

SPECIAL BOARD MEETING – 7.00 pm Quist Court 15/11/2005
Chaired DJ.

Present: (full board)- DJ, Tony, Dale, Austin, Mark, Rik, Mick
Also present by invitation – Detlef

Letter sent to Damien inviting him to show cause was read to the board.

His initial response was read.

He claimed that the board had not defined an offence.
It was pointed out by chair that we have copies of his emails and the response from Ulysses.

The meeting felt that the offence had been clearly delineated.

Detlef spoke to his report and pointed out that if action is not taken it will cause irreparable harm to the MRAA and its credibility.

Discussion around 6.2.1 of Constitution.
Damien was required to respond and he did not do so adequately. He has already passed up his opportunity.

Secretary pointed out that this is a special **board** meeting as required by the constitution and not a special meeting.

Noted that Damien had queried recording of the meeting – board felt that this was irrelevant to charges. Austin pointed out that he had brought recording equipment in case Damien did show.

Damien has claimed that the board failed to answer his questions.
Some things were clarified but there is no requirement to answer questions on irrelevant topics.

Damien has asked who was involved – puzzlement expressed as it is clear that the action is being taken by the board.

Detlef pointed out that none of Damien's questions were relevant to his response and that none of the letter was relevant to the show cause request. General agreement on this point.

Damien's response on the 27th was read and discussed:
Thus far he has not responded to our concerns and he has continued to attack the board and the process. He has continued to call the board names and has chosen to attack the process not the issue.

The board reached consensus that it must represent all members as well as the MRAA's image in the eyes of other groups and that it could not permit any member to attack the integrity of the organisation.

Damien spoke of putting it to a QGM. The Constitution states that it is only the board who handle these matters. The board has not yet finalised the procedure and the only appeal process is for the process undertaken by the board to be incorrect. There is also the matter of fairness to Anton where dragging his name before a QGM is unreasonable.

There was discussion around the nature of Damien's actions.

There were two distinct falsities – one concerning Anton's status in Ulysses and one concerning the Ulysses Committee. Detlef pointed out that there is no internal appeals process – only an appeal against the process.

The board agreed that Damien has acted with reckless disregard for the feelings and reputation of a fellow member by stating in public that Anton Lange was drummed out of the Ulysses Club but that this was not what the case was about.

After discussion it was felt that Damien has caused harm to the MRAA by damaging the reputation and integrity of the Association in the eyes of the Ulysses Club by falsely claiming that Ulysses had drummed out Anton Lange and that the MRAA had subsequently appointed him a Toy Run Marshal.

Other discussion ensued around the actions and language used to describe the board and other members in various forums. It was felt that while this was highly offensive and probably deserved disciplinary action none should be taken at this time as it would only confuse the issue.

A secret ballot was held with Detlef as returning officer. This was done to ensure that no board member felt pressured by the discussions. Members voted guilty or not guilty and there was a unanimous decision for guilty.

The board felt that Damien:

- Had failed to provide a suitable written response
- Had failed to maintain confidentiality
- Had further impugned the board's reputation.

Discussion about a penalty ensued – while immediate expulsion was an option the board felt that this was not fair to Damien and he should be given a chance to amend the situation.

Rik suggested that Damien be suspended for 28 days pending an apology. The board felt that this was reasonable and would give him a chance to avoid further action being taken.

Discussion ensued regarding the subsequent actions and the board reluctantly came to a consensus that should he not apologise and retract his statement then further action (probably expulsion) would ensue.

Much discussion regarding the wording of a letter to Damien followed. It was felt that as Damien seemed to feel that contrary to normal practice that correspondence isn't

official unless signed by the President then Dale should sign the letter rather than the Secretary.

The Secretary was asked to formulate a letter to be signed by Dale advising him of the findings and stating the conditions for the lifting of the suspension.

Motion to this effect – moved Rik, seconded DJ – passed unanimously

Meeting closed 8.45 pm

Report to the MRAA Board regarding statements made on MRAA forums and at an MRAA general meeting

1. In its Constitution,
 - the MRAA is defined as the total of Members, and
 - it is mandatory for the MRAA to always act in the best interests of its members.
 2. It is therefore implicit that Members, in dealing with each other, are obliged to act in each other's best interest.
 3. The Constitution allows the MRAA to expel, or otherwise discipline, any Member who has,
 - refused or neglected to comply with the Constitution or Bylaws, or
 - acted unlawfully and caused harm to the MRAA.
 4. On 13 August 2005, Damien Codognotto, an Honorary Member of the MRAA, stated that Anton Lange, a Member of the MRAA, had been 'drummed out of the Ulysses' in an e-mail sent to Gavin Stilgoe, with copies sent to various MRAA Members and two internet forums.
 5. On 27 August 2005, at an MRAA General Meeting, while holding the floor, Damien Codognotto stated that Anton Lange had been 'black-balled by a well known club'.
 6. Both Neville Gray, National Vice President, and Rick Bedford, National President, of the Ulysses Club advise that Anton Lange is a current member of Ulysses, in good standing, and that a statement that he has been expelled from Ulysses is a malicious fabrication. They further expressed an expectation that the MRAA deal decisively with the perpetrator of the false statement regarding Anton Lange and the Ulysses Club and advise of the outcome.
 7. Damien Codognotto has stated that,
 - Anton Lange was disciplined by Ulysses, categorically denied by Anton Lange and Ulysses, and
 - Anton Lange was 'drummed out' of Ulysses, unlikely given foregoing denials.
 8. 'Drummed out' is a term, with military antecedents, for an act of expulsion with disgrace and dishonour and the use of that term, used in the statement of 13 August indicates that it was an act to cause maximum injury.
 9. The statement on 27 August, although using the term 'blackballed' and referring only to a well known organisation, reiterates the previous statement and demonstrates a calculated course of action.
 10. Grace Placencio has advised that,
 - defamation arises when the character of a person is attacked in a public forum so that those who read the defamatory statement form a view of the person being defamed which may affect the manner in which these people deal with the defamed person on a personal level, on a financial level and professional level, and
 - the statement in the 13 August 2005 e-mail is defamatory.
 11. Defamation is,
 - an injury to the reputation or character of someone resulting from the false statements or actions of another,
 - a false attack on your good name, which is regarded as a proprietary interest, not a personal interest, and
 - an improper and unlawful attack against your proprietary right to your good name, your reputation.
 12. Members of the Ulysses National Executive have expressed,
 - an expectation that the MRAA Board deal with the false statements, about Ulysses and one of its members, made by Damien Codognotto on MRAA forums and at the MRAA general meeting, and
 - concern that Damien Codognotto's statements have adversely affected MRAA's reputation and status amongst peer groups.
 13. My findings are that Damien Codognotto has made statements about Anton Lange and the Ulysses Club that are false, and in doing so has,
 - refused or neglected to comply with the Constitution or Bylaws,
 - acted unlawfully, and
 - caused harm to the MRAA.
 14. I recommend that the Board consider the above and, if in agreement,
 - request Damien Codognotto to provide reasons why disciplinary action should not be taken regarding this matter, and
 - depending on his response, take appropriate disciplinary action.
 15. Factors to be considered are,
 - compliance with the Constitution and Bylaws,
 - the interests of the MRAA, and
 - natural justice for Anton Lange and Damien Codognotto.
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