

Dear County Commissioners,

I will be unable to attend the public meeting. I am unsure why Custer County needs an extension agent at all. According to several extension agent roles and responsibilities this is a summary of what an extension agent does: Custer County is mainly an agricultural community focused on raising animals. The job description should look like this:

Agricultural extension agents travel throughout their region or district to provide the latest industry information to farmers, ranchers, community groups, and youth groups. They may present information on scientific advances, farm management, marketing, production, and other topics that are relevant to agricultural businesses operating in their area.

Agents must be familiar with the types of agricultural operations that are taking place in their territory. These pursuits may include beef production, dairy farming, irrigated crop farming, fruit farming, egg production, horse breeding, swine production, and more. Agents must also be familiar with technical terminology, equipment, and other concerns related to each area of production.

Significant travel may be a part of the job, especially if the agent is assigned a large territory. Agents may visit farms, ranches, hatcheries, dairies, stables, orchards, fields, bee farms, aquaculture facilities, and a variety of other agricultural business locations during the course of their day. Agents may also be required to attend a variety of community activities such as conventions, fairs, college events, camps, and 4-H shows.

I have highlighted the area where I think that our current extension agent is lacking. Instead of encouraging our young 4-Hers to engage in their agricultural community, Robin Young tends to discourage that activity. It is important to encourage all aspects of 4-H but not to try to blatantly turn kids away from the livestock projects by using words like "the animal will die" at the end of the project. This type of wording is not appropriate.

Robin Young has done numerous things to inhibit the growth the livestock projects and the latest one where the 4-H Foundation gave money to for capital improvements for livestock pens and she stopped payment on the check which she has convinced Bill Baker that this is the appropriate thing to do when he was only newly elected.

Robin Young incites gossip and fuels problems between 4-H families, volunteers and boards. The extension agent should be able to remain neutral to all parties. It is inappropriate to talk about everyone behind their back and I mean everyone. I have been in the same room as she is talking about someone and makes me wonder what she is saying about others including myself.

We live in a very small community that should be focused on growing our kids in the rural way of life.

4-H motto "To Make the Best Better" Robin Young's action nor words exhibit this motto. She wants to make everyone the same, everybody is a winner. We all are not good at everything and we don't have to be it helps us grow to find our gifts in life. She continually complains how much money the livestock kids get compared to indoor projects. Livestock kids have to put so much more money, time and effort

February 13, 2017

Dear Commissioners,


I would like to address what occurred with fair board appointments during the Commissioners January meeting and would like to have clarification from the Custer County Commissioners if the By Laws that are Fair Board approved are going to be respected.

1. The Custer County Commissioners reviewed and approved our Fair Board By Laws in February of 2016. Per those By Laws (see attachment 1) the fair board has a specific process on page two for persons that are interested in becoming a member of the Fair Board.
2. In the October meeting the Fair Board voted to make the sales committee members of the Fair Board and they also voted to make George Koons a liaison member of the Saddle Club (see attachment 2).
3. Without any prior discussion with Fair Board members Robin Young took a list of Fair board appointees to the Commissioner's meeting that did not include the name of Deborah Fischer who was one of the sales committee's members and added Bill Baker who never submitted a letter of intent to the fair board or met with the fair board specifically on becoming a fair board member.

Since the Fair Board January meeting I'm also questioning the motive of Robin to add Bill Baker to the Fair Board. It appears based on a string of emails that I have received from Bill that he has a very negative preconceived opinion of the fair board members (see attachment 3). The current fair board has been a dedicated group of individuals whose focus is to improve and grow the Custer County Fair. Based on Bill's emails to me without any fair board experience on his part I'm not certain that he has those same goals.

Based on Robin's actions of revising the fair board appointment list that was presented to the County Commissioners without permission by the Fair Board. The Fair Board will be reviewing and revising the past practice of having Robin serve as a liaison for the fair board to the Custer County Commissioner meetings.

Best Regards,



Diane Rose

Custer County Fair Board President

CUSTER COUNTY FAIR BOARD BY-LAWS

Reviewed and Adopted

by

The Custer County Fair Board

January 27, 2015

The Custer County Fair Board Bylaws

- ARTICLE I. Name: The name of this organization shall be the Custer County Fair Board.
- ARTICLE II. Objective: The objectives of this Board shall be for the benefit of the youth clubs in Custer County and also to promote the Custer County Fair.
- ARTICLE III. Fair Buildings: The buildings are for the use of 4-h youth clubs, 4-h members, FFA members and their adviser, the Fair Board and those connected with the Custer County Fair. Such buildings are not available for indiscriminate public use, however, the public may use the fairgrounds and its buildings with the permission of the Fair Board as authorized by the Custer County Commissioners. Buildings are owned by Custer County and will be maintained by Custer County and the Fair Board.
- ARTICLE IV. Membership:
- Section 1. Any person interested in participating and promoting the youth clubs of Custer County shall be considered eligible to be a member of the Fair Board. The application process is as follows:
- A. Applicant shall submit letter of intent to Fair Board which would include any qualifications or expertise that would enrich the fairboard.
 - B. Fair Board will then discuss and vote on the applicant and send their recommendation to the County Commissioners.
 - C. Commissioners will review applicants letter and the recommendation of the Fair Board and either approve or disapprove the appointment.
- Section 2. The Fair Board shall consist of any number of members, including but not restricted to:
- A. At least a minimum of five adult members at large;
 - B. A 4-H or FFA youth representative, 14-18 years of age, for a one (1) year term, "Ex officio";
 - C. A 4-H Foundation Board representative to the Fair Board appointed by the 4-H Foundation " Ex Officio"
 - D. The Custer County FFA Advisor, "Ex officio";
 - E. The Custer County Extension Director, "Ex officio";
 - F. Custer County Livestock Sale Committee representative. Such member shall be a voting member of each organization.
- Section 3. All "Ex officio" members are advisory positions only, are non-voting members and are not subject to attendance requirements.
- Section 4. Only the Custer County Commissioners have the authority to

The Custer County Fair Board Bylaws

appoint individuals meeting the criteria set forth in Section 1 of Article IV to the Fair Board. Such appointments shall occur at the first regularly scheduled meeting of the Custer County Commissioners of the new year. The Fair Board shall make such recommendations to the Commissioners as they deem appropriate regarding members of the Fair Board and shall provide such recommendations to the Extension Office for presentation to the Commissioners in January.

A. However, in the event of the removal, resignation or inability of a Fair Board member to complete his or her term during the year prior to the first regularly scheduled meeting of the Custer County Commissioners of the new year the Fair Board is authorized to accept applications for an individual meeting the criteria set forth in Article IV, Section 1 to the Fair Board and such replacement shall have all of the rights, duties and obligations of the other members of the Fair Board, including but not limited to the right to vote at regular or special meetings of the Fair Board.

B. Such appointment by the Fair Board applies only to a replacement of a member leaving his or her office during the year. No new members may come on to the Fair Board during the year, but if accepted by a majority of a quorum present at a Fair Board meeting shall be presented to the Custer County Commissioners.

Section 5. Term of Fair board members. The term of each fair board member shall be three years. At the beginning of the term, those members will be recommended to the County Commissioners to be appointed at the first County Commissioner meeting of the year. Fair board members wishing to serve more than two terms must submit a written request to the fair board at the last scheduled fair board meeting of the year before their term is expired. Such written request will be discussed without the requestee present. If the fair board accepts the request, then they will be recommended to the Commissioners in the January meeting for another 3 year appointment by the Extension Agent or a fair board representative.

A. Anyone appointed to fulfill a vacancy during the year shall be allowed to complete that vacant members term upon the completion of the fair board application process in section 1. After the completion of the vacant members term the member shall be allowed to complete an additional two terms as recited in the above paragraph defining the term of Fair board members.

Section 6. The Fair Board shall be comprised of members selected with no regard given to sex, age, race, religion or discrimination of any

The Custer County Fair Board Bylaws

manner.

ARTICLE V. Officers: The Fair Board shall elect a President, Vice-President, Secretary and Treasurer. The election shall be held annually at each January meeting.

ARTICLE VI. Duties of Officers:
President: It shall be the duty of the President to preside at all meetings, to supervise the work of the Board, direct the work of its Officers and vote only in the case of a tie.

Vice-President: The Vice-President shall perform all duties of the President in his/her absence or in the event of the President's inability to act.

Secretary: Duties of the secretary shall be to record the actions of the Fair Board, provide copies of minutes of past meetings to the Fair Board, and to notify all members of future or special meetings. The Secretary shall also have the minutes book or computer files open and available for inspection by the Fair Board and general public. A copy of the minutes is available to the general public in the Extension office.

Treasurer: Duties of the Treasurer shall be to have custody of Fair Board funds, receiving all monies and making expenditures authorized by the Fair Board. All records and accounts of cash receipts and disbursements shall be kept in written form and presented monthly to the Fair Board. These records must be maintained and ready for review and/or audit. The County Fund ledger must be maintained and kept separately from other funds. The ledger shall be open for inspection by any Fair Board member, County Commissioner, and the general public during regular business hours.

ARTICLE VII: Fair Board Operations: Meetings shall be held 10 times a year. Special meetings shall be held at such times and places as may be designated by the President. All meetings are highly important and require the presence of all Fair Board members. Fair Board members missing two (2) consecutive meetings or 50% of all meetings without the approval of the President may be removed from the Fair Board. The President will declare at each meeting a record of the excused/un-excused members to be

The Custer County Fair Board Bylaws

included in the minutes. Members with a poor attendance record may be removed from the Fair Board by a vote of the Fair Board.

The Fair Board shall meet, discuss and approve those items concerning the Custer County Fair. The Fair Board will be responsible for organizing the Custer County Fair, including, but not limited to:

1. Setting up any committee deemed necessary for the functioning of the County Fair
2. Appointing Fair Superintendents.
3. Selecting and hiring judges as needed.
4. Setting up rules and regulations pertaining to the Fair.
5. Setting up the Fair Budget with the County Commissioners.
6. Selecting and purchasing Fair supplies, ribbons, etc.
7. Approving bills incurred in the daily operations of the Fair Board.
8. Verifying that all approved bills have been paid through the Custer County voucher system.

ARTICLE VIII. Funding: General funding shall be provided by the Custer County Commissioners.

ARTICLE IX. Capital Construction: The Fair Board shall not be responsible for capital construction, but may recommend needs to the Custer County Commissioners.

ARTICLE X. Alterations and/or amendments to the above mentioned By-Laws may be done from time to time to allow the Fair Board to operate in a useful, peaceable and efficient manner. Changes/amendments shall be made by a majority vote; meaning one (1) over half of the voting membership of the Fair Board.

ARTICLE XI. A quorum shall consist of the members in attendance. Majority rule will be at least one (1) over half of the voting membership in attendance at the meeting. A proxy vote will be accepted if written or e-mailed submitted to the Fair Board President before the meeting.

ARTICLE XII. An absentee vote will be accepted by proxy for any regular Fair Board business. This vote must be in writing with a signature of the Fair Board member or e-mailed.

ARTICLE XIII. All committees shall report to the Fair Board their recommendations. All

The Custer County Fair Board Bylaws

committee members will be appointed by the Fair Board.

President *Debbie K. Ran* Date *9/16/15*

Vice President *Lyndella Gill* Date *10/21/15*

Treasurer *Erinn L. Hood* Date *10/21/15*

Secretary *Marlene Stupley* Date *10-21-15*

October 20, 2016 Fair Board Minutes

Those in attendance Robin, Donna, Irene, Scott, Diane, George

Meeting called to order at 5:38 p.m.

August Minutes- Robin had clarification Robin to add in written test, Motion by Scott to approve changes, Donna 2nd the minutes motion carried

The commissioners approved additional \$5000 for maintenance of electrical and water system

Review Treasurers Report- Robin motion to approve, Scott seconded motion carried

George brought up that he talked to the Hayden Fire crew about not camping on the fairgrounds and wanted to know if we wanted compensation, we said that we do not need compensation the Saddle Club will take care of the electrical costs.

George would like to become a member of the Fair Board as the liason for the Saddle Club. We need to review by laws

Donna motioned to accept George as a liason member from the Saddle Club to the fair board, Scott seconded it , motion carried

Discussion about all sales committee members shall be fair board members and giving a financial report at the monthly fair board meetings. By Laws will have to be updated and a structure

Scott motioned that all sales committee members are fair board members, Robin seconded it and the motion carried.

Donna motioned that sales committee shall bring forth a monthly treasurers report to be presented to the fair board's monthly meeting, seconded by Robin, motion carried.

Donna motioned that the sales committee's financial books are audited by the county auditors, Robin seconded the motion, motion carried.

Left over steaks were sold to members at \$46.50 a package Scott, Diane, Irene, Robin are buying the extra steaks and will pay the fair board for those steaks.

Alisha will identify some dates to present to the fair board to review and update By Laws, Code of Conduct and any other Fair Board documents. Those dates will be emailed to fair board members to determine when we could all get together over pizza and beverages to review and update these documents.

Alisha reviewed the letter to be sent to the Berry family, this letter has been reviewed by the county attorney. Donna motioned and the letter submitted and approved by Clint Smith be published and copied to the county commissioners, fair board members, and FFA advisory. Diane seconded and the motion carried.

Livestock judges – Diane will resend the list and the fair board members to review and pick their top three and proceed with contacting them for next years fair.

Alisha will contact George about the water line and Brad Hough on the electrical improvements.

Fair board meeting date changes from the third Wednesday to the first Tuesday or second Tuesday to board members to get input.

Extension Report MQA is mandatory and Robin wants to work with the sales committee for the kids to market their animals. Wants a deadline of March 1st for fair book changes

Re: Fair Board Sub Com., on By Laws

EMAIL # 1

ATTACHMENT # 3

From: Diane Rose <dkkrose@aol.com>
To: wildbill007 <wildbill007@hotmail.com>; agluschke <agluschke@aol.com>; robin.young <robin.young@colostate.edu>; coopext_custer <coopext_custer@mail.colostate.edu>
Bcc: lynnettagillmore2 <lynnettagillmore2@yahoo.com>; marsilla98 <marsilla98@hotmail.com>; scottrowley69 <scottrowley69@yahoo.com>; suerober50 <suerober50@gmail.com>
Subject: Re: Fair Board Sub Com., on By Laws
Date: Thu, Feb 9, 2017 7:03 pm

Hello Bill,

I appreciate your enthusiasm for being on a sub committee and I'm sure that Audrey will soon be contacting you. There is two things that you need to understand

1. The 2016 By Laws were approved by the Commissioners.
2. The Fair Board does not report to the Extension Office which has been made clear by the Commissioners in the past, so we do not need there validation.

The By Laws have been a living document that has served us well in the past, so though I'm sure that there will be some changes it is not the rough document that you refer it to be.

Best Regards,

 **Diane Rose**

Owner/Broker Associate
 WestCliffe Home & Ranch
 Office phone- 719-783-3343
 Cell phone- 719-371-2496
 Fax- 719-783-3344

-----Original Message-----

From: BILL BAKER <wildbill007@hotmail.com>
To: Audrey Gluschke <agluschke@aol.com>; DianeKyle Rose <dkkrose@aol.com>; Young,Robin <robin.young@colostate.edu>; CoopExt Custer <coopext_custer@mail.colostate.edu>
Sent: Thu, Feb 9, 2017 1:44 pm
Subject: Fair Board Sub Com., on By Laws

Hi Audrey,

I will be happy to help and iron out some of the roughness of the past 2 copies of the By Laws. ..
 Something all can agree on and have Extension & the County Commissioners Validate...
 Please contact me to let me know the other members of this Committee and when we meet...

Thank you Bill

EMail #2

Re: Up coming FB Meeting

From: Diane Rose <dkkrose@aol.com>
 To: wildbill007 <wildbill007@hotmail.com>
 Bcc: lynettagillmore2 <lynettagillmore2@yahoo.com>; marsilla98 <marsilla98@hotmail.com>; aglusckke <aglusckke@aol.com>
 Subject: Re: Up coming FB Meeting
 Date: Thu, Feb 9, 2017 7:06 pm

Bill,
 I'm sorry but we will have a full agenda for the next meeting with review of the fair board documents so I will not be able to place you on this month's agenda.

Best Regards,

 **Diane Rose**
 Owner/Broker Associate
 WestCliffe Home & Ranch
 Office phone- 719-783-3343
 Cell phone- 719-371-2496
 Fax- 719-783-3344

-----Original Message-----

From: BILL BAKER <wildbill007@hotmail.com>
 To: DianeKyle Rose <dkkrose@aol.com>; Young,Robin <robin.young@colostate.edu>; CoopExt Custer <coopext_custer@mail.colostate.edu>
 Sent: Thu, Feb 9, 2017 3:37 pm
 Subject: Up coming FB Meeting

Hi Diane,
 I need to be added to the Agenda of the next FB meeting on the 28th of Feb.,as the New President of what was called 4H Foundation...

Also can you say when Min's. from the last meeting will be out ???
 I have not heard anything from Audrey about the By Law Committee as yet either...I reached out ,(E Mailed) Her again today...

Thanks Kindly Bill

EMM # 3

Re: Up coming FB Meeting

From: dkkrose <dkkrose@aol.com>

To: BILL BAKER <wildbill007@hotmail.com>

Subject: Re: Up coming FB Meeting

Date: Fri, Feb 10, 2017 7:11 pm

Bill

I will need to know what the item is that you want to place in the agenda before I add you to it. I have the minutes but I have to review them prior to sending them out. I also find it interesting that you have already have decided based on attending one meeting that the other members have agendas other than the fair and the kids. I'm not interested in attacking other fair board members based on gossip if that is your intention Bill and to disrupt a group whose whole intention is to improve and grow the fair then I would suggest that you not be on the fair board.

Sent from my LG V10, an AT&T 4G LTE smartphone

----- Original message-----

From: BILL BAKER

Date: Fri, Feb 10, 2017 5:24 PM

To: Diane Rose; Young, Robin; CoopExt Custer;

Cc:

Subject: Re: Up coming FB Meeting

Diane,

Then I request time on next Months Meeting Agenda..

Audrey did get with me on a meeting set for 2/21, 3:30 PM Bowling Alley....

In my last E- mail I asked about the Minutes from the Previous meeting, and when they might be out...

I am just trying to get things done... I am not a last minute type of Person...Communication seems very difficult among the FB...Lots of people seem to have an agenda other then the Children and the Fair...

As I have told previous FB's, I believe you were on, I do my best to be Pro Active, Not Reactive

Thank You Bill

From: Diane Rose ≥

Sent: Friday, February 10, 2017 2:06 AM

To: wildbill007@hotmail.com

Subject: Re: Up coming FB Meeting

Bill,

EMAIL #4

From: Diane Rose <dkkrose@aol.com>

To: wildbill007 <wildbill007@hotmail.com>

Subject: Re: Up coming FB Meeting

Date: Sat, Feb 11, 2017 6:56 am

Bill,

First the fair board meeting is not the forum to address any issues that are occurring within the 4H Foundation organization. The purpose of the fair board specifically surrounds implementing actions that will result in a successful county fair. It appears Bill based on your statements that you already have decided that the fair board is guilty of being a toxic organization and that we do not serve all the children. These are very serious charges, you need to give me specific examples and witnesses. If the charges are justified I will address it with a special board meeting.

Best Regards,

 **Diane Rose**

Owner/Broker Associate

WestCliffe Home & Ranch

Office phone- 719-783-3343

Cell phone- 719-371-2496

Fax- 719-783-3344

-----Original Message-----

From: BILL BAKER <wildbill007@hotmail.com>

To: dkkrose <dkkrose@aol.com>; Young, Robin <robin.young@colostate.edu>; CoopExt Custer <coopext_custer@mail.colostate.edu>

Sent: Fri, Feb 10, 2017 7:49 pm

Subject: Re: Up coming FB Meeting

Diane,

I asked to be placed on the Agenda as the New President of what was the 4-H Foundation...To tell the FB what was going on with that entity... To stem the tide of all the Gossip...About that... I am not attacking anyone...You know I have been in those meeting before...

My intention with the FB is to try and help it do the job it is tasked with...

My interest is in the well being of the Children First and foremost...Not some of them, but All of them....Equally across all aspects...

When I have 4H Parents tell me for years that the FB is to Toxic an environment for Young People to serve in, I just have to wonder.....

So I signed up to find out....

EMail #
5

From: BILL BAKER <wildbill007@hotmail.com>

To: Diane Rose <dkkrose@aol.com>; Young,Robin <robin.young@colostate.edu>; CoopExt Custer <coopext_custer@mail.colostate.edu>

Subject: Re: Up coming FB Meeting

Date: Sat, Feb 11, 2017 9:19 am

Diane,

I wanted to let FB know what was going on...I need to appoint a member of my Committee to serve as the FB member from My Committee...Clear the air on what was going on...Not to hang out the Laundry...

It is serious that parents feel that way...More serious to me is these issues seem to have been like this for some time...

I am told that it is very unlikely any will step up, to report these issues to the very same people they feel are the cause of the problems...

Yet another reason I bring it to just you at this point...I will speak to the parents to see IF they are willing to tell you...

Bill

From: Diane Rose <dkkrose@aol.com>

Sent: Saturday, February 11, 2017 1:56 PM

To: wildbill007@hotmail.com

Subject: Re: Up coming FB Meeting

Bill,

First the fair board meeting is not the forum to address any issues that are occurring within the 4H Foundation organization. The purpose of the fair board specifically surrounds implementing actions that will result in a successful county fair. It appears Bill based on your statements that you already have decided that the fair board is guilty of being a toxic organization and that we do not serve all the children. These are very serious charges, you need to give me specific examples and witnesses. If the charges are justified I will address it with a special board meeting.

Best Regards,

 **Diane Rose**

Owner/Broker Associate

WestCliffe Home & Ranch

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Fax- 719-783-3344

February 13, 2017

Dear Commissioners,

There are two additional items that I would like to address in reference to Robin Young Custer County Extension Agent.

1. Prior to the County Fair in 2014 I was the acting Fair Board President we had an issue with parents insisting that they sleep in the livestock barn at night. I requested that Robin contact the insurance company that covered the county fairgrounds to determine if there was a liability issue with this practice. Robin told me that she contacted the insurance company and they didn't care if people were sleeping in the livestock barns. I thought this sounded strange so I contacted the insurance company myself and explained what was occurring and they sent me the attached email (attachment one). When it came time to address the issue with those parents Robin would not support addressing the issue. I then turned it over to the acting County Commissioners. After this incident Robin decided to target my son with what turned out to be false accusations for both the 2014 and 2015 county fair weeks.
2. In 2015 the Fair Board took over responsibility of handling the fair board budget and check book prior to that it had been the extension office that had controlled the fair board budget and check book. Once the Fair Board took over the finances it was discovered that the Extension Office had used Fair Board funds to employee and paid mileage to the extension office secretary's daughter to help with the fair. This was done without the knowledge or approval of the Fair Board.

Best Regards,



Diane Rose

Custer County Fair Board President

From: Brenda Hostetler <bhostetler@ctsi.org>

To: dkkrose <dkkrose@aol.com>

Subject: Fair

Date: Mon, Jul 7, 2014 3:11 pm

Hello Diane,

It was a pleasure speaking with you today. In regards to our conversation of individuals camping/sleeping inside the livestock barn during the fair, it is highly discouraged as it poses many liability issues.

Under our duty of following good risk management this significantly increases liability exposure. It is our recommendation that this practice be disallowed for future events.

Brenda Hostetler

Risk Management Analyst
County Technical Services, Inc.
800 Grant St., Ste. 400
Denver, CO 80203
phone - 303-861-0507
fax - 303-861-2832



To Whom It May Concern:

I am writing you this letter with concern for our current Horse Program. I was Horse Superintendent last year and saw the lack of basic safety taught to the kids. I did a one-time basic safety and horsemanship clinic at the start but it was never done any further. The leaders we have do not teach safe handling or basic horsemanship so the students were never ready to move on. I also noticed the practices were never held at the same location or on the same time planned, so when this happened a number of kids missed practiced. I took my daughter to all practices and watched the practices as well. I am surprised there weren't more wrecks, I saw not very broke horses with novice riders and little coaching on how to get better.

I went to the fair board with my concerns on how poor the horse show was and how unsafe the year went. I volunteered to take the program over and I had some awesome ideas on how we could make fun, safe, and effective practices as well as a great horse show. All in attendance as well as the extension agent were in agreement. I later went to apply to be a leader and was told by Robin that the program was fine the way it was and no changes were needed, even though at the fair board meeting she said I would be able to take the program over.

The way it is now I will not let any of my three daughters be in the program. There are numerous parents who will not let their kids take horse any more either.

I have been involved in the horse business all my life I have an associates degree in equine management. My business was starting colts for close to ten years I have showed and rodeoed at all levels including several national championships so I do have a little knowledge in the horse industry. In other words I'm not just a whiny parent.

I have noticed that our current extension agents' passion is not in the livestock end of things that is fine but it concerns me in the direction she wants to steer our 4h program. We live in a livestock community and we need to make sure progress in our livestock at the fair is going in the right direction.

I am also on the FFA advisory board and there have been several times when she has undermined the FFA program, because she only supports certain 4H programs. The FFA committee wants her off the board, because she says one thing to your face and turns around and completely changes what she said, or what the board said.

If anyone wants to get ahold of me to discuss any of the concerns I mentioned or any I may have forgotten to write down please call me.

Jake Shy

719-429-0846

February 14, 2017

Dear Polly,

I told my Bill I couldn't believe they did this to you. You're one of the kindest, most loyal, generous people in this valley!! For them to accuse you of anything untrustworthy is just wrong. You had nothing to gain. You have no kids in 4H. You're not on the Fair Board. You have no conflict of interest at all. I'm so sorry they did that to you. I'll say again, it was uncalled for and wrong. I believe Robin wanted you (us) gone from the Board. In my opinion, removing you from the Custer County 4H Foundation (CC 4HF) Board vs your resigning was not only wrong, but was not in the best interest of our County and our youth and I'm not sure it's even allowed via the bylaws. I started writing this document to show my support for you but then it became expanded into my view as to what has occurred between the CC 4HF Board and the CC Extension agent, Robin. It covers several issues:

- CC 4HF Board history of hoarding and concerns from other organizations in the valley
- CC 4HF Board decision to donate to the Fair Capital Improvement Fund
- Inequities in awards provided for CC 4H projects and the format of the awards given and the awards banquet
- Extension agent's complete control over the governance and funds of a 501(c)(3)
- Colorado statues for dismissal of Board members from a nonprofit organization

History

When I joined the Board in 2014, I was a new full-time resident of Custer County. I'd heard gossip about Robin playing favorites with her friends' children and being influenced by her buds in making decisions that affected other kids. Being an Army wife and moving every two years into new groups, I learned to take rumors lightly and make my own decisions about people. Well, we now know how that went!

I was also told there were some in the community who wanted to support the CC 4H Foundation and sponsor fundraisers for it, however, they were concerned that funds were being hoarded and not used to support the youth and their 4H projects and goals. There are minutes discussing these comments and concerns from provided by a member of that organization who attended a CC 4HF Board meeting. The prior year the group declined to give funds to the CC 4HF and instead deposited them directly with the CC Extension Office. They were later concerned that there was no communication from the CC Extension Office regarding the use of those funds. After several new Board members were installed in 2015, and the group saw some history regarding financial responsibility and reporting, the group again donated directly to CC 4HF. They participated and co-sponsored the 2016 spring camp that allowed youth to see various projects in action, including livestock, shooting sports, and some tabletop exhibits. When I came in as Treasurer in 2015 the CC 4HF had about \$9,000 in funds which is about the same amount the CC 4HF had before the February, 2017 Board

meeting. While the Board of the last two years has given back funds generated during that time, the reality is the "hoarding" concern from outside supporters and fundraisers is still valid.

Robin made inquiries during the October 2014 Board meeting regarding the creation of a scholarship program as several youth were nearing college age. I had served on and led a few scholarship foundations in the past so I provided details of these scholarship programs. During this process it was discovered that the CC 4HF had no documented policies and procedures for receiving donations, including assessment of whether donations are taxable deductible. In December 2014, donation policies and procedures were created and included the IRS clause stating that if someone donates funds to the CC 4HF designated for a specific person then that donation was no longer tax deductible as a donation to 501(c)(3). After that the scholarships subject was dropped.

Fair Capital Improvement Fund

The CC 4HF Board wanted to provide something lasting to benefit 4H kids. The Board wanted to show the community that the CC 4HF wasn't continuing to "hoard" funds and cared about providing positive improvements for the Custer County Fair facilities and conditions. The CC 4HF Board at its February 2017 meeting decided via motion, discussion, and vote to donate to the Fair Capital Improvement Fund to provide a lasting impact in the name of the CC 4HF in the form of improvements to the deteriorating conditions of the Fair facilities, serving to contribute to the welfare of all the youth who participate in the county fair or use the facilities for practices, workshops, etc. During discussion, I suggested the \$4,000 go toward the exhibit building that could also be used for classrooms. Others who had worked with the kids, the Fair Board, and at the Fair (much longer than I had) felt the greater need was elsewhere, and that's what was passed.

Robin didn't attend the meeting and overruled the CC 4HF Board decision, after the fact by freezing the bank funds and stopping payment on the check. This has harmed the reputation of the CC 4HF and the Extension Agent and served to further call into question why CC 4HF funds are being "hoarded". The CC 4HF is a 501(c)(3) organization, governed by a Board, not one person. ***There was no Board action to give Robin banking authorization or notification provided by the bank to the Board or current signers of her action on the account. The letter of authorization provided to the bank was from the State 4H and Youth Development Director, not the State 4H Foundation and does not state which accounts Robin can seize, those were written in after the fact.***

If Robin's motive in stopping the check for the Fair Capital Improvement Fund was that it wasn't educational, that's inconsistent with other things the CC 4HF has done in the past, including awards. The CC 4HF gave to the Fair Board capital campaign in the past for electrical work and to the Saddle Club to fix a tractor. There are likely others but I only have records of the past two years. Robin has prior Treasurer records in storage at the Courthouse. Robin may have brought these requests to the Board, I can't recall, but

at a minimum she never objected on grounds that they weren't "educational". They went to the welfare clause of the CC 4HF bylaws, copied below (emphasis mine).

"Article II—Purpose To support of the Custer County Extension Agent to promote the education, development, and welfare of girls and boys who are or who might be interested in the 4-H Programs. "

In a small community like Custer County word travels quickly as many of the CC 4HF Board members also serve on Boards of other organizations, including town council and county commissioner. ***It will be completely understandable if organizations that have supported the CC 4HF in the past decide they will not in the future if one person, Robin, has control (not oversight, control) over all the funds.***

The CC 4HF Board decision was obviously within both ethical and legal bounds. Robin's nullification of it should be appealed and the funds donated as approved by the governing Board of the CC 4HF 501(c)(3).

Extension Agent full control over the CC 4HF governance and its funds

Please see ***Appendix B and Appendix C for IRS and Colorado statutes.***

Per IRS and Colorado Secretary of State regulations for 501(c)(3) public charities, the control must exist in a governing body, not one individual, so one person or one family cannot have full influence and control, see below (emphasis mine):

"A public charity is generally defined by the IRS as "not a private foundation". It receives a substantial portion of its revenue from the general public or from government. In order to remain a public charity (and not a private foundation), a 501(c)(3) must obtain at least 1/3 of its donated revenue from a fairly broad base of public support. Public support can be from individuals, companies and/or other public charities. Donations to public charities can be tax deductible to the individual donor up to 50% of the donor's income. Corporate limits are generally 10%. In addition, **public charities must maintain a governing body that is mostly made up of unrelated individuals**. Public charities are what most people recognize as those organizations with active programs. Examples include churches, benevolence organizations, animal welfare agencies, educational organizations, etc."

Polly, it was I, not you, who first said I didn't want to waste my time on a Board whose decisions could be vetoed by one person for no other reason than she disagrees. You were trying to get to the facts as Vice President of the CC 4HF Board.

- In December 2014 Robin attempted to have a clause added to the CC 4HF bylaws stating the Board agreed to adhere to the 4H Adult Code of Conduct. The Board asked to see a copy of the referenced document and tabled further

discussion or approval of this change to the bylaws.

- On January 12, 2015 Robin provided a copy of the 4H Adult Code of Conduct. She said the version she provided was a “state requirement” which included a clause that she could remove us from our Board positions and I quote “... for other reasons or no reason at all.” The Board voted to not include that in its bylaws.
- On January 30, 2015 Robin provided another version of the Adult Code of Conduct, also presumably required from the state office that was much simpler and didn’t include those objectionable clauses. Of course, that called into question why there were two different versions, both “state required”? The Board again decided to table further discussion or adding the clause to the bylaws.
- At the April 2015 meeting, Robin provided the CC4HF Board with the Fair Board code of conduct Adults volunteering at the 2015 Fair. The Board did not include those in the bylaws but agreed to accept and sign that version, which did not include the objectionable clause.
- The Board continued investigate this request by reviewing the bylaws of other county 4H Foundations and the State 4H Foundation and could not find another instance of that clause being included, even at the State level. Similar clauses were included for various 4H Clubs, but not Foundations. Several attempts were made to contact State officials to discuss it with no acknowledgment of emails or return of phone calls. After a few months of attempting to document this requirement, the Board decided to table that bylaw change until Robin could provide a state standard and document that it applied to all county 4H Foundation bylaws and granted every county extension agent this authority. **That was in February 2015 and nothing further has been provided.**
- The Board understood that the State 4H Foundation holds the charter and needs to have oversight via the Extension Agent to ensure against unethical or unlawful events done in its name. The Extension Agent is a non-voting, ex-officio Board member, invited to every meeting, receives financial monthly reports and minutes, and the State 4HF receives annual reports of all activities to provide oversight. **Oversight and full control are two entirely different things.** If one person is allowed to undo whatever work the Board has done on a whim or under influence of people not on the Board or even members of the organization, then there’s really no need for a Board and **Robin is the de facto governance of the nonprofit organization.**

Robin knew and understood her ex-officio role. Below is an excerpt from an email Robin sent to the CC 4HF Board in July 2015 regarding her ex-officio role on both the Fair Board and the 4H Foundation Board. However, the CC 4HF bylaws, which are reviewed each year by the Board and Robin and provided annually to the State 4H Foundation for review, do not include recognizing the Extension Agent as an ex-officio member, voting or non-voting. **By definition, an ex-officio member is a member due to their position and may or may not be a voting position does not have control over the decisions of the Board or the funds of the organization.** Robin has never been a voting member of the CC 4HF Board and was never authorized on the CC 4HF

bank account prior to October 2016 when she secretly had her authorization added to CC 4HF bank account. . There was no Board vote or minutes of the organization authorizing this banking change last October. Robin took this action after her disagreement with the Board regarding annual awards, discussed below. ***Even the Colorado State 4H Foundation has Extension members listed as ex-officio with no voting rights. Not with veto control or control of its funds.***

Begin excerpt from Robin's email regarding an issue with Fair Board that the CC 4HF Board was not made aware of:

From: "Young,Robin" <Robin.Young@colostate.edu>

Subject: RE: Minutes of 7/1/15 Meeting

Date: July 7, 2015 at 8:17:53 PM MDT

To: Donna Hood <rdh@apaintedview.com>, "Mckenzie@apaintedview.com" <Mckenzie@apaintedview.com>, Polly Miller <bob4polly@gmail.com>, "lynetta@ris.net" <lynetta@ris.net>, Cheryl Laramore <cheryl@cs2-inc.com>, "Joanne L. Canda" <joannecanda52@live.com>, "agluschke@aol.com" <agluschke@aol.com>

Cc: Diane Rose <dkkrose@aol.com>, CoopExt Custer <coopext_custer@Mail.Colostate.edu>

I am an ex-officio to the fair board and the 4-H Foundation. [Remainder deleted as not applicable to the question of Robin's role in Custer County 4H Foundation.]



Colorado State University
Extension

Robin Young
CSU Extension Custer County Director

Award inequities and banquet format

Robin's position in October 2016 against 4HF awards being given fairly and equally to all project winners and to a format change to shorten the banquet time remains perplexing. These disagreements with Robin are what prompted her to provide the letter to bank authorizing her full control of the CC 4HF funds on October 25, 2016.

- If the CC 4HF providing awards doesn't fit the educational mission in the bylaws, as Robin stated via her email to the State Extension level when the Board didn't agree with her that some winners should not receive CC 4HF awards, then why has she encouraged and, yes, expected the CC 4HF do to provide awards over the years?
- If Robin's goal is that every winner receives just one award per project, regardless of whether that comes from the Fair Board or other persons and other

organizations, then why has she chosen for them to only receive awards from other than the CC 4HF?

Other awards of plaques, buckles, sponsorships, etc., to 4H and FFA projects and are not controlled by the Extension Agent. These should have no impact in the CC 4HF recognition of achievements for ALL 4H projects. Some kids work harder than others to get sponsorships, buyers, and other types of recognition for their projects. Would the Fair Board not give someone a ribbon or a buckle for winning because someone else already gave him or her something? Of course not!

- Why was Robin against giving cash awards instead of plaques or sweatshirts, even when providing information for the recipients to purchase plaques or sweatshirts with their awards if desired?

From responses to the surveys completed in Oct, it is obvious Custer County 4H families overwhelmingly want/need cash awards. Robin wants to deny 4HF cash awards to a child because they received a plaque from someone else. CC 4HF should be fair and consistent with giving out awards or have a well-documented, reasonable cause for excluding some categories and apply that consistently.

- Why does Robin want to downplay livestock projects?

Robin's disregard if not animosity for livestock projects is perplexing. This was evident when the list the Extension Office provided for awards included all categories for Horse Showmanship plus High Point but only Master Showmanship for Livestock, not the individual categories (i.e., Beef, Market Lamb, Swine, Goat). If her reasoning is that in the market categories winners can sell their animals, then that is different than receiving an award for excelling in your 4H project. Additionally, livestock projects require a great deal of commitment of time and resources from youths and families that many other projects do not require. Selling the animal is part of the project success. Projects showing the animals are judged separately and differently than Showmanship categories are judged – the animal verses the showman. The latest evidence of Robin's preference for projects other than livestock was the 2017 spring camp as she didn't include livestock projects until the CC 4HF Board, as a sponsor, objected. This Valley and those who support the kids and their projects do so from an Ag/Livestock perspective. Other projects should be also supported for those who don't do Livestock, but not at the expense of Livestock, the heart of this valley. This is Custer County, not Denver.

- Why was Robin so appalled that the CC 4HF Board questioned the format of the CC 4HF Awards Banquet? The Board was responsible for the set up, decorations, food, and awards and it was being done in the CC 4HF name. However, she apparently didn't like when Board advised her there had been complaints about the length of past banquets and recommended ways to shorten the event. Robin's emails to the State level (again copying wording from another email by a person not a member of the CC 4HF) showed her objection to this change in format. This was sent before she met with the Board President to go over the final agenda and course of events. Again, per the surveys, the families

agreed the banquet was too long and Robin admitted it as well per her email to the Board below. Also interesting in this email is her acknowledgment of the Board's authority to excuse an absence but the next day she took control of the bank account. A compilation of survey results can be made available.

Begin forwarded message:

From: "Young,Robin" <Robin.Young@colostate.edu>
Subject: FW: 4h Banquet
Date: October 24, 2016 at 3:31:05 PM MDT
To: "Audrey Gluschke (aglushke@aol.com)" <aglushke@aol.com>, "Cheryl and Bill Laramore (clpar55@yahoo.com)" <clpar55@yahoo.com>, CoopExt Custer <coopext_custer@Mail.Colostate.edu>, "Donna Hood (rdh@apaintedview.com)" <rdh@apaintedview.com>, "McKenzie Huffman (cvtmckenzie@gmail.com)" <cvtmckenzie@gmail.com>, Polly Miller <bob4polly@gmail.com>

Hi all,

First off - GREAT JOB!!! I know we all had our tension coming into Sunday, but I really felt like we worked together to put on a very successful Awards Banquet. I was so taken with Carol Hanks's comment about the banquet when she said that she really enjoyed it and loved seeing this in the community, it really put things into perspective about community perception. I have talked to a few people today that attended and they all said that it was really fun. A few did say that it was long, but 2.5 hours is pretty good considering that we have 54 kids to get through with some repeats, the leaders and volunteers, and others that are recognized in a years' worth of 4-H. I admit, Bill was a little long winded - I'll try to curb him more next year.

I wanted to forward on the 2 e-mails that I received from XXXXX and XXXXX. Please decide if you want to excuse them.

Thanks again for all your hard work,
Robin

Instead of talking to the Board, she went directly to the State level and accused the 4HF Board of bizarre things (much of which, by the way, was copied from an email from a person not even a member of the CC 4HF). It was likely prompted by outside individuals who weren't even members of the CC 4HF. Copies of these emails can be provided upon request and include Board member responses, with copies also provided to the State level. Robin admitted her actions last October were wrong and begged the Board to put it behind us and move on, but sadly, the Board's trust of her was badly damaged. And that was before the Board knew of her effort to secretly seize control of CC 4HF funds at the bank.

Dismissal of a Board member

Polly, you did nothing wrong!! We did nothing wrong!! You were doing due diligence as Vice President of the Board to call the bank to make sure someone unauthorized wasn't doing something with our account. You didn't know Robin had been authorized on the account via her furtive manner since October 25. None of us knew that. You did this after you received the newly elected Board President's bizarre and mind-boggling email. After he had tried to vote Yay on the motion but was told he couldn't vote yet. And, yes, after he also agreed and expounded on the fact that it should be the Board's job to review and discuss motions and vote on how to use resources, within bounds of what's right and legal, of course and he said "Yes, otherwise why have a board?" His current statements otherwise are boldfaced lies and the other five of us who were there know it. I'm surprised he doesn't have whiplash from that warp speed, complete 180 he did. Part of me suspects his Oscar worthy performance during the Board meeting was planned all along between Robin and him. All of this gave you concern as to what in the world was going on with him, so yes, you called the bank to inquire what the rules where. You didn't try to influence or make any transactions. You did nothing wrong!

Please see **Appendix B** showing the CC 4HF good standing with the Colorado Secretary of State and **Appendix C** for Colorado Statues regarding the dismissal of a Board member from a state nonprofit organization. The way your dismissal was handled goes against this statue. I hope you will appeal it as I believe your continued service the CC 4HF is even more critical now that Robin has placed the same people on the Board as were there before.

In hindsight, after Robin did what she did in October, I wish I hadn't felt we should stay and install a new Board and help that transition. I know you felt the same way. We all wanted to do the right things for the kids, which is why we also went ahead with the awards banquet. Had I known she had already added herself on the bank account, I wouldn't have stayed and I wouldn't have encouraged the others to stay.

I love, admire, trust, and respect you Polly and I hope we can work together again on something for the youth of our valley.

Cheryl

Appendix A
Excerpt from CSU Extension Agent Handbook (emphasis mine)
Excerpt from CSU Extension Glossary of Legal Issues and Terms (emphasis mine)
Copy of Robin's Letter to First State Bank of Colorado

Excerpt from CSU Extension Agent Handbook (emphasis mine)

"In the conduct of CSU Extension programs, it is desirable and necessary to work with numerous groups and organizations. However, such groups should not be dependent on CSU Extension to be responsible for or handle any of the group funds. Nor should CSU Extension be responsible for accounting for receipts or expenditures thereof. Examples of the kind of funds which should not be handled through the authorized local non-appropriated funds are:

- - Sale and/or purchase of 4-H livestock
- - Dairy Herd Improvement Associations
- - General community associations (e.g. breed associations, seed clubs, etc.)
- - Home economic associations and clubs
- - **4-H foundations and councils**

Such groups have their own treasurers. **Extension staff should have no authority to withdraw funds from or write checks on any association accounts except as noted below.**

Regular County Extension Budget, Weed Districts, and County Fairs may require extension staff to withdraw funds and/or write checks as prescribed by local/area policy."

Excerpt from CSU Extension Glossary of Legal Issues and Terms (emphasis mine) <http://extension.colostate.edu/docs/staffres/handbook/sec5-glossary.pdf>

"Bank Accounts Under no circumstance should an extension agent/employee be a signer on any account other than the County Non Appropriated Account. This would include 4-H club, council, and foundation accounts. Contact either the State 4- H Office for the CSUE HR Director for language for use with banks to allow agents **access to account information.**"

Copy of Robin's Letter to First State Bank of Colorado

The letter copied below was used to authorize Robin full access to control certain bank accounts, not just access to information or records as the CSU Extension rules indicate in the two instances noted above. The result of this gave her full access to and control of CC 4HF funds via the ability to freeze funds then change signers on the account at her discretion. Note the original email is not from the State 4H Foundation, but from the State 4H Programs director and may not be applicable for 4H Foundation funds as noted in the Handbook above. The specific accounts to which Robin was authorized control was not part of the original document from the State 4H Programs Office. There is no official documentation to validate her claim of authorized control on these accounts – simply an email. When a nonprofit or any organization changes the terms of an account and authorizations, certified minutes of the organization are required by the bank. **None were provided as the CC 4HF Board never approved this or even knew about it.**

Young, Robin

From: Butler, Ellen
Sent: Tuesday, October 25, 2016 11:04 AM
To: Young, Robin
Cc: Beeman, Jean Glowacki; Bauder, Joy
Subject: bank signature card statement

Hi Robin,

Jean asked me to send you this statement:

1. An alternate statement for bank signature cards is "When deemed necessary, CSU Extension and the Extension Agent in Custer County has the authority to request and obtain information, freeze, and designate authorized signatures in regard to this account."

Thanks!

Ellen



Extension

Ellen Butler, Program Assistant
Colorado State University *Extension*
State 4-H Office
1311 S. College Avenue, University Square 2E
4040 Campus Delivery
Fort Collins, CO 80523-4040
970.491.1152 FAX 970.491.5108
Ellen.Butler@ColoState.Edu
www.colorado4h.org

4-H is a community of young people across America who are learning leadership, citizenship and life skills.

601144 - 4H Foundation
205672 - Custer County
5010002291 - Silver
Spurs
1014316 Triple C
246506 - Trail Blazer

Appendix B
CC 4HF current filing with the Colorado Secretary of State
Colorado Secretary of State Structure and Governance of a Nonprofit

The Custer County 4H Foundation was incorporated and reports annually to the Colorado Secretary of State. The annual filing is copied below. Below that are excerpts from Colorado statutes governing nonprofits, including management by a Board of Directors with Bylaws, and not by an individual.

From: Colorado Department of State <entity.subscribe@sos.state.co.us>
Subject: Document Filed for CUSTER COUNTY 4-H FOUNDATION - 19871187830
Date: July 9, 2016 at 8:06:34 AM MDT
To: <CLPAR55@YAHOO.COM>



A Message from the Colorado Secretary of State

This email is notification that the following document has been filed for CUSTER COUNTY 4-H FOUNDATION : Report

For more information, please review the record by visiting our website, www.sos.state.co.us. Select "Business Organizations" on the left and then click on "[Search](#)". You can search for the record by entering either the record name or ID number.

If the ID number is used to search, the website will immediately display the Summary page for the record. If the name is used to search, the website will display a list of search results. Find the correct record and select the ID number to proceed to the Summary page. From the Summary page, you can choose to view additional information.

Thank you for using the Colorado Secretary of State's online services!

If you would like to share any feedback, please take our [survey](#).

This is an automatically generated email. If you would like to contact our office, please send an email to business@sos.state.co.us or call 303-894-2200 and press 2.

Colorado statues showing nonprofits must be organized via a Board of Directors and Bylaws, not governed with authority of an individual. See below:

7-122-105. Organization of nonprofit corporation.

(1) After incorporation:

(a) If initial directors are not named in the articles of incorporation, the incorporators shall hold a meeting, at the call of a majority of the incorporators, to adopt initial bylaws, if desired, and to elect a board of directors; and

(b) If initial directors are named in the articles of incorporation, the initial directors shall hold a meeting, at the call of a majority of the directors, to adopt bylaws, if desired, to appoint officers, and to carry on any other business.

(2) Action required or permitted by articles 121 to 137 of this title to be taken by incorporators at an organizational meeting may be taken without a meeting if the action is taken in the manner provided in section 7-128-202 for action by directors without a meeting.

(3) An organizational meeting may be held in or out of this state.

7-122-106. Bylaws. (1) The board of directors or, if no directors have been named or elected, the incorporators may adopt initial bylaws. If neither the incorporators nor the board of directors have adopted initial bylaws, the members may do so.

(2) The bylaws of a nonprofit corporation may contain any provision for managing and regulating the affairs of the nonprofit corporation that is not inconsistent with law or with the articles of incorporation.

7-122-106. Bylaws. (1) The board of directors or, if no directors have been named or elected, the incorporators may adopt initial bylaws. If neither the incorporators nor the board of directors have adopted initial bylaws, the members may do so.

(2) The bylaws of a nonprofit corporation may contain any provision for managing and regulating the affairs of the nonprofit corporation that is not inconsistent with law or with the articles of incorporation.

7-123-102. General powers. [Excerpt from, emphasis mine]

(1) Unless otherwise provided in the articles of incorporation, every nonprofit corporation has perpetual duration and succession in its domestic entity name and has the same powers as an individual to do all things necessary or convenient to carry out its affairs, including the power:

(m) To make donations for the public welfare or for charitable, religious, scientific, or educational purposes and for other purposes that further the corporate interest;

From definitions:

(4) "Board of directors" means the body authorized to manage the affairs of the domestic or foreign nonprofit corporation; except that no person or group of persons are the board of directors because of powers delegated to that person or group of persons pursuant to section 7-128-101 (2).

Appendix C
Board Member Expulsion

COLORADO REVISED STATUTES 2011

TITLE 7, LABOR AND INDUSTRY, ARTICLE 121-27

Article 126-302. Termination, expulsion, or suspension. (1) Unless otherwise provided by the bylaws, no member of a nonprofit corporation may be expelled or suspended, and no membership or memberships in such nonprofit corporation may be terminated or suspended except pursuant to a procedure that is fair and reasonable and is carried out in good faith.

(2) For purposes of this section, a procedure is fair and reasonable when either:

(a) The bylaws or a written policy of the board of directors state a procedure that provides:

(I) Not less than fifteen days prior written notice of the expulsion, suspension, or termination and the reasons therefor; and

(II) An opportunity for the member to be heard, orally or in writing, not less than five days before the effective date of the expulsion, suspension, or termination by a person or persons authorized to decide that the proposed expulsion, termination, or suspension not take place; or

(b) It is fair and reasonable taking into consideration all of the relevant facts and circumstances.

(3) For purposes of this section, any written notice given by mail must be given by first-class or certified mail sent to the last address of the member shown on the nonprofit corporation's records.

(4) Unless otherwise provided by the bylaws, any proceeding challenging an expulsion, suspension, or termination, including a proceeding in which defective notice is alleged, must be commenced within one year after the effective date of the expulsion, suspension, or termination.

(5) Unless otherwise provided by the bylaws, a member who has been expelled or suspended may be liable to the nonprofit corporation for dues, assessments, or fees as a result of obligations incurred or commitments made prior to expulsion or suspension.