



The USADB Executive Board met online on Monday, January 19, 2009 to discuss and consider the four demands presented by 6 regional presidents (Bonnie Schwebke-CAAD, Keith Drown-NWDBA, Robert Backofen-NEAAD, PaigeThompson-Matzker-MAAD, Joseph Brafford-SEAAD, Timothy Leary-FWDBA and Ronnie Zuchegno-EAAD) one currently unaffiliated president (Greg Glenn-FAAD), and one absentee president (John Scott-SWBAD).

We wish to clarify for our teams and supporters that the four demands were not presented to the regional delegates or member teams at their regional delegates meeting for discussion or approval before the meeting in Las Vegas.

***Demand # 1:***

***All of USADB's officers must step down except Shirley Platt, USADB's secretary immediately and let 8 regional representatives to be part of the USADB's Executive Board immediately. The group of 8 regional representatives will handle the financials of the national tournament for USADB.***

According to the USADB Constitution and Bylaws:

§ 2.02 Removal of an Officer.

(1) By a two-thirds (2/3) vote of the Executive Board or a majority vote of the Basketball Council, an officer may be removed for cause, including failure to perform his assigned duties, or for conduct tending to impair his usefulness as a member of the Executive Board.

-- Effective 4/12/2000 --

No documentation of cause, failure to perform duties, or conduct tending to impair has been presented in writing to the USADB Executive Board to satisfy a demand for removal of any of the four officers asked to resign. With only 2 1/2 months until the USADB Basketball Council Meeting, we feel it is more logical to vote for new officers at that time. Some amendments definitely need to be made to officers category of the current bylaws, to keep up with the changes in USADSF and USADB.

#### § 2.04 Eligibility Limitations.

(1) No elected officer of any member region shall hold office in the Association. -- Effective 4/12/2000 --

The Las Vegas meeting was not a special meeting of USADB, nor was it an annual Basketball Council meeting, and USADB was not invited to attend, therefore we feel the demand is out of order. Current regional officers are prohibited from holding office in the USADB. We realize the Kilthau and Hendon administrations may have violated this rule, but the individuals are no longer officers of USADB.

We also urge your input in improving the USADB handling of revenues and expenses with suggestions for more checks and balances so that the misappropriation of funds does not happen again. We all need to be vigilant watchdogs when it comes to the finances of the organization. As President Obama said today -- "everything must be transparent" and we need to monitor unethical behaviors and practices, and prevent abuses of power.

Changes and amendments to the Constitution and Bylaws must be done as follows:

#### § 6.02 Constitution, Bylaws, and Guidelines Amendments.

(1) The Constitution, Bylaws, and Guidelines of the Association may be amended by the Basketball Council at a properly constituted meeting of the Council. -- Effective 4/12/2000 --  
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#### § 12.01 Effective Date.

(1) Amendments or revisions to the Constitution, Bylaws, and Guidelines of the Association shall go into effect, after ratification by the Basketball Council, beginning May 1, unless otherwise ordained by the Basketball Council. -- Effective 3/27/2003 --

Demand #1 is a change in the Constitution or Bylaws, and requires presentation at the Basketball Council Meeting in April 2009, and if passed, cannot take effect until after May 1, 2009. According to:

#### Bylaws

##### § 5.02 Authority.

(1) The Board shall be the final authority for any and all issues connected with any national tournament and any dispute between regions...

#### 5.04 Empowerment

The Board shall be empowered to take such action as a majority of its members believes appropriate in the event the Board has knowledge that the Constitution, Bylaws, and Guidelines of the Association have been violated, regardless of a lack of formal complaint, submitting a written and oral report at the Basketball Council Meeting--Effective 4/11/2007 --

Therefore, the USADB Executive Board rules that demand #1 is in direct violation of the USADB Constitution and Bylaws and is out of order. We urge that you submit proposed amendments to officers positions to Don Kitson, Chairman of Law Committee by February 15, for discussion in April. Perhaps we need an amendment to move Youth and International to committee or staff level and not board positions.

#### ***Demand #2:***

***USADB will waive \$20 membership fee for the year of 2009.***

Again, this is a change in the Constitution and Bylaws and changes and amendments to the Constitution and Bylaws must be done as follows:

#### § 6.02 Constitution, Bylaws, and Guidelines Amendments.

(1) The Constitution, Bylaws, and Guidelines of the Association may be amended by the Basketball Council at a properly constituted meeting of the Council. -- Effective 4/12/2000 --

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#### § 12.01 Effective Date.

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Therefore, the USADB Executive Board rules that demand #2 is in direct violation of the USADB Constitution and Bylaws and is out of order. In 2010, the fee will drop from \$20 to \$15 due to changes in USADSF, but we are willing to consider flat team entrance fees or other options as opposed to individual membership, as long as the national tournament budget can be met. We recommend that your ideas be submitted as proposed amendments to the fee structure and be submitted to Don Kitson by February 15 for discussion in April.

#### ***Demand #3:***

***USADB will recognize FAAD/FWDBA as one region (Far West) and they will merge the organization on their own.***

The USADB Executive Board encourages FAAD and FWDBA to merge. The merged region is welcome as an affiliate of the USADB provided that all officers are members in good standing of the USADB. All teams and team members participating in the merged regional and USADB national tournament must also be members of USADB. We already have the affiliation fee from FWDBA.

***Demand #4:***

***USADB will not penalize any regions or members of the regions in the year of 2009 for following this letter of demands.***

The USADB Executive Board has no intention to penalize any players or teams or the regions as a result of the chaos or miscommunication caused by these demands. Teams can choose to follow their region (if not affiliated) or play under USADB umbrella. They can play in one or both national tournaments, if there is a new NDBO tournament.

However, if any region or regional officer is found to have blatantly violated the USADB Constitution, Bylaws or Guidelines, the USADB MAY be required to take disciplinary action against them. We strongly urge the regions to remain affiliated and resolve the differences in April.

The FWDBA and CAAD still must pay the \$100 and \$440 (and any penalties) owed in membership dues.

We would also like to bring to your attention:

Constitution

14.07 - USADB REGISTRATION FORMS.

1. The USADB secretary or Treasurer shall supply each regional Secretary-(Treasurer) with a sufficient number of yearly dated blank official team's registration, USADB GUIDELINES OF USADB TOURNAMENT RULES, and waiver forms on or before October 1. **The regional association or any USADB team members thereof shall not be allowed to devise or make use of any other type of player's registration form as such shall be considered invalid. --**  
Effective 4/05/2006 --

Bylaws -- § 2.03 Vacancy.

(1) All vacancies on the Executive Board shall be filled by the Executive Board. Such appointments shall be for the duration of the unexpired term. This will not constitute an "elected" term as limited in Section...

The USADB officers acted in good faith when replacing officers who resigned, or by filling positions that were vacant. Two positions have not been filled for financial reasons. The Executive Board is trying to be fiscally responsible in keeping expenses to a minimum by not filling two vacant positions until the Basketball Council Meeting in April. We urge the regions to wait until the USADB Basketball Council meeting in April to elect new candidates for officer positions in USADB. This way everyone has their fair chance and we will be following the USADB (and many regions) bylaws.

Members in good standing may submit amendments to the Constitution, Bylaws and Guidelines, in writing, to the Deputy Commissioner, Donald Kitson no later than February 15, 2009. [deputycommish@usadb.us](mailto:deputycommish@usadb.us)

## **REGIONAL AFFILIATION**

**If any of the regions change their mind, and wish to affiliate with USADB for the year 2009 we ask that you email the USADB Secretary Shirley Platt a letter of intent to re-affiliate on or before Saturday, January 24, 2009; and then the affiliation check from the region must be postmarked on or before January 27, 2009. We are willing to hold your checks pending action at your regional delegates meeting. We sincerely believe all regions should bring these issues to their delegates meeting in March for a final vote.**

**We sincerely hope that we can resolve all of the issues amicably and in good faith. USADB is not perfect, and we have made vast improvements in some areas. We agree that it can be better, but we need to work together as a team for the greater good.**

**USADB Executive Board**

Donald E. Kitson, Interim Deputy Commissioner

Shirley H. Platt, Interim Secretary-Treasurer

Tom D. Morrison, Tournament Director

David Hamilton, International Programs

Keith Westhoelter, Youth Programs