



GENERAL EXECUTIVE COUNCIL MEETING MINUTES

Teleconference

April 27, 2021

Approved July 21, 2021

Call to Order: 7:03 pm

Prayer: Chaplain-in-Chief: Herman White

Roll Call: Adjutant-in-Chief Dan McCaskill

Commander-in-Chief Larry McCluney, Jr.	P
Lt. Commander-in-Chief Jason Bosher	P
ANV Commander R. Kevin Stone	P
AOT Commander Jimmy Hill	P
ATM Commander J. C. Hanna	P
ANV Councilman Christopher Sullivan	P
AOT Councilman Carl Jones	A
ATM Councilman Robert Edwards	P
Chief-of-Staff Darrell Maples	P
Adjutant-in-Chief Dan McCaskill	P
Judge Advocate-in-Chief Scott Hall	P
Chief of Heritage Ops Donnie Kennedy	P
Chaplain-in-Chief Herman White	P
Past Commander-in-Chief Paul Gramling	A
Past Commander-in-Chief Tom Strain, Jr.	A
Past Commander-in-Chief Kelly Barrow	P
Executive Director Adam Southern	P

Basis for Quorum 14 voting members: Present: 13; Absent: 0; Required for Quorum: 8. Quorum is present

Note: Past CIC's are not obligated to attend GEC meetings and therefore, only if present shall they, or any one of them, be counted in the computation of a quorum. (Reference: Section 7.5.2 of the SCV Constitution). The quorum is based on the eligible voting members.

Non-voting member: Executive Director Adam T. Southern.

GEC Minutes
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The first item on the agenda presented by Commander-in-Chief Larry McCluney, Jr. was Missouri Division Judge Advocate Bryan Wolford's request on behalf of the Missouri Division for General Executive Council approval to proceed with litigation against the City of Liberty, Missouri to block the city's attempt to reclaim Block 174 in the City Cemetery which is owned by the Sons of Confederate Veterans by right as successor to the United Confederate Veterans and the removal of the memorial monument. Chaplain-in-Chief Herman White made a motion to approve the request to proceed with litigation of the Missouri Division against the City of Liberty, MO. The motion was seconded by ATM Councilman Robert Edwards and the motion passed without objection.

The second item on the agenda was given by Commander-in-Chief Larry McCluney, Jr. to ANV Councilman Christopher Sullivan to present. Councilman Sullivan made a request and motion that the General Executive Council waive the \$5 re-instatement fee for delinquent members of the B/G Samuel McGowan Camp 40 for extenuating circumstances in order to re-establish the Camp as an active Camp. The motion was seconded by Chaplain-in-Chief Herman White. After a brief discussion, the motion passed without objection.

The third item on the agenda, Commander-in-Chief Larry McCluney, Jr. asked Judge Advocate-in-Chief Scott Hall to give a brief report on the meeting of the parties concerned to inspect and address the various construction concerns with the Confederate Museum. After the initial inspection, additional information is being gathered before any final decisions could be made on how and who would be responsible to rectify the deficiencies.

The fourth item on the agenda, Commander-in-Chief Larry McCluney, Jr. asked Judge Advocate-in-Chief Scott Hall to give a brief report on the SCV Raffle Policy. The question was "can Divisions and Camps conduct raffles / games of chance". Judge Advocate-in-Chief Scott Hall stated he did not see a problem as long as the Division and Camps comply with all laws. More investigation was needed before a final opinion could be issued.

The fifth item on the agenda was presented by Commander-in-Chief Larry McCluney, Jr. concerning the hacking of Headquarters and ANTIFA obtaining the 2017 Roster of Confederation members. Possible legal action was discussed, Commander-in-Chief Larry McCluney, Jr. addressing the membership to re-assure them of the safety of the organization and having the IT experts to fix any possible ways a hack can occur and put in place additional safe guards.

With no other business coming before the General Executive Council, a motion to adjourn was made by ATM Commander J. C. Hanna, seconded by Chief of Heritage Ops Donnie Kennedy and passed without objection.

Closing Prayer: Chaplain-in-Chief Herman White

Teleconference Terminated: 8:26 pm

Signed,



Dan A. McCaskill
Adjutant-in-Chief



SONS OF CONFEDERATE VETERANS

DEFENDING HISTORY SINCE 1896

Missouri Division, SCV
12161 Norway Road
Neosho, MO 64850

April 16, 2021

General Executive Council, SCV
P.O. Box 59
Columbia, TN 38402

Sirs:

For nearly a year, community activists in the City of Liberty, Missouri, have attempted to urge the city government to remove a memorial grave monument in Block 174 of the City Cemetery for the reason that the monument pays tribute to the Confederate veterans and their families.

Block 174 was purchased by the Thomas McCarty Camp, UCV on January 6, 1900 with the stated purpose in the Deed from the City "for the burial of Confederate dead as designated by them and a Memorial Burying Ground." The Sons of Confederate Veterans is the successor in interest to the UCV, including all of its property and assets, by Article XII of its constitution, as amended on June 4, 1924.

SCV Associate Member John Moloski recently passed away and his family desired that his remains be interred in Block 174. Upon request to the City of Liberty, the City denied the opening and closing of the grave for the reason that they did not recognize the SCV as owners of Block 174. This denial is contrary to the fact that the City of Liberty and the community organizers have been meeting and negotiating with the SCV over the monument issue for the past year.

The Missouri Division expects the following litigation concerning Block 174 and the grave marker: One option is to file a quiet title action in the Clay County Circuit Court to have the SCV declared the owners as successors to the UCV. The second potential legal action is a takings and viewpoint discrimination claim against the City based on their refusal to allow Mr. Moloski's remains to be interred in Block 174. Finally, the City has expressed interest in pursuing a reversion action against Block 174 to "reclaim" it for the City and remove the grave memorial.

Therefore, the Missouri Division requests from the General Executive Council approval to proceed with litigation if such is deemed required or if it is forced upon us. At this time the Missouri Division is not seeking any funding from National for our possible legal battle. We are only requesting approval to proceed with litigation if need be.

Further legal opinion about the potential litigation can be sought from me, MO Division Judge Advocate, Bryan Wolford, Attorney at Law. Address: 604 South Thomas Street, California, MO 65018. Telephone: (573) 796-2093. Email: bww@midmolawyer.com

Yours in Our Cause,
Bryan Wolford
Judge Advocate
Missouri Division, SCV

Memorandum

To: SCV GEC -- Attorney / Client Communication (Confidential)
From: Scott D. Hall, Judge Advocate / Attorney
Subject: Museum Construction
Date: April 23, 2021

As a result of concerns association with construction of the SCV Museum at Elm Springs, a meeting was held on April 16, 2021, for the purpose of addressing various construction concerns with interested parties. Notice of claims was presented to the General Contractor two (2) weeks in advance of this 4-16-21 meeting.

Present on behalf of the SCV were Tim Steadman (Electrical Engineer and member), Executive Director Adam Southern, Eric Previti (facilities manager, etc.), Mark Thomey (Structural Engineer), and Judge Advocate-in-Chief Scott D. Hall.

Others present were: 1) representatives of the HVAC contractor H.C Blake Co. (Jim Batson & Bryant Fair); 2) General Contractor Brindley Construction, LLC (Ronnie Brindley and Tim Rohling); and 3) Architect George Nuber.

SCV representatives inspected the Museum and reviewed construction documentation from approximately 7:00 a.m. – 9:30 a.m., and evaluated options and issues for which the meeting was scheduled.

The meeting with non-SCV entities began at 9:30 a.m. and lasted until approximately 12:30 p.m., after which the SCV contingent continued to discuss and evaluate the data supplied and options.

Prior to the meeting, Notice related to issues of concern (i.e., door latches / security passes; HVAC status, including the burst coils resulting in flooding / water release; and cracks in the floor) was sent to the Contractor.

Door Latches / Security System

Because of the notice sent to the contractor and the meeting scheduled for Friday, April 16, 2021, the general contract inspected the Museum and addressed some of the Door / Security Card Reader issues. Before the meeting, the Contractor made adjustments. The Contractor also committed to address further adjustments as may be needed.

HVAC Issues

The HVAC (heating, ventilating, & air conditioning) issues can be summarized as: 1) installation of Carrier units when plans specified Trane equipment; 2) Liebert Unit performance for humidity needs in the

"Artifacts" room; and 3) burst coil causes and effects, as well as anticipating additional, potential water leaks and/or flooding (e.g., curbing and drain enhancements).

1. **Make of Equipment:** Use of Carrier units was approved by the Architect on a "bid to equal" concept whereby the Architect was of the opinion that use of the Carrier units did not degrade the design standards.

Based on the Contract documents, the Architect was authorized to make judgment calls on the equipment brands, and Architect Nuber approved this inconsistency. We have no specific data to challenge this technical change in HVAC equipment brand names or makes (i.e., I am aware of no basis for arguing that the SCV was damaged by the change and/or that we received lesser quality equipment).

2. **Liebert Unit:** The Artifact Room needs to maintain a consistent and appropriate level of humidity. The Room humidity has been inconsistent. The HVAC contractor committed to contact and work with Liebert to continue evaluating and addressing the variances in performance.
3. **Frozen Coils:** The water release / flooding which occurred several weeks ago resulted from frozen coils which burst. The freezing resulted from a failure of fan(s) in the unit and a component which did not shut the system down when the fan ceased to ventilate the unit. Repairs have been made and a coil needs to be replaced.

The HVAC contractor has committed to pay for the replacement coil (approx. \$9,000 cost). Additionally, the HVAC contractor inspected the system after the meeting and committed to reporting and addressing the issue of a "fail-safe" design to avoid this ventilation failure / freeze / coil burst problem, with the expectation that a future freeze, coil burst, and flooding will be avoided in the future.

Concrete Floors

Ultimately, the concrete floors did not meet anyone's expectations. The Contractor and Architect claim / report that they followed the standards supplied by the structural engineer (David Cartwright, Nashville Engineer).

The structural engineer hired to participate with the SCV (i.e., Mark Thomey) was of the opinion that the floors were substandard and he identified what he believes to have been an error on the plans (prepared by Engineer David Cartwright), which called for less reinforcement in the floor than was appropriate.

Presently, we are awaiting a response from the Design Engineer (Cartwright) concerning the concrete reinforcement specified in the Engineering plans.

Additionally, Brindley Construction is bringing the concrete finishing sub-contractor back to the site to evaluate options for enhancing the appearance of the floor. But the consensus between the Architect

and Brindley Construction seems to be that additional grinding and buffing (or whatever else they do to finish the floor) could easily result in a less aesthetically pleasing appearance.

Litigation Notes

If the claims are not addressed to our satisfaction and/or to meet what we believe to be the applicable standards (of some compromise is reached), then the Contract documents call for Mediation and then Arbitration.

Status Summary

The various responsible parties continue to evaluate the project, and we should receive additional information soon.

SCV Raffle Policy??

From: scott@scottdhallesq.com

To: barrowscv@inbox.com, scvcic75@gmail.com, paul1863@cs.com, confederate@suddenlink.net,
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scvmecav@hotmail.com, rebelrev@hotmail.com, jc1120@bellsouth.net, aotcouncilman@alscv.org,
danmccas@tecinfo.net, geaux-tigers@sbcglobal.net, druxurb@gmail.com, wdkennedy@reagan.com

The newly / recently adopted Camp Procedure Manual (approved Oct. or February) states that there is a prohibition on raffles by SCV entities. I know of no other policy, and the Manual was approved as a general guide and form, to the best of my knowledge.

Some States allow non-profits to conduct raffles / games of chance. As long as a Camp, Division, etc. of the SCV complies with the law, should they be allowed to conduct raffles / games of chance. Apparently, Texas desires to comply with Texas law and conduct a raffle.

It has been suggested that the Camp Procedural manual is only addressing raffles engaged in by camps that are using the IRS nonprofit charity number of the national SCV. The camp in question has its own IRS tax exemption number.

Question / Issue: Does the SCV, as a policy, prohibit a camp or division from engaging in raffles even if it has its own IRS tax exemption?

Legally, raffles /games of chance may be conducted, if properly administered, registered, and reported. Tennessee allow such. I understand that Texas allows raffles as well.

The Texas Division has asked me for a ruling. Legally, they may conduct the raffle, if procedures are followed. Does SCV HQ prohibit camps and divisions from engaging in raffles, as a policy issue? The GEC can determine this issue.

Scott D. Hall, Esq

Judge Advocate-in-Chief

Sons of Confederate Veterans

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