



NORTHEAST COALITION  
OF NEIGHBORHOODS

January 7, 2016

Ms. O'Hartigan:

On November 4, 2015, NECN received an appeal of the King Neighborhood Association's ("KNA") decision regarding your September 2, 2015 Grievance against KNA. The body of the items you were raising issues about are noted below. NECN's Executive Committee reviewed and heard your appeal at its December 7, 2015 and December 15, 2015 public meetings. You were present at the December 7, 2015 meeting and the December 15, 2015 meetings. The Executive Committee took time at its December 29, 2015 meeting to finalize the determinations of your grievances.

You had an opportunity to present your appeal, to make further statements during the Executive Committee's deliberations, and to answer questions from the Executive Committee.

We have worked to enumerate your grievances and have laid them out in a fashion that is as easy to follow as possible. They were not enumerated or clarified to NECN in this specific manner. We are working diligently to address the issues you have raised and make them as easy to follow for all parties reading our determinations.

Series of Grievances identified herein as **Margaret O' Hartigan grievances to NECN, November 4th, 2015 Series Number one, 2015 concerns 1 through 6.**

NECN finds that your appeal is timely and decides it as follows:

- 1. You appealed the alleged failure of the KNA Chair to ensure that a donation approved by the KNA Board was carried out, allegedly in violation of the KNA bylaws.**

Decision: NECN finds that you timely grieved this issue to KNA. However, NECN finds that you were not harmed by the alleged conduct, particularly given that KNA Chair resigned and the donation has now been carried out. As a result of the lack of harm, your grievance is not cognizable under Article X, § B of the KNA bylaws. Likewise, under § VII(B)(2) of the ONI Standards, you do not have standing to grieve this issue. For these reasons, NECN declines to determine whether the KNA Chair violated the KNA bylaws.

- 2. You appealed the alleged failure of the KNA Treasurer to disburse funds for a donation approved by the KNA Board, allegedly in violation of the KNA bylaws.**

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Decision: NECN finds that you timely grieved this issue to KNA. However, NECN finds that you were not harmed by the alleged violation of the KNA bylaws, particularly given that KNA Treasurer resigned, the funds have now been disbursed, and KNA has now created a Finance Committee. As a result of the lack of harm, your grievance is not cognizable under Article X, § B of the KNA bylaws. Likewise, under § VII(B)(2) of the ONI Standards, you do not have standing to grieve this issue. For these reasons, NECN declines to determine whether the KNA Treasurer violated the KNA bylaws.

**3. You appealed the alleged failure of the KNA Co-Chair to chair the September 1 KNA meeting, allegedly in violation of the KNA bylaws.**

Decision: NECN finds that you were not harmed by the alleged conduct. As a result of the lack of harm, your grievance is not cognizable under Article X, § B of the KNA bylaws. Likewise, under § VII(B)(2) of the ONI Standards, you do not have standing to grieve this issue. For these reasons, NECN declines to determine whether the KNA Co-Chair violated the KNA bylaws.

Recommendation: NECN recommends that KNA consider amending its bylaws to allow the Chair or Co-Chair's designee to preside at KNA meetings. NECN also recommends that the KNA Board review its bylaws annually to ensure that KNA Directors are familiar with their duties under the KNA bylaws.

**4. You appealed the denial of your request for an agenda item at a KNA Board meeting regarding the failure to carry out an approved donation.**

Decision: NECN finds that the denial of your agenda request did not violate the KNA bylaws, which do not require that every request for an item to be placed on a KNA Board meeting agenda be granted.

Recommendation: NECN recommends that KNA consider amending its bylaws to clarify who is responsible for creating the agenda for KNA Board meetings. NECN acknowledges, however, that KNA may conclude it is in KNA's interests for the officer who is responsible for creating the agenda to retain discretion regarding whether to place a requested topic on a KNA meeting agenda.

**5. You appealed an alleged breach of the duty of loyalty by all KNA Directors in preventing an open meeting to discuss the failure to carry out the donation.**

Decision: NECN finds that you were not harmed by the alleged conduct. The donation was discussed at a later KNA public meeting, even if you disagree with how the facts were characterized by other KNA Directors during that discussion. Because of the lack of harm to you, your grievance is not cognizable under Article X, § B of the KNA bylaws. Likewise, under § VII(B)(2) of the ONI Standards, you do not have standing to grieve this issue. For these reasons, NECN declines to determine whether the Directors breached their duty of loyalty.

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6. **You asserted that KNA violated its bylaws and the ONI Standards in the course of handling your September 2 Grievance by not processing your grievance in a public meeting and by not holding a hearing.**

Decision: NECN finds that this issue is not cognizable on this appeal, because it was not an issue that you grieved to KNA as part of your September 2 Grievance. For this reason, NECN declines to determine whether KNA violated its bylaws or the ONI Standards.

Recommendation: NECN recommends that KNA review its bylaws and seek assistance from NECN to understand its obligations in processing grievances.

Thank you for allowing us to explore your grievances in a sincere fashion. We believe that NECN has moved forward and addressed your concerns in a fair and equitable fashion. We look forward to working with you on future matters of interest in our community.

Respectfully,

Alan Silver  
NECN Executive Committee Chair

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