

Pennsylvania Federation of Injured Workers Board of Directors Meeting Minutes

05/14/10

Call Meeting to Order 4:15 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 | 4. Dennis Straub | 7. Jake Long |
| 2. Ron Stabinsky | 5. Kate McCarney | 8. Carl Judd |
| 3. Bob Scholeck | 6. Ken Kitay | 9. Pete De Pietro |

Roll Call of Guests

1. Robert Snyder

Minutes from the 03/10/10 B.O.D. meeting submitted by Mike Kerstetter

1. Motion to accept – Bob Scholeck
2. Motion to 2nd – Ron Stabinsky
3. Vote – carried

Financial Report submitted by Mike Kerstetter

1. Motion to accept – Ron Stabinsky
2. Motion to 2nd – Carl Judd
3. Vote – carried

REPORTS FROM CHAPTERS

1. Berks/Schuylkill County Chapter:
 - a. Financial balance: (March)
 - i. Government grant - \$7,259.78
 - ii. Chapter account - \$832.35
 - b. Financial balance: (April)
 - i. Government grant - \$7,259.78
 - ii. Chapter account - \$744.35
 - c. John Donato is still in the VA Hospital
 - d. The Chapter continued its membership with B.C.T.
 - e. Submitted a year-end report to Mike Kerstetter
 - f. John Donato sent in three motions from the VA Hospital
 - i. The 1st motion was to change the Chapter name back to Berks County Chapter.
 1. Motion carried
 - ii. The 2nd motion was to remove Dr. Johns as a member of the Chapter.
 1. Motion carried
 - iii. The 3rd motion was to remove Ron Stabinsky as a Trustee of the Chapter.
 1. Motion carried
2. Dauphin County Chapter
 - a. Nothing new for the re-organization of the Chapter.
3. Lehigh Valley Chapter:
 - a. Carl Judd is planning an international injured worker convention.

OLD BUSINESS

1. Grants
 - a. Pete De Pietro reported that Carl Dillinger has hinted that we may be close to getting a grant.

2. Agreement for Panel of Physicians
 - a. Kate McCarney reported that the agreement is done and she will have a full report at the next meeting.
3. Report on the Injured Workers Memorial Day Event
 - a. Pete De Pietro reported on what is done in Lehigh Valley for the Injured Worker Memorial Day.
 - b. Dennis Straub reported on the success of the Injured Worker Memorial Day Event in Harrisburg.
4. Bond Issue
 - a. Pete De Pietro reported that he is not able to find an insurance company that will bond the P.F.I.W. Board of Directors.
5. Labor Councils & PFIW
 - a. Pete De Pietro reported that progress is very slow with coordinating our efforts with the labor councils.
6. Letter sent out to Joe Lurie to become a member of the PFIW B.O.D.
 - a. Mike Kerstetter reported that the letter has not been sent yet.
7. John Donato
 - a. John Donato is making very slow progress in his recovery.
8. Bylaws
 - a. Mike Kerstetter reported that the changes made to the Bylaws must be submitted to the Pennsylvania Bureau of Charities. This is associated with a fee so to save some money we will file the changes to the bylaws at the end of the year when we submit our renewal application.
 - b. We may make more changes to the Bylaws.
9. TWA (Taxi Workers Alliance of PA)
 - a. Dennis Straub gave an explanation as to why the TWA representative did not join us after the Injured Worker Memorial Day Event. The representative ran into some one he knew and they were there to lobby at a legislators office so the TWA representative went along.
10. Panel Attorney List Review
 - a. Pete De Pietro announced that an updated list for Chapter panel attorneys is needed to make sure we have listed all the attorneys and that none are listed that don't belong.

NEW BUSINESS

1. Thank you letter to Mike Sexton & Worker's Comp RX for the new flyers
 - a. Pete De Pietro reported that a thank you letter should be sent to Inovient Pharmacy for supplying us with another batch of flyers.
2. Discuss the advertising for the website and set fee
 - a. A column on the left side of the P.F.I.W. website was added. This can be used to list P.F.I.W. sponsors and advertisers.
 - b. Mike Kerstetter proposed a yearly fee of \$1000 to advertise in the column.
 - c. Ken Kitay said we should only advertise for businesses from Pennsylvania.
 - d. No action taken.
3. Discussion of the problem at Berks/Schuylkill Chapter
 - Pete De Pietro reported that he requested that there be no further discussion about the dispute between members of the Berks/Schuylkill County Chapter and the Chapter Leadership and this was disregarded. He said he requested that it remain "in house" meaning that he wanted only the P.F.I.W. Board of Directors to discuss it first.
 - Ron Stabinsky received a letter on May 1, 2010 stating that he was voted out as Chapter Trustee.
 - Ron Stabinsky said he was removed from that position after he left the meeting and was not given an opportunity to speak in his defense before a vote was taken.
 - The motion to remove Ron Stabinsky came from John Donato while in the VA Hospital.
 - Dennis Straub said that the motion to remove Ron Stabinsky as Trustee came after Ron Stabinsky left the meeting. Dennis cited that the Bylaws do not require that the person being voted out of a Trustee's position be present to defend against such action.
 - Carl Judd felt that the process was unfair and that Ron Stabinsky should be re-instated as Trustee and the minutes expunged of any reference to that action occurring.
 - Ron Stabinsky argued that the Bylaws state that the removal of a Trustee requires a appropriate hearing. He said the appropriate hearing went out the door when he left the meeting and the action was done without his knowledge. Ron said he felt he was removed because he was in disagreement with Dennis Straub over an office for the Chapter and not for any other reason.
 - Pete De Pietro asked Ron Stabinsky which he was citing for an appropriate hearing requirement. Ron Stabinsky said he was citing that from the P.F.I.W. Board of Directors Bylaws.

- Ken Kitay stated that the P.F.I.W. Board of Directors Bylaws supersedes the Chapter Charter.
- Kate McCarney asked Dennis Straub why Ron Stabinsky was removed as Trustee.
- Dennis Straub replied:
 - The Chapter membership was concerned about Ron Stabinsky actions at meetings and questioned what Ron did pertaining to the issuance of membership cards.
 - Ron Stabinsky was supporting having a Chapter Office downtown. Ron claimed it had to happen or the Chapter would lose future grant funds. *Note: Dennis said that the Representative (Thomas R. Caltagirone) that gave the grant had no problem with the Chapter keeping the closet at the Union Hall as the Chapter office.*
 - Dennis Straub felt that Ron Stabinsky's personal attack on his character before he went in for an operation were so horrific that he is unable to work with Ron on anything in the future.
- Dennis Straub said that he felt Ron Stabinsky should startup his own Chapter in Schuylkill County. He said that when there was a Chapter there before it did very well.
- Kate McCarney asked Dennis Straub why Dr. Johns was denied membership in the P.F.I.W.
- Dennis Straub replied:
 - Dr. John's had cause a riff in the past.
 - Dr. John's was very disruptive at the meetings and refused to sit in the front with the other Officers of the Chapter when he held a leadership position.
 - Dr. John's used the meeting to solicit business from members.
- Ron Stabinsky cited that in order for the Chapter to take the action against Dr. John's was in violation of the Bylaws. He cited that there was no appropriate hearing held where Dr. John was given an opportunity to defend himself against the action.
- Ron Stabinsky further explained that when he left the meeting it was not because he was angry about what was taking place but rather his wife had arrived and they had plans to go shopping so he asked to be recognized by Dennis Straub but was refused recognition so he had to leave with his wife and that is when he was voted out as Trustee. Ron asked if Dennis was going to recognize him and Dennis said no.
- Carl Judd stated that what this all boils down to is an office for the Chapter and two leadership members have a disagreement over what should be done. Carl said this disagreement started at the last P.F.I.W. Board of Directors meeting during the Chapters Report segment and Ron and Dennis had to be cut off.
- Bob Scholeck said he was very disappointed in Dennis Straub and that they had work closely together on many things in the past. He said that Dennis "ripped his heart out and threw it on the ground and spit on it". He said that Dennis's wife wanted Dennis home and not to volunteer so much in the P.F.I.W. He further said that when Dennis took sick and his wife called him, Lawny and Tony Calversi and said that Tony and Lawny were making Dennis have a heart attack and she had to get her son out of work to help with you. Bob said that Tony Calversi helped to organize the Berks county Chapter before Dennis was involved. Bob said he was unaware that a disagreement was growing between Dennis and Ron over the Chapter office. Bob said that Dennis Straub did not give a courtesy call to a realtor he was to meet about an office location downtown.
- Dennis Straub replied that he did not know about the appointment with the realtor.
- Bob Scholeck stated that Dennis has been dragging his feet over getting an office setup for over a year and a half now. He said the Teamsters are not going to fix the roof so that the Chapter can have its office in a closet. Bob further stated that he is in support of a Chapter office that would be downtown as a show place and the politicians would see it and offer up additional grant funds.
- Kate McCarney stated she can't understand why all the in-fighting can't be settled in a civil manor because it is getting in the way of the goals of the P.F.I.W. She said that finding and setting up an office should be very easy. As Parliamentarian, Kate further stated that no matter what the Bylaws state, as reasonable fairness, the people being removed should have had an opportunity to speak in their defense before a vote to remove them was taken.
- Bob Scholeck and Dennis Straub agreed that Dr. Johns was disruptive to the Chapter. Dennis Straub went on to say that this whole thing was over where a Chapter office will be located. Dennis further said that when the Chapter was given the grant Representative Thomas R. Caltagirone knew that the office was in a closet in the Teamsters Union Hall and had no problem with that. Dennis said that the issue was brought up at two different meetings and the membership in attendance voted that they did not want a Chapter office downtown. Dennis also stated that the lease would be for three years and that was not allowed because of the Bylaws. Dennis said there

was no guarantee that more grant money would come in to pay for the long term lease and therefore could not put the Chapter in a situation where they could not pay the bill for the office.

- Bob Scholeck and Dennis Straub claimed the other was being untruthful.
- Carl Judd stated that he would like to know why the Chapter can't find an office like the one for Lehigh Valley Chapter. Carl further stated that he wants to see the removal action taken reversed and the minutes expunged of any reference to that action.
- Ron Stabinsky said there is no book of minutes kept by Berks County Chapter. He further stated that the minutes consisted of a copy of the meeting agenda with hand written notations written by Dennis Straub on it.
- Ken Kitay said the P.F.I.W. Board of Directors Bylaws supersedes the Chapter Charter. He then asked Ron Stabinsky which Article and Section he was referring to when he says that an appropriate hearing must occur before someone can be removed from an office or Chapter. Note: Upon research it was found that the Chapter Charter & Bylaws say that "The members by affirmative vote of two-thirds of all of the members of the Chapter may suspend or expel a member of the Chapter for cause after an appropriate hearing". Ken said that there was no definition of an appropriate hearing in either the Bylaws or the Chapter Charter. This caused a problem because it left the definition of an appropriate hearing up to anyone. This must be fixed in the Bylaws and Chapter Charter.
- Pete De Pietro said that his recommendation would be to:
 - Have the Chapter split into two Chapters creating a Berks County Chapter and a Schuylkill County Chapter.
 - Split the treasury between the two Chapters in a fair way.
- Dennis Straub said that the Berks/Schuylkill had already voted to change its name back to Berks County Chapter.
- Mike Kerstetter said that the Chapter would have to ask the P.F.I.W. Board of Directors for a new Chapter Charter under the new name.
- Dennis Straub argued that since his Chapter membership voted to change the name it was done.
- Mike Kerstetter stated that the only way a Chapter can change its name is to ask the P.F.I.W. Board of Directors for a new Chapter Charter issued under the new name. It does not matter what the Chapter membership or leadership wants in the end it is up to the P.F.I.W. Board of Directors.
- Ron Stabinsky said that this issue is now a Board issue and that all members upon signing up for membership agree to abide by the Bylaws. He further stated that he felt Dennis Straub was not abiding by the Bylaws and was distorting the interpretation of the Bylaws for a personal agenda. Ron also stated that the Chapter financial books were not being audited when they changed hands to someone new taking care of the financial books. He said this is another violation of the Bylaws and Chapter Charter that occurred under the current Chapter leadership.
- Kate McCarney asked Dennis Straub if everyone in the Chapter was notified about the removal action prior to the vote to dismiss.
- Dennis Straub replied that the motion to remove Ron Stabinsky was sent in by John Donato via Janet to the meeting.
- Pete De Pietro asked why the motion was accepted since there was an order from the Board of Directors not to discuss the matter.
- Dennis Straub replied that he thought that the matter was in house.
- Kate McCarney said that if it was in house why a notice wasn't sent out to all members about the removal of Ron Stabinsky. This was a back door approach to a vote for Ron's removal as Trustee and was very unfair.
- Ron Stabinsky said that at the Chapter meeting he brought up the e-mail sent out by Pete De Pietro stating that no discussion of the action taken occur.
- Dennis Straub argued that it never happened. He said he was reading he minutes from the P.F.I.W. Board of Directors meeting. The part of the minutes that pertained to the use of debit cards and nothing was said about what was under gag order. He further stated that Ron Stabinsky is nit picking at every little thing he can to be disruptive and the membership did not like it. He further said that we don't need to be nit picking when we should be doing positive stuff.
- Ron Stabinsky said that he brought up the issue of using debit cards for Chapter business expenditures. Ron felt it was wrong and that the Chapter Treasurer should be the only one writing checks out for Chapter expenditures. Ron says there is nothing wrong with debit cards but it should be controlled by the Chapter Treasurer and not the Chapter President. Ron said he does not like debit cards but he can accept their use if it's by the Chapter Treasurer only.

- Dennis Straub said that the Chapter membership already approved the use of a debit card by the Chapter President. That was voted on when the debit card was first gotten by the Chapter. Dennis Straub stated that he wants Ron Stabinsky to leave the Berks County Chapter and startup a Chapter of his own, in Schuylkill County.
- Ron Snyder (guest) said that he and his wife were members of the Chapter for 6 years. He said that at most of the Chapter meetings the attendance was only about 5 or 6 members but when issues like has come up he sees a bunch of new faces at the meetings he never saw before. He said that new members were added specifically to be able to vote Ron Stabinsky out of his Trustee position. Ron said he gave up his membership to the P.F.I.W. because he would not be a part of railroading Ron Stabinsky out as a Trustee. He said that the Chapter membership voted to spend \$1000 on a computer but \$1700 was spent without an okay from the Chapter membership.
- Kate McCarney asked how we can get past this petty bullshit and get back to the work we should be doing. In fighting will bring down the P.F.I.W. because injured workers will see that we do not have it together.
- Ron Stabinsky said that he believed that the problem is that he was contacted a legislator about the Chapter has the opportunity to do a community improvement project through the B.C.E.D. in the form of setting up an office for the Chapter in the local community. The office setup was only a suggestion and that if another project was needed it could be used. Ron said that someone came to look at the current Chapter office in the closet and said it was not what they were looking for as a community project. Ron said he was only acting as a liaison between the legislator and Dennis Straub.
- Kate McCarney asked Ron Stabinsky why he did not direct the legislator to make direct contact with Dennis Straub or at the very least setup a conference call.
- Ron Stabinsky said that several meetings were scheduled for Dennis Straub to meet with a realtor to look at some office locations. He said Dennis claimed he never knew about the meetings but yet Dennis did say he forgot about the one meeting. Ron said that the opportunity for the Chapter to continue to receive future grant funds was available if the Chapter setup an office somewhere downtown. He further stated that the grant program could be extended out to all the P.F.I.W. Chapters if this one was a success. Ron said that all that needed to be done was a plan submitted for consideration but it was not done. Ron said that if this was not done all future grant money will not be forthcoming.
- Dennis Straub said that Representative Thomas R. Caltagirone says there is no problem for future grant funds for the Chapter. Dennis says that the Chapter has until March of 2011 to complete the agreement for the current grant. The agreement is to setup an office for the Chapter.
- Ron Stabinsky said there are two opportunities that the Chapter has before it. One is the \$10,000 grant given by Representative Thomas R. Caltagirone and the other is a community improvement contract through the B.C.E.D. Ron explained that the P.F.I.W. Chapter has the opportunity to become a contractor for the B.C.E.D. The B.C.E.D. give out grant money for community improvement projects like setting up a Chapter office. He cannot understand why Dennis Straub is not applying for this opportunity.
- Carl Judd said that he has motions on the floor.
- Pete De Pietro said he had to take action on that motion.
- Carl Judd said that his motion is to have Ron Stabinsky re-instated as the Trustee in Berks/Schuylkill County Chapter and have the minutes expunged of any reference to his being voted out of office.
- Bob Scholeck made a second to the motion.
- Vote: the motion carried. (One objecting vote)
- Carl Judd said that he makes a motion to have Berks/Schuylkill County Chapter split into two Chapters one being the Berks County Chapter and the other being the Schuylkill County Chapter.
- Kate McCarney made a second to the motion.
 - Pete De Pietro asked about splitting the treasury between the two new chapters that will be formed.
 - Dennis said that the Schuylkill did nothing to raise the funds in the treasury so therefore they should not get anything.
 - Mike Kerstetter said that the only funds that need to be transferred to the Schuylkill County Chapter would be the funds (\$6 each) for the members that choose to leave the Berks County Chapter and go to the Schuylkill County Chapter. The panel attorney funds would not transfer because the attorneys agreed to support what will become the Berks County Chapter.

- Ron Stabinsky disagrees with the splitting of the Chapter because he has so much time invested in the Berks/Schuylkill County Chapter and it will be too much work to startup a new Chapter. He would support others that want to startup a Chapter but he will not be the leadership of the Chapter.
 - Pete DePietro says that a representative of the P.F.I.W. Board of Directors will attend the next Chapter meeting of the new Chapters to assist in the new startup and to explain to the members what has happened with the Berks/Schuylkill County Chapter.
 - Ken Kitay says the funds should be prorated since half the year has passed so the amount per member to be transferred will be \$3 each.
- The motion now reads: Berks/Schuylkill County Chapter will split into two Chapters one being the Berks County Chapter and the other being the Schuylkill County Chapter and the treasury funds that will be transferred to the Schuylkill will be \$3 for each member transferring and the panel attorneys will be asked which Chapter they wish to support and half of the funds collected for the panel attorney fee will be transferred if the panel attorney wants to transfer.
 - Vote: motion carried (No objecting votes)
 - Pete De Pietro asked Mike Kerstetter if he has a list of the Berks County Chapter so a post card can be sent out informing them of the Boards action.
 - Dennis Straub said he would submit a membership list if needed.
 - Pete De Pietro said he will attend the next Berks County Chapter meeting in June to speak to the Chapter membership.
 - Pete De Pietro asked for a motion for a gag order to be placed on the Berks/Schuylkill County Chapter which now is two separate Chapters about this action taken by the P.F.I.W. Board of Directors until he is able to attend a meeting and explain the action of the Board of Directors.
 - Jake Long made the motion: for a gag order to be placed on the Berks/Schuylkill County Chapter which now is two separate Chapters about this action taken by the P.F.I.W. Board of Directors until he is able to attend a meeting and explain the action of the Board of Directors.
 - Second to the motion: Carl Judd
 - Vote: carried (No objecting vote)
4. Pete De Pietro thanked Ken Kitay for paying for room and board at the stay at Hershey, PA.

GOOD AND WELFARE

1. Open the meeting to the floor for discussion
2. Date of next BOD meeting – July 09, 2010. The meeting location/time will be discussed.
 - a. Location will be Berks/Schuylkill County Chapter or Berks County Chapter Location
 - b. Date will be July 9, 2010
 - c. The time for the meeting will be 3:00 PM
 - d. The host Chapter will pay for the lunches.

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

A 2nd to the motion to adjourn was made by – Carl Judd

Vote – carried

The meeting for the PFIW Board of Directors adjourned at