

Adrian Empire, Board of Directors

AGENDA

MARCH 26, 2017

9 AM

NEW ORLEANS, LA

MEETING CALLED	Notice Posted by Michelle Kout 2/23/17			
TYPE OF MEETING	March Annual meeting 2017			
PRESIDENT	Christina Cox			
VICE PRESIDENT	Jeffrey Kout			
RECORDING SECRETARY	Michelle Kout			
REGION	TERM EXPIRES	BOARD MEMBER	PRESENT IN PERSON	PRESENT ELECTRONICALLY
STEWARD	NOV 2017	Lawrence Moura		
AT LARGE	NOV 2017	Jeffrey Kout		
AT LARGE	NOV 2017	Michelle Kout		
REGION 1	NOV 2017	Lindsey Oleson		
REGION 1	NOV 2018	John Caldwell		
REGION 2	NOV 2017	Christina Cox		
REGION 2	NOV 2018	Brandon Grider		
REGION 3	NOV 2017	David Bratmueller		
REGION 3	NOV 2018	Thomas Wilson		
ADVISORY	NOV 2018	Judith King		
ADVISORY	NOV 2018	Anthony Derivi		
ADVISORY	NOV 2017	Tammie Bratmueller		
ADVISORY	NOV 2017	Chris Bagnall		
ADVISORY	NOV 2017	Leslie Burgess		
OBSERVERS				
SPECIAL NOTES				

Agenda: Time/Topic/Facilitator

30 MINUTES

1. OPEN GALLERY DISCUSSION

CHRISTINA COX

DISCUSSION	In order to better answer all questions of the membership, all Directors, those stepping down and those stepping up, in addition to those remaining on the board are hereby formally invited to participate in this discussion.		
CONCLUSIONS			
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	

2 MINUTES

**2. REVIEW OF NOVEMBER 2017
MINUTES**

MICHELLE KOUT

DISCUSSION	REQUIRES MAJORITY VOTE TO ACCEPT		
CONCLUSIONS			
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	

1 MINUTE

**3. SWEARING IN OF BOARD
MEMBER**

CHRISTINA COX

DISCUSSION	Thomas Wilson was not able to take the Oath of Office and should do so.		
CONCLUSIONS			
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	

10 MINUTES

4. REVIEW OF RECORDING POLICY

CHRISTINA COX
JEFF KOUT
MICHELLE KOUT

DISCUSSION	Please see Appendix A, Submitted by John Stutts		
CONCLUSIONS			
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	

5 MINUTES

5. ELECTRONIC WAIVERS

CHRISTINA COX

DISCUSSION	See Appendix B, submitted by Steve and Sara Huizenga		
CONCLUSIONS			
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	

0 MINUTES

6. REVIEW OF IMPERIAL BUDGET

LAWRENCE MOURA,
ANTHONY DERIVI,
JUDITH DYSON-KING

DISCUSSION	<p>Are there any budgetary or expenditure items required for review? I am aware of no requests or concerns; therefore no action required. - cc</p> <p><i>As Per Bylaws V.C.</i> POWERS OF THE BOARD OF DIRECTORS <i>The Board of Directors shall only have the power to review budgets and expenditures proposed by the Imperial Crown or Their designee for the purpose of making recommendations and commentary thereon to the Imperial Estates,</i> *See IEM Agenda Nov 2016 for budget.</p>		
CONCLUSIONS			
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	

--	--	--

20 MINUTES

7. REPORTS ON SPECIAL PROJECTS

VARIOUS DIRECTORS

ACTION: BOD ARCHIVE		PERSON RESPONSIBLE	DEADLINE
1)	A) Archive of previous minutes into a central location.	Leslie Burgess	ONGONG
	C) Christina will reach out to Vicky (Maedb) regarding any lost bod ppwk she may have in archives.	Christina Cox	MARCH 2017
	D) After Nov 2016 meeting, have discussion regarding what is for public consumption vs. closed meeting and other information. Agenda should definitely be posted but as to the minutes that is something that will need to be discussed and addressed. Pres would like to be as transparent as possible (eg posting what minutes we can)	Christina Cox Anthony Derivi Judith King	
DISCUSSION	In regard to item D: We met and discussed after the meeting closed. It is our opinion as the elected crowns and board president that the members have entrusted us to make these decisions on a case-by-case basis. We will review all minutes prior to publication and make the decisions at that time.		
CONCLUSION			
FOLLOW-UP ACTION ITEMS		PERSON RESPONSIBLE	DEADLINE

ACTION: BOD HANDBOOK		PERSON RESPONSIBLE	DEADLINE
2)	Compile relevant law for BOD handbook.	Christina Cox Anthony Derivi	
DISCUSSION	Christina: I held off as Tony said during the discussion that he had someone working on it. I have not heard any more about this. Is this something I should keep working on?		
CONCLUSION			
FOLLOW-UP ACTION ITEMS		PERSON RESPONSIBLE	DEADLINE

ACTION: CROWN ADVICE		PERSON RESPONSIBLE	DEADLINE
3)	Report on Imperial Crown request for advice.	Brandon Grider Anthony Derivi Judith King	
DISCUSSION	(Involves a minor; room/GoToMeeting will be vacated by non-board members for any review or discussion) Can be moved to the beginning or end of meeting as needed.		
CONCLUSION			
FOLLOW-UP ACTION ITEMS		PERSON RESPONSIBLE	DEADLINE

ACTION: CONFLICT OF INTEREST			PERSON RESPONSIBLE	DEADLINE
4) Research potential of conflict between members who are vendors vending at events vs. vendors who are not members. Clarification that we are specifically talking about the confines of what is happening at sanctioned events, not personally conducted business off site.			Jeffrey Kout Lawrence Moura	
DISCUSSION				
CONCLUSION				
FOLLOW-UP ACTION ITEMS			PERSON RESPONSIBLE	DEADLINE

ACTION: REPORT ON CHANCERY REQUESTED ADVICE ON DUE PROCESS TIMELINES FOR SPECIAL PANELS.			PERSON RESPONSIBLE	DEADLINE
5) Report: Advice was sought on the BOD Yahoo list (msg 2035) regarding due process, and chancery consulted directly with L. Moura and B. Grider (per response message 2039).			Lindsey Oleson Lawrence Moura Brandon Grider	March 2017
DISCUSSION				
CONCLUSION				
FOLLOW-UP ACTION ITEMS			PERSON RESPONSIBLE	DEADLINE

ACTION: UPDATES TO WEBPAGE			PERSON RESPONSIBLE	DEADLINE
6) A) Follow up with Jay to get a new BOD page started.			Anthony Derivi	MARCH 2017
B) Contact Dame Katelyn re password re: adding BOD Members on public facing page and keep it in our history?			Babette Kout	MARCH 2017
DISCUSSION				
CONCLUSION				
FOLLOW-UP ACTION ITEMS			PERSON RESPONSIBLE	DEADLINE

10 MINUTES

8. GOAL SETTING

CHRISTINA COX

DISCUSSION	What goals and projects does the BOD see as necessary, within the confines of our limitation of powers, but also within our scope as an advisory board?		
CONCLUSIONS			
ACTION ITEMS		PERSON RESPONSIBLE	DEADLINE

Appendix A

To the members of the BOD I give greetings.

In recent years it has become policy that it is somehow wrong to record our Imperial Estate Meetings. The reason for this policy is an idea that California law forbids it. In recent studies where I needed to study the current privacy laws, it became clear that California allows public meetings to be recorded.

At the state level the state itself allows recordings of its own meetings. I direct the Boards attention to

Section 11124.1. (Amended by Stats. 2009, Ch. 88, Sec. 42.) **Cite as:** Cal. Gov't. Code §11124.1

(a)Any person attending an open and public meeting of the state body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the state body that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b)Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the state body.

(c)No state body shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings. (oclaw.org) [Cal. Gov't](#)

[Code § 11124.1\(a\)](#); [Cal Gov't Code §§ 54953.5\(a\)](#)

I also point out the following:

Section 54953.5. (Amended by Stats. 2009, Ch. 88, Sec. 57.)

Cite as: Cal. Gov't. Code §54953.5.

(a)Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b)Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency. (oclaw.org, 2015)

In the above citation you can see that recordings are permitted and can only be refused if the method of recording is a hindrance physical hindrance to the meeting.

The argument for disallowing recordings in our meetings seem to mirror the arguments of **California Penal Code Section 632: the debate over the use of "content"**

California Penal Code Section 632 prevents the recording of "confidential communications" without the consent of all parties to the communication.

Full Text:

California Penal Code § 632 states "[e]very person who, intentionally and without the consent of all parties to a confidential communication, by means of any electronic amplifying or recording device, eavesdrops upon or records the confidential communication, ... shall be punished by a fine not exceeding two thousand five hundred dollars (\$2,500), or imprisonment in the county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment." Cal. Penal Code § 637.2(a) states that "[a]ny person who has been injured by a violation of this chapter may bring an action against the person who committed the violation for the greater of the following amounts: (1) Five thousand dollars (\$5,000); (2) Three times the amount of actual damages, if any, sustained by the plaintiff." (Perrie Michael Weiner, 2013)

You will notice that the key element of this penal code is the term "confidential communications". The Imperial Estate meetings are public meetings. It is that reason alone why we are required to wear Garb and acquire demo points for being in that meeting.

In 2012, in a case called *Chamberlain v. Les Schwab Tire Ctr. of California, Inc.* the "courts agree that "confidential communications" are conversations where a party had no objectively reasonable expectation of being overheard or recorded. For example, conversations that occur in "an open and public place where other employees [are] coming and going and they could readily overhear what was said" do not give rise to

"confidential communications" under section 632". (Chamberlain v. Les Schwab Tire Ctr. of California, Inc, 2012)

Privacy is not an expectation in our meetings and do not come under this section of the penal code. I am asking the BOD to investigate this matter and report on what law restricts recordings at the meetings?

Respectfully

John Stutts

Game Name: Sir Johan von Hohenstaufen, Earl of Terre Neuve and Chancellor to the Royal Court of Callon II and Babbette II, King and Queen of Terre Neuve.

Index:

Chamberlain v. Les Schwab Tire Ctr. of California, Inc, WL 6020103 (2012).

oclaw.org. (2015). *ARTICLE 9. Meetings [11120. - 11132.]*. Retrieved from oclaw.org:

<http://www.oclaw.org/research/code/ca/GOV/11124.1./content.html#.WIMNZVUrLIU>

oclaw.org. (2015). *CHAPTER 9. Meetings [54950. - 54963.] / Section 54953.5*. Retrieved from

<http://www.oclaw.org/>: <http://www.oclaw.org/research/code/ca/GOV/54953.5./content.html#.WIMOY1UrLIU>

Perrie Michael Weiner, E. D. (2013). *California's call recording cases: what to watch for in 2013*. Retrieved January 21, 2017, from https://www.dlapiper.com/en/us/insights/publications/2013/01/californias-call-recording-cases-what-to-watch-f_/#_ftn3

APPENDIX B

To the Board of Directors of the Adrian Empire, Inc.,

We have always been concerned over the legal assumptions and validity of the waiver part of online membership payment. Some time after we started accepting electronic memberships, Adria's attorney was consulted and the information was released that the process was acceptable if we added a line to the screen which we promptly did.

It is our understanding from the information shared by the Imperial Crown that checking the box when doing an online membership constitutes an electronic signature and is legally acceptable because our organization can make a reasonable assumption that the person checking the box and submitting the form is who they claim to be.

However, what happens to the legal validity of our electronic waiver process when there is a reported case of the wrong person doing the online membership submission? If our organization chooses to take no action in a reported case, can our organization still claim that our process is valid based on "reasonable assumption?" In each case of a report, what steps, if any, does our organization need to take to protect the validity of accepting waivers through online submission?

Sara Huizenga

Steve Huizenga