

**APFA
SPECIAL BOARD OF DIRECTORS MEETING
AUGUST 25, 2004**

Y = Yes
N = No
P = Pass
A = Abstain
N/A = Absent
PXY = Proxy Vote

Resolution Tally Sheet

Resolution: #2
Maker: Hodgson
Second: Nikides
Date: 8/25/04
Time: 1205

		Y	N	P	A	N/A
BOS	Carrigan	√				
BOSI	McCauley	√				
DCA	Weston	√				
DCAI	Horan	√				
DFW	O'Kelley	√				
IDF	Watson	√				
JFK	Edwards (V. Chair)	√				
LAX	Nikides	√				
LAXI	Mitchell	√				
LGA	Hodgson	√				
MIA	Washbish	√				
IMA	Trautman	√				
ORD	Mallon	√				
IOR	Moehring	√				
RDUI	Turley	√				
SFO	Syracuse	√				
SFOI	LeWinter	√				
STL	Cooper	√				
PRES	Ward (Tie Breaker)					

YES: 18 **NO:** **ABSTAIN:** **ABSENT:**
STATUS: PASSED (√) **FAILED ()** **TABLED ()** **WITHDRAWN ()**

WHEREAS, in accordance with Article III, Section 3.A. of the APFA Constitution, the APFA “Board of Directors is authorized and empowered to take any and all lawful action” [...] “to safeguard and protect the APFA”, as well as “the rights, privileges, duties, and responsibilities of the APFA”; and

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WHEREAS, Article VI, Section 5.H. (2) of the APFA Constitution declares that “the candidate receiving the majority of valid votes cast for an office in the run-off election shall be deemed elected to that office and be so notified by the Secretary”; and

WHEREAS, on August 12, 2004, by order of the Office of Labor-Management Standards of the U.S. Department of Labor (hereafter, “DOL”), District Director Kermit Perkins and Investigator Ann Woodward, validated, opened, counted and certified sixteen (16) additional ballots for the office of APFA President; and

WHEREAS, on that day and in the presence of the above DOL representatives who certified this August 12, 2004, “Additional Ballot Count”, representatives of Whitley Penn, CPAs and Professional Consultants to the APFA, added the DOL tally of sixteen challenged ballots to the formerly recorded certified tally of March 12, 2004; and

WHEREAS, when combined with the previous totals, candidate Tommie Hutto-Blake received a total of 7407 valid ballots and candidate John Ward received a total of 7400 valid ballots; and

WHEREAS, pursuant to the authority of Section 601 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) the Office of Labor-Management Standards (OLMS) conducted an investigation of this March 12, 2004, run-off election for officers of the APFA; and

WHEREAS, in a letter dated August 17, 2004, under the signature of John H. Heaney, Chief, Division of Enforcement, U.S. Department of Labor, states that “it is the OLMS position that APFA should immediately install candidate Tommie Hutto-Blake to the position of APFA president, and

WHEREAS, the DOL in above referenced letter of August 17, 2004 further determined, with respect to the election complaints filed by the unsuccessful runoff election candidates for the other APFA National Officer positions, that there were no violations of law that may have affected the outcome of those elections; and,

WHEREAS, Chief Heaney’s letter further states that “APFA’s voluntary installation of Ms. Hutto-Blake to president [sic] for the remainder of the term will remedy the violations of Section 401(e) that occurred during the runoff election,” giving APFA a deadline of August 26, 2004;

THEREFORE, BE IT RESOLVED, that the Governing Body of the APFA, the Board of Directors, directs the APFA National Balloting Committee to immediately decertify the ballot count of March 12, 2004 on August 25, 2004, for the office of President and in conjunction with Whitley-Penn to recertify the National Run Off Election for president in accordance with the above findings and the DOL tabulations counted effective August 12, 2004.

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BE IT FURTHER RESOLVED, that the APFA Board of Directors by authority of the APFA Constitution and this said Resolution immediately installs Tommie Hutto-Blake to the office of APFA President; and

BE IT FURTHER RESOLVED, that the APFA Secretary shall notice Candidate Hutto-Blake that she is deemed elected to the office of President effective immediately for the remainder of the term; and

BE IT FURTHER RESOLVED, that this Resolution shall be immediately prepared for notice and publishing to the APFA Membership on the APFA Hotline and the APFA Web site; and

BE IT FURTHER RESOLVED, that the APFA Secretary shall notify the Department of Labor of this election recertification and installation immediately upon the completion of both actions.