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ARRL Ethics & Elections Committee

American Radio Relay League, Inc.
225 Main Street
Newington, CT 06111

Re: Formal complaint of electioneering violations by Kermit Carlson in Central Division

Dear Members of the Ethics and Elections Committee,

I am writing to submit a formal complaint against Kermit Carlson W9XA regarding the false and misleading information he has electronically distributed in the course of his campaign for re-election as Director for the Central Division. As the target of Mr. Carlson's attack, I feel it is my responsibility to respond. ARRL Members of the Central Division (and elsewhere) must not be misled by Mr. Carlson's false statements. I fully expect you to fairly assess my claims and take the immediate necessary action to ensure that the credibility of this election remains beyond reproach.

The offending information was published and can be found on Mr. Carlson's campaign website at <http://w9xa.us/Norton.html> under the subtitle Censure of Director Norton.

1. *"As you might have seen, there is a considerable amount of effort being expended by Mr. John Crovelli W2GD and his myarrlvoice group to not only challenging my candidacy but the candidacy of the other four incumbent candidates as well. The reason for this can be traced back to the censure of South West Division Director Norton on November 16th, 2017."*
 - a. myARRLVoice is not "my group" in any sense. It is a grassroots group of whose values and principles, in particular those involving transparency and good governance are closely aligned with my own. His statement is misleading since the group has never had a specific leader. I am just a member.
 - b. Mr. Carlson has no way to assess my motives and is not accurate in his statement of the reason(s) for my support of any candidate. He has no evidence whatsoever to support his contentions regarding my motivations. I have never directly communicated with Mr. Carlson, so he has no first hand knowledge upon which to base such statements.
 - c. Mr. Carlson contends that the myARRLVoice group actively challenges specific candidates. myARRLVoice does not endorse specific candidates, but it does advocate that ARRL Members support candidates of their own choice, particularly those most likely to focus on transparency, good governance and competence in performing their duties. For this, and the reasons stated above, the cited language must be corrected or retracted in full.

2. *“As a member of the ARRL Ethics and Election Committee I was responsible for the task of collection and presenting the information that had been gathered to the Board.”*
 - a. With this language, Mr. Carlson attempts to mislead the reader into believing he had no role in evaluating information used against Director Norton nor any role in defining and imposing punitive measures.
 - b. His description is false and misleading in its omission of relevant facts about his responsibilities as a member of the E&E Committee. His responsibilities were to collect information regarding E&E complaints and charges, to reach conclusions and to present those conclusions and recommendations to the full Board for its consideration.
 - c. The statement also omits other material facts, in particular, that he actively solicited the filing of a complaint against Director Norton and aggressively pursued the censure of Mr. Norton.
 - d. To be a correct representation of Mr. Carlson’s role during the censure proceedings, all the above facts must be added to Mr. Carlson’s description.
3. *“. . . the majority of the discussion was about Director Norton’s actions in and out of the Boardroom concerning the mistreatment of ARRL staff and abusive conduct towards fellow Board members. If you are under the impression that 75% of the Board would censure a fellow Director based on what that Director said at a Hamfest or Convention, you would be completely misled.”*
 - a. With this language, Mr. Carlson directly contradicts the reasons for censure stated in the minutes of the November 2017 censure hearing published by the ARRL, in the motion he himself circulated and the ARRL’s public announcement of the censure published on the ARRL website.
 - b. Either Mr. Carlson is distributing blatantly false information or the Board deliberately misled the entire ARRL Membership by failing to report the true reasons for the censure in its official documents. Which version is true and which version is false? This particular deception is extraordinarily troubling and must be publicly clarified given it puts into question the Board’s motives and actions in a most unfavorable manner.
4. *“The most compelling portion of the discussion in that November 2017 meeting centered on the derogatory nature of Director Norton’s comments in the Board room towards other Board members and specifically about that staff member and abusive nature of his statements to a female Staff member. My largest concern about this issue arose from my fiduciary responsibility to the members of the League which does require me to speak out against any potential or demonstrated creation of a hostile work environment, such as what had evidently been created by Director Norton’s discourse.”*
 - a. Mr. Carlson specifically accuses Director Norton of abusive treatment of “a female Staff member”. He also invokes the phrase “hostile work environment”, a term of art defined by the EEOC and used specifically to describe a work environment in which a class of employees suffers from a form of discrimination based on race, color, religion, sex, national origin, age, disability or genetic information.
 - b. Any reasonable read of Carlson’s assertions could lead a reader to believe Director Norton was censured for sexual harassment and creation of a discriminatory hostile work environment. Mr. Carlson’s statements in this regard are flagrantly misleading and deliberately defamatory and must be retracted or corrected. This use of deliberately deceptive language and unsupported allegations is exceptionally troubling and callous.

- c. Mr. Carlson's statement is also troubling on at least two other grounds. First, it appears to constitute the public disclosure of confidential employee and corporate matters, the disclosure of which is subject to Federal labor and privacy laws. Second, Mr. Carlson's statement constitutes a public accusation against an identifiable individual of conduct, which if not true, could constitute a basis for legal action against the ARRL. Mr. Carlson's irresponsible, unsubstantiated, and apparently personally vindictive statements uttered in an apparent attempt to ride into reelection on the destruction of an individual's reputation are reprehensible in any context and warrant immediate retraction or correction, coupled with a public apology.
5. *"I felt that Director Norton's damning rhetoric and mis-characterizations could not continue without challenge. The ARRL is not only a member-driven membership organization but the League is also an employer. And as an employer, there are responsibilities and duties to the employees under Connecticut and Federal Law to conduct all business, including employee reviews in a professional, respectful, non-threatening and non-confrontational manner."*
 - a. Mr. Carlson again contends, without substantiation, that Director Norton violated Connecticut and/or Federal law in his interaction with a female employee.
 - b. Did the E&E complaint against Director Norton contain these allegations? Since Director Carlson does not provide evidence to support these significant and seemingly unfounded charges, and the Board reportedly never associated their punitive actions with such behavior on the part of Mr. Norton, these statements by Mr. Carlson are at the very minimum irresponsible and, in fact, evidence of his own failure to properly perform his duty as a Director to the corporation. I believe making this statement combined with the others already cited are sufficient grounds for immediately disqualifying the Carlson candidacy in this election.
6. *"There is no removal from office, loss of privilege, membership or entitlement. The action of a censure is to provide the group an opportunity to discuss a complaint about the actions of another and then move on."*
 - a. Mr. Carlson is incorrect and again deliberately misleading regarding the impact of censure on an individual. It is, in fact, a documented punitive action, which is most commonly imposed on an individual as part of a process that could lead to future punitive action. The censure is evidence of action taken by the organization and it carries substantial weight in termination proceedings that may follow. Since this statement is inherently inaccurate, it should be retracted.
7. *"In this particular situation with Director Norton, he has rallied his friends in various circles to his side and formed myarrrvoice . . ."*
 - a. Director Norton had absolutely no part in the formation of myARRLVoice. In fact, the group was formed not as a result of the Norton censure, but rather upon the leak last December of incendiary proposed bylaw changes designed to usurp the legitimate power of ARRL Members. In particular, the proposals made by Director Lisenco to change Officer voting rights as well as the other bylaw changes being proposed affecting member rights were the primary focus and concern when the group was formed. Mr. Carlson's statement is patently false and must be retracted in full.
8. *"A censure is similar to any other statement in the regard that; like a bell once rung – it cannot be recalled or revoked."*

Formal complaint of electioneering violations by Kermit Carlson in Central Division

- a. Again, this statement is inaccurate and highly misleading. In that censure is a legally recognized tool used to progress a termination process, it can, and should be revoked if and when the subject of such action is viewed to have responded favorably to the punishment.
- b. The censure can also be revoked if the basis for taking the action is found to have been tainted by false accusations or if a conspiracy on the part of the Board meant to deceive the membership took place. Carlson's description of what can be done concerning the censure is not correct. This statement must be retracted in full.

Recognizing this contested election is of great interest to all Central Division ARRL Members (and all ARRL Members as well), it is important to ensure the Members have accurate information as they mark their ballots. The web is an exceptionally powerful and persuasive campaign tool. Director Carlson has deliberately used his website to aggressively push a message to his electorate that contains numerous inaccuracies. It cannot be exactly determined which Central Division Members have been exposed to all this false information. Given the deliberate, calculated nature of this deception undertaken by Mr. Carlson, seemingly intended to sway the election in his favor, I believe Mr. Carlson meets the threshold for immediate disqualification as a candidate in this election.

Short of disqualification, it is imperative the requirements for correction and retraction of the statements outlined above be made effectively and immediately by Mr. Carlson in a manner that will ensure that every Central Division Member is contacted directly. Such efforts should include emailing, a US postal mailing of Mr. Carlson's retractions and corrections sent to all Central Division Members (at Mr. Carlson's expense), a public and prominent web posting of the retractions and corrections on the Carlson Campaign website, and a public announcement on the ARRL website news page since what has been said has serious implications for all ARRL Directors, Officers and Members nationally. I urge you to take corrective action without delay.

Respectfully,

A handwritten signature in black ink that reads "John Crovelli". The signature is written in a cursive, flowing style.

John Crovelli, W2GD
ARRL Life Member

Cc: ARRL Board of Directors and Officers

Re-elect Kermit Carlson as

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Censure of Director Norton

As you might have seen, there is a considerable amount of effort being expended by Mr. John Crovelli W2GD and his myarrlvoice group to not only challenging my candidacy but the candidacy of the other four incumbent candidates as well. The reason for this can be traced back to the censure of South West Division Director Norton on November 16th, 2017. As a member of the ARRL Ethics and Election Committee I was responsible for the task of collection and presenting the information that had been gathered to the Board.

While it is true that a portion of the discussion in that meeting did concern Mr. Norton's actions and Statements at the 2017 DX Convention in Visalia, the majority of the discussion was about Director Norton's actions in and out of the Boardroom concerning the mistreatment of ARRL staff and abusive conduct towards fellow Board members. If you are under the impression that 75% of the Board would censure a fellow Director based on what that Director said at a Hamfest or Convention, you would be completely misled.

The most compelling portion of the discussion in that November 2017 meeting centered on the derogatory nature of Director Norton's comments in the Board room towards other Board members and specifically about that staff member and abusive nature of his statements to a female Staff member. My largest concern about this issue arose from my fiduciary responsibility to the members of the League which does require me to speak out against any potential or demonstrated creation of a hostile work environment, such as what had evidently been created by Director Norton's discourse. Given the seriousness the creation of a hostile work environment does encompass, I felt that Director Norton's damning rhetoric and mis-characterizations could not continue without challenge. The ARRL is not only a member-driven membership organization but the League is also an employer. And as an employer, there are responsibilities and duties to the employees under Connecticut and Federal Law to conduct all business, including employee reviews in a professional, respectful, non-threatening and non-confrontational manner.

A censure is the statement of displeasure of the actions of another member of the body, and a public censure is when the knowledge of that displeasure is recorded publicly, not the details but the fact that such a matter was considered and that vote was cast for a censure. The censure is a statement of displeasure with the actions of another and nothing more. There is no removal from office, loss of privilege, membership or entitlement. The action of a censure is to provide the group an opportunity to discuss a complaint about the actions of another and then move on.

In this particular situation with Director Norton, he has rallied his friends in various circles to his side and formed myarrlvoice, and the 75% of the Board who had voted for Director Norton's censure began to receive what can best be described as "hate mail" primarily from the ARRL South West Division members. A common theme in those letters was that the Censure should be Revoked. A censure is similar to any other statement in the regard that; like a bell once rung – it cannot be recalled or revoked.

A question I have been recently repeatedly asked is if I would have voted the same way now, had I known then the present “political” entanglements. That answer is yes, given the totality of the circumstances of Director Norton’s actions. Having witnessed myself his needlessly sharp and stridently hateful attacks upon staff and fellow Board members I would not change my vote. I am still comfortable with the expression of displeasure with certain occasions of his actions. I believe that the censure for those particular actions was warranted.

As I have mentioned that is the substance of a censure – it is statement of displeasure with his actions and given the past intensity of his verbal abuse the censure was a group expression of displeasure of that Director Norton richly deserved.

Had it been me that was being censured, I would have apologized and moved on. A censure has no other purpose or encumbrance and should signal the end of an issue. But in this instance, it has become a political tool for Director Norton.