



USATF-SC Special Meeting Minutes
August 11, 2020
7:30pm via Zoom

The meeting was called to order at 7:35 pm by USATF-SC President Brian Jordan. Quorum was determined with 50 members present, including representatives from seven (7) clubs and fifteen (15) athletes. AEC Southeast Region Rep. Rod Larsen was also in attendance.

Members in attendance: *Andrew Allden, Al Barron, Julie Bilderback, John Blackburn, Michael Burchett, Maurice Campbell, Jennie Cirillo, Paul Cirillo, Tyrone Clary, Tami Dennis, Don DeWitt, Stephanie Dukes, Linda Ellis, Michael Flournoy, Megan Fulks-Frost, Kimberly Geofroy-Clary, Susan Heiser, Jesi Heiser-Whatley, Tori Heiser-Whatley, Angela Hitch, George Illingworth, Jeff Jacobs, Valerie Jacobs, Jennifer James, Donna Johnson, Brian Jordan, Darlin Jordan, Christopher Kling, T'Mars McCallum, George McCarrol, Tracy Meyers, Denise Mohr, Steve Mullaney, Anna Owens, Debbie Sammons, Tommy Sammons, Michael Schmitz, Greg Schneider, Erika Shaver, TaMara Sloan, Stephen Smith, Andrew Smith, Norman Venyah, Mary Venyah, Diane Walker, Jeff Weeden, Joyce Welch, Ian Whatley, Stephanie Whatley, Shelby Winn.*

A. Consideration of USATF-SC Bylaw Amendments to add Article 7A3,4 and Article 9A2g.

President Jordan presented the proposed Bylaw Amendments to address the Association's bi-annual in-person elections under the COVID-19 state of emergency. The USATF Associations Executive Committee (AEC) sent the Associations two bylaw amendment options to consider: option 1 would delay elections till next year and extend the officers term until 2021; and, option 2 would allow elections to be held as a virtual meeting with electronic voting and/or other reputable alternative to in-person voting.

President Jordan proposed that both options be adopted to delay voting till next year and allow flexibility for 2021 should the pandemic continue into next year. Jordan cited lower membership and club renewals due to COVID-19, event cancellations, and the difficulty of electronic voting, as reasons to delay voting until next year.

T'Mars McCallum made a motion: To adopt amendments to USATF-SC Bylaw Articles 7 and 9 by adding Article 7A3 and 4 and Article 9A2g as written.

Ian Whatley seconded the motion.

Discussion and clarification of the motion continued:

John Blackburn requested clarification . He believed the two options to be in conflict and questioned if they could both be adopted.

George Illingworth agreed with Mr. Blackburn and asked if the desire was to delay elections till next year due to COVID and the complexities in doing electronic voting.

Tracy Meyers, Parliamentarian, said the two options don't conflict. Both options are possible. Option 1 clearly states that it could only apply to this year (2020). Option 2 would be available for next year or employed in future years if there were to be an emergency.

Andrew Allden also agreed with Mr. Blackburn and asked clarification on what the trigger for decision making would be and who would make it. He also suggested the ability to vote is an incentive to maintain membership and the Association should send a reminder blast to members to renew their memberships so they can vote.

President Jordan stated that a blast like that was sent in July and the Bylaws require memberships to be purchased 30 days prior to the annual meeting.

Susan Heiser, Secretary, stated that the trigger for the decision would be *"health or other national or state level emergencies."*

Tracy Meyers clarified that the majority of the Officers would need to agree that there is a state or national emergency. This language gives the flexibility to the executive officers. If there was a hurricane or other emergency that would make it difficult to hold an in-person election, they would have to vote by simple majority to hold the elections virtually.

Rod Larsen, AEC SE Region Rep, agreed that the two provisions are not in conflict but it is giving officers a variety of options. First, they can roll over the elections to next year. Second, they can hold a virtual meeting with electronic elections. Third, it gives them the ability to have electronic voting next year if conditions warrant it.

Linda Ellis shared her knowledge of the the electronic voting system recommended by the National Office. The system they are using requires that the Association pay a \$500 flat fee and each voting member would then pay \$1.00 to vote.

President Jordan confirmed this and agreed that this system is not desirable, stating that no one should have to pay to vote.

Valerie Jacobs noted that with option 1, delaying the election is required and cannot apply in 2021. Option 2 would require a virtual vote. These options should be separate.

Parliamentarian Meyers noted that a motion has been made to approve both options but they could consider these in separate motions. There could be separate options, first, second, both or none. The motion on the floor needs to be considered first.

John Blackburn stated that he might be comfortable with voting to adopt both options, if the amendments were to say that option 2 is effective in 2021.

T'Mars McCallum agreed to amended his motion, and Ian Whatley his second, to add the clarification that the 2nd part of the motion would be effective January 1, 2021.

Discussion continued regarding the need to have the officers vote on the first part of the of the Bylaw Amendments and if the language could be changed so the Officer vote would not be necessary.

To move the motion to a vote and facilitate the adoption of the Bylaw changes, the four (4) Officers present at the meeting, (President Jordan, Vice President Dennis, 2nd Vice President Mullaney, and Secretary Heiser), unanimously voted to delay the 2020 elections till 2021 and extend the current officer positions until the USATF-SC Annual meeting in 2021.

John Blackburn called the question.

Maurice Campbell asked that the motion be restated before the vote.

The 50 members present unanimously voted with thumbs up to approve the motion to adopt the Bylaw Amendments:

ARTICLE 7A

3. Emergency Provision. Due to the health concerns of COVID-19 and our inability to meet in-person for the 2020 USATF-SC election, the SC Association Executive Officers may vote by simple majority (51%) to approve extending current officer positions until the USATF-SC Annual meeting in 2021. This provision is only valid for the 2020 elections which will be delayed to 2021. The 2021 elections shall stand for two-years with subsequent elections held on odd years.

4. Effective after January 1, 2021, in the case where an in-person election meeting is not advisable due to health or other national/state level emergencies, the SC Association Executive Officers may vote by simple majority (51%) to host a virtual meeting. Notice of this virtual meeting shall follow the same timeline as established under Article 7, Section A1 of these Bylaws.

ARTICLE 9A2

g. Effective after January 1, 2021, in the case where an in-person election meeting is not advisable due to health or other national/state level emergencies, the SC Association Executive Officers may vote by simple majority (51%) to utilize an electronic election platform, a virtual meeting platform and/or other reputable alternate to in-person voting for the nomination and election of association officers. All applicable notice, nomination and voting criteria contained in the Articles 6, 9 and 10 of these Bylaws shall be followed.

B. Vote to confirm Association Arbitration Panel (AAP) Decision #5 on the Perry Funnie, and Decision #6 on the Kenneth Funnie Disciplinary Proceedings.

Ian Whatley, SC Athletes Advisory Chair, outlined the violations that the AAP determined Perry Funnie and Kenneth Funnie committed. Two separate Association Arbitration Panels (AAPs) considered these cases and concluded that these members should be expelled from the Association. The AAP Decisions have been posted on the Association website and a blast was sent to membership in July regarding the AAP's decision.

Ian Whatley moved to up hold the AAP decision to expel Perry Funnie.

Tori Heiser-Whatley seconded the motion.

George Illingworth made a point of order, questioning if notice of this item was required. The notice of the Special Meeting only included the Bylaw Amendment and did not mention these matters.

Secretary Heiser stated that Bylaw Amendments require a 30 day notice that was given on July 12th. These individuals were given until August 1st to pay or make payment arrangements but no response was received. It was not known if this action would be necessary at the time of the Bylaw notice. Notice of the AAP decision was sent to membership on July 23rd and the USATF-SC Bylaws require that this part of the AAP decision must be considered at the next meeting.

George McCarroll asked about when these violations occurred and if the evidence was confirmed by an outside source.

President Jordan stated that the investigation addressed only the period from August 2016 to August 2018. The investigations could not start until the files were turned over to the Association in November 2018.

Parliamentarian Meyers explained the AAP process and how each case was heard by separate independent panels, each consisting of three (3) current members. They carefully considered the evidence and took their jobs very seriously. They really wanted to get the right decision.

John Blackburn raised the issue that the Special Meeting was noticed for a sole purpose and these items are not in order. He asked the parliamentarian to rule on this.

Parliamentarian Meyers stated that these items are in order because USATF-SC Bylaw Article 6F states that these items are required to be handled at the next meeting and does not speak to the need for notice.

George McCarroll asked for confirmation that neither of the Funnie brothers responded to any of the notices sent them regarding the Disciplinary Proceedings.

President Jordan confirmed that multiple emails, letters and certified letters were sent to both individuals over a period of many months and no response was ever received.

Erika Shaver asked what expulsion means and is it temporary or permanent.

Ian Whatley clarified that the Bylaws provide three (3) options. Expulsion would permanently remove them from our Association and requires 66% of the members present to vote in favor. Suspension would be temporary until they repay the fees they have withheld, and requires 51% of the members present to vote in favor. If the vote is less than 51% the AAP suspension would be overturned.

Discussion continued on how voting would occur.

John Blackburn stated that under normal circumstances this would be a secret ballot.

Parliamentarian Meyers stated that secret ballots are only required during elections. She continued that we need to follow the bylaws and if someone is not comfortable voting, they can abstain and the record would reflect that.

George McCarroll asked if the association has evidence to prove that notice of the Disciplinary Proceedings were given to the individuals in question.

President Jordan stated that the investigation went on for almost a year and the individuals were given proper notice and ample opportunities to respond but they chose not to. The AAP weighed all the evidence and made the decision that they should be expelled for life.

More discussion ensued on how votes would be cast or if this matter could be moved to the Annual meeting. It was repeated by several members that the vote is not required to be private.

Steve Mullaney asked if voting to delay the vote until the annual meeting on August 29th met the standard of handling the matter at the next meeting as stipulated in the Bylaws.

Parliamentarian Meyers stated it did not, that the Bylaws state we need to vote on the AAP recommendations at the next meeting.

Paul Cirillo asked for confirmation that the evidence was sent to the independent panels and the AAPs made the decision that they were guilty. We are now being asked to uphold their decision or not.

Parliamentarian Meyers confirmed this statement and suggested that a voice vote would allow for sufficient anonymity.

Ian Whatley again stated the motion: A vote to uphold the AAP Decision #5 for the Perry Funnie Disciplinary Proceedings and permanently expel Perry Funnie from the South Carolina Association.

Seconded by Tori Heiser-Whatley.

The motion passed, in a voice vote, with over 90% of the forty-one (41) members present voting yes.

Votes

Yes - 37

No - 2

Abstain - 2

Ian Whatley stated the second motion: A vote to uphold the AAP Decision #6 for the Kenneth Funnie Disciplinary Proceedings and permanently expel Kenneth Funnie from the South Carolina Association.

Seconded by Jesi Heiser-Whatley.

The motion passed, in a voice vote, with over 90% of the forty-one (41) members present voting yes.

Votes

Yes - 37

No - 2

Abstain - 2

The meeting was adjourned at 9:35 pm.

Signature: _____ Date: _____
USATF-SC President, Brian Jordan

Signature: _____ Date: _____
USATF-SC Secretary, Susan Heiser