

19 May 2017

Director Norton –

A complaint was placed on May 1st, 2017 with the ARRL Ethics and Election Committee, concerning your online conduct. The complaint states that;

“Today’s email in which Mr. Norton once again becomes exceedingly personal is but one in a line of public tirades that consistently cross the line to bad behavior. This latest rant is in direct violation of the Code of Conduct”. (Italics added)

It is during your May 1st message <arrl-odv:26422> to the ODV-Reflector where it has been expressed in this formal complaint that your conduct was alleged to have deviated from the standard of collegial discourse;

From: Richard J. Norton <richardjnorton@gmail.com>
Date: May 1 at 1:15 PM ET
To: arrl-odv

Shame on me.

Yeah. Fool me once, shame on you; fool me twice, shame on me. He did it again, and I fell for it.

Number 1

A while back, I expressed displeasure after finding out that the League's General Counsel, through the Legislative Action Committee appeared to have withheld important analysis of the HR555 language from the rest of the board. Vice Director Stratton clearly illustrated why CAI proposed the "compromise language," and why they are claiming victory.

Even Fred Hopengarten, K1VR, the most experienced lawyer involved with amateur antenna litigation says hams would be worse off if HR555 becomes law, and we should should work to stop it, a view shared by most all involved antenna attorneys.

Basking in this Potemkin Village illusion of success may be briefly satisfying, but when reality hits, the League will likely suffer another blow to its reputation. If HR555 becomes law, a good many HOA-based hams may actually be hurt.

Number 2

At March's Executive Committee meeting in Denver, I again believed the League's General Counsel, this time when he told the assembled group that the League's governance structure needed to be changed to bring it into compliance with Connecticut state law. I was actually thinking through what should be done to solve the problem. What should we do with our non-compliant Vice Directors?

It was quite a shock when Vice Directors Raisbeck and Tiemstra not only eviscerated the "out-of-compliance" claim, but even the claim that Day Pitney's advice even actually said that it was out-of-compliance.

Yes, it appears that the governance structure is not out-of-compliance, and that Day Pitney's advice actually did not say that it was!

Its sad to now need to skeptically view what is delivered to us as being "legal advice" might simply be camouflage for some hidden political agenda.

I have never been an Vice Director, but have seen significant value imparted to the League by a number of them. I am of the belief that Vice Directors should continue their role, and nothing needs to be done, particularly in a panic.

From the information I have received, which included observing the full March EC meeting, I have no intention of supporting any changes in the position and status of Vice Directors. Of course, this might change should I see something compelling in he future.

I expect to be on Monday's webinar.

As I'll be aboard a cruise ship on Thursday, with pretty steep Internet charges, would someone please confirm that I can be reimbursed from the board meeting account. From discussions I've had, there is likely inadequate support for the measure to even bother continuing with Thursday's meeting, but feel the need to follow any conversation thoroughly, should it occur.

**73,
Dick Norton, N6AA**

arrl-odv mailing list
arrl-odv@reflector.arrl.org
<https://reflector.arrl.org/mailman/listinfo/arrl-odv>
(Bold emphasis added)

It should be noted that such a complaint should be raised with the ARRL President and ARRL CEO. A posting to the odv-arrl reflector is not the proper method to raise issues concerning ARRL Staff, including the ARRL Chief Counsel.

On Mon, May 1, 2017 at 6:02 PM ET, you followed up with another posting <**[arrl-odv:26432] Re: Shame on Me - I Trusted Him Again"**> (Emphasis added) where you are seen persisting in your unacceptable style of discourse. It is in this posting that you then beg the question about objections to your unacceptable conduct through an argument which states information has been withheld, stories invented and facts misrepresented further that you feel that those who engage in "those practices need to be called out", Mr. Norton stated. Although the personal attacks continue in an amplified fashion no substance is presented to establish your claim:

Mr Imlay,

I have been elected by the membership of the Southwestern Division to represent their interests and in also my view, the interests of Amateur Radio. The League is clearly a political organization, and politics may not be a good match for those whose sensitivities might be hurt by calling out damage they might create with their actions.

Mr. Imlay, my concern was with your actions. My complaints were about withholding important information critical to performing my fiduciary duties, and then playing a key role in what appears to be misrepresentation of "legal advice" for political means.

Your, your co-conspirators, and allies mis-characterization of my complaints as being a personal attack might be a way of diverting attention from the serious issues raised. Rest assured that the views expressed are not unique to me.

The League should operate with open, honest discussion of issues involved. Withholding information, inventing stories, misrepresenting facts, and attempting to prevent your opposition from being heard is antithetical to my concept of good government, and those engaging in any of those practices should expect to be called out.

73,

Dick Norton, N6AA

(Bold emphasis added)

It was after being warned about your online conduct by several members including ARRL Vice President Mr. Brian Milesosky; ARRL Chief Counsel, Mr. Chris Imlay; ARRL President Mr. Rick Roderick; and ARRL Delta Division Director Mr. David Norris, you posted your reply to Mr. Imlay that he states that he would persist in his personal attacks on Mr. Imlay and he then expanded his attacks to include other members of the ARRL Board stating that “.... *Your (sic), your co-conspirators, and allies mis-characterization of my complaints as being a personal attack might be a way of diverting attention from the serious issues raised....*”

RULES

The ARRL Policy on Board Governance and conduct of members of the Board of Directors and Vice Directors, as adopted in its introduction clearly states; “***Board members should conduct themselves and perform their duties with integrity, collegiality and care***”.

Further, the Policy covers relations between ARRL Board Members in Section 5, and between ARRL Board Members and Staff in Section 9;

5. RELATIONS AMONG BOARD MEMBERS:

Each Board member must foster an environment of respect, cooperation and collegiality. A Board member must not unduly disrupt the Board or detract from its operating in an efficient and effective manner.

a. A Board member should treat other Board members with courtesy and allow other members of the Board to candidly express their views.

b. A Board member should respect the differing opinions of others. Board members may disagree on issues, but disagreements should be directed at the issue; personal, ad hominem attacks are not acceptable.

c. A Board member should never undermine, sabotage or falsely impugn another Board member or the organization as a whole. However, this is not intended to preclude a Board member, acting in good faith, from reporting a suspected violation of this Policy or the Conflict of Interest Policy set forth in the ARRL By-Laws to the ARRL's Ethics and Elections Committee.

and,

9. RELATIONS WITH STAFF:

A Board member must appreciate the strategic and policy role of the Board, and respect the separate and distinct roles of the CEO and ARRL staff to responsibly manage and administer ARRL's day-to-day activities. It is the role of the Officers and Staff, not the Directors, to implement Board policy.

a. A Board Member should refrain from intruding on administrative issues that are the responsibility of Officers or management, except to monitor results and prohibit actions that conflict with Board policy. If a Board Member believes that staff is acting in a manner that is inconsistent with ARRL policies, the Board Member should raise the concern with the appropriate officers or with the Board.

b. A Board member should treat employees of the organization courteously and professionally. Board members should never issue instructions to or obtain work commitments from staff directly. That is the proper role of the CEO.

c. ARRL staff has the right to work in a professional atmosphere that prohibits discriminatory practices, including harassment. All relations between Board members and staff must be professional and free of bias, prejudice and harassment. Accordingly, Board policy forbids any unwelcome conduct that is based on an individual's race, color, religion, sex, age, creed, national origin, ancestry, disability, sexual orientation, or any other protected characteristic as established by law. ARRL will not tolerate any form of harassment or discrimination that violates this policy.

d. Unwanted personal contact with, and unwelcome advances toward members of the staff are never acceptable.

e. Board members should never conduct independent investigations and they should never interfere in day to day operations of the ARRL.

f. Board members should never engage in harassing conduct, such as epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes or display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

g. Inappropriate bullying, either direct or indirect, whether verbal, physical, or otherwise, conducted against others in the course of Board service, will be handled with the same level of gravity as other harassment.

CONCLUSION:

We think your conduct during May 1st on the odv-arri reflector demonstrates the need for the Policy. Before making any decision to move forward, and to consider options available in the Policy under the section at the end titled, "Compliance with this Policy", we are asking that you provide the Ethics and Elections Committee with a statement that explains your actions and why you believe we should not go forward. We request your reply by May 26th.

Sincerely,

Tom Frenaye, K1KI New England Division Director, E&E Chairman

Jim Pace, K7CEX Northwestern Division Director

Kermit A Carlson, W9XA Central Division Director