

## RECOMMENDATION TO THE BOARD OF DIRECTORS FROM THE ETHICS AND ELECTIONS COMMITTEE September 7, 2017

Several informal reports and one formal complaint have been raised about the public comments made by ARRL Southwestern Division Director Dick Norton, N6AA, at the time that he served as Forum Moderator during the ARRL Forum at the 68<sup>th</sup> International DX Convention in Visalia, California. Several of the attendees were reportedly upset by comments made by Director Norton about ARRL and ARRL Board policies. Mr. Norton's remarks not only disputed and challenged ARRL Board decisions, but also intentionally brought the Board's adopted *ARRL Policy on Board Governance and Conduct of Members of the Board of Directors and Vice Directors* into disrepute. Mr. Norton drew into question the justification for the creation of ARRL Board Policies on Conduct. Several of the people who attended found Mr. Norton's comments to be inappropriate for an elected ARRL official.

The information before the Ethics and Elections Committee indicates that an ARRL Forum was held as scheduled on April 22<sup>nd</sup>, 2017 from 1600-1640 (local). The forum was held in Track-B of the Convention in the Charter Oak Room. The monitor for the room was Ned Sterns AA7A, who was at the time was one of three candidates for the position of ARRL Vice Director of the Southwestern Division. (Mr. Sterns was declared elected to that position on May 26<sup>th</sup>).

The Pacific Division Director, Mr. Bob Vallio, W6RGG, was scheduled to be the moderator of the forum as it took place in that Division. However, due to an intractable conflict, Mr. Vallio was unable to attend. Due to the absence of Mr. Vallio, the duties of the host for the forum were to be performed by Mr. Jim Tiemstra, K6JAT, the Pacific Division Vice Director, but Mr. Norton persuaded Mr. Tiemstra that he, Mr. Norton, would assume the duties of forum Moderator.

The forum included several ARRL officials who were present:

Mr. Richard Norton N6AA, ARRL Director Southwestern Division  
 Mr. Thomas Frenaye K1KI, ARRL Director New England Division  
 Mr. James Tiemstra, K6JAT, ARRL Vice Director, Pacific Division  
 Mr. Carl Luetzelschwab, K9LA, ARRL Vice Director, Central Division  
 Mr. Norm Fusaro, W3IZ, ARRL Radiosport Manager  
 Also in attendance were two ARRL Section Managers.

A formal complaint about Mr. Norton's conduct at the Visalia DX Convention has been received. The text of the email which contains a complaint from Mr. Wayne Mills, N7NG, a former ARRL DXCC Manager is included below. Although Mr. Mills had been contacted after the Convention by ARRL Director Kermit Carlson on behalf of the ARRL Ethics and Election Committee, Mr. Mills initially declined to submit a formal complaint. Mr. Mills then reconsidered on his own initiative and emailed a complaint on the 25<sup>th</sup> of July, 2017 to both the

Director of the Division of his residence and to Director Carlson as the representative of the ARRL Ethics and Election Committee.

The email set forth below from Mr. Mills details the conduct of Mr. Norton at the Convention. This is understood by the Committee to constitute an attempt to denigrate the actions of the ARRL Board for enacting the Code of Conduct; to bring the Board's decision to adopt it into disrepute; and to adversely characterize the Board's decision. Mr. Norton's conduct has been discussed and labeled improper by several of the attendees. However, the complaint by Mr. Wayne Mills, N7NG, acting as an ARRL Member, is the only formal complaint lodged.

According to the *ARRL Policy on Board Governance and Conduct of Members of the Board of Directors and Vice Directors*, the affirmative obligations of Board members includes:

- Supporting actions taken by the Board even when the Board member personally did not or does not support the action taken, avoiding any adverse characterization of Board decisions that might bring the organization into disrepute...

Standards of Conduct Section 1.b. states that "A Board member should take no action that could adversely affect the reputation or credibility of the ARRL, or discourage membership in the organization."

Section 8 of the Code of Conduct obligates Board members to "accept and publicly support Board decisions." Among the obligations in this respect are the following instructions:

- a. A Board member, as a leader in Amateur Radio, is encouraged to be an ambassador and an advocate for ARRL and, subject to the Confidentiality Standard of this Code of Conduct, to publicly promote the activities and actions of the organization with the ARRL membership. In doing so, a Board member must act at all times faithfully to the intent of the Board as expressed in its official statements, and should not reinterpret or re-characterize the Board's actions to reflect his/her own view or the views of any other Board Member.
- b. While having the right and responsibility to exercise independent judgment and to express dissenting opinions during Board deliberations, a Board member also has the obligation outside the Boardroom to respect and support final decisions of the Board, even when the Board member dissented from the majority view.
- c. A Board member who does not support a Board decision may express his/her opposition within the Board in an appropriate manner.
- d. A Board member must not take actions publicly or with respect to the ARRL membership that have the purpose or effect of undermining or discrediting the decisions or actions of the Board.
- e. If a Board member is ultimately unable to accept a Board decision and is unable to influence a change, the Board member should consider voluntarily resigning his/her position on the Board.

f. A Board member may not publicly oppose a Board action prior to the effective date of his or her resignation from the Board.

The Committee finds, based on Mr. Mills' credible complaint, which has been verified with others in attendance at the time, that Mr. Norton's conduct at the public ARRL Forum during the Visalia DX Convention is in direct conflict with the ARRL Code of Conduct applicable to members of the ARRL Board of Directors and that specifically, Mr. Norton has intentionally violated Sections 1.b. and 8.a., 8.b., 8.d., and 8.f.

It is apparent that Mr. Norton was aware of the Code and its provisions at the time he made the remarks. It is also found that Mr. Norton specifically denigrated the ARRL Board of Directors for having adopted a Code of Conduct, and that he publicly, adversely characterized that decision of the ARRL Board of Directors. It is abundantly clear that Director Norton has violated the terms and intent of the ARRL Code of Conduct for ARRL Board Members. The Committee (with Director Frenaye not participating in this matter) recommends that Mr. Norton be subject to public censure by the Board of Directors, and to such other remedy as the Board shall determine appropriate, including offering him the opportunity to resign if he is unable to accept the decisions of the Board of Directors. It is recommended that the ARRL Board consider this recommendation in the context of a Committee of the Whole at the earliest convenient time.

For the ARRL Ethics and Elections Committee  
Respectfully submitted,

Kermit A Carlson, W9XA  
Director, ARRL Central Division

>>>>>EMAIL FROM MR. MILLS to ARRL Directors Carlson and Allen – 25July2017>>>>>

**From:** Wayne <n7ng@bresnan.net>  
**To:** w9xa@arrl.org; wy7fd@arrl.org  
**Sent:** Tuesday, July 25, 2017 1:09 PM  
**Subject:** For the Record: Board Code of Conduct and N6AA

Kermit,  
As you will recall, you called me on the telephone to discuss whether I wished to file a complaint with regard to an incident at the ARRL Forum on Saturday afternoon at the Visalia, CA IDXC Convention.

To refresh: The session was the ARRL Forum, and the panel members, it included Vice Director Jim Tiemstra, K6JAT, Norm Fusaro, W3IZ, Director Tom Frenaye, K1KI. I was in the audience. Pacific Division Director Vallio was unable to make the trip to Visalia at the last moment and asked his Vice Director, Jim Tiemstra, K6JAT to take his place. I am not aware of the details, but by the beginning of the Forum, the moderator had become Dick Norton, N6AA. N6AA conducted the entire session, rather than Mr. Tiemstra.

The "incident" was that Director Norton's entire presentation was spent in his disagreement with the ARRL Board's implementation of a Code of Conduct for the ARRL Board of Directors.

In a later telephone conversation, following an email query from me, Director Frenaye told me that he was also disturbed by Director Norton's presentation. I learned indirectly (From Mr. Fusaro that Vice Director Tiemstra was also disturbed, saying at the time that 'he wished that he had conducted the session as originally requested of him by Director Vallio.')

When you called (apparently in response to my conversation with Director Frenaye), I stated that I would prefer not to make a formal complaint because I wasn't familiar [enough] with the Code at that time. However, though I had read the Code at that time, I have considered the code more carefully since your call. As a result, I believe I can say with certainty that Director Norton, whom I consider a friend by the way, was nevertheless -- in my opinion -- in significant violation of the Code.

In particular:

*"Each Board member has basic responsibilities that derive from these legal obligations: **Supporting actions taken by the Board even when the Board member personally did not or does not support the action taken, avoiding any adverse characterization of Board decisions that might bring the organization into disrepute.**"*

I can truthfully say, without any reservations that to the best of my recollection, Mr. Norton did in no way support the Board's decision to adopt the Code of Conduct in question. To the contrary, he "railed" against it. Two people (to whom I spoke) in the audience and two members of Panel were notably upset by Mr. Norton's display. Vice Director Tiemstra, who was asked by Director Vallio to conduct the session quietly said (to Norm Fusaro) that he (Mr. Tiemstra) should have conducted the session.

Many in the audience indicated that they had read Rich Moseson's editorial in CQ Magazine earlier in the year, but few indicated they had actually read the actual ARRL code text. Near the end of Mr. Norton's presentation, he asked for a show of hands of those who didn't support the Code. The vote was unanimous, with only a few not voting. There were zero "no" votes. Clearly -- to me -- Mr. Norton had made his case.

I was recognized at one point and asked that since there were legal issues involved Corporate Law of the State of Connecticut if it would not be wise for [the audience] to hear a legal opinion, I was essentially ignored, even though Vice Director Tiemstra, who is a lawyer, was in attendance.

