

**ARRL Confidential**

**Ethics and Elections Committee  
July 13, 2017**

**ISSUE**

A complaint was placed on May 1<sup>st</sup>, 2017 with the ARRL Ethics and Election Committee, concerning the online conduct of ARRL Southwestern Division Director Richard Norton, N6AA. 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 Mr. Norton's May 1<sup>st</sup> message <arri-odv:26422> to the ODV-Reflector where it has been expressed in this formal complaint that his 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 arri-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.**

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**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.**

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**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**

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arrl-odv mailing list  
[arrl-odv@reflector.arrl.org](mailto: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, Richard J. Norton <richardjnorton@gmail.com> in this posting <[arrl-odv:26432] Re: **Shame on Me - I Trusted Him Again**> (Emphasis added) is seen persisting in his unacceptable style of discourse. It is in this posting that Mr. Norton then begs the question about objections to his unacceptable conduct through an unfounded straw-man conspiracy argument which states information has been withheld, stories invented and facts misrepresented further that he feels 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 his 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 his 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, Mr. Norton posted his 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:**

Mr. Norton's conduct during May 1<sup>st</sup> on the ODV-ARRL reflector demonstrates the need for a Code of Conduct.

His deliberate choice of literal devices included personal ad-hominem attacks, disparaging characterizations of the larger majority of his colleagues, unfounded declarations of conspiracy and factual misrepresentation.

Mr. Norton's conduct demonstrated a significant lack of care for his fellow Board members, lacked any semblance of collegiality or integrity. His conduct removed civility from the online forum and detracted from the discussion, it created a disrespectful hyperbole that significantly impeded the forum from operating in an efficient and effective manner.

With regard to Mr. Norton's ad-hominem verbal assault directed towards ARRL Chief Counsel Mr. Imlay: Mr Norton declared that Mr. Imlay has withheld information for "political purposes" in violation of Mr. Imlay's fiduciary responsibility, which is a serious claim that should have been directed to the ARRL CEO. Mr. Norton's egregious statements were highly improper in light of the Policy paragraphs 9.f and 9.g.

Mr. Norton's series of posting to the odv-reflector on May 1<sup>st</sup> does not address in a substantive manner the factual basis for the angst that he is expressing. Not only is the underlying fundamental situation and facts obscured by his manner of discourse, it has left the reader to pure conjecture as to the real details on which he attempts to express an opinion.

The Code of Conduct asks that "Each Board member foster an environment of respect, cooperation and collegiality; Mr. Norton's statement that "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" clearly indicates that Mr. Norton intends to persist in his mannerisms.

On May 19th, Mr. Norton was given an opportunity to respond to the complaint, with a deadline of May 26th. On May 26th, Mr. Norton asked for and was given two additional weeks to reply. His reply arrived on June 9th and is included as Appendix A. He did not address the complaint directly and our original decision has not changed.

It is for the reasons stated in the original complaint that are supported by the record, it is strongly recommended by the Ethics and Elections Committee that Mr. Norton be subject to Censure for his conduct.

Sincerely,

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

Kermit A Carlson, W9XA Central Division Director

Note: Mr. Pace declined to participate in the discussions after Mr. Norton's response was received.

## Appendix A

From: "Richard J. Norton" <richardjnorton@gmail.com>  
Date: Fri, 9 Jun 2017 19:50:49 -0700  
Subject: Reply to E&E Request of May 19  
To: Tom Frenaye <frenaye@pcnet.com>, "Pace, Jim, K7CEX" <nwdvd@comcast.net>,  
Kermit Carlson <W9XA@yahoo.com>

Directors Frenaye, Carlson, and Pace:

I am in receipt of your electronic letter of May 19. This is the main body of my response. An appendix that follows covers an important aspect that you should also note.

### **The “Complaint”**

The "complaint" contains the fallacious and wildly exaggerated claim:

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.

### Ethics

There has never been a single instance of anything I've ever said that was anything but fact. I am on record saying that should anyone show me an example of anything I've ever said that was untrue, I would retract it and post a correction.

I take my fiduciary duty very seriously. I strongly believe all directors should hear all sides of all issues under deliberation. I have never attempted to influence a vote by withholding information that, although factual, might cause a director to oppose my position.

I have never falsely reported facts or invented stories, and am not pleased to have to research pronouncements of others to confirm or deny their truthfulness.

I am very aware of the standards concerning speech that our society has established under libel and slander laws. The legal definition of both libel and slander concerns defamation that includes untrue statements. I scrupulously edit any comments I make for adherence to truth.

I have attempted to engender truthfulness and openness, and where actions have taken place that conflict with these values, I have at times spoken out against the actions.

My reputation regarding ethics is as solid, if not more so, than that of any other ARRL board member. I was elected to the Contest Hall of Fame, primarily for my work in developing standards and means of enforcing contest honesty and accuracy. A many-year effort was required to clean up the contest community, and I'm proud to say that, particularly in the USA, my objectives were achieved.

Also, in past years, the Committee should note that I've given the presentation related to ethics at the Dayton Hamvention-connected Contest University. My reputation for ethical behavior is strong in the Amateur Community.

## Details of the Cited Critique of Imlay's Actions

Careful reading of my correspondence will show that it factually discussed two situations where Mr. Imlay's communications were deficient and adversely affected my ability to carry out my fiduciary duty as a director of the League. Nowhere was it personal. My correspondence expressed not only that I was dissatisfied with Mr. Imlay's services in the two instances specifically mentioned, but also that the entire board now needs to question any advice that he may give us .

### 1) Failure to Convey Important Information to the Board (With Financial Conflict-of-Interest)

Many months after it was provided to Mr. Imlay, I became aware of information generated by Vice Director Stratton which raised serious questions about the compromise language in the League's HOA-related lobbying effort. I had supported the League's efforts in this regard in spite of the total lack of division member requests for such action. After I saw the Stratton memo, I was upset at having not paid attention to the current details of the bill's language.

Mr. Imlay should have immediately forwarded the Stratton information to the entire board, and if he disagreed with any of it, he should have told us why. I have spent plenty of money on lawyers (in seven figures over the last number of years), and if a lawyer working for me had withheld information that critical, he would have been fired.

My message to the board was to alert them to the existence of the glaring flaws in the bill that could adversely impact some amateurs if the bill becomes law. Today, there is more information on the matter that the board will be hearing in the near future.

Additionally, Mr. Imlay has a clear financial conflict-of-interest in this matter, as he is paid for his work on this bill based on time spent. To have kept the board in the dark, under circumstances where the board might have reduced or terminated the funding of his efforts, is behavior beyond ethical limits. For me to have to defend my criticism of Imlay's action against a claim that it was not collegial is outrageous.

### 2) Misrepresentation of Legal Advice

I had relied on Mr. Imlay in the past to provide the board with legal advice. I was shocked to find that he was not licensed to practice law in Connecticut, but that's another matter for another time.

At the March 2017 EC meeting, Mr. Imlay gave the clear impression that the League's governance structure was illegal. I believed him, and had been considering what should be done about the situation. I had not read and thoroughly analyzed the Day-Pitney memorandum at the time and thus defaulted to trusting Mr. Imlay's summary. When Vice Director Tiemstra clearly showed Mr. Imlay's interpretation had been grossly exaggerated at best, I was once again very displeased with both Mr. Imlay's advice and the way it was presented.

The board and officers of the League have become politically polarized. It appears that Mr. Imlay is taking direction from one political wing, and not being honest with the entire board when he makes what are clearly politically-inspired pronouncements.

If Mr. Imlay had acted ethically, he would have prefaced his remarks with comments about the political nature of what he was presenting.

Rather than confidently relying on Mr. Imlay for pure legal advice, I am now left with having to research whether what I hear is true or if it represents partisan political opinion.

### 3) Conclusion - Mr. Imlay's Actions Have Tarnished His Reputation

These two recent serious actions by Mr. Imlay have resulted in my inability to trust him further. That was the concluding point made in the referenced posting. I firmly believe, based on the conduct of Mr. Imlay that I discussed, that the board should not any longer delegate anything to him and expect that he will give us unbiased legal advice or even keep us updated on significant information that he becomes aware of that impacts an activity. It is, in my opinion, no longer possible to know if he is delivering politically slanted propaganda or sound and trustworthy legal advice.

My comments were, and are not, in any way a personal attack on Mr. Imlay. My comments were a critique of his actions based on observed conduct, which conduct certainly warranted the resulting conclusion.

#### Mr. Imlay's Employment Status

It should be noted that Mr. Imlay is a contractor to the League and is paid to provide legal services and advice in specific subject-matter areas. He is not a member of the board, nor is he a member of the staff. When it becomes apparent that the quality of those services is deficient, it is not only the right but the fiduciary obligation of a Director to raise the issue.

#### Direction of My Criticism

You questioned my posting of my comments to ODV rather than delivering them privately to Messrs. Roderick and Gallagher. The purpose of my memo was clearly to provide my fellow board members with information that was believed to be relevant to their deliberation of current interest topics before decisions were made, not months after the information became stale. As a director I have the right to share my opinion, whether well received or popular, with any other member of the board with whom I choose to share it.

Although I agree with your implication that Mr. Imlay's work needs to be reviewed with regard to keeping him as a League contractor, that was not the purpose of that memo. There are many other shortcomings in Mr. Imlay's other work that can be addressed in a separate discussion.

Also, if I were to consider handling my concerns in the manner you suggest, recent activities indicate that they might not even be acted upon. I have already witnessed the failure of Messrs. Roderick and Gallagher to take timely remedial action when a previous case of substandard legal work on the part of Mr. Imlay, in the matter of defective trademark filings, was brought to their attention over a year ago in the way you recommend. When management is unresponsive on such important matters, it is the duty of the directors to act.

#### “No Substance” Response



Your complaint states that, “no substance is presented to establish your claim.”

Ironically, and very unfortunately, my response to this results in opening up another situation where actions similar to those of Imlay's took place. The important response that is covered in the attachment documents the "substance."

### Typographical Errors in Your Complaint

The E&E Committee might consider taking a little care with the obviously garbled language in its "complaint":

..., 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 mischaracterization of my complaints as being a personal attack might be a way of diverting attention from the serious issues raised.□

It leads me to wonder how much of the “complaint” contains words from the committee, how much comes from the complainant, and how much attention should be given to each of the components.

“Warning”

Your “complaint” states:

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.

The mischaracterization of my specific complaints about actions as being “attacks” by the four can be best described as fairly primitive political pandering. There have never been any "attacks," but as previously mentioned, simply criticism of specific actions that have hurt the League and/or my ability to carry out my fiduciary duties.

I suggest you review my language, not someone's emotional reaction to criticism of a friend's actions, with a competent attorney. I have done so, and am content that what I have said is true, accurate, and appropriate. There is no name-calling. There are no threats. There is only disappointment expressed.

### Summary

I believed when I made the referenced comments, and I believe now, that Mr. Imlay's actions were damaging to my ability to carry out my fiduciary duty as a director of the League. Failure to disclose information that potentially impacted the board's assessment of his work and possibly therefore, funding of his activities alone warrants concern over conflict-of-interest.

For three board members whose positions do not agree with mine to label criticism of Mr. Imlay's damaging actions as somehow being less than “collegial” and then threaten me with

some sort of further action is something I find to be far from the interests of either the League, the members, or Amateur Radio.

If you want a litmus test as to the propriety of whatever course you choose to pursue, I suggest you consider whether you would consent to having your complaint, my response, and any additional related communication made available to the members. I would have no problem with it, as my comments have always been truthful and aimed toward serving the interests of our members and our avocation.

Richard J. Norton, N6AA

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#### Appendix - Substance Presented to Back Up Claim

As requested by your committee, here is substance to support my earlier claim. All three members of your committee have already had access to this information, but I will repeat and summarize it here in writing.

Ironically, a member of your committee, Mr. Pace, is a party to several of the following issues. I had wished not to call any more attention to his actions than what you have previously observed, but your charges require my detailed response.

Your "complaint" states:

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:

Note that my original grievances were with actions taken, not with the individuals themselves.

#### 1) Misrepresentation of Facts

In correspondence [arrl-od:3143] dated June 20, 2016, Mr. Imlay made this statement:

We will then ensure that the NTS volunteers are given the straight story. PSC Chair Jim Boehner has recruited a good solid substitute Eastern Area NTS chair who has credibility, experience and tenure with NTS .... Due to Jim Pace's good

relationship with the Western Area (sic) NTS chair, any ... disinformation campaign will be defused there as well.

There was no "Western Area" in NTS, so I interpreted this to mean the Pacific Area NTS chair, someone I know reasonably well. I telephoned him on another matter and casually asked his opinion on the NTS matter. From the conversation that took place, it was clear to me that he was adamantly opposed to the actions being taken by the League and that there was no possibility of his "being defused."

At the following board meeting, I questioned Mr. Imlay about the quote, whereupon he orally corrected his language to "Pacific Area Digital chair," with whom Mr. Pace said he was personal friends. Mr. Pace reassured the board that there would be no problem.

When I called the Pacific NTS chair to apologize for the mix-up, he was surprised and questioned that the Digital chair would have no problem with the League's actions. He later called me back to say that the Digital chair would like to speak with me.

Sometime later, I spoke with the Digital chair. He confirmed that he was a friend of Mr. Pace. However, he said that he had several times communicated to Mr. Pace his complete opposition to any and all of these proposed NTS actions. Eventually, the Pacific Digital chair became one of the leaders of the NTS-member split from the League and is now a founding director of Radio Relay International (RRI).

In summary, Mr. Pace's description of the Digital chair's position appears to be the complete opposite of what the Digital chair had told Mr. Pace on multiple occasions.

The net result of the League's actions toward the NTS area chairs was detrimental to the League, as a good number of loyal League members moved their activity out of ARRL and formed a new organization, RRI, which has now been incorporated as a 501(c)(3) and will likely be competing with ARRL for the primary Amateur Radio relationship with FEMA.

The incorrect information conveyed by Mr. Pace to the board may have influenced the vote of directors and thus contributed to the aforementioned negative outcome for the League.

## 2) Stories Invented

At the January 2017 A&F meeting I raised the issue of legislative advocacy expenses, but Mr. Pace, the A&F chair, did not provide time for either discussion or action on the matter. Nevertheless, in [af-com:3617] dated Mar 22, 2017, Mr. Pace said, "Addressing the next comments to Mr. Norton's email of March 21: The matter of Legislative Advocacy expenses was discussed at our meeting in January. The matter was discussed thoroughly, at which time Mr. Norton's position was not sustained, ...."

When I questioned the above in connection with the draft January A&F minutes presented at the March 26 A&F meeting, all in attendance eventually agreed that the topic had never been discussed at the January meeting and also that the conclusion, "Mr. Norton's position was not sustained," had never been reached.

In summary, the A&F Chair reported not only a discussion that never took place but also a committee action that never took place. Had I not insisted on correcting these misstatements, the effect would have been to quash actual committee discussion of what I believed to be a serious issue. Such careless or creative reporting does not comport with my view of good governance.

### 3) Conclusion Regarding Mr. Pace's Statements

Given the non-trivial nature of these two misstatements, I must question, and believe the board must question, the accuracy of oral and written statements of Mr. Pace. This is not a personal attack on Mr. Pace but a simple recitation of facts. Other board members consider Mr. Pace's statements at meetings and on League reflectors as part of their deliberative process. I believe they are entitled to know that, even if unintentional, there may be issues as to accuracy of the information he is providing.

#### Mr. Pace's Characterizations of My Activity

In "Re: [arrrl-odv:26422] dated May 1, 2017, Mr. Pace states, "These sort (sic) of personal attacks are the reasons ...,"

showing that he also does not recognize the difference between stating facts that people find uncomfortable and personal attacks.

Mr. Pace continues with, "Mr. Norton if you are truly planning to use the internet from a cruise ship, I would suggest that you plan to pay the \$10.00 per minute (or whatever the charge is...always much higher than home) out of your own pocket. It is not up to the ARRL to subsidize your vacation."

The suggestion that the ARRL would be subsidizing a vacation is uncalled for. My trip was already paid for. There is no way that reimbursing what it cost me to participate in board activity that was announced after I had scheduled and paid for a trip would be "subsidizing my vacation." To suggest otherwise could be considered a personal attack on me.

I do not currently intend to lodge a formal complaint, however, as there has been far too much witch-hunting by some board members and officers already, but I expressly do not waive the right to do so.

Nevertheless, given Mr. Pace's extensive involvement in the matters at issue, it would not be inappropriate for him to recuse himself from the E&E Committee's pursuit of this "investigation."