

## **GRIEVANCE AGAINST KING NEIGHBORHOOD ASSOCIATION (KNA)**

**Brought by Margaret O'Hartigan, KNA At-Large Representative Position 2**

**September 2, 2015**

This grievance is made in compliance with King Neighborhood Association Bylaws and Office of Neighborhood Involvement standards.

### **Background**

I was elected to my position on the KNA Board on May 13, 2015 by a vote of 16 ayes, no nays and one abstention.

As a result of my efforts to acquaint myself with KNA bylaws, financial records and correspondence I became aware of a discrepancy in the KNA financial records with regards to the following:

At its August 13, 2014 meeting KNA Chair Margo Dobbertin proposed a \$250 donation for a Senior Meal assistance program's "Jambalaya Festival", and the KNA Board voted unanimously (5 ayes, no nays) to do so. However, no such \$250 expenditure ever appeared in the KNA monthly financial reports.

I made repeated inquiries to the Chair about this discrepancy, with no luck. I therefore -- in the spirit of cooperating with the KNA bylaws' ARTICLE X and ONI Standards' Section VII,C,2 which encourage mediation -- contacted Resolutions Northwest to pursue their assistance (Case #483) regarding the Chair's behavior in this and other bylaws violations. I subsequently went through an intake interview, and to facilitate Resolutions Northwest's progress provided contact information for the Chair.

Even before mediation could progress, I finally heard from the Chair, and in a July telephone conversation the Chair informed me she'd directed the KNA Treasurer to withhold the donation, explaining that she didn't approve of this specific use of KNA funds.

It is important to stress that the Chair never notified the Board of the withholding of the donation: KNA meeting minutes make no reference to the donation never being made, and the several Board members I questioned concerning the issue were surprised to learn no donation had, in fact been made.

The Chair's actions in this regard was a direct violation KNA Bylaws' ARTICLE VII, Section F governing Duties of Board Officers: "The Chair shall:...ensure that any decisions of the Board are carried out properly." The Treasurer's action was similarly a direct violation of that same Bylaw: "The Treasurer shall:...disburse funds for the Association...in such manner as designated by the Board."

On July 15, having heard nothing further from Resolutions Northwest, I sent an e-mail to all Board members

"I'm requesting that an item be placed on the agenda of our next meeting regarding the blatant failure by an officer of the Board to comply with a unanimous vote of the Board

of Directors last August. I'd like the Board to examine the evidence and discuss this violation of KNA Bylaws by the responsible party as well as to consider the appropriate actions for the Board to take in response."

Several Board members responded to my e-mail by advocating in e-mails dated July 16 to now issue \$250 to the senior meals program, ignoring my request that the issue be placed on the agenda and examined by the Board. In one e-mail the new Treasurer (elected in May 2015) stated "I think \$250 that didn't go anywhere is not a financial problem for any of the interested parties" and in an e-mail later that same day laid out a five-step plan for issuance of a check to be authorized by himself and the Chair.

Via an 11 a.m. July 17 e-mail to the entire Board, I wrote:

"I'm going to advocate caution and restraint at this point and urge that no check be issued on the basis of last year's vote until we have examined what happened last year at our next Board meeting per my agenda request."

By e-mail of August 3, Margo Dobbertin announced her immediate resignation from the KNA Chair – and when Resolutions Northwest contacted me later that week to state they were ready to interview Ms. Dobbertin, I informed them of the resignation, and agreed to the closing of the case.

What I did not know at that time, and would not know until the last week of August, was that the new Treasurer had already authorized a check for \$250. Not only was my plea for caution and waiting until the Board could examine the issues ignored -- neither the Treasurer nor the Chair ever informed me of the issuance of the check. The first I heard of the action was in a private conversation with an at-large Board member Saturday, August 29 – and confirmation came when I examined the KNA financial records on Tuesday, September 1 several minutes before the Board met at NECN offices. This was the first KNA Board meeting since July 9, 2015, as well as the first Board meeting since I'd made my original agenda request regarding the \$250 donation.

Despite the fact that KNA Bylaws' ARTICLE VII Section F state "The Co-Chair shall perform the duties of the Chair in the Chair's absence" the September KNA meeting was chaired by an NECN employee. I raised, as a point of order, whether the co-chair would be chairing the meeting, to which the official replied "I'm going to facilitate this meeting". In fact, however, he performed all the duties of the chair, rather than act as a facilitator, including introducing a written agenda which did not contain the agenda item I'd been requesting for more than a month (and which he knew, from many conversations with me, was a matter of concern for me.) So when I asked "if we could put on the agenda the issue of the donation that was approved last year" the official was quite aware what I was referring to and the seriousness with which I held it. His response: "We could put that to the very end." However, the NECN employee ended the meeting after covering all the printed agenda items and ignoring mine.

#### **HARM**

The harm inflicted upon me by the actions of KNA officials as related in the proceeding account should be evident: the nonfeasance of the Chair and former Treasurer with regards to enforcing a KNA Board's

legitimate decision of August 13, 2014 is a violation of KNA bylaws and a violation of members' expectations (my own included) that KNA officers will perform their duties and responsibilities as expressly stated in bylaws adopted by the membership. The failure by the remaining Board officers or directors to efficaciously review the Association's financial records constituted a neglect of the duty of due care and harmed me and other members by allowing the legitimate decision of August 13, 2014 to go unenforced.

Equally serious, if not more so, is the Board's current failure to abide by the Duty of Loyalty. In employing the Association's governance machinery to prevent an open examination of the donation issue in a public meeting: 1) the Board protects its directors' and officers' incumbency by denying members knowledge of directors' and officers' nonfeasance, and 2) diverts ultimate control from the members by preventing members from exercising their prerogative to elect different directors based upon such knowledge. The Board is suppressing members' rights to know and thereby is, in effect, facilitating a cover-up of nonfeasance.

As for the harm I have suffered as a Board member of KNA, I am being denied my right and duty as a director to bring these serious concerns of nonfeasance for examination in open meeting and to the knowledge of the general membership through the appropriate channels established in the bylaws.

#### **REMEDY**

At this point in time there is still a relatively simple remedy: an honoring of my request "that an item be placed on the agenda of our next meeting regarding the blatant failure by an officer of the Board to comply with a unanimous vote of the Board of Directors" in August 2014. I'd like to present my evidence, and for the Board to examine and discuss this violation of KNA Bylaws as well as to consider the appropriate actions for the Board to take in response.

If the Board chooses to continue to not honor that request, then filing this grievance and obtaining a public hearing for the grievance itself is the only avenue available to me to fulfill the Duty of Loyalty.

And because of the issues I cited in the examination of the Duty of Loyalty, I request the examination and discussion take place before any further appointment or election of KNA officers.