



AMERICAN
KENNEL CLUB™

Michael A. Liosis
Director
Club Relations

November 19, 2008

D. Jay Hyman, Esq.
5905 Kim Court
Mt. Airy, MD 21771

Dear Mr. Hyman,

This will acknowledge your November 10, 2008 correspondence concerning the American Rottweiler Club.

The resolution of internal club matters such as this must be based on what the particular club's bylaws direct. In this case, we have clear direction:

- 1 - Any board member who fails to vote on at least 75% of all board issues submitted within a six month period shall automatically be removed from the board.
- 2 - the Secretary shall keep a voting record of each board member.

Robert's Rules of Order, Newly Revised, the club's parliamentary authority, on its official website indicates: "The phrase 'abstention votes' is an oxymoron, an abstention being a refusal to vote. To abstain means to refrain from voting, and, as a consequence, there can be no such thing as an 'abstention vote' ". As has been indicated previously, Mr. Crowley's citation of New York Law with respect to abstentions does not apply to this case since the American Rottweiler Club is not incorporated in New York State.

If Ms. Lopez is contending that the calculation by the Secretary of the votes actually cast is in error (and that she indeed voted on at least 75% of the ballots in the given six-month period) a request can be made to the club's board of directors to review the Secretary's calculations.

It does not appear to us that the ARC's Secretary or board of directors have acted outside the bylaws with respect to the Treasurer's removal pursuant to the applicable provision of the bylaws.

Sincerely,

Michael A. Liosis
Director of Club Relations