


FORENSIC SPECIALTIES ACCREDITATION BOARD

THE FORENSIC SPECIALTIES ACCREDITATION BOARD, INC., HEREBY DECLARES THAT THIS BOARD'S STANDARDS FOR ACCREDITATION HAVE BEEN MET AND THEREFORE GRANTS THIS

TO THE

American Board of Forensic Document Examiners

EFFECTIVE THIS FIRST DAY OF MARCH 2007 FOR A PERIOD OF FIVE YEARS


Susan Hart Johns, M.A.
President



Certificate Number 006

The ABFDE Becomes Accredited by FSAB

by Joyce Lauterbach, President

On February 17, 2007 the ABFDE became the sixth professional organization to become accredited by the Forensic Specialties Accreditation Board. The ABFDE became the first organization to pass FSAB Accreditation on their first application, and without deficiencies, required corrections and/or revisions to our bylaws and procedures. Our success on this accreditation can primarily be attributed to Derek Hammond, who had been the ABFDE's representative to FSAB from 2004 until April

2006. Others involved with the application include Jan Kelly, Brian Carney, Paige Doherty, and Randy Gibson (then FSAB Chair) who met in April of 2003 to go through the FSAB application in detail and divide segments of the application among this FSAB group: Dennis Mooney and Professor Andre Moenssens, who developed the required Confidentiality Agreement; Carl McClary, who last June worked to update references for ABFDE procedures and for

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Daubert Corner

by Kirsten Singer Jackson

US v. Donald Magett. (Sept 2006, Case No. 1:06:CR;163)
The judge granted the government’s request to take judicial notice of the admissibility of expert handwriting testimony, thus allowing the federal FDE to testify at trial. Two months later, the defendant withdrew its own handwriting expert, Curtis Baggett, when he admitted under cross-examination that he had been convicted of a felony. Defendant was eventually found guilty on all counts.

US V. David Lin. (Jan 2007, Case No. CR 01-20071 RMW.)
Both a forensic document examiner and forensic ink chemist were admitted following Daubert hearings in a mail bomb case in California. Although the defense cited all four FDE district court exclusions, it was to no avail. The judge opined that “...the government went through each of the Daubert factors and showed that an individual’s handwriting is unique and can be compared, that the technique of analysis has been subject to peer review and publication—admittedly with some criticism—, that potential error rates have been quantified and are low enough to justify admission, that there are standards and they were followed in this case, and that there is general acceptance of handwriting analysis. The court is satisfied that the analysis in this case is sufficiently reliable to justify admission.” And despite the defense argument to disallow the FDE’s identification conclusion, the judge decided that “the ultimate opinion on authorship is inevitably linked to his handwriting comparison analysis because the two are based on the same methodology.”

Trend Alert. A recent Daubert hearing and one pending have both challenged the admissibility of machine-printing examinations (computer printer, typewriter, photocopier).

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● Dennis J. Mooney
● R. Brent Ostrum
● Dennis J. Ryan
● Ellen Mulcrone Schuetzner
● Jimmy W. Smith
● Jeffrey S. Taylor
● Diane Tolliver

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● **Deadline for the next issue is:**

● **June 20th**
● **www.abfde.org**

Forensic Specialties Accreditation Board

by Dennis J. Mooney

The Forensic Specialties Accreditation Board was established in the late 1990s out of a need expressed by the American Academy of Forensic Sciences to develop a voluntary program to independently assess, recognize, and monitor forensic boards that certify individuals within a specific field. FSAB was incorporated as an independent organization in Colorado Springs, Colorado, on June 23, 2000.

The American Board of Forensic Document Examiners (ABFDE) has been a participant and provided a member to sit on the FSAB Board since the inception of this organization, making ABFDE an Initiating Nominating Organization.

Prior to the February 17, 2007 meeting, there were four accredited boards certified by FSAB: the American Board of Criminalistics, the American Board of Medicolegal Death Investigators, the American Board of Forensic Toxicology, and the Board of Forensic Document Examiners.

On February 17, 2007, the American Board of Forensic Document Examiners and International Institute of Forensic Engineering Sciences were granted accreditation by the FSAB Board.

The recent meeting of the FSAB Board (2007) focused on revisions to the standards and definitions, with a great deal of emphasis on maintaining a consistent parallel with current standards, such as ASTM, in the mainstream forensic community with respect to each discipline. Revisions will be posted on the FSAB web site sometime in April and will be effective beginning July 1, 2007. These changes will affect all organizations that choose to apply for accreditation/re-accreditation by FSAB. I encourage each Diplomat to view these changes and provide any comments they feel would be meaningful.

Accreditation of the ABFDE was accomplished by the hard work of many individuals;

Osborn Remembrance



It is with sadness that we note the passing of Paul Albert Osborn on February 23, 2007, at the age of 75. Mr. Osborn was an internationally recognized forensic document examiner who provided testimony in hundreds

of criminal and civil cases. He was published in a number of professional and legal journals, including the *Journal of Forensic Sciences*.

Paul was Questioned Documents Section Chairman of the American Academy of Forensic Sciences, as well as holding other offices throughout his career. One of his proudest achievements was to serve as President of the American Society of Questioned Document Examiners from 1990 to 1992, completing his term during the 50th anniversary of the Society founded by his grandfather.

Paul leaves his wife of 50 years, Shirley Cooper Osborn of Cedar Grove, New Jersey; three sons—John Paul Osborn and his wife Susan of New Jersey, Mark Albert Osborn and his wife Rebecca of Maine, and Matthew Cooper Osborn and his wife Susan of Georgia; as well as seven grandchildren—Crystal, David, Katherine, Christopher, Elizabeth, Kelsey and Jessica; and two great-grandsons—Preston and Jacob.

but without reservation, the diligent and highly focused efforts of Derek Hammond of the United States Army Crime Laboratory is exceptionally noted. I can only thank those who have stepped before me serving on the FSAB Board as the ABFDE representative to have gained this goal.

Continuing Education

Jeffrey S. Taylor
Charlotte, NC

April 2007

13-14 Southeastern Association of Forensic Document Examiners (SAFDE)

"The Fine and Subtle Elements of Handwriting" by Lloyd Cunningham

Marriott Century Center
Atlanta, GA

Donald Moryan, Program Chair
U. S. Army Criminal Investigation Laboratory
Forest Park, GA 30297-5205
(404) 469-7045
Donald.Moryan@us.army.mil

20-22 Southwestern Association of Forensic Document Examiners (SWAFDE)

"Technical Writing"

Beach Resort Monterey
Monterey, CA

Hotel Contact: Liz Bala
1-800-242-8627

Joseph Merydith, Program Chair
(916) 227-3623
Joseph.Merydith@ca.gov

This list of opportunities available to Diplomates seeking recertification credits may not be all-inclusive. Provide details of upcoming meetings or workshops for this news-letter to:

Jeffrey S. Taylor
Charlotte-Mecklenburg Police Department
Crime Laboratory
601 E. Trade Street, 4th Floor
Charlotte, NC 28202
(704) 336-8778 / Fax (704) 353-0088
JTaylor1@cmpd.org

May 2007

23-25 Mid-Atlantic Association of Forensic Scientists (MAAFS)

"Chemically Prepared Toners" by Graham Galliford

Hyatt Regency Washington on Capitol Hill
Washington, DC

Program Co-Chairs:

Alan Petty
(202) 585-7268

Alan.Petty@csosa.gov

Dr. Jim Jones
(202) 585-7259

James.Jones@csosa.gov

Douglas Shaffer, QE Section Chair
Department of Homeland Security, Immigration and Customs Enforcement
Forensic Document Laboratory
8000 Westpark Dr., Suite 200
McLean, VA 22102
(703) 285-2482 ext. 144
Doug.Shaffer@dhs.gov

August 2007

11-16 American Society of Questioned Document Examiners (ASQDE)

Millennium Harvest House
Boulder, Colorado

Workshop: "Authenticating Questioned Documents" by Gerry LaPorte (1 day)

Janet Masson, Program Chair
9575 Katy Freeway, Suite 301
Houston, TX 77024
(713) 973-7552
jfmasson@netropolis.net

Janette K. Dove Guscott
jguscott@ci.aurora.co.us

September 2007

23-28 Midwestern Association of Forensic Scientists (MAFS)

Park Place Hotel
Traverse City, Michigan

Workshops:

"Methods Used for Authenticating Questioned Documents" by Gerry LaPorte (1 day)

"Forensic Examination of Computer Generated Documents" by William Flynn (1 day)

"Examining Documents Requiring a Multi-Faceted Approach" by Brian Lindblom (1 day)

"Courtroom Testimony for Forensic Document Examiners" by Dennis Ryan (1/2 day)

Todd Welch, Program Chair
P.O. Box 80225
Lansing, MI 48908
(517) 394-1512
rwafde@aol.com

New Diplomates



Charles L. Haywood is self-employed private forensic document examiner (FDE) in south Florida. Mr. Haywood began his career as a FDE with the Federal Bureau of Investigation (FBI) Laboratory in 1981,

when, as a Special Agent Field Investigator, he was selected for an assignment as a forensic document examiner trainee in the FBI Laboratory, Document Section. Mr. Haywood received his certification as a fully trained FDE after successful completion of a two-year training program. Mr. Haywood served a total of 15 years in the FBI Laboratory, Document Section before reassignment to a position of Field Investigator in the FBI Miami Field Office.

Mr. Haywood attended Georgia State University in Atlanta, where he obtained a Bachelor of Science, Criminal Justice (1975), and completed the Master of Forensic Science Program at The George Washington University, Washington, D.C. (1987).

Upon retirement from the FBI in 2002, Mr. Haywood resumed his career as a FDE in the South Florida area.



Gary Licht is a document examiner with the Iowa Division of Criminal Investigation Laboratory in Ankeny, Iowa. He began his QD training in September 1994, under the mentorship of Jerry Brown. The Iowa DCI Lab is

a full-service forensic lab serving the State of Iowa, and the QD case work can be described as general criminal. Prior to entering the questioned document field, he was a trace evidence examiner with the Florida Department of Law Enforcement from 1987 to 1994. His interest in QD work developed while working on interesting homicide cases from central Florida. He has a B.S. in Zoology from Iowa State University, and M.S. in Biology from Florida State University, specializing in neurophysiology. Gary is a member of the MAFS, the ASTM E30.02 subcommittee, and is a provisional member of the AAFS.

Gary and his wife of 23 years, Linda, live in Dallas Center, Iowa. They have two daughters, one a junior in college and one a junior in high school. In his spare time, Gary enjoys old house restoration and traditional woodworking.

Daubert

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The completed, successful Daubert hearing is **State of Hawaii v. Sharon C. Black** (Jan 2007, Case No. 06-1-1622). The judge ruled that the methods and techniques used in the photocopier and computer printer examinations were reliable and that the established methods and standards were followed in conducting the examinations in this case. The pending Daubert hearing will be reported once, or if, it is decided.

Latent print examinations are still not immune to Daubert hearings. In the **State of New Hampshire v. Richard Langill** (05-S-1129), the court found the latent print examiner's

testimony "inadmissible under Rule 702 because the application of the ACE-V methodology was unreliable as a result of incomplete documentation and possibly biased verification." The examiner testified that "contemporaneous bench notes" were not taken during the examination. With regard to the bias issue, the court noted that verifications are only conducted in this laboratory when there has been an identification, so the reviewer already knows the primary examiner's conclusion. The court then proceeded to invoke the FBI's erroneous conclusions in the Mayfield case under the same bias conditions. Although this case did not involve forensic document examination, it should be a cautionary tale for all forensic disciplines.

Bylaws Changes

Suggested by Ellen Mulcrone Schuetzner

A number of suggestions were made by Ellen Mulcrone Schuetzner for consideration at the upcoming Board Meeting in April. Some recommendations are simply maintenance and fine tuning the language. Other suggested changes impact the meaning and intent of the current bylaws, and a summary of these suggested changes (underlined) are as follows:

Art. II, Sec. 3c. To grant and issue Certificates in cognizance of special qualifications in forensic document examination to applicants who voluntarily conform to the standards established by the Board and who have established their currency in the profession and their fitness and competence thereof.

Justification: This was added to recognize that Diplomates must maintain currency in the field for recertification. There are no other bylaws under Purposes that acknowledge recertification.

♦ ♦ ♦ ♦ ♦

Art. VI, Sec. 2. The Board of Directors shall consist of at least ~~five (5)~~ eight (8) and not more than fifteen (15) persons, elected from among qualified persons.

Justification: With a minimum of five Directors, the Executive Committee could rule the BOD with no voted input from the membership. If there were a guarantee of a minimum of eight Directors, at least four of the Directors would not be on the Executive Committee. This would balance the power on the BOD.

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Art. IX, Sec 3. The Vice President shall fill the vacancy in the office of President occurring during his/her term of office as Vice President until the next Annual Meeting of the Board of Directors, at which time an election by the membership of the Board of Directors shall fill the vacancy. Other vacancies among officers shall be filled by election by the Board of

Directors from its membership. Such election may be conducted by mail ballot.

Justification: A vacancy in the Presidency of the Board should not be an automatic long-term position without the ultimate approval of the BOD.

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Art. IX, Sec 4a. Not less than one-half (1/2) of the members of the Board of Directors shall be elected by Diplomates in good standing by mail or electronic ballot whenever a vacancy exists. These members shall be elected from a ballot consisting of a slate of candidates prepared by the Nominations Committee. A provision will be made on the ballot for write-in candidates. Such elections shall require a simple majority affirmative vote of the voting Diplomates. In the event of a tie vote, a runoff election of the top two candidates shall be held within sixty (60) days.

Justification:

1. The bylaw needs to be specific in that at least one-half of the Directors need to be voted on by the membership, not just the BOD.
2. This and future elections may be held by electronic means.
3. There needs to be clarification that the simple majority would be from the Diplomates casting votes, and not from the entire membership.
4. A provision for a run-off election allows the Diplomate body at large to vote in a new Director and completes the rule and spirit of this by law.

♦ ♦ ♦ ♦ ♦

Art. IX, Sec. 4b. Not more than one-half (1/2) of the Board of Directors shall be elected by the Board of Directors whenever a vacancy on the Board exists, provided that at least one (1) position is filled by a public member. These members shall be elected from a ballot consisting of a

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Fisher Space Pen Company

ABFDE Workshop Attendees Granted Rare Tour

by Jimmy W. Smith

For only the second time in its history, the Fisher Space Pen Company opened its doors to a group tour. The first time was in 1995 when Paul C. Fisher was the keynote speaker at the fall meeting of the Southwestern Association of Forensic Document Examiners in Las Vegas.

Fisher Space Pen Company was founded by the late Mr. Fisher in 1945 with the objective of developing and manufacturing the world's most dependable writing instruments. In 1965, Fisher invented the pressurized cartridge which was promptly approved by NASA for the Apollo program. It is still used on all manned space flights.

For this second tour, attendees were driven to Fisher Space Pen Company in Boulder City, Nevada, and given access to the most sensitive and proprietary areas of the plant. They were able to have one-on-one contact with the employees who work in those areas and ask all the questions they could think of; I promise there were plenty of questions. We were allowed to tour the following areas: ink formulation and mixing, hand testing of pen refills, and, the machine shop where the ball and tips are machined.

We were all impressed with the pride the Fisher team had! I say Fisher team because the employees all consider themselves to be part of the Fisher family, as many of them have been with Mr. Fisher for over 25 years; in some cases,

husbands and wives from the same family work there.

Our group got to hear the Apollo 11 story! When Astronauts Neil Armstrong and Buzz Aldrin were climbing back into the Lunar Module, the life support backpack on one of the astronauts brushed against the plastic arming switch which broke it. This is the switch that activated the Lunar Modules' engines which enabled the module to rendezvous with the lunar space craft. Aldrin informed Houston's Space Center of the problem. A scientist went to work on the problem immediately by breaking the plastic switch on a duplicate module and then studying the possibility of inserting a tiny metal strip inside the switch to activate the LM engine. Finding a metal strip was the challenge because Ground Control knew the astronauts had dispensed with practically all tools in the interest of less weight. But they still had their Space Pens! So they were advised to retract the point and use the hollow end of the pen to activate the inside switch. Aldrin used his Fisher Space Pen to activate the switch, and the rest is history!

When the tour was over, attendees were given the opportunity to purchase Fisher Space Pens—for writing, sure, but also for any mishaps in outer space!

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TESTING SCHEDULE



The written test and/or oral boards will be offered at the following national and regional forensic document conference:

August 2007

ASQDE, Boulder, CO

Testing may also be available at other regional meetings in the upcoming year if three directors are available for oral panels. Any candidate interested in beginning the testing process should contact Testing Committee Chair Derek Hammond at (404) 469-7044 for details.

Board of Directors Nominees

ABFDE Nominating Committee: Dennis Mooney, Chair; A. Frank Hicks; and Jason Lee Miller

Instructions: Using the enclosed form or the ABFDE website, you may vote for up to three candidates or write in 1 to 3 Diplomates not listed. Any ballot with more than three names selected will not be counted.

Paper Ballot: Clearly mark your choices and include your certificate number. Inclusion of your certificate number is a control for the ballots submitted, and is mandatory for your vote to be counted.

Mail the completed ballot to: American Board of Forensic Document Examiners
7887 San Felipe, Suite #122
Houston, Texas 77063

On-Line Voting: Sign in to the ABFDE website using the Members Only link from the homepage (<http://www.abfde.org/>). From there, click on the link for the 2007 election ballot. Follow the instructions on the page, and click submit. Ballots submitted online are automatically directed to the Administrative Office.

Please submit your ballot only once, either by mail or from the ABFDE website. Ballots must be completed by May 11, 2007. Online ballots must be submitted, or paper ballots must bear a postmark, no later than this date. Ballots not in compliance will not be counted.

Candidates

Robert Lesnevich

Education: BS, Villanova University; JD, University of Baltimore School of Law (5/07)

Employer: U.S. Department of Treasury/ Financial Management Services/ Baltimore

Experience: 1992 to present; ABFDE 2006

Memberships: Northeastern Association of Forensic Scientists, International Association for Identification, American Society for Testing and Materials International

Contact Information: Telephone: 202/874-7796;

E-mail: Robert.Lesnevich@SMS.Treas.Gov

Carl McClary

Education: BA Psychology, University of South Carolina, Columbia, 1978-1982

Employer: U.S. Department of Justice; Bureau of Alcohol, Tobacco, Firearms and Explosives, Forensic Laboratory; Atlanta

Experience: 1991 to present; ABFDE 1997

Memberships: American Academy of Forensic Sciences, American Society of Questioned Document Examiners, Southeastern Association of Forensic Document Examiners

Specialized Associations: American Society for Testing and Materials International Chair E-30.02; Scientific Working Group for Document Examiners

Awards/Honors: Ordway Hilton Award, American Academy of Forensic Sciences 2006. Certificate of Appreciation, American Society of Questioned Document Examiners 2005.

Contact Information: Telephone: 404/417-2701;

E-mail: Carl.McClary@atf.gov

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Candidates

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R. Brent Ostrum

Education: BA Psychology, Carleton University, Ottawa, 1981

Employer: Canada Border Services Agency, Laboratory and Scientific Support/ Previous Royal Canadian Police, Canada Customs and Revenue Agency

Experience: 1985 to present, ABFDE 2003

Memberships: Canadian Society of Forensic Sciences, Documents

Specialized Associations: Technical member of the International Society for Optical Engineering, International Graphonomics Society

Awards/Honors: Royal Canadian Mounted Police, Imaging development in laboratory directorate as applied to document examinations.

Contact Information: Telephone: 613-954-0268, E-mail: brent.ostrum@cbsa-asfc.gc.ca



Dennis J. Ryan

Education: BA Criminal Justice, Long Island University; MBA Hofstra University

Employer: Private Practice, Applied Forensics LLC, Merrick, NY

Experience: 1990 to present, ABFDE 1994

Memberships: American Academy of Forensic Sciences, American Society of Questioned Document Examiners, American Society of Testing and Materials International, Northeast Association of Forensic Sciences.

Specialized Associations: Scientific Working Group for Document Examiners/Training Subcommittee

Contact Information: Telephone: 516/826-6429, E-mail: djryan@documentexaminations.com

Jeffrey S. Taylor

Education: BA, BS Criminal Justice and Criminalistics, Michigan State University, 1989

Employer: Charlotte Mecklenburg Police Department (Former United States Secret Service)

Experience: 1990 to present, ABFDE 1997

Memberships: American Society for Testing and Materials International

Specialized Associations: Currently serving on the American Board of Forensic Document Examiners as Chairman of Continuing Education, Testing, Public Relations and Rules and Procedures Committee

Contact Information: Telephone: 704/336-8778 E-mail: JTaylor1@cmpd.org



Diane Tolliver

Education: BS Indiana State University, Terre Haute, 1975, MPA Indiana University, Indianapolis, IN 1985

Employer: Indiana State Police Laboratory, Indianapolis, IN

Experience: 1975- present, ABFDE 1980

Memberships: American Academy of Forensic Sciences (Fellow), American Society of Questioned Document Examiners (Past President)

Specialized Associations: American Society for Testing and Materials International, Association of Forensic Quality Assurance Managers

Contact Information: Telephone: 317/921-5322 E-mail: DTolliver@isp.IN.gov



President

(continued from page 1)

some bylaws that had been revised; and Ellen Mulcrone Schuetzner, who last June was assigned questions relating to test preparation and validation. To Derek Hammond and all who had a role in completing the application, we thank you for your hard work and attention to detail in the application and accreditation process. I only hope that I did not fail to mention someone else who may have contributed during the application process.

Election of Directors. A decision regarding the election of Directors, both new and incumbent, has been anything but easy. Historically all incumbent Directors have been re-elected by the sitting Board; however, there is nothing in the bylaws that provides or allows for self-selection of second-term Directors. Conversely, the bylaws state that "Not less than one-half (1/2) of the members at large of the Board of Directors shall be elected by a mail ballot whenever a vacancy exists." Further, the ABFDE has recently passed the FSAB accreditation, and in the application a reference to the election of at least 50% of our Directors-at-large is what we say we do. The decision to place three end-of-term Director positions on a ballot is not only the consensus opinion of a majority of your Directors, but it is also mandated by our current bylaws and by the procedures we defined in our FSAB application.

I stated in the last newsletter that an open election of the three end-of-term Director positions would bring us into immediate compliance with our bylaws. That statement is not incorrect. Additional at-large elections will be needed before we are compliant with our current bylaws. Working towards that goal, however, was deemed satisfactory by FSAB. Procedures for achieving and maintaining the minimum 50/50 at-large Director positions once that goal has been reached still need to be defined.

Terms of the current Board of Directors were published in the last newsletter. Of the three Director seats on the ballot, Ellen Mulcrone Schuetzner and Kirsten Jackson have chosen to

not seek a second term. Contributions made in the past four years by Ellen and Kirsten have been invaluable to the functioning of the Board, and both will be missed. Jeff Taylor came on the Board in 2005 to complete an unexpired and vacated term and is on the ballot seeking his second term. At the time of this writing, I have not yet seen the rest of the ballot.

Jeff Taylor is the current Continuing Education chair, and is also on the Public Relations, Rules and Procedures, and Testing Committees. Jeff Taylor is a very dedicated and enthusiastic member of the Board of Directors who completes his assignments efficiently and competently. He has an understanding of his role on the Board, the work that needs to be done, and would be a valuable asset for continued service on this Board. I would like you to please consider the contributions Jeff has made in the past two years and his dedication to the ABFDE.

More News: The ABFDE has received two royalty checks from the Hilton rewrite project in the amounts of \$521.00 and \$953.25, respectively. From these funds, \$1,000.00 has been deposited back into the Ames Fund, and the remaining \$474.25 has been deposited into the general fund. These amounts will help replenish funds originally used to help the editors, Jan Kelly and Brian Lindblom, cover expenses in completing the project.

The next Board of Directors Meeting is scheduled for April 20 to 22, 2007 in Charlotte, North Carolina. A review of the last ABFDE survey, evaluations from two pilot tests, and the request by Dr. Found to publish his study of the ability of six Australian document examiners to group simulators using the last ABFDE pilot test and Derek Hammond as a co-author will be on the agenda for discussion by the Board of Directors. The Directors are your representatives. If you have recommendations about any other issue that may affect the greater Diplomate community, or if there are concerns that you would like to bring to the attention of the Board, please call a Director.



Bylaws

(continued from page 6)

slate of candidates prepared by the Nominating Committee. Such elections shall require a majority affirmative vote.

Justification:

1. Sentence structure was reworked for better clarity.
2. According to FSAB Standard 4.2.4 “The certification body shall use formal procedures for nominating members to its board. The current board members shall not nominate a majority of their successors.” A nominating committee can be available to suggest members to fill the vacancy on the Board.

* * * * *

Art. IX, Sec 4c. The Board shall have at least one (1) position on the Board of Directors that is held by a qualified public member who cannot be a Diplomate of the Board. This position may be elected by either the Diplomate body at large or by the Board of Directors to fulfill the election requirements of the Board.

Justification: This additional by-law would clarify the public seat on the Board and its role in an election.

* * * * *

Art. IX, Sec. 5. A Director may serve no more than two (2) consecutive terms without an intervening period, unless necessary to complete service on the Executive Committee. No Director may serve more than nine (9) consecutive years on the Board of Directors. A full term shall consist of four (4) years. Each Director’s term of office shall commence on the first Monday following the annual Board of Directors meeting and shall end on June 30 of his/her final year in that office, ~~or when his/her successor has been duly selected and qualified.~~

Justification: 1.) Because of the clause “unless necessary to complete service on the Executive Committee” a person on the BOD could theoretically extend his/her time on the BOD for many years. This allows for undue control of

the Board and was not the original intent of this clause. There should be term limits. 2.) The last clause is confusing and not needed because this by-law spells out the terms of office.

* * * * *

Art. IX, Sec. 6. A vacancy in the office of a Director may be filled by vote of the remaining Directors as soon as practicable after the vacancy occurs and for the unexpired term of said office. Such elections may be conducted by mail ballot. If the majority of the vacant term is left unfinished and the Board of Directors does not have more than one-half (1/2) members at large on the Board that were voted on by the Diplomate body at large, the vacant term shall be elected by the membership.

Justification: This prevents the Board of Directors from filling voted-on seats with non-voted seats should a Director vacate that seat. If we do not have this by-law it would be possible to remove a voted-on Director from the Board and fill his/her seat from within.

* * * * *

Art. IX, Sec 7. A member of the Board of Directors may be recalled by the Diplomates in good standing by the written request of a simple majority of the membership at large, and a two-thirds (2/3) vote by the entire membership. A vote shall be required within sixty (60) days of receipt of the written request. An affirmative recall vote requires that the Director be removed from office.

Justification: This by-law provides checks and balances. A request by ½ of membership, and a 2/3 vote of the entire membership would require a strong reason to dismiss a Director. ©

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Document Examiners, Inc.
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Houston, TX 77063