point out the differences. You haven't had time to read it, I know most of you haven't. The only other thing I saw, they added in block 15, "he/she along with the personnel committee, recruits and selects...". Previously, and you know this, previously the Adjutant selected, recommended and selected the employees, ok. I ask you one thing. The employees, we keep saying, are going to work for the adjutant. The Adjutant is responsible for the employees. So, now we're going to throw in a personnel committee who will tell the adjutant who we should hire and who we shouldn't. And in addition, let me finish up, we have what we call an Ethics Committee, and I believe in the past when there was an employee problem, that Ethics Committee was there to resolve those issues because the employees work for the Adjutant. I may be wrong.

PDC Hawk: You're wrong.

Exec Dir May: May I say something please? I'm an employee and I've been here a long time And I was hired by a personnel committee. I was interviewed by a personnel committee. And if I have a problem and I go to the Adjutant, and the Adjutant doesn't.....John Collins got rid of the personnel committee. If I go to the Adjutant now and it doesn't get resolved, where do I go? Let me finish, please let me finish. John Collins and Lloyd Woods came in here one day and said it was time for a change. They asked for a motion for me to be fired. Why? They had no grounds, they had no background. It was time for a change. You need to protect people where somebody can't come in there and do that. Not just for me and I've been loyal to this place. But for the people that come behind me because hopefully we're going to be around a long time and there's going to be a lot of people that come behind me. But I highly recommend we get a personnel committee.

D-1 Cmdr Jarvis: So that's the intent of number 15 being in there.

Exec Dir May: We had it for years and that's to protect not only the Adjutant, but the employees too.

Dept Cmdr Scherer: We're not taking the hiring process away from the Adjutant, he's in there with them. Let's not make a mountain out of a molehill.

PDC Hawk: Let me clarify what Ron was saying. I never hired an employee without a personnel committee. The personnel committee interviewed the people that applied for the positions. I sat in on them but didn't ask but one or two questions, Nick can verify that. If he says different, then we need to talk. But the personnel committee when Nick was hired was PDC Norma Walker, PDC Bob Gibbons, PDC John Palmer and we had a blue cap there representing the blue caps. They hired Nick, interviewed everybody and it came out he was hired. After he was hired that was the extent of the personnel committee unless there was a grievance, unless there was a procedure, then they came into effect.

That was the extent, like Maggie just told you, and everyone has been under, they have a recourse if you do not have one in place. The Ethics Committee was brought up, it was there for one purpose and one purpose only. It deals with disciplinary actions of Legionnaires and Posts, period. Nothing else. If you think it's something else, we need to talk. The Ethics committee put together the trial, Ethics Cmte put together everything on the posts, shut down post, and Legionnaires disciplinary actions. They investigate and bring their recommendations to the DEC. That's what the Ethics Cmte is for, not personnel. You can read into it whatever you want to to suit your own satisfaction. When you get down to the nitty gritty folks, you're thinking about a much broader picture than your own personal agendas. You're not only looking after Nick and Maggie but you're also looking after future employees, whomever they might be.

Imm PDC Lysaght: A lot of discussion ladies and gentlemen, and there are a couple bullets I just want to share with you. You do understand that SC is a right to work state so you do understand that anyone can be dismissed from any position at any time without an elaborate justification. Secondly, if you look at # 15, you change a couple of words in there, it may make a little more sense to you. And that is he or she along with....along with the personnel committee, recruits and selects all positions or vacancies that have been recommended by the finance committee and approved by the DEC. But both entities are going to be required to give the adjutant the green light, along with the personnel committee. The personnel committee is the insurance policy for the adjutant, ok. But we have the oversight. My stomach's burning.

Dept Cmdr Scherer: Tell me about it.

Dept Adj Diener: Can I make one comment on it since I said that paragraph (inaudible). My concern is not necessarily that whether we have or don't have a personnel committee, ok. My concern is that we're bringing back up a personnel committee, and we haven't formally set up what the can that committee do, what can't it do. I personally had, at the time that the last one went away, I had a problem with the old personnel committee, ok. I'm not going to go into all the details with it but we're going back into it because. you know, I mean, if we're going back into it, we need to sit down, what does the personnel committee do, what does the powers do, and then you, make sure the documents match back to it. That's....the only reason when I'm saying I don't necessarily have a problem with this, you know, in there but that I can't say that I totally concur with it is because I haven't seen that full structure of how we're going to do a personnel committee.

Dept Cmdr Scherer: Do you or do you not recommend that we pass this?

Dept Adj Diener; As long...as long as it gets changed. Changed...as long as that part, if we don't have the... if we don't have the personnel committee established, ok, then I don't think that we can fully go with that. If, if we pass it and the personnel committee rules allow the leeway and that word can stay the same, then ok. But the rest of the document, other than that one, I have no problem with what's in there.

Dept Cmdr Scherer: Ok, let's get this thing ended up.

Imm PDC Lysaght: Can we table for 30 days?

Dept Cmdr Scherer: No, then have to come back in again in 30 days.

Imm PDC Lysaght: Well, we do and we don't. But I mean, I don't think it needs to be out there for six months, I think (inaudible) but if it's a matter of simply some clarity, you said earlier in this discussion, the personnel

committee or a group was getting together right after. So, you know, you guys will have a position on that. That's in all employees (inaudible) you can do what you want to do with that, incorporate some things. But then it puts the validity behind what's listed in # 15. That's all. And I'm not too sure, we had this discussion one time and I'm not sure how it came out, cannot we get e-mail or written, so we don't have to come back to Columbia?

Dept Cmdr Scherer: Yes we can.

PDC Hawk: Yes, no response equals a yes.

Imm PDC Lysaght: You know, you can e-mail me and if I answer yes or no, we're good to go. I'm just thinking Commander, we can do that, we resolve this situation and everything else is pretty right where you need it. It's just the issue of the personnel committee.

D-11 Cmdr Lackey: I just want to say I've got a lot of experience and a proper management tool is a set of bylaws and that set of bylaws would list the committees and each committee would have a policy they would function by and that would be very brief and needs to be existent and then the job descriptions are a living document that, it could change as soon as you hire somebody to assist Nick, and it's got to change. And I can assure you that having a personnel handbook is dangerous. You should not have a personnel handbook. You got to put it someplace else, not that handbook. That's a legal document in this state and it can eat you alive.

Dept Cmdr Scherer: One more and that's it.

PDC Hawk: In theory here, ladies and gentlemen. The only document you should have seen was the job description that was approved by the Job Description committee. Because that was our recommendation to ya'll. Not both of them. Why both of them was presented, because it includes a lot in both documents. Also includes some const & bylaws issues that was brought out. But if the committee, as Mr. Lackey said, the committee worked and made their recommendation, should have been just one document presented to the DEC. Two created the controversy, that's all it did. Because of what Nick said, he didn't agree with something because we didn't have it, but here again, he don't have a dog in that hunt to a certain degree, only been here a month. So that's all I'm saying, what Joe said, PDC Lysaght in his verbiage, makes a whole lot of sense, if he can remember what he said (laughter). That will clarify 15. The other stuff about borrowing money? That has nothing to do with that, that's a constitutional issue. But it's also covered, if you re-read it, like you should, it's also covered in one through six in the new job description, which Nick agreed to. Because that was brought up in the committee meeting. The ability to borrow money, it's already in the constitution. It gives him the authority in line item one through six that he had no problem with. You're hearing two conflicting stories here, ladies & gentlemen. You got it agreed by the adjutant, sitting adjutant, based on the recommendation of the committee and now all of a sudden there's issues on an old document that he had that we used, along with others to get the end results. And the end results should have been the only one you should have seen.

Dept Cmdr Scherer: Ok, let's end it now. All those in favor of accepting the new...

Vice Cmdr Richardson: Can we hear the motion?

Exec. Dir May: I make a motion the DEC have more time to review and provide comments on the recommendation of the Adjutant's Description. Furthermore, the DEC needs to review and compare the job description to the Employee handbook, to make sure the two documents do not conflict.

Dept Cmdr Scherer: Ok, ya'll heard it. All those in favor of not voting on this today? Say aye, as a matter of fact,

Dept Cmdr Scherer: All in favor of voting on this today, raise your hands.

Vice Cmdr Strauss: All in favor of the motion.

Dept Cmdr Scherer: All in favor of the motion, let's put it that way.

NEC Hennis: Maybe you ought to say that again, I don't think some of those folks know what they're voting on.

Dept Adj Diener: Ok, his motion was, I make a motion the DEC have to time to review and provide comments on the recommendation of the Adjutant's job description. Furthermore, the DEC needs to review and compare the job description to the Employee handbook, to make the sure that two documents do not conflict.

D-11 Cmdr Lackey: Who did you say makes the comparison?

Dept Adj Diener: The DEC.

Unknown: The DEC?

Dept Adj Diener: His motion said the the DEC needs to review and compare the job description to the employee handbook.

Vice Cmdr Poulos: Do we have an employee handbook?

Dept Cmdr Scherer: Yes. We have one but it's being revised. Ok. You heard the motion. Hopefully you understand it, if you don't, ask the question now because that happened last time where some people didn't understand and they voted anyway. Ok. All those in favor of his motion, raise your hand, please.

Dept Adj Diener: Leave them up, please. I count eleven, I count eleven yes's.

Dept Cmdr Scherer: Now, all those that don't agree, raise your hand.

Dept Adj Diener: Everybody leave your hands up. Eleven.

Exec. Dir May: Eleven to eleven. Commander ,you break the tie.

Dept Cmdr Scherer: We do not go by his motion.

Exec. Dir May: You broke the tie. The motion did not carry.

Dept Cmdr Scherer: Motion not carried.

Vice Cmdr Strauss: I'd like to make the motion that we accept the Dept Adjutant's job description, that's the new description from the committee.

D-14 Cmdr Brandt: I second it.

Dept Cmdr Scherer: We've had enough discussion, please raise your hands. 14, all those in favor, please raise your hands. Motion carried, we accept the new one as presented. (Motion to approve the Department Adjutant's job description as presented 2/4/17 was approved and so ordered).

D-11 Cmdr Lackey: Did you say the employee handbook was in the process of being revised?

Dept Cmdr Scherer: Yes, it's being looked at and revised, yes sir. PDC Bob Gibbons is in charge of that, whoever is on his committee that's up to him. I put him in charge as a PDC, because that's who's usually on it so if you have any questions ask Mr. Bobby Gibbons because I left that all up to him.

NEC Hennis: As much as you might not like to admit it, we just had a good example of veterans helping veterans, don't look at it any other way. That's exactly what we did.

Dept Adj Diener: Ok. I've got a couple housekeeping things, there's a lot of it. One is I just want to remind everybody of some upcoming things. We have the oratorical contest coming up, quadrant contests are on February 18th and the State finals are on March 11th. The deadline for the a lot of the department awards are coming up. Most of those awards, some run into March, most of those awards are due on February 15th, they're on the webpage and in your Adjutants handbooks so push those out to your people to get those in so we can recognize people. One thing I do need to get the committees approval on is the holiday listing for this year. This should have been done in December but it wasn't brought before you. Recommend we do the same approved holiday schedule as last year. The only exception that I would like to formally go ahead and make now is that for Memorial Day, instead of taking it on actual Memorial Day, that we get the day off for Memorial Day. That we get the day off for Memorial Day but take it the day after convention. That's what we got approved for last year, we always end up, department staff always ends up having to work on Memorial Day for convention so we don't get to take it. So all we're saying is make that day instead of taking it on the 29th, take it on the 5th, the Monday after. The rest of the holidays it's the same as what we've had the last several days and in the handbook. But what I need is an actual motion.

D-11 Cmdr Lackey: I make the motion

Imm PDC Lysaght: Second.

Dept Cmdr Scherer: All those in favor say aye, opposed? Carried. (the motion to approve the same holidays as 2016 with the exception of staff taking the day after convention instead of Memorial Day was approved and so ordered).

Dept Adj Diener: Next thing is we have coming up that I wanted to sign the contract for the sweepstakes tickets to be printed. It's the same thing again, we do every year, the company that does those but I'm wanting to sign those or come and sign this before the next DEC meeting. So what I'd like your alls approval is to go ahead and be able to renew that contract. This is just for the spring sweepstakes that we have.

Vice Cmdr Strauss: I'd like to make a motion that we approve that.

D-5 Cmdr Wright: Second.

Dept Cmdr Scherer: All those in favor say aye, opposed? Carried (motion for the Dept Adj to sign the contract for the Spring Sweepstakes was approved and so ordered).

Dept Adj Diener: One other action that, and you all may recall that when we first formed Hilton Head Post 49, we formed them up and they encountered a problem with their post number when they tried to form an Auxiliary Unit. The Department, when we signed them up, we failed to realize there was an Auxiliary Unit with that number of 49. So Post 49 came in and tried to form an Auxiliary Unit and they couldn't because there was already a Unit with that number. We made a lot of attempts to try and negotiate with that widow Unit to try and get them to change the number but they don't want to change it, they've been in existence for quite a while so even though it was a department error, we couldn't force them to change it. So what's happened and we've looked at it and Post 49 has looked at it for awhile. Post 49 informed us their membership has voted to change their post # from 49, they have requested they be allowed to be a new Post # of 42. In order to make that happen is we actually need two votes from you all. I need a vote to approve a new charter application for a new Hilton Head Post 42 and then I need you to approve a request to merge Post 49 and Post 42 and cancel the old Post 49 Charter. Does that make sense?

D-5 Cmdr Wright: I make a motion that we allow Hilton Head to be issued a new charter under Post 42.

D-14 Cmdr Brandt: Second.

D-18 Cmdr Pouncy: Have ya'll checked to see and make sure there's no Auxiliary?

Dept Adj Diener: Yes. We have done that. Double checked and triple checked. There is no Auxiliary Unit 42.

Dept Cmdr Scherer: All in favor say aye, opposed? Carried (motion to approve new Post 42 was approved and so ordered).

Dept Adj Diener: Ok. The property that we have in Pamplico, ok. I know that's been brought up before. The previous adjutant had tried to go out and get it rented. The person that he had failed to sign a contract. The way it stands now, we have a building sitting in building that has no insurance on it, we can't get insurance on it because it's an empty building. We are paying property taxes on an empty building and it's just sitting. And it's my recommendation along with the recommendation of the finance committee when we discussed this is that we sell that property. But I need your all's permission to go get a contract with a realtor and that we, you know, list it and sell that property. We'll get an appraisal of that property first but I think we ought to sell that property.

D-14 Cmdr Brandt: I make a motion that we sell the property.

D-17 Cmdr Lonergan: I second.

Dept Cmdr Scherer: All those in favor of selling?

PDC Hawk: Do we have the deed? In the department?

D-18 Cmdr Pouncy: Yeh.

Dept Adj Diener: Yes.

Dept Cmdr Scherer: All those in favor of selling Pamplico say aye, opposed, carried. (Motion to sell the Pamplico Post property was passed and so ordered)

D-11 Cmdr Lackey: I have a question. We really got no business having a piece of property down there and renting it out I don't think. Aren't there some legal issues with having something like that?

Dept Cmdr Scherer: It's our property.

D-11 Cmdr Lackey: Yeh, before. In other words that's every reason to do that and we shouldn't be owning property like that.

Dept Adj Diener: Well, we can own property but what happened is we had to pay taxes on that because that's not considered non-taxable so it was taxed.

Alt NEC Mitchell: James Holland and I have been involved in that awhile and went down and visited it and everything and it is what all you said is right. And there was some gentleman in that area that wanted to buy it and we don't want to give it away but we don't want to make it too high either. We want to sell it so we need to, when we get a realtor, we don't need to be screwed but even if they have to lower it a little but but it's not a bad place somebody could make.....around \$30,000.

D-19 Cmdr Richardson: No contract could be approved until it comes before the DEC and they approve.

Alt NEC Mitchell: But around \$30,000, \$38,000.

D-19 Cmdr Pouncy: What about this gentleman that wants to buy it and let's negotiate with him and keep the realtor out of it and that will save us some money.

Dept Adj Diener: The problem with that other gentleman is he wanted us to finance it.

Alt NEC Michell: And we didn't want to do that.

Dept Adj Diener: And it was voted on as no.

Dept Cmdr Scherer: Ok. It's already been approved to go ahead.

Dept Adj Diener: Ok, I got one other quick one, it's kind of, or this one is kind of the same thing. We have a building in Eastover, ok. If you all remember we found the building, we have tried to start a new post in Eastover, a new post has started in Eastover, ok. Currently they don't have that old building because quite frankly they haven't even reached the point that they can pay to have the electricity turned on in that building, ok. We've been trying and trying to get them up and going, they're struggling. The problem that we've run into is we have a building that it's in our name, not the post name so it's sitting empty, it has no insurance on it. It's sitting right next to a residential area so there's a lot of liability, you know, with it sitting there. The one side of me in some of the discussions says let's don't get rid of a building because we've got a post that's trying to get going but we're also accepting a liability, a large liability as long as we leave it sitting there, ok. So what I'm bringing through to you all is what would you like to do on that? Do you want to hold it? Try to keep the post going? We can talk to the...the city, the city I believe would love to have it but that would be if we give it to them.

D-1 Cmdr Jarvis: Since the District Cmdr just found out about your issue, why don't you give me a little bit of time because I know I've been talking with the mayor on that issue. So let me get back to you.

D-2 Cmdr Cargile: Do you know who the most recent owner of that property was?

Exec. Dir May: American Legion Post 152.

D-2 Cmdr Cargile: I mean before that?

PDC Hawk:: As far as I know 152 is the number that had that building.

D-1 Cmdr Jarvis: 152 had it but I don't know what is was before.

D-2 Cmdr Cargile: There's a lot of people, old people that died (inaudible).

PDC Hawk: Yeh, they phased out because of death. The city at one time wanted to buy the building

Dept Cmdr Scherer: That's the one with the mayor in the City Hall?

PDC Hawk: But like Nick said they also wanted us to give it to them,

D-1 Cmdr Jarvis: Yeh, they're meeting in the City Hall right now, in fact I go there next week.

PDC Hawk; You know, we've talked to the mayor in the past, again, and Jim, you might see some of the correspondence maybe in the old file, with the mayor.

D-1 Cmdr Jarvis: I'm supposed to meet with her and the Commander on Thursday.

PDC Hawk: Ok, good.

Dept Adj Diener: And Cmdr, I apologize, I thought I had discussed that with you but I obviously haven't, ok. Alright, then my recommendation is we go along with what we discussed with Cmdr Jarvis and accept that risk for a little while longer until we can do it.

Dept Cmdr Scherer: I don't think we need a vote on that.

Dept Adj Diener: No, I don't think we need a vote on that. I need permission from ya'll. The...you know, when we went to rent the you know. We had a Realtor contracted that we rented the room next door, the Ballroom, you know, that the Ballroom folks did, ok. My understanding, and I think most of our understanding at the time was that contract with the realtor also included trying to rent "D" down below, ok. And we went back through, because nothing happened on that. We pulled out the actual contract with the realtor since they're not doing anything and Suite D is not on there. So basically once we rented out next door, there hasn't been anything going on as far as a realtor trying to get our area down below rented. So what I'd like to do again is permission to go out, hire a realtor to start advertising that and trying to rent that property down there.

D-2 Cmdr Cargile: I make a motion.

Imm PDC Lysaght: I second.

Dept Cmdr Scherer: Any discussion?

PDC Hawk: Does the Auxiliary want it?

Exec. Dir May: We asked.

Dept Adj Diener: We asked, tried to twist arms.

Dept Cmdr Scherer: We thought it would make a great trophy room for them. All in favor say aye, opposed? Carried. (Motion to contract with a realtor to rent Suite D down below passed and so ordered).

Dept Adj Diener: The last thing and this will probably cause trouble, ok. At the last DEC meeting, when you all were deciding on me, I mean, a lot of the discussion that went around on that revolved around what we were going to do to be able to afford or was it going to be enough to afford the backfill of the old position, ok. And that issue still remains unresolved. You know, I brought some of it before...before finance of trying to look at some of the money. We're going to meet again because they're still looking at that of what we can afford. But one of the decisions that I need from this group, ok, revolves around, because it affects how we're looking at everything else. Revolves around whether you want to appoint a new assistant adjutant or do you want to go some other sort, type of position. I'm not looking at what that other type position is. Ok, what I'm looking at is simply do you want to go with an assistant adjutant or not an assistant adjutant because that affects how finance and everybody else tries to look at to come up with money to go with it.

Imm PDC Lysaght: What's your recommendation?

Dept Adj Diener: My recommendation would be to have an assistant adjutant. I think that brings a lot of things to the table. I can't say the money's there to support that but I think that would be the optimum position.

D-20 Cmdr Rucker: I make a motion that the finance committee makes every effort to resource adequate salary range for an assistant adjutant position and provide this recommendation to the DEC as soon as possible. Secondly, upon receipt of the adequate salary range that the DEC appoint an Asst Adjutant, considering the recommendation of the Dept Cmdr and the Dept Adj. His or her duties shall be in cooperation and under the supervision of the Dept Adj. He or she will be paid a salary as to be determined by the DEC. As stated in Article 7, Section 5 Paragraph C of the Const & Bylaws.

Exec. Dir May: Can I have that for the record?

D-20 Cmdr Rucker: Just one second.

D-18 Cmdr Pouncy: I second, Mr. Commander.

Dept Cmdr Scherer: Now, before we begin. I'll tell you right now, I already surveyed Wisconsin, Illinois, Florida, Connecticut, Georgia, Alabama...

D-18 Cmdr Pouncy: You have a second on the floor, Mr. Commander.

Dept Cmdr Scherer: Every one of those did not have an Assistant Adjutant.

D-18 Cmdr Pouncy: You have a second on the floor.

Dept Cmdr Scherer: And we're on discussion, sir. Thank you. Assistant Adjutant in this instance will be doing what? Compared to the other one? They do the same thing our assistant adjutant has been doing, membership and?

NEC Hennis: Programs.

Dept Cmdr Scherer: Programs. The difference between a membership and programs person and an assistant adjutant is money, period. You want to talk money, you're going to have an assistant adjutant. You don't have the money, you better be looking at membership. This guy, we talked about this, all he wants to do is to know which way to go. If we don't have the money, let him go out and hire somebody to help him with membership and programs because he's getting behind. We need that. We need those membership goals up in department right now. So if you want to wait around to see if they can come up with the money, you're going to put him three months behind.

NEC Hennis: I'd like to make a statement. Since we're not really hitting the road running on our roads on our programs right now, it makes better sense to me to work in programs, that's what we're about. The American Legion is about our programs. And right now we've got Nick as our Adjutant and we can look for an assistant adjutant down the road or do what we did for our programs director, make them the assistant adjutant when they reach that point and learn programs and learn membership. So, I said my piece.

Vice Cmdr Richardson: Two things, # 1, I think that we quite possibly putting the cart before the horse simply because we haven't heard from the finance committee. We don't know what the finances are. So why would you make a motion knowing we haven't heard from our finance committee.

Dept Cmdr Scherer: Look at the last DEC minutes, it was stated by the finance committee we had \$30,000.

D-2 Cmdr Cargile: I just have a quick question. The \$28,000 we have left so far and with the salaries and all (inaudible) at the end of the year, none of that money....is that \$28,000 have to do with some of the savings with that vacancy that was created? Because if not, then we're going to have to raise the money. If we don't get a lot of money from this gun sale, (inaudible).

Dept Adj Diener: That's in the budget. That money is already put in the budget. The \$28,000, yeh.

Finance Chairman Richardson: When the discussion was held when we hired Nick, it was brought up several times by several members of the DEC, that if we hired Nick at that salary, we would only have \$30,000 to hire the other person. Several times it was brought up. I have been in constant contact with both members of the finance committee, they are in agreement that right now we have \$30,000 to hire someone. When the vote was taken to hire Nick after these statements were made, then the vote at that time, in my opinion, was to hire somebody at

\$30,000. You were told, you told, you were asked to have the finance committee negotiate a salary. You wouldn't have it. You hired him at that salary. And Nick's going to do a wonderful job. The finance committee's recommendation is \$30,000.

Imm PDC Lysaght: The issue is simple, he just needs some help. We got \$30,000 to get him some help before the end of the budget and he should have the full autonomy to do that. We already discussed the personnel committee, we've already discussed everything that should be done. We don't have to call them an assistant adjutant. We don't have to call them anything but employed. Bring somebody in to help, ok? We got \$30,000 that's sitting there, committed and approved by the DEC. I say we give him the opportunity to fulfill that. We're failing on programs and membership and we can't point the finger at anybody but ourselves.

Exec. Dir May: Yes, sir. Thank you. Most of you know Dare Maness, she did Membership and Programs. Some of you don't her, she passed away in 2010. She did a fabulous job on membership and programs and her desk was clean every day. And she was a membership and programs director. She wasn't an assistant adjutant. She did a fantastic job.

Dept Adj Diener: My desk wasn't clean every day but that was also because the duties that I was doing down there under Adjutant Holland. I did Assistant Adjutant duties of things that I asked me to do to help assist him on his job. Now, and understand, I'm not arguing the other pieces. It's just that, please realize if we only go with the \$30,000, that allows us to bring in a skill set worth \$30,000. Bringing in somebody to assist with some of those other job duties that Mr. Holland had us do won't be there, ok. I do believe there's other money that can be put in the budget but I have to go with what the finance committee says. But the decision there says at one level you're bringing them at just a membership and programs person, that's all they're going to be able to do.

Vice Cmdr Poulos: I think we're getting hung up on titles here guys and gals. We have a price, I looked in my newspaper, there's positions in intelligence in some of the sheriff's departments in this state that are only starting out at \$27,000. That's in intelligence. My neighbor is in intelligence. They get to know every piece of information about everyone. They get to know everything about everyone. They can get into every kind of computer everywhere. I'm just saying as far as the money level is going. I'm just saying we don't need to have the hang-up about what the job is.

D-20 Cmdr Rucker: The thing about an assistant adjutant, if something unforeseen happened to Nick, who's signing the checks? Who's doing all the things that he's supposed to do if he's not in the position of assistant adjutant?

NEC Hennis: Finance.

Dept Cmdr Scherer: Finance committee chairman is a check signer.

D-6 Cmdr Kvam: I have the minutes from December. And the way it was read. Exec Dir May said no, that's not what I have for the motion. The Dept can offer a salary of \$56,000 and have a new membership person." It does not talk about, on that motion in December, it does not talk about an assistant adjutant, it's a membership person.

Dept Cmdr Scherer: Let's vote on what his motion was. Do you want to read it again?

Exec. Dir May: Is this it? I'm getting confused with all these motions on all these pieces of paper.

Dept Cmdr Scherer: I make a motion that the finance committee make every effort to resource adequate salary range for an assistant adjutant position and provide this recommendation to the DEC as soon as possible. Secondly, upon receipt of the adequate salary range that the DEC appoint an Asst Adjutant, considering the recommendation of the Dept Cmdr and the Dept Adj. His or her duties shall be in cooperation and under the supervision of the Dept Adj. He or she will be paid a salary as to be determined by the DEC. As stated in Article 7, Section 5 Paragraph C of the Const & Bylaws of the American Legion Dept of SC.

Imm PDC Lysaght: Commander, I call for the vote.

Dept Cmdr Scherer: All those in favor of Mr. Rucker's motion, please raise your hand. Those not in favor of the motion, raise your hand. 7 to 16, motion to hire an assistant adjutant not carried. I would like to ask for a motion that Adjutant Diener be allowed to go out and look for a membership or whatever you want to call him, so he doesn't have to wait for the next DEC to do this. He knows what he can pay.

D-14 Cmdr Brandt: I make a motion that we go ahead and hire a membership and program man.

D-17 Cmdr Lonergan: Second.

Exec. Dir May: Person. (Laughter)

Vice Cmdr Strauss: I just want to make sure that was clear? You said membership and programs person? Not membership programs?

D-14 Cmdr Brandt: Right.

PDC Gibbons: Is that going to go through the personnel committee and the adjutant for the selection?

Dept Cmdr Scherer: I don't think so at this time because if we wait for the personnel committee and everything to go through, it will take six months. I would say for expediency, we hired him to handle all our money. And for \$33,000 I don't think he's going to run away with anything.

Several people said \$30,000

Vice Cmdr Britt: You've got to remember, you've got comps on top of that. It's not going to be a salary paid of \$30,000.

Dept Adj Diener: \$30,000 with no benefits.

D-20 Cmdr Rucker: We got to pay social security.

Dept Adj Diener: That's already figured in.

Dept Cmdr Scherer: All those in favor raise your hand, to let Nick hire somebody?

Dept Adj Diener: Why don't we just call for the vote.

Dept Cmdr Scherer: All those in favor say aye, opposed? Carried. (the motion to let Nick hire a membership and programs person was passed and so ordered).

D-11: A clean desk is a very honorable thing but it is also a fact that some people function better without a clean desk. (laughter).

Dept Adj Diener: Thank you.

Alt NEC Mitchell: You know, I'd like to make a statement, he can hire somebody for \$30,000 to work into that job in the future instead of hiring someone else in the future. Does that make sense?

Vice Cmdr Strauss: I just want to make a motion, the customer balance on the enhancement thing, Post 20 is on a payment plan on the enhancement.

Dept Adj Diener; They have been doing that but we could get into a long discussion of if that was ever approved. Them being on a payment plan, the first year, the agreement that they could be on a payment plan was behind closed doors.

Vice Cmdr Strauss: They are making the regular payments? Is that correct?

Exec. Dir May: Yes.

Vice Cmdr Strauss: So my motion is to officially make it ok that they continue throughout this year making regular payments and as long as they make the payments, remain in good standing. This will allow them to participate in department programs.

D-1 Cmdr Jarvis: I second that motion.

Dept Cmdr Scherer: You all heard the motion and the second. Any discussion?

Imm PDC Lysaght: The ten posts on that lists, five of them were talked about earlier as being receiving letters.

Exec Dir May: They all received letters.

Imm PDC Lysaght: The sixteen posts that Mr. Rucker talked about, five of them are on that list. Keep in mind, we may lose that money anyway. Thank you.

Dept Cmdr Scherer: All those in favor of the motion to let Post 20 continue to make payments, opposed? Carried. (The motion for Post 20 to continue to make their payments toward their enhancement and remain in good standing was passed and so ordered)

PDC Gibbons: Post 149 paid their enhancement. We had a little bit of financial difficulty, it wasn't as easy as collecting the money but I brought in a check this morning (applause).

D-14 Cmdr Brandt: Post 100, their enhancement check is in the mail. What can I go back and tell them about Post 172?

Dept Cmdr Scherer: Tell them to get new members. That's all I can say. I don't know, it's up to you all whether they accept the 172 members as members of that post so they don't get closed. It's not up to me.

Dept Adj Diener: At least in the time that I've been here, when it came time to closing a post, ok. When we have tried to get them to 15 members, we have counted everybody that has transferred in and has paid, ok. As far as cancelling. That goes in with all the other statistics. But for that we have given that ability, you know.

D-14 Cmdr Brandt: Can I go back and tell them?

Dept Cmdr Scherer: They still try and get two members

Vice Cmdr Poulos: Are we still on this conversation? I just want to introduce a guest today from Post 9 and he just wants to say a few words on membership.

Matthew Paulick: Two seconds. just want to say, (inaudible) I've met I the past with the former Adjutant, the Commander and Robin Rucker from the membership committee. And discussed a plan to help recruit veterans aged 25 to 50. I went and did a marketing study and now I'm waiting in line to get in front of the finance committee. I came up here today to be able to shake hands with them and introduce myself.

Dept Cmdr Scherer: I think you should also go through the membership committee and Mr. Robin Rucker at the same time. With those two guys that's fine. But go through Mr. Rucker first.

D-11 Cmdr Lonergan: Back after 911 the 911 Commission came up with the Real ID act. And a lot of people have been in the news lately, at Shaw Air Force Base, they passed the word out that as of February 1st, we would no allow access to the base from people carrying a SC Driver's license. There are several states involved but South Carolina is one of them. That has been extended to June 6th. What that means is if you're a veteran and you're trying to get on a federal installation, that's any federal installation, if South Carolina does not comply with the real ID Act. That also means you will not be able to get on an airplane with your South Carolina Driver's license as your ID. If you have a Driver's license or any of your member's do, if you look up Real ID Act, there are about 30 states in the US that will not have access to any Federal Installation, including a nuclear power plant or any airline. The only acceptable ID will be a passport or your retired ID card if you're a retiree but your VA card will not get you onto an airplane or a federal installation.

Dept Cmdr Scherer: Good thing the National Commander is coming in March. Anything else?

D-18 Cmdr Pouncy: John Coaxum has been sick.

Dept Cmdr Scherer: We'll be praying for him. Anything else?

D-11 Cmdr Lackey: I need to make a statement on behalf of all my constituents. Posts that have had a difficulty. I don't know any way to solve it, certainly we can't solve it. But members who pay their dues and subsequently get a dun from National get upset. And we've had two individuals who resigned and said, I am no longer going to be a member of The American Legion because I'm tired of getting these things when it's week after they've paid their dues. I don't know, I have no idea what the situation is but I just make that statement. You may understand it a lot better than I do.

Dept Adj Diener: What happens and we put the dates out in your adjutant's manual that you receive. National publishes the dates that it cuts off and pull it out of the system that they do those mailings. So basically we have to get the cards into them by that time. When they pull that database down, that's three or four weeks ahead of when they actually mail it. Yeh, you've got that time frame in there that you may, you know, they may pay the post but by the time the post gets it to us and we get it to National, ok. If it misses it by one day of when National cuts it off, a month later they're going to get a notice. That's been brought up at the membership meetings and the timeframe that national needs to get it done and they need that timeframe and they're not going to change it.

PDC Palmer: (Inaudible)

Dept Adj Diener: Trust me, I know when those go out because we start getting the phone calls.

Vice Cmdr Britt: I make a motion for the betterment of the department that we adjourn. (laughter)

Dept Cmdr Scherer: All in favor say aye – Chaplain?

Chaplain Quarles gave the benediction and Department Commander Scherer closed the meeting.

For God and Country,

Nick Diener, Department Adjutant

ND/mm

