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Keith Conover, M.D.
36 Robinhood Road
Pittsburgh, Pennsylvania 15220-3014

Re: Bylaws of the Appalachian Region of the Mountain Rescue
Association

Dear Keith:

I have now had an opportunity to review your proposed revisions dated August 22, 1992. It looks like we are almost there.

Keep in mind, however, that there are pending as yet undefined revisions to the MRA bylaws governing regions, as well as MRA policies and procedures concerning the use of the MRA logo. The bylaws committee, which I chair, will meet in Reno next weekend to hammer out the details. If I can work it around my trip to Nepal in November, I will have a draft proposal ready for submittal to the MRA membership at the January meeting in Salt Lake City. If anything significant and unanticipated that might affect the advice in this letter comes out of the meeting next weekend, I will call and let you know as soon as possible.

Turning to your revisions:

Article I, § 2.8.d.(3) You cannot permit a non-voting delegate to vote even to break a tie even if the delegate is the chairman. A tie vote is considered to be action taken by the members present and voting, i.e., the motion is defeated. The only purpose served by permitting an otherwise non-voting chair to break a tie would be to permit a non-voting delegate to reverse the action taken by the voting membership.

Article III, § 7.2 It is not necessary that monies be transmitted to the national MRA as long as you follow the accounting procedures established in Article V on Finances. I am assuming that your region and most others will be dealing at best with sums in the low four-figure range. If the region should be the beneficiary of a significant contribution, say \$10,000 or more, it would be best to approach the national MRA regarding how it should be handled. Most likely, however, the national MRA would be required by the terms of the gift to use the money for

the benefit of the Appalachian Region or to spend it in a manner approved by the Appalachian Region. In short, we can cross that bridge if and when we come to it by making a mutual decision.

Article IV, § 3 Cooperative agreements will require the approval of the national MRA, for now. This may change with the MRA bylaws revisions. We realize that, although the regions have not traditionally been operational organizations, your region and the California Region are somewhat operational, and the Washington, Oregon and Rocky Mountain Regions are slowly crawling in that direction.

Article V, § 1.2 Your limitations on the use of the MRA logo are fine, but you might consider simply stating that it shall not be used inconsistently with national MRA policies and procedures. That would permit your bylaws to be fluid, expanding or constricting with the national MRA's policies. The bottom line, though, is that the national MRA holds the copyright on its logo and thus can dictate the extent of the authority of anyone to use the logo.

I will let you know if it appears that any significant changes are coming. Please feel free to discuss my comments with me if you wish. My office phone number remains the same as in the Blue Book, (719) 836-2771 ext. 234.

Very truly yours,



David M. Thorson
MRA Legal Counsel

P.S. My CompuServe ID is 70274,1336. I only get on CIS about once a week now that it is long distance to call, but I try to check in every Friday evening or Saturday at least. Depending on timing, that could be an efficient way to communicate draft changes you might be uncertain about.