



**German American National Congress**  
National Executive Board

**EXECUTIVE BOARD MEETING – 10:50 AM**  
**Saturday, September 10, 2011**

**Attending:** Wm. Fuchs, Erik Wittmann, Donna Lippert, Robert Miske, Beverly Pochatko, (R1) Edwin Gunther, Fred Leinweber, (R2) Rein Lippert, Dave Hinz, (R3) Margaret Potocki, Ed Heinlein; Darlene Fuchs, Eva Timmerhaus. Guests: Al Schafer, Christel Miske, Mary Ann Hinz, Dagmar Freiberger.

**Minutes** of the June 25<sup>th</sup>, 2011 meeting were approved on August 10, 2011.

Additions to the Agenda:

- Ad for the Rheinscher Verein of Chicago program book
- Two letters from Cobi Stein
- Letter in response to the DANK HAUS letter
- Expenses for Convention and other trips

**Financial Report:** Robert Miske - Our Financial Advisor Margaret Shrant contacted Bob and she and Sam Willis agreed that we needed to pull funds from the stock market and invest it into money market funds so \$5,000 was put into the money market reducing our exposure and our losses were minimal... around \$800. NP Fuchs reiterated to all present the reality of a \$10,000+ deficit for the year based on the profit and Loss statement. See attached financial report. We talked about the possibility of cost accounting where monies donated to a particular cause, like the newspaper and German-American day, would go specifically to that specific cause, but is NOT being done at this time. It was noted that monies donated to the newspaper are shown as being received for the newspaper on the financials but in reality the monies are going to "general funds". The paper is helping offset the yearly deficits of the budget. A motion to accept the financial report was made by Edwin Gunther seconded by Beverly Pochatko Motion carried.

**OLD BUSINESS:**

**Pitney-Bowes Postage Contract** – Bill Fuchs reported that the contract with Pitney-Bowes will be discontinued by October 10<sup>th</sup>. We are still negotiating with Pittney-Bowes on a low cost option besides stamps.com. Even though they tried various methods to reduce the contracted amount, the Board did not want to enter another contract with them or other companies in the future. Stamps.com will charge us only the use amount.

**Trade-mark Registration:** Dagmar Freiberger said the intern is working on it and there is no other report. When completed, all three trademark will be recorded – the logo, name - German American National Congress and the German American Journal.

**Database Upgrade:** Bill Fuchs informed the Board that for various reasons Jerry Schliephake, Willi Gohs and Dave Fairbrother are not actively working on the upgrade. He contacted the company and they said they stand by their original offer. Many of the options we are looking for are already built into the program. To add the option of providing the capability of our chapters to access certain database information and have a specified report format, will add to the cost. Also, we will need to get a program for membership cards and a printer that can handle it. He was advised that the company

can have us up and running in 4-6 weeks. For now for Phase II, we need to know what the chapters want to be able to do. The Database enhancement will occur with the change-over to a new system. Willi Gohs and Dave Fairbrother did not wish to be involved in the process at this point. Eve and Eva Timmerhaus so far are helping Bill in the process to convert. It is hoped that by Convention time it will be up and running. Bill also informed the Board that the laser printer is now giving us problems with some of the functions and should be replaced since it will cost us more to fix it than to purchase a new one.

**NEW BUSINESS:**

**Undistributed Chapter Reimbursements** – Region 3 President Erik Wittmann brought a proposal from Region 3. Membership dues reimbursement checks are held by the National Treasurer until all conditions are met, including electing a chapter board and the filing of the chapter’s annual financial report. Our efforts should be to salvage the chapters within our region and to expand into other known communities with a high German population. A suggestion was made that these “unclaimed” monies from inactive chapters could be used by the Regions to help salvage these chapters or to build new chapters or sub-chapters without taking money from the approved working budget of the national organization.

Therefore, at the Region 3 meeting, a motion was made by Linda Voit (Cleveland) to request the National Treasurer to send the dues reimbursements for the non-complying inactive Chapters to their respective Regional Treasurers for the purpose of membership growth. Seconded by Margaret Potocki (Erie). Motion carried unanimously.

Erik Wittmann made the same motion to the National Board that if it passed was to be effective immediately. It was seconded by Donna Lippert. The Board unanimously approved – motion carried.

**REQUEST:** The Mardi Gras Association has asked DANK to place an ad in their program book. We have done it in the past. A motion to place a \$40 half-page ad in the Mardi Gras Program Book was made by Erik Wittmann, seconded by Edwin Gunther. Motion carried.

**Convention Continued** – Erik Wittmann. Ads for Program book must be received by Sept 13<sup>th</sup>. Chapter ads help pay convention expenses. The order form is on our web-site. On Friday evening at the Oktoberfest, we will be recognizing other ethnic organizations, religious/educational community of Pittsburgh.

- **Nominating Committee** – Donna Lippert Chair. There is much disappointment with a lack of nominations from the Chapters. To date, only Chicago North, Pittsburgh and Uniontown have submitted nominations. It was noted that many Chapters do not hold meetings in the summer – just social events and that may be the reason for the lack of response to date.
- **Delegates:** Bob Miske stated that he does not have the names of delegates from the Chapters. Again only a few have responded.
- **Bylaws Amendments:** Bob Miske noted that the proposed Bylaws amendments will be presented on Sunday morning at the first meeting of the new Executive Board.
  - **Voting by proxy, absentee balloting**
  - **Teleconferencing**

Motion to present the two bylaws amendments at the convention was made by Beverly Pochatko, Seconded by Donna Lippert. (Robert's Rules of Order allow teleconferencing.) Motion carried.

- **Awards** – Beverly Pochatko noted that there have been few recommendations for the awards. She further explained that while the awards are in place, if the committee does not feel the award criteria is met, it can't be justified then the award will not be presented.
- **Clerical Attendance:** Erik Wittmann discussed the policy of covering the expenses of clerical support at the convention. There is a history of paying the Office Manager's expenses the same as the National Board members – reasonable travel and two nights lodging. While Ms. Eve Timmerhaus is considered part-time staff, she does the same work as our previous full-time office manager. Therefore her travel and hotel costs to attend the convention should be covered and she will be expected to work there. It was noted that Chapter Pittsburgh will cover the costs of her Oktoberfest and Awards Banquet attendance. **A motion to cover the two nights stay at the hotel and the office manager's travel fare was made by Erik Wittmann, seconded by Edwin Gunther. Motion carried unanimously.**

**Steuben Parade in NY and German Day in Washington DC** – NP Fuchs said he will take care of his transportation expenses and asks that we cover one night hotel stays in New York and Washington DC. It will be a total of about \$400. His request was approved.

**Attending attorney** Jacob Zehnder was introduced to the Board as Chapter **Chicago-North's** legal advisor. **President Fuchs explained that, as requested at the last board meeting, he was to draft documentation to be brought before this meeting that would finalize the legal ownership standing of the Chicago DANK Haus Property on 4740 N. Western Avenue. It was intended to file another quit claim deed that would again deed the property to the DANK Chicago-North chapter. After consulting legal counsel, President Fuchs was advised that another quit claim deed to assure that the property was owned by the chapter was not prudent. It could have unintended legal ramifications and also could be misconstrued by a title company.**

**As advised, President Fuchs therefore, with the help of legal counsel, prepared a resolution to be brought in front of board that would clarify the history and intent of legal ownership of the DANK Haus on 4740 N. Western Ave. in Chicago. If passed, the resolution would be filed, along with supporting documents, with the Cook County of Illinois Recorder of Deeds.**

Since the intent was there and documented several times since 1968, however not legally recorded, he stated that all that was needed was for a resolution to clarify the DANK HAUS ownership as originally intended.

The resolution is attached to these minutes. Erik Wittmann made a motion to have the National Board accept this new resolution and that this would preclude the requested actions of the previous resolution of June 25th, 2011. Motion seconded by Donna Lippert. This is to clarify that the resolution that passed on June 25th, 2011 is by this resolution totally retracted and is null and void.

The discussion noted that there is no 'change of ownership' of the property; that DANK Chapter North is the title holder; and that they (Chapter North) will still be required by the nature of the national bylaws get the approval of the national board if they should consider a sale or transfer of all or any part of the DANK HAUS.

Mrs. Cobi Stein, President of the Lake County chapter, while not present at the meeting, made a written request to have the following letter read as part of the discussion during this meeting.

**August 30, 2011**

TO: DANK Executive Board

From: DANK Chapter Lake County, Illinois Board

Re: DANK Haus Transfer Decision

We, the Board, are troubled by the way the DANK Haus was given away to DANK Chapter Chicago North recently.

Quietly accepting the status quo is not going to resolve an issue. With this letter, we hope to get the attention of the DANK National Executive Board and the DANK Regional Representatives regarding the recent decision (reference: June 25, 2011 minutes, page 6, approved August 10, 2011) made by the majority to legally deed the DANK Haus to DANK Chapter Chicago North. The DANK Haus belongs to all the members of this organization, as has been proven by the need for a motion by the Executive Board to transfer the deed. At the very least, we are of the opinion that the final transfer decision should be made by all members of DANK through their delegates at the upcoming convention.

Isn't that the democratic way? *"That the government of the people, by the people, for the people, shall not perish from the earth" ...The Gettysburg Address*

Sincerely, Cobi Stein, Chapter President

It was discussed that the letter seemed to present a misunderstanding of this issue since there was no change of ownership intended by this board but only legal clarification of the ownership of the property. President Fuchs mentioned that a reply letter from the national executive board officers to explain the details of the DANK Haus history and clarification of the board actions was sent to the Lake County chapter board members prior to this board meeting. A copy was distributed to the national board members. This letter is also attached to these minutes.

There was no further discussion. A roll Call vote was taken. The motion passed unanimously. **Voting YES to accept were: Erik Wittmann, Donna Lippert, Robert Miske, Beverly Pochatko, (R1) Edwin Gunther, Fred Leinweber, (R2) Rein Lippert, Dave Hinz, (R3) Margaret Potocki and Ed Heinlein. There were no 'nay' votes or abstentions. The elected national officers then signed the resolution and Attorney Zehnder will notarize the document. This resolution with supporting minutes and by-laws will be filed at the Cook County of Illinois Recorder of Deeds.**

By request of Cobi Stein the following letter is also read into the minutes of this meeting by the Secretary. (Originals on file)

**August 20, 2011**

To: Members of the DANK Region One Board and Members of the Regional Council

Re: Immediate Resignation

Due to the recent decision (as stated in the June 25, 2011 minutes) made by the majority of the DANK National Executive Board regarding the DANK Haus, please accept this letter as formal

notice of my resignation from the position of VP of the DANK Region One Board, effective today.

I would ask the Board to include the fact that I have resigned be added to the minutes of the next meeting and that a copy of those minutes be sent to me.

Best wishes to those who remain.

Sincerely, Cobi Stein

Per allegations by Christa Garcia, Attorney Zehnder advised us that there is no legal requirement to file updates in our bylaws with the State body we are incorporated under. The filings that are important are with the IRS. So if there are significant changes to the bylaws we should file them with the IRS. The Bylaws will be on the website.

Attorney Zehnder was thanked for his help in getting the DANK HAUS issue resolved.

Every chapter will receive a letter regarding recordkeeping issues shortly – the IRS requires the current person who is responsible for the chapter finances to be listed for our taxes

Being no further business, Donna Lippert made a motion to adjourn, seconded by Robert Miske. Motion carried. Meeting adjourned at 12:30 PM

Respectfully submitted,



Beverly A. Pochatko  
Recording Secretary



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**MOTIONS and ACTIONS TO BE TAKEN**

- A motion was made to present Darlene with a special recognition award at the national convention by Erik Wittmann, 2<sup>nd</sup> by Edwin Gunther. Motion carried.
- A motion to name Jack Wagner as the DANK German American of the Year recipient was made by Beverly Pochatko, 2<sup>nd</sup> by Fred Leinweber. Motion carried.
- A motion to accept the financial report was made by Edwin Gunther seconded by Beverly Pochatko Motion carried.
- The contract with Pitney-Bowes will be discontinued by October 10<sup>th</sup>.
- A motion was made at the Region 3 meeting by Linda Voit (Cleveland) to request the National Treasurer to send the dues reimbursements for the non-complying inactive Chapters to their respective Regional Treasurers for the purpose of membership growth. Seconded by Margaret Potocki (Erie). Motion carried unanimously. Erik Wittmann made the same motion to the National Board that if it passed was to be effective immediately. It was seconded by Donna Lippert. The Board unanimously approved – motion carried.
- A motion to place a \$40 half page ad in the Mardi Gras Program Book was made by Erik Wittmann, seconded by Edwin Gunther. Motion carried.
- Motion to present the two bylaws amendments at the convention was made by Beverly Pochatko, Seconded by Donna Lippert. (Robert's Rules of Order allow teleconferencing.) Motion carried.
- A motion to cover the two nights stay at the hotel and the office manager's travel fare was made by Erik Wittmann, seconded by Edwin Gunther. Motion carried.
- Steuben Parade in NY and German Day in Washington DC – NP Fuchs said he will take care of his transportation expenses and asks that we cover one night hotel stays in New York and Washington DC. It will be a total of about \$400. His request was approved.
- **DANK HAUS RESOLUTION: Erik Wittmann made a motion to accept this new document and this precedes the previous resolution of June 25<sup>th</sup>, 2011 seconded by Donna Lippert. This is to clarify that the resolution that passed on June 25<sup>th</sup>, 2011 is by this resolution totally retracted and is null and void.**
- A roll Call vote was taken. The motion passed unanimously. **Voting YES to accept were: Erik Wittmann, Donna Lippert, Robert Miske, Beverly Pochatko, (R1) Edwin Gunther, Fred Leinweber, (R2) Rein Lippert, Dave Hinz, (R3) Margaret Potocki and Ed Heinlein. There were no 'nay' votes or abstentions. The elected national officers then signed the resolution and Attorney Zehnder will notarize the document. This resolution with supporting minutes and by-laws will be filed at the Cook County of Illinois Recorder of Deeds.**
- Per allegations by Christa Garcia, Attorney Zehnder advised us that there is no legal requirement to file updates in our bylaws with the State body we are incorporated under. The filings that are important are with the IRS. So if there are significant changes to the bylaws we should file them with the IRS. The Bylaws will be on the website.