

# Pennsylvania Federation of Injured Workers Board of Directors Meeting Minutes

07/09/10

**Call Meeting to Order 3:03 PM**

**Pledge of Allegiance to the Flag of the United States of America**

**Moment of Silence** – For our troops and those injured or lost their lives in a workplace accident.

## **Roll Call of Board Members**

- |                    |                   |                  |
|--------------------|-------------------|------------------|
| 1. Mike Kerstetter | 5. Ron Stabinsky  | 9. Dennis Straub |
| 2. Pete De Pietro  | 6. Carl Dillinger | 10. Carl Judd    |
| 3. Mike Pron       | 7. Jake Long      |                  |
| 4. Kate McCarney   | 8. Bob Scholeck   |                  |

## **Roll Call of Guests**

- |                    |                   |                  |
|--------------------|-------------------|------------------|
| 1. Barry Wittman   | 4. Andrew Farrell | 7. Robert Snyder |
| 2. Joe Strauss     | 5. Janet Satz     |                  |
| 3. Loraine Farrell | 6. Lloyd Roth     |                  |

## **MINUTES FROM THE 05/14/10 MEETING SUBMITTED BY: Mike Kerstetter**

1. Corrections made to the minutes:
  - a. Corrected Representative Thomas R. Caltagirone name spelling
  - b. Dennis Straub said that a lot of liberty was taken when writing the minutes
  - c. Dennis Straub said there was no discussion about the next board meeting or the time and location for these minutes. He went on further to say that the meeting was to be held at Berks County Chapter location.
2. Motion to accept – Carl Judd
3. Motion to 2<sup>nd</sup> – Bob Scholeck
4. Vote – motion carried

## **MINUTES FROM THE 06/08/10 B.O.D. SPECIAL MEETING SUBMITTED BY:**

1. The meeting was held at Jumbo China Buffet, 3252 N. 5<sup>th</sup> Street, Reading PA
2. No one was able to transcribe the minutes because nothing could be heard because of the background noise.
3. The tape will be made available to anyone that wishes to listen to the meeting.
4. Dennis Straub said he felt that the Special B.O.D. meeting was not a legitimate meeting.

## **FINANCIAL REPORT SUBMITTED BY: Mike Kerstetter**

1. Corrections made to the financial report:
  - a. The total income under the Explanation of Income was changed from \$191.00 to \$720.00.
2. Motion to accept – Bob Scholeck
3. Motion to 2<sup>nd</sup> – Kate McCarney
4. Vote – motion carried

## **E-MAIL FROM JOHN DONATO**

1. John Donato sent in the following motion: I John A Donato, a BOD member in good standing, do here by submit the following motion. That the following BOD members and BOD officers be removed from the membership, Peter DePietro, Michael Kerstetter, Carl Judd, Douglas Gruber, Robert Scholeck, Ronald Stabinsky. The afore mentioned individuals shall be removed for:
  - a. Conduct unbecoming
  - b. Failure to adhere to the PFIW Charter and By-Laws
  - c. Inability to function with members whose views differ from their own.

These members due to complete disregard for the By-Laws and Charter have possibly placed the PFIW in a position where the loss of our non-profit status is a real possibility. As proof of these allegations please read the attached list of violations.

Respectfully submitted: this 7th day of July, 2010

2. Motion to 2<sup>nd</sup> – Dennis Straub
3. Discussion
  - a. Ron Stabinsky said he felt that John Donato's position on the P.F.I.W. B.O.D. should have the status of vacant because John has not fulfilled the obligation of attending any B.O.D. meetings with a year.
  - b. Pete De Pietro ruled that he will accept John Donato's motion for a vote.
4. Vote – motion did not pass
5. Dennis Straub wanted the sections of the Bylaws cited as being violated be read and added to the minutes.
6. Pete De Pietro ruled that the motion was enough and the sections of the Bylaws would not be read or added to the minutes.

### **OLD BUSINESS**

1. Grants – Carl Dillinger
  - a. Bill George retired as President of the PA AFL-CIO and Rick Bloomingdale is now the President and Frank Snyder is now the Secretary/Treasurer.
  - b. PA AFL-CIO has hired a grant writer
    - i. A grant of \$100,000 is being sought for P.F.I.W.
    - ii. Carl Dillinger said that no grant can be awarded if all the in house fighting continues.
    - iii. Carl Dillinger wanted to know if the e-mail submitted by John Donato was really sent to Tom Corbett and the others that the e-mail stated received a copy.
    - iv. There was more discussion about the grant that Berks County Chapter received that clarified the status of the grant and its opportunity to receive more.
2. Agreement for Panel Physicians – Kate McCarney
  - a. The agreement is ready and can be voted on at the next meeting.
3. New Chapters
  - a. Kate McCarney is looking for a meeting location for the Schuylkill County Chapter.
4. Letter sent out to Joe Lurie to become a member of the P.F.I.W. B.O.D.
  - a. The letter will not be sent out till all the disputing is ended.
5. John Donato
  - a. John is making a very slow recovery and still has an open wound near his stomach and still cannot eat solid food.
  - b. John is in the VA Hospital, Lebanon, PA.
  - c. Carl Dillinger said the contact information for John Donato should be listed on the P.F.I.W. website.
6. Panel Attorney List Review
  - a. The attorneys on the P.F.I.W. panel Attorneys need to be verified.
7. Injured Worker Conference – Carl Judd
  - a. A national injured worker conference is being planned by Carl Judd & Kate McCarney of the P.F.I.W. and Barbra of PHILPOSH.
8. New Board Member Vote
  - a. Rob Snyder
    - i. Rob spoke to the B.O.D. about his experience while being in the P.F.I.W.
  - b. A motion was made by Carl Dillinger to table the vote on Rob Snyder.
  - c. Motion to 2<sup>nd</sup> – Dennis Straub
  - d. Vote – motion carried

### **REPORTS FROM CHAPTERS**

1. Berks County Chapter:
  - a. The wife of Lloyd Roth, Sr., a Chapter member, passed away recently.
  - b. Chapter Treasurers Report for the last Chapter meeting:
    - i. Balances:
      1. Grant Account - \$7,163.86
      2. Chapter Account - \$428.65
    - ii. Expenses
      1. Bonding Insurance - \$85.00

2. Dues paid to the P.F.I.W. B.O.D. - \$186.00
- c. Attorney Robert Cullen Bought a DVD of the Injured Worker Memorial Day Event from PCN.
- d. The P.F.I.W. TV show is still being broadcast.
- e. Two people submitted a membership form
  - i. Dennis Straub stated that a motion to approve these memberships by a majority vote of the Chapter Board was made and approved.
- f. Attorney Robert Cullen was the guest speaker for the last Chapter meeting.
- g. The next Chapter meeting will be on September 14, 2010.
2. Dauphin County Chapter:
  - a. No progress on re-establishing the Chapter
  - b. Jacob Cheli an attorney located in Exton, PA made contact with the P.F.I.W. about an organization he has started up called Bikers for Injured Workers (B.F.I.W.) to offer a way to support the P.F.I.W. for events and fundraising.
    - i. The first fundraising ride could take place as soon as Labor Day 2010.
    - ii. Website: [Bikers For Injured Workers](#)
3. Lehigh Valley Chapter:
  - a. Bingo is improving as a fundraiser.
  - b. Carl Judd will be setting up a computer in the Lehigh Valley Chapter office.

## **NEW BUSINESS**

1. Nominations for Board Officers
  - a. The election of Officers will take place at the November B.O.D. meeting
  - b. Kate McCarney will be in charge of the election and the election committee
  - c. Chief Executive Officer
    - i. Pete De Pietro - declined the nomination
    - ii. Ron Stabinsky - declined the nomination
    - iii. Carl Dillinger – declined the nomination
  - d. Co-Chief Executive Officer
    - i. Carl Dillinger – accepted the nomination
    - ii. Mike Kerstetter - declined the nomination
  - e. Recording Secretary
    - i. Mike Kerstetter – declined the nomination
    - ii. Kate McCarney - declined the nomination
  - f. Chief Financial Officer
    - i. Mike Kerstetter - declined the nomination
    - ii. Ron Stabinsky - declined the nomination
  - g. Trustee (3 year term)
    - i. Carl Judd - accepted the nomination
  - h. Nominations closed till next meeting
2. Bylaws – Kate McCarney
  - a. Updates were circulated for P.F.I.W. members to read and be ready to vote on at the next meeting
3. Order of the B.O.D. from Special Meeting held in June
  - a. Discussion was earlier in the meeting
4. Review Special Meeting – Kate McCarney
  - a. Discussion was earlier in the meeting
5. Toll Free Number
  - a. Pete De Pietro wants to tool free number to be moved to the P.F.I.W. Headquarters
  - b. Dennis Straub said that I.W.P. wasn't the toll free number at the Berks County Chapter because of the feedback
  - c. Dennis Straub said that he heard that injured workers were not happy about the results of phone calls made to Pete De Pietro at the P.F.I.W. Headquarters
  - d. Dennis Straub said he would contact I.W.P. and find out how they felt about moving the toll free number
  - e. Dennis Straub said that he originally wanted Mike Kerstetter & Pete De Pietro to have the toll free number when it was first setup but Mike and Pete did not want it
  - f. Dennis Straub said it would be best for the toll free number to remain at the Berks County Chapter because I.W.P. was satisfied with the referrals they get from him and that he knows the workers compensation system
  - g. Dennis Straub said the tool free number is located at his home and not a P.F.I.W. office location
6. Ron Stabinsky asked where he stood as far as being re-instated as a Trustee for the Berks County Chapter

- a. Ron Stabinsky was supposed to be re-instated as a Trustee at the last Chapter meeting. This was ordered by a majority vote of the P.F.I.W. B.O.D.
- b. Dennis Straub said that the attorney at the P.F.I.W. Special B.O.D. meeting said that the Chapter is allowed to decide who is an officer and who is voted out.
- c. Pete De Pietro said that he and Dennis could get rid of anyone they wanted to but...
- d. Dennis Straub said that the elections are coming up soon and that if Ron wanted to still be an officer he should run for a position at the upcoming Chapter election or it would even be better if Ron just went and started up his own Chapter
- e. Carl Dillinger said that the way it is handled is that when a complaint is filed against an officer that person remains in office until a decision is made by the entire Chapter membership or a mediator
- f. Pete De Pietro said that the P.F.I.W. made a decision on the matter that the action by Berks County Chapter to remove Ron Stabinsky as a Trustee was to be reversed and expunged from the minutes. The decision was not followed by the Berks County Chapter so a Special P.F.I.W. B.O.D. meeting was called for further action on the issue.
- g. Carl Dillinger said that Ron Stabinsky should remain in his position as Trustee until a final decision is made
- h. Pete De Pietro asked Dennis Straub if he will follow the P.F.I.W. B.O.D. order and allow Ron Stabinsky to serve as Trustee and expunge the minutes of any action taken against Ron.
- i. Dennis Straub answered: no not really. He further stated that if the B.O.D. feels he is wrong a mediator should be used to settle the dispute. He also stated that the Chapter has authority over its members and not the P.F.I.W. B.O.D.
- j. Carl Dillinger said that until a final action is taken on the matter Ron Stabinsky will hold his position as Trustee
- k. Dennis Straub said that the interpretation of the Bylaws by the P.F.I.W. B.O.D. is wrong and that his interpretation is right
- l. Kate McCarney said that for the action taken a vote of all the members of the Chapter did not occur therefore making the action no good. Kate said the Bylaws require a vote of all Chapter members and not just the members attending a Chapter meeting.
- m. Dennis Straub argued that only two thirds of the Chapter membership need be present at the meeting to vote on the action to remove Ron Stabinsky as Trustee.
- n. Kate McCarney said once again that a majority vote of **ALL CHAPTER MEMBERS** is necessary to remove an officer from their position.
- o. The P.F.I.W. after reviewing the Bylaws decided that the action taken by the Berks County Chapter was wrong and will be reversed.
- p. Dennis Straub said that the bottom line is that he cannot work with Ron Stabinsky anymore and he does not want him at his Chapter.
- q. The Board as a whole said that he could not refuse the decision of the P.F.I.W. B.O.D.
- r. Dennis Straub said that if the Board did not like it they should remove him from the B.O.D.
- s. Carl Judd made a motion to remove Dennis Straub from the P. F.I.W. B.O. D. because he disrespected the Board, he does not work well with other Board members, and he's dragging his feet and taking the P.F.I.W. down.
- t. Motion to 2<sup>nd</sup> – Bob Scholeck
- u. Carl Dillinger said that Dennis Straub has put a lot of time into the P.F.I.W. and has in the past worked well with everyone over the years. We have a small conflict of interest over a couple of small things between two parties within the organization. He said he stated earlier the fair way things should be handled when removing someone from a position of officer. Carl also stated that the P.F.I.W. is not an advisory Board and has the authority over affiliate Chapters. What the Board decides is final. He said that if we have to get a mediator to settle this we will but what will happen till we do Ron Stabinsky will remain in his position as Trustee of the Berks County Chapter. Carl said he does not want to see Dennis removed from the Board but that option is available to the Board. From here on in this issue will be kept in house.
- v. Carl Judd withdrew his motion to remove Dennis Straub from the P.F.I.W. B.O.D.

## **GOOD AND WELFARE**

1. Open the meeting to the floor for discussion with guests
  - a. Loraine Farrell said accolades are being passed out for the injured workers. We had a beautiful fair here and had to have it indoors because of the weather. Outside we have a beautiful memorial that is dedicated to the injured workers. If you have not had a chance to see it, please take time to look at it today before you leave. There is a beautiful rose garden also. Loraine went on to say that Pete

did not give a very good Chapter Report because the Lehigh Valley Chapter meetings are held strictly by the book. We have the report about what is taking place, we have the treasurers report up-to-date and we have anyone from the audience can speak. If there's a disagreement that can't be resolved it is tabled till it can be settled. That could be done in for the current issue for the P.F.I.W. Board. You don't like him and you don't like him, so who cares. Regardless of how you feel about each other there is such a thing as tolerating. She went on to say that things with the current dispute between individuals cannot continue.

2. Next meeting:
  - a. Date of next Chapter meeting:
  - b. Time of next Chapter meeting:
  - c. The meeting location:
  - d. The host Chapter will pay for lunches

**A motion to adjourn the meeting was made by – Bob Scholeck**

**A 2<sup>nd</sup> to the motion to adjourn was made by – Carl Judd**

**Vote – motion carried**

**The meeting for the PFIW Board of Directors adjourned at 6:00 PM**