



**Minutes of the 2009 Meeting of the Directors of the  
American Board of Forensic Document Examiners, Inc.  
May 16<sup>th</sup> – 19<sup>th</sup>, 2009  
Houston, Texas**

President Joyce Lauterbach called the meeting to order at 8:05 a.m., May 17, 2007 at the Doubletree Airport Hotel.

Attendance

Present:

President Joyce Lauterbach	Director Jim Josey
Vice President Donna Eisenberg	Director Carl McClary
Secretary Dave Oleksow	Director Jan Johnson
Treasurer Jeff Taylor	Director Dennis Ryan
Director Dennis Mooney	Director Frank Hicks

Not in attendance:

Director Kathleen Nicolaides (newly elected)  
Director Lisa Hansen (newly elected)  
Director Grany Sperry (newly elected)

	RESULTING ACTION ITEMS	DEADLINE	RESP.PERSON
1	All changes to the RPG and the By-laws must be clearly notated with date of change and previous reading of the text for FSAB accreditation and re-accreditation. (This change should be made in the Secretary's SOP).	As required	Carl
2	Improve position on Web search for ABFDE	ASAP	Kathy Nicholaides
3	Press release on ABFDE & Wheeler case	ASAP	Kathy Nicholaides

<b>RESULTING ACTION ITEMS</b>		<b>DEADLINE</b>	<b>RESP. PERSON</b>
4	Revise/ update language of Recertification – include in Newsletter	ASAP	Donna Eisenberg
5	Training Syllabus revisions	ASAP	Jan Johnson
6	Grant proposal for trainees	ASAP	Jim Josey
7	Obtain Grant Application for 2 week training of trainees	ASAP	Jim Josey
8	Revise Statement letter for Newsletter for Arbitration	ASAP	Dave Oleksow
9	Revise Statement of Affirmation & Agreement	ASAP	Carl McClary
10	Review of ASTM & ABFDE training requirements 7 send draft to BoD	ASAP	Carl McClary & Donna Eisenberg
11	Letter to D. Hammond about ST2AR acceptance for certification points/ contact Kirsten to Chair Daubert rewrite committee/Update Amicus Brief with Carl McClary	ASAP	Donna Eisenberg
12	Query national labs about specialty certification by ABFDE	ASAP	Dennis Ryan
13	Complete revisions of RPG's for vote in July	ASAP	Dennis Mooney
14	Call for vote on RPG's in July	July, 2009	Incoming President
15	Survey on color blindness, etc. –Compliance issues	ASAP	Carl McClary & Dennis Ryan
16	Hyper-link inquiry of Bill Leaver	ASAP	Joyce Lauterbach
17	Assign committee to research Foreign Applications & Diplomates	ASAP	Incoming President

### **Adoption of Agenda**

President Lauterbach provided all Directors with a copy of the Annual Meeting Agenda. The Agenda was adopted without discussion or objection (see Attachment 1).

### **Adoption of the 2006 BOD meetings minutes**

The Minutes of the May, 2008 BOD meeting were adopted unanimously without modification, (see Attachment 2).

### **Treasurer's Report**

(see Attachment 3)

## **Committee Reports**

- Credentials (Oleksow) (see Attachment 4)
- Continuing Education (Hicks) (see Attachment 5)
- FSAB (Mooney) (no written report presented)
- FSAB (Mooney) (no written report presented)
- Public Relations (Ryan) (see Attachment 6)
- Recertification (Eisenberg) (see Attachment 7)
- Workshop (Josey) (see Attachment 8)
- Historian (Oleksow) (see Attachment 9)
- Testing (Eisenberg) (see Attachment 10)
- Test Preparation & Validation (McClary) (see Attachment 11)
- Secretary (Oleksow) (see Attachment 12)
- Nominations (Hicks) (see Attachment 13)
- Professional Review (Lauterbach) (see Attachment 14)

## **Old Business**

Discussion ensued regarding the PRC Procedures. There was no vote by the Board on the PRC Recommendation due to Jim Blanco's resignation. Therefore, there was no final resolution on the PRC "findings and Opinion" regarding the complaint. In response to inquiries about the PRC documentation and findings, it was suggested that the Board refer to deposition testimony by Mr. Blanco. Upon further discussion, the Board decided to hold off on making any decisions about the release of information, as a summary of the

complaint, or regarding details of the matter. It was decided that we would discuss and seek guidance from the Board Attorney Pam Montgomery on Monday, May 18<sup>th</sup> at the scheduled appointment at her offices in downtown Houston, Texas. The Board will also address the question of record retention and disposition with Ms. Montgomery. Section IV. F of the PRC will be covered with the Attorney and possibly revised.

Director Dennis Mooney explained the prevailing philosophy and trend of the FSAB regarding representation of respondents in formal complaint defenses. The “right to work issue” is the guiding catch phrase. A suggestion was advanced that an attorney should be allowed to passively attend and advise the respondent during proceedings. The costs of attendance would be borne by the respondent. Mooney also related the prevailing trend to allow a reporter to transcribe the proceedings, again at the expense of the respondent. It was suggested that as a condition of allowing the respondent to record the proceedings, that a timely production should be made of the record to the respondent and proponent. (ABFDE) It was suggested that any witnesses for the respondent be subjected to timed testimony and compensated by the respondent. It was related by Mooney that the hearing leads to the Arbitration process. The costs of an Arbitration are split 50/50 by the opposing parties. There are three (3) national Arbitration groups. The Arbitration group that handles the procedure must have the specific ability to deal with the issues. Binding arbitration is final and holds both parties harmless. Any arbitration would be held in Houston, Texas. The desire to avoid allowing an attorney to prolong and complicate the process was discussed. The underlying issue is the right to work considerations versus the right to be certified. A suggestion to limit the process to nine (9) months was discussed. The Board also discussed the trend of substituting the term “technical standards” for “competency”. (see Attachment 15)

Director Mooney started to explain and query the Board about changes to the PRC. It was determined that the version of the PRC was not current and might not accurately address desired changes to the document. Director McClary made a motion to post-pone discussion until the next day’s session of the Board. Director Hicks seconded the motion.

The BoD decided to issue a letter with the 2009 dues statements that **required** Diplomates to sign a Statement of Affirmation and Agreement which required the practitioners to comply and abide by the ABFDE Code of Ethics and Standard Practices. The Diplomate also affirmed that they would agree to any dispute resolution through Arbitration hearings.

Director Carl McClary was tasked with writing the final version of the Statement to be forwarded to President Lauterbach for approval and issuance. Secretary Oleksow was tasked with finishing the letter to Diplomates with the explanation that failure to sign and return the Statement would compromise their certification by the ABFDE. The explanation would cover the reasons for the Statement. (... to facilitate and expedite complaints, minimize legal costs to ABFDE and generally simplify the process.)

Dennis Mooney volunteered to continue as liaison for ABFDE to FSAB the next three (3) years after leaving the Board on July 1, 2009. Mooney explained that all FSAB representatives are considered independent of organizational affiliations. The Board recognized the necessity of assigning a liaison to attend FSAB meetings on behalf of the ABFDE Board.

The Board decided to re-establish an RPG Chair from among the Directors and task the liaison to communicate with FSAB. The motion was made by Vice-President Eisenberg and seconded by Director McClary. Unanimous approval. Treasurer Taylor volunteered to Chair the position.

*Adjourned at 5:05 P.M. – To resume at 8:00A.M. on Monday, May 18, 2009.*

*The Board convened at 8:00 a.m. on Monday, May 18, 2009.*

### **Old Business (cont.)**

Dennis Mooney presented revisions to the Board on the RPG and the BOD suspended a decision by a vote until after conferring with Pam Montgomery. An e-mail vote will take place and the revised PRC will be posted on the website and mentioned in the June 2009 newsletter.

Dennis Mooney related the options and reasons for revising the anniversary dates of Diplomates to July 1<sup>st</sup>. The change has been approved by FSAB. The Recertification Managers will explain and adjust for the change. Mooney explained that some new Diplomates would be informed that points before July 1<sup>st</sup> will not be counted. This will provide a resolution to a recurring problem. There will only be one adjustment to make the accounting uniform.

Carl McClary discussed the ASTM issue of Continuing Education and involvement

activities. Eisenberg explained that half of the points have to be actual continuing education. Carl and Donna were tasked with comparing the ASTM published standard with the training required by ABFDE. Carl will report back.

McClary has prepared a ~~Continuing Education~~-revision draft that includes the inclusion of ASTM E 2388 wording in the RPG. McClary made a motion that the revised ASTM wording be inserted in Section IIIA as follows:

A. Applicants are required to document a full-time training period of at least two years in duration, or the equivalent, in a forensic laboratory recognized by the Board (“Full-time should be construed as meaning that a major portion of the applicant’s activities is devoted to training in questioned documents. An equivalency is recognized as part time training not to exceed six years) ABFDE recognizes that the current version of ASTM 2388 contains the basic requirements for a training program for the field of Questioned Document Examination and intends to utilize this training standard when considering an applicant’s training curriculum. As of May 2009, ABFDE recognizes programs such as the Southwest Association of Forensic Document Examiners (SWAFDE) program and the US Army program as acceptable in fulfilling the two year training requirement. Any substantive changes to these or similar programs should include notification to the chair of the ABFDE Testing Committee and the President.

-Motion seconded by Jim Josey. Vote unanimous in favor. (see Attachment 16)

Frank Hicks reported on the SWAFDE Training Guidelines. Hicks recommended and made a motion that ABFDE give recognition to the SWAFDE Implementation Guidelines. Seconded by Josey. Unanimous affirmative vote. (see Attachment 17)

Director Hicks spoke about the currently vacant Director-at-Large position and changes were made to the description. Frank made a motion to accept the changes and Donna seconded the motion. Unanimous approval. In the next few months proposed candidates should be forwarded to the incoming President for consideration. (see Attachment 18)

Eisenberg proposed that ST2AR tests be afforded recertification points. Donna covered Derrick Hammond’s rationale for the approval of points. Motion: As long as the ST2AR tests maintain their current scope of assessment, it is hereby approved for two (2) points, however should the scope change, then it must be resubmitted for reconsideration for certification points. Eisenberg: Motion and Jan Johnson seconding. Unanimous decision in favor.

Dennis Mooney reported that the ST2AR workshop on signature problems was comprehensive and a good program.

***Board adjourned at 11:30 to visit Business Office and consult with General Counsel Pamela Montgomery at her offices.*** The directors preformed file maintenance at the business office and/or sought information and guidance from Ms. Montgomery on records retention, information releases for complaints and other legal advice.

***Board meeting resumed at 0815 on Tuesday, May 19, 2009.***

Dennis Ryan addressed the issue of Specialty Certification under ABFDE. Dennis said he was responding to a Jerry LaPorte request for discussion on the topic of this special category. Eisenberg and Mooney voiced support for the category. Director Hicks voiced concerns about devising and implementing a testing process. It was suggested that a survey of the Diplomate body might be in order. This category may be in the order of 20-30 practitioners. A need also exists to survey state, local, private and federal labs for interested parties. The next President will have to research and address this issue. No action is to be taken at this time.(see Attachment 19)

Eisenberg discussed a candidate appeal. Suggestions of further clarifying wording for practical problems was voiced. Donna stated that she would add the necessary wording to the problems.

## **New Business**

Directors Ryan and Josey suggested workshops for photo and digital imaging and fax issues. Dennis suggested tagging on to a local organization meeting. According to Carl ASTM guidelines requires training in these areas. The training requires supporting documentation. The program of instruction must also be recognized. McClary said that FSAB is making organizations retroactively cover all requirements of the training guide. Eisenberg also addressed the requirements for form and color blindness. Ryan and McClary recommended a survey of each Diplomat about color and form blindness testing and information about their trainer. This information could be put in each Diplomat's file and recapped for FSAB compliance. The information could also be collected confidentially and anonymously or compiled using Survey Monkey over the Internet. The requirement of form and color testing will be added to the Credentials SOP requirements.

Jeff Taylor suggested using a PayPal merchant account to process credit card payments for dues, workshops and application fees. Ryan said the costs are minimal but that its use may become a security issue. He suggested checking with Nanette about how ASQDE handles payments with credit cards.

A Diplomat was removed from Diplomat status due to non-payment of dues.

President Lauterbach will contact Bill Leaver about allowing Diplomats to side-post with a link to their website, similar to ASQDE. A cost to Diplomats may be in order and Bill and Laureen Leaver will be contacted to determine if the link is possible.

President Lauterbach discussed inquires by foreign examiners requesting the chance to test for ABFDE certification. The current area of ABFDE certification covers North America. There are validation problems that need to be addressed if we should endeavor to take on other geographical areas. The incoming ABFDE President will have to address this possibility along with the specialties issue.

Jim Josey inquired about the status of the Daubert Resource Kits and said the SWGDOC has completed two (2) CD's for educating FDE's, judges and attorneys. Joyce suggested contacting Kirsten Jackson about working on an update. Donna said that this is a PR Committee issue. Jim suggested that Ames funds could be used for the update. Donna will contact Kirsten. Carl said he would head an effort to update the amicus brief.

Nominations for Secretary were opened and Carl McClary was elected by acclamation to fill the Secretaries position.

Jeff Taylor was elected by acclamation to continue as Treasurer of the Board.

Donna Eisenberg was elected to continue as Board Vice-President.

Nominations for President were opened and Dennis Ryan nominated Dave Oleksow. Dave Oleksow was elected by acclamation to serve as Board President.

Dave Oleksow, as incoming President, was tasked with preparing the 2009-2010 Director positions.

President Joyce Lauterbach recognized and presented a plaque to the departing Director, Dennis Mooney. Joyce was recognized for her devoted and selfless attention to the ABFDE and it's Diplomates. Her plaque will be presented at the ASQDE meeting in August.

The 2010 meeting will be held in early May 2010 in Charlotte, North Carolina. Jeff Taylor will make site arrangements.

### **Adjourn**

**A motion to adjourn was made. The motion was seconded, and President Lauterbach adjourned the meeting at 11:00 a.m.**



