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August 23, 2017

Robert Famiglio, K3RF
PO Box 9
Media, PA, 19063-0009

Delivery:
Email K3RF@ARRL.ORG
Surface mail

Mr. Famiglio:

This will inform you of the decision of the ARRL Ethics and Elections Committee to not approve your petition as a candidate for Director of the Atlantic Division, due to failure to disclose conflict of interest.

Applicable to this decision are By-Law 41 of the ARRL Articles of Association and By-Laws, and the "Time Table for ARRL Director and Vice Director Elections" contain in the "Rules and Regulations Concerning American Radio Relay League Division and Section Manager Elections."

Thomas J. Gallagher, NY2RF
Secretary & CEO, ARRL

- | | | | |
|--|--|---|---|
| ■ Rick Roderick, K5UR
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ARRL Headquarters, 225 Main Street, Newington, Connecticut, USA 06111-1494

Telephone: 860-594-0200 ■ FAX: 860-594-0259 ■ www.arrl.org

AMERICAN RADIO RELAY LEAGUE, INC.— International Secretariat of the International Amateur Radio Union



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AMATEUR RADIO



OFFICE OF THE VICE DIRECTOR - ATLANTIC DIVISION

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Robert B. Famiglio K3RF
Vice Director, Atlantic Division

EMAIL: K3RF@ARRL.ORG
www.ARRL.org

August 25, 2017

Sent by PDF Only to:

Tom Frenaye, K1KI, New England Division Director, Chairman frenaye@pcnet.com
Kermit Carlson, W9XA, Central Division Director, W9XA@yahoo.com
Jim Pace, K7CEX, Northwestern Division Director, nwdvd@comcast.net

Ethics and Elections Committee
American Radio Relay League, Inc.
225 Main Street
Newington, CT 06111-1494

Re: Tom Gallagher's Letter Dated August 23, 2017

Gentlemen:

Tom Gallagher's 8.23.17 letter (*attached*) asserts you have refused to approve my Petition to run for the position of Director of the Atlantic Division, due to "*failure to disclose conflict of interest.*"

Mr. Gallagher's cryptic statement fails to provide any information on which the purported decision can be evaluated. As it is the duty of the ARRL Ethics & Elections Committee to provide not only a notice of disqualification, if such a decision was made, but to also establish a valid basis for disqualification, please confirm by return email that your Committee has actually made the decision to refuse to certify me as a candidate for Director for the Atlantic Division.

If you have made such a decision, please reply by email by August 25, 2017 detailing the alleged "conflict of interest" you allege I "failed to disclose." If you have evidence to support that allegation, I formally request that proof also be delivered to me by August 25, 2017.

I request that your reply include the following information:

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610-359-7300

- (1) Was the decision of the Committee unanimous?
- (2) If the decision was not unanimous, please identify which of you voted for and against the decision to disqualify me.
- (3) Was the decision to disqualify me based on a complaint by any ARRL Director, Vice Director, Officer, employee, contractor or third-party?
- (4) If the decision was based on or arose from a complaint, please identify the party or parties that instituted the complaint.
- (5) If the Committee has received input or communications from any non-Committee member regarding the Committee's decision to disqualify me, please provide all such documentation.

Based on the ARRL rules, if I wish to protest this decision, if it is actually your decision, I have until Friday, September 1, 2017 to initiate a protest. Please confirm, by email by August 25, 2017, that my interpretation of the deadline is correct. If you assert that my interpretation of the deadline is not correct, please state the deadline that you believe applies.

Since the time period for protesting the Committee's decision to disqualify me as a candidate for Director of the Atlantic Division has not yet passed, please consider this letter to also be a formal objection to the ARRL's declaration that Tom Abernethy has been elected or declared the Atlantic Division Director for the 2018-2021 term.

Very truly yours,

/s/ Robert B. Famiglio

Bob Famiglio, K3RF
Vice Director, ARRL Atlantic Division
610-359-7300
www.QRZ.com/db/K3RF

Enclosure: Copy of Aug. 23, 2017 Gallagher Letter

**Cc: Tom Gallagher, NY2RF, Secretary & CEO, by PDF Only to NY2RF@arrl.org
Rick Roderick, K5UR, President, by PDF Only to K5UR@arrl.org**



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Robert B. Famiglio K3RF
Vice Director, Atlantic Division

EMAIL: K3RF@ARRL.ORG
www.ARRL.org

August 28, 2017

Sent by Federal Express
Tracking No.: 7701 2760 3456
And by PDF to: NY2RF@arrl.org

Thomas J. Gallagher, NY2RF, Secretary & CEO
American Radio Relay League, Inc.
225 Main Street
Newington, CT 06111-1494

Re: Your Letter Dated August 23, 2017
Review by BOD of Disqualification Requested

Dear Mr. Gallagher:

This correspondence is a formal request that the Board of Directors of the American Radio Relay League, Inc. convene to review the refusal of the Ethics and Election Committee to certify me as qualified to run for Director of the Atlantic Division. Your letter communicating the rejection of my candidacy, along with my response to the Ethics Committee requesting further information, is attached to this demand and should be distributed to the Board of Directors.

Under By-Law 41 and all other applicable rules and regulations governing elections and qualifications of candidates, I demand a hearing before the Board on the matter so that I may respond to the undisclosed "failure to disclose conflict of interest" asserted by the Committee. Since the election deadlines are short and to save the League expenses that will be incurred in sending out two separate sets of Atlantic Division ballots, this hearing should be scheduled promptly. I also require that the detail of the allegation against me be made known to the Board and not kept secret.

Again, I demand the Committee respond to the requests in my letter of Friday, August 25, 2017, including the demand that the Committee disclose the alleged

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610-359-7300

Thomas J. Gallagher, NY2RF
August 28, 2017

undisclosed conflict of interest and that the Committee explain why the alleged “conflict” disqualifies me as a candidate for election for Director of the Atlantic Division.

This formal request does not constitute the presentation of a defense to either the Committee’s decision to disqualify me as a candidate for Director or to the Committee’s allegation of an undisclosed conflict of interest, as the Committee, despite my timely, written request, has refused to identify the alleged “undisclosed conflict of interest” and has refused to respond in any manner to my letter of Friday, August 25, 2017. It is not possible to respond to, or mount a defense, to a secret.

Therefore, I hereby reserve my right to present a defense and evidence in support of such a defense at the hearing before the Board after I have been provided the information I have requested.

Those accusing me of failing to disclose a “conflict of interest” need to identify the alleged conflict, explain how it disqualifies me as a candidate for Director of the Atlantic Division, and explain their application of the rules governing such matters to their decision to disqualify me.

Very truly yours,

/s/ Robert B. Famiglio

Bob Famiglio, K3RF
Vice Director, ARRL Atlantic Division
610-359-7300
www.QRZ.com/db/K3RF

Enclosure: Response to Disqualification Letter Aug. 25, 2017

Cc (by PDF Only w/enclosures):

Rick Roderick, K5UR, President, K5UR@arrl.org
Tom Frenaye, K1KI, New England Division Director, Chairman frenaye@pcnet.com
Kermit Carlson, W9XA, Central Division Director, W9XA@yahoo.com
Jim Pace, K7CEX, Northwestern Division Director, nwdvd@comcast.net

Bob Famiglio, K3RF

From: Christopher Imlay <w3kd.arrl@gmail.com>
Sent: Tuesday, September 05, 2017 4:03 PM
To: K3RF@ARRL.org
Subject: Board Review of Ethics and Elections Committee Decision

Follow Up Flag: Follow up
Flag Status: Flagged

Greetings, Bob. Pursuant to your request by letter to Tom Gallagher dated August 28, 2017 and pursuant to ARRL Bylaw 41, all ARRL Directors were asked on August 31, 2017 whether or not they wished to review the decision of the ARRL Ethics and Elections Committee relative to your candidacy for Atlantic Division Director. Tom asked me to convey to you the fact that a majority of Directors decided that they did not wish to do so, and that all Directors have been heard from on this subject. Therefore, Tom has asked me to inform you that the decision of the Ethics and Elections Committee is now final.

73, Chris W3KD

--

Christopher D. Imlay
Booth, Freret & Imlay, LLC
14356 Cape May Road
Silver Spring, Maryland 20904-6011
(301) 384-5525 telephone
(301) 384-6384 facsimile
W3KD@ARRL.ORG



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Robert B. Famiglio K3RF
Vice Director, Atlantic Division

EMAIL: K3RF@ARRL.ORG
www.ARRL.org

September 11, 2017

Mr. Tom Gallagher
Chief Executive Officer
Secretary
ARRL, Inc.
225 Main Street
Newington, Connecticut 06111

By PDF to:
TGallagher@arrl.org
NY2RF@arrl.net
And Federal Express: 7702 2796 8719

Mr. Rick Roderick
President
ARRL, Inc.
225 Main Street
Newington, Connecticut 06111

By PDF Only to:
k5ur@arrl.org
rroderick@cgwg.com

Mr. Tom Frenaye
Chairman
Ethics & Election Committee
P.O. Box J
West Suffield, Connecticut 06093

By PDF Only to:
k1ki@arrl.org
frenaye@pcnet.com

**RE: Ethics & Election Committee Disqualification of Robert B. Famiglio
As A Candidate For Atlantic Division Director**

CEO/Secretary Gallagher, President Roderick, and Chairman Frenaye:

As you are aware, I timely filed an official ARRL nomination form on August 11, 2017 to be a candidate for election as Director of the Atlantic Division of the ARRL, Inc. All required signatures were attached; all required disclosures were included or attached. Dan Henderson, in his capacity as Assistant Secretary, confirmed by email to ODV on August 21, 2017 that I had timely filed for election as Director of the Atlantic Division. ([arrl-odv:26691]).

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September 11, 2017

On August 23, 2017 I received a cryptic two-paragraph letter via email from CEO/Secretary Gallagher advising that the “*Ethics and Elections Committee did not approve your petition as a candidate for Director of the Atlantic Division, due to failure to disclose conflict of interest.*” The August 23, 2017 letter contained no explanation or description of the alleged “*conflict of interest.*”

On August 23, 2017 Dan Henderson, in his capacity as Assistant Secretary, declared by email to ODV that Tom Abernethy had been declared by the Ethics and Elections Committee as elected as Director of the Atlantic Division for the term commencing January 1, 2018 ([*arri-iodv:26703*]) — despite the fact that ARRL rules provided that all candidates had until Friday, September 1, 2017 to protest any decision of the Committee related to their candidacy.

On August 24, 2017, seven days before the mandated protest period expired, the ARRL publicly announced that Tom Abernethy had been declared elected Director of the Atlantic Division (<http://www.arrl.org/news/director-vice-director-elections-set-in-three-arrl-divisions>).

On August 25, 2017 I sent a letter via email to Tom Frenaye, Chairman of the Ethics & Elections Committee, to Kermit Carlson, Member of the Ethics & Elections Committee and to Jim Pace, Member of the Ethics & Elections Committee. The August 25, 2017 email was copied to Mr. Roderick in his capacity as President and to Mr. Gallagher in his capacity as Secretary.

My August 25, 2017 emailed letter requested that the Ethics & Elections Committee (“Committee”) identify the alleged “conflict of interest.” I NEVER received a reply, verbal or written, from either the Committee, Mr. Frenaye, Mr. Carlson, Mr. Pace, Mr. Roderick or Mr. Gallagher.

On August 28, 2017, not having had a reply from either the Committee, Mr. Frenaye, Mr. Carlson, Mr. Pace, Mr. Roderick or Mr. Gallagher, I sent a letter via email addressed to Mr. Gallagher in his capacity as Secretary and CEO, invoking my right under Bylaw 41 to demand a hearing before the full Board of the Committee’s disqualification based on the undisclosed “conflict of interest.” I further demanded that the Committee respond to my written requests of August 25, 2017.

I never received a reply, verbal or written, from either the Committee, Mr. Frenaye, Mr. Carlson, Mr. Pace, Mr. Roderick or Mr. Gallagher regarding my August 28, 2017 demand for a hearing or answers to my August 25, 2017 questions.

However, I have been advised that on August 31, 2017, Christopher Imlay — not the President, not the Secretary and not the Committee — sent confidential, secret “memos” and attachments to the ARRL Board of Directors directing that all “*let CEO Gallagher know your decision on the Board Review ... before Tuesday morning.*” I have also been advised that the “memo” contained a detailed description of the charge that Imlay asserted was the Committee’s basis for my disqualification. I also understand that Imlay’s “memo” was not a neutral presentation to the Board, but it argued strenuously for my disqualification.

If the content of Imlay’s “memo” is as I have been advised, it appears Imlay — at the apparent request of, and with the consent of, each of you — made statements of fact that he knew were false or statements of fact that were made with reckless disregard for the truth. In doing so, Imlay was acting as both your individual agent and as an agent of the ARRL.

It is rumored that at least five or more honorable Directors requested the Committee’s August 23, 2017 decision to disqualify me be reviewed by the entire Board in the manner provided by the Bylaws. They clearly knew the legal and ethical requirements applicable. Even my Director Tom Abernethy, a friend, but my election opponent, asked for review.

September 11, 2017

But, despite my timely request and the timely written requests of more than the minimum number of Directors, on September 5, 2017, I received an email from Christopher Imlay admitting the ARRL Board of Directors had conducted an illegal — under Connecticut law — email vote, that I would not be granted the Bylaw 41 mandated hearing and that “*the decision of the Ethics and Election Committee is now final,*” which I must presume, absent clarification, means I remain disqualified to stand as a candidate for election as Director of the Atlantic Division.

I was never told of the original allegations of conflict; even Gallagher’s August 23, 2017 letter maintained the secrecy. Despite timely repeated written requests on August 25, 2017 and August 28, 2017 — I have never been advised of the charge — the alleged “undisclosed conflict” — against me. Each of you, in your individual and official capacities, have refused to respond to my requests.

When Imlay, with your consent and at your direction, sent the “memo” and attachments to each Director apparently asserting a detailed set of facts and charges against me — I was never provided a copy of either the “memo” or the memo’s attachments. I was never offered the opportunity to respond to the “memo” and the charges contained therein as required by the Bylaws. In fact, I was never even told it had been sent to the Directors — I learned by rumors.

In a final effort to exhaust my administrative remedies under both the Bylaws and Connecticut law, I hereby make the following demands:

- (1) that I be provided a copy of all the materials sent, at your direction and with your consent, to the Board of Directors by Christopher Imlay;
- (2) that I be provided a complete list of the Directors who responded to Imlay’s demand for a response by September 5, 2017;
- (3) that I be provided how each responding Director responded to the demand for a response by September 5, 2017;
- (4) that I be provided the opportunity to respond to the charge(s) in Imlay’s “memo”;
- (5) that I be provided the opportunity to have a review by the entire ARRL Board of Directors of the Committee’s decision to disqualify me;
- (6) that I be provided the opportunity to present such defenses and facts as I deem proper in the review by the ARRL Board of Directors.

You have until 4:00 P.M., EDT, Wednesday, September 13, 2017 to produce the information requested and to grant the requested review hearing.

Very truly yours,

/s/ Robert B. Famiglio

Bob Famiglio, K3RF
Vice Director, ARRL Atlantic Division
610-359-7300

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