

Proceedings of the 2009 USCF Board of Delegates Meeting

The 2009 Delegate's Meeting was held at the Marriott East Convention Center in Indianapolis, Indiana on August 8-9, 2009. This document is an overview of the meeting and includes the official documentation of motions. More detail and the discussions may be found on the sound files located on the USCF website.

President Bill Goichberg called the meeting to order at 9:00 a.m. on Saturday, August 8, 2009 by welcoming the delegates to this year's meeting. President Goichberg and the Delegates observed 30 seconds of silence in memory of those in the chess community who have passed on, including Ira Lee Riddle, Hugh Myers, Herman Chiu, Nigel Eddis, Bruce LaPlante, Casey Hermann, Frank Skoff, Jack Mallory, V.E. Vandenburg, and Dr. Armand Patrucco.

SPECIAL PRESENTATION - Brett Myrick, General Manager of Marriott East. presented a chocolate chess set to Bill Hall and Pat Smith as a token of thanks to the USCF for the opportunity to partner with us in this event.

ROLL CALL OF DELEGATES – Randy Hough, Secretary

A quorum was determined to be present. The delegates who received their credentials and participated in the meeting are listed in Appendix A.

DM 09-01, ADM 09-01 (Bill Goichberg, NY) The Delegates re-elect as Delegates at Large those whose terms are expiring or have expired and who are present at the 2009 annual meeting - Frank Camaratta, Don Schultz, Rachel Lieberman, and Harold Winston. **Passed**

DM09-02, ADM 09-02 (Harold Winston, IL) Moved that the minutes of the 2008 Delegates Meeting as distributed to the Delegates present in Indianapolis be accepted. – **Passed**

DM09-03, ADM 09-03 (Bill Goichberg, NY) Moved that Mike Nolan be appointed Parliamentarian. – **Passed**

Harold Winston, IL "On behalf of the bylaws committee I am asking consent to suspend the rules, modify the advance agenda and consider the motions on this handout prior to the ratification motion which is Roman numeral V. This is a result of things being endorsed by the bylaws workshop and to make sure we comply with the Illinois law." - **Unanimous consent was given**

Mike Nolan suggested to President Goichberg that he mention the special order of business at 2 o'clock before voting on motion.

President Goichberg made the following statement and motion for modification: "Last night the board held an Executive Committee hearing using procedures described in Roberts Rules of Order. According to Roberts Rules it specified the hearing be closed and the Board voted to revoke the memberships of Susan Polgar and Paul Truong, however giving them special permission to play in rated tournaments. They have notified us they wish to appeal and we told them and their attorney we will hear the appeal at 2 o'clock today. I'd like to modify the agenda so that when we come back from lunch we will hear the appeal at 2 o'clock. That will be according to Roberts Rules executive closed session meaning delegates only". There were no objections. Mike Nolan noted that this also means no cameras, recording devices, computers, or cell phones.

Mike Nolan noted variances to Roberts Rules before motion was voted on (please refer to sound file on USCF website for specifics).

DM09-04, ADM 09-04 (Randy Hough, CA) Delegates approve the advance agenda for the 2009 Delegates Meeting with modification for a 2pm Executive Closed Session and approve the Standing rules as printed in the Delegates Call. – **Passed with Modification**

DM09-05, ADM 09-05 (Randy Hough, CA) Moved that the executive board elections for 2009-2013 term be certified. The new board members will take office at the conclusion of this meeting. **Passed**

❖ **Election Results**

Jim Berry: 3030	Bill Goichberg: 3014	Ruth Haring: 2952
Michael Atkins: 2672	Michael Korenman: 822	Mike Nietman: 732
Eric Hecht: 717	Blas Lugo: 657	Sam Sloan: 588
Brian Lafferty: 576	Brian Mottershead: 435	Write Ins: 123

Report of the Election Committee (Mike Nolan, Election Committee Chair)

In 2008 the Delegates modified the Bylaws to change the election eligibility dates. This resulted in unintentionally disenfranchising around 225 USCF members whose membership expired on May 31st and who renewed their memberships in May. The Election Committee recommends the Bylaws be modified as follows:

Any USCF Member who is 16 years old by June 30th of an election year is a Voting Member, providing that person was a current member on May 1st for the entire day. Mr. Nolan stated there was a suggestion to change May 1st to May 5th with which he agreed to. Mr. Nolan explained that there needed to be a particular cut off to deter time confusion on when membership began. Cut off needs to be early enough to know who

voting members are so ballots can be distributed through Chess Life since this is the most cost effective way of delivery. Delivery by 1st Class mail is considerably more expensive. Motion re-entered by Mr. Nolan with modification

DM09-06, NDM 09-01 (Mike Nolan, NE for the Election Committee) Modify Article IV Section 2 of the Bylaws to read: Section 2. Definition: Any USCF Member who is 16 years old by June 30th of an election year is a Voting Member, providing that person was a current member on May 5th for the entire day Central Time. **Passed by 2/3 vote**

Report of the Bylaws Committee (Harold Winston, Bylaws Committee Chair)

President Goichberg asked if Harold Winston had Bylaws motions. Mr. Winston came to the microphone. Mr. Winston stated he would not follow his handout because some delegates would be credentialed because of one of the motions. He proceeded to page 2, item 6 of the handout.

DM09-07, NDM 09-02 (Harold Winston, IL and Mike Nolan, NE for the Bylaws Committee) To reconcile possibly inconsistent sections of the Bylaws, amend Article IV Section I and Article V Section 5 of the Bylaws as follows: Article IV Section 1. Add the word "initial" before "Delegates and Alternates who." Article V Section 5. Add the word "initial" before "Delegates and Alternate Delegates for each state..." in paragraph 1. Add the word "initial" before "Delegates for their state..." in paragraph 2 sentence 1. Add the word "initial" before "Delegates and before Alternate Delegates " in paragraph 2 sentence 4. Add the word "initial" before "Delegates and before Alternate Delegates " in paragraph 3. This is on behalf of the Bylaws Committee and endorsed heavily by the Bylaws Workshop. **Passed by 2/3 vote**

Point of Information (Randy Hough, CA-S, Secretary): – Delegate count was at 73. Now it will increase we are well above the quorum.

DM 09-08, NDM09-03 (Harold Winston, IL for the Bylaws Committee): Delegates ratify all actions of the Board of Delegates from 1999 through 2008. A number of changes proposed by Blue Ribbon made in Hawaii, 1998 should have been reviewed more closely by Bylaws Committee because one thing was missed. Two year terms for delegates where Blue Ribbon provided that if you are not at a meeting, someone replaces you just for that meeting, does not comply with Illinois law and therefore all votes taken at Delegates meetings from 1999-2008 had persons seated that perhaps should not have been seated so the Committee and lawyers think since this is a legally duly constituted body we should simply ratify all actions of the Board of Delegates from 1999-2008 so they can't be challenged. This is on behalf of the Bylaws Committee and heavily supported by the Bylaws Workshop. – **Passed unanimously**

DM09-09, ADM 09-21 (Harold Winston, IL; USCF Bylaws Committee): Add to Article VI, Section 12, Restrictions, the following wording: "An Executive Board member who is a party to litigation or arbitration filed by that Executive Board member against the USCF or by the USCF against that Executive Board member, shall abstain from voting on any action concerning the litigation or arbitration, shall have no right to be present during any portion of an Executive Board meeting in which the litigation or arbitration is discussed, and shall have no right to access attorney-client or work-product privileged information concerning or relating to that litigation or arbitration, regardless of whether the litigation or arbitration is still pending." **Passed by 2/3 vote**

Harold Winston then introduced ADM09-20. Tim Just questioned the appropriateness of allowing/requiring additional space in candidate statements for felons and for those suing the board. Harold Winston and Tony Pabon joined in the discussion. Herbert Rodney Vaughn offered an amendment to strike the last sentence of the amendment, which failed. Harold Winston then summed up the rationale with the statement "The voters have a right to know. All members/voters need access to the statement." ADM09-20 then passed by a 2/3 vote.

DM09-10, ADM 09-20 (Harold Winston, IL and Mike Nolan, NE for Bylaws Committee): Amend Article VI, Section 10 of the Bylaws re: Candidates Statements as follows: add "Any candidate for the USCF Executive Board who is currently a party against the USCF in a lawsuit must disclose that fact in their Chess Life statement. Failure to disclose such a lawsuit would be grounds for immediate recall. The candidate will be allowed an additional 50 words in the candidate's statement in their first statement in Chess Life for this purpose." **Passed by 2/3 vote**

Harold Winston, IL introduced NDM09-04 and addressed a question that had been raised about barring someone who sues USCF from serving on the Board advising that the action might not be viewed as legal. Discussion moved on when Tony Pabon, brought up questions about whether arbitration is less expensive than a lawsuit. Harold Winston, David Heiser, Larry Cohen, spoke to the issue. Harold Winston stated that according to his sources arbitration in a great many cases is less expensive. John McCrary counseled that our insurance company should be contacted regarding a mandatory arbitration clause. Mike Nolan noted that this will not come into play until 2011 and any problems can be corrected next year. NDM09-04 then passed by 2/3 vote.

DM09-11, NDM09-04 (Harold Winston, IL and Mike Nolan, NE for Bylaws Committee) Amend the Bylaws to add to Article VI Sec 12 at the end: "Unless otherwise prohibited by applicable law, each member of the Executive Board waives any right to file a lawsuit (including but not limited to a lawsuit seeking a jury trial) against the USCF, the USCF Executive Board members or USCF employees, and must instead submit a mandatory arbitration to be conducted by the American Arbitration Association. The arbitration award will be final and binding upon the parties to that arbitration. The location of any

such arbitration shall be solely in the city in which the USCF is headquartered at the time of filing of the arbitration notice. **Passed by 2/3 vote**

The wording below includes modifications accepted by Harold Winston, IL and Mike Nolan, NE, which clarify the intention of the bylaw and complies with Illinois law.

DM09-12, NDM09-05 (Harold Winston, IL and Mike Nolan, NE for Bylaws Committee)
Amend Article V, Section 6A, Paragraph 1 to read as follows:

If one or more Delegates and higher ranked Alternate Delegates from any state are not present or are unable to attend the Annual Meeting, they can be replaced by Alternate Delegates only if the Delegates and higher ranked Alternate Delegates resign in writing.

Passed by 2/3 vote

Harold Winston, IL then introduced item number seven on the Bylaws Workshop handout which is a substitute for ADM09-28.

DM09-13, ADM09-28:(Harold Winston, IL and Mike Nolan, NE for Bylaws Committee)
Amend Article V, Section 7 of the Bylaws to add at the end "Participation via the use of conference telephone or other communications equipment shall not be permitted."

Passed by 2/3 vote

Harold Winston introduced item eight on the Bylaws Workshop handout by stating "our practice has not conformed to the strict wording of the current Bylaws". The topic of removing the requirement that Delegates reside in the state they represent generated a lengthy and involved discussion. Those who contributed include Harold Winston, Frank Camaratta, John McCrary, Tony Pabon, Murlin Varner, Joe Lux, John Hillery, Donna Alarie, Michael Aigner and Steve Shutt. Losing expertise when someone moves/retires cross country and cannot represent their former state; last minute appointment of Delegates who have no knowledge or interest in a state's operation or needs; ways to get people interested and involved in serving as Delegates from their state; and what standard should be used to appoint Delegates at the meeting were among the concerns discussed. It was finally agreed that the states can choose anyone. But with any subsequent appointments by state chapters, they're restricted to residents of that state or adjacent state. Compromise accepted by Harold Winston, IL on behalf of the Bylaws Committee.

DM09-14, NDM09-06 (Harold Winston, IL and Mike Nolan, NE for Bylaws Committee)
Move to Amend Article V, Section 4 of the Bylaws to change "from the state in which they reside" to "from the state in which they reside or in an adjacent state". Amend Article V, Section 5 sentence 1 to read "Voting members of that state". **Passed by 2/3 vote**

DM09-15, NDM09-07 (Harold Winston, IL and Mike Nolan, NE for Bylaws Committee) Amend Article V, Section 5 1st sentence of last paragraph to change "2 years" to "1 year". (Note: This does not change the current term for elected Delegates or Alternates. This only takes effect with new the election.) **Passed with 2/3 vote**

John McCrary presented ADM09-27 noting it had been approved by USCF attorney, Carolyn Grosboll. Larry Cohen, Harold Winston, Tony Pabon and Steve Shutt, spoke to the motion.

DM09-16, ADM09-27 (John McCrary, SC, Delegate-at-Large and David Grimaud, SC) Amend the USCF Bylaws by deleting the first sentence of Article IV, Section 1, **Responsibility** and replacing it with the following sentence: "The Voting Members are responsible for electing the Executive Board."

Amend the USCF Bylaws Article V, Section 2 **Number** by changing "as of November 1 of the year prior to Delegate Elections" to "as of May 31 of the year prior to Delegate elections" in the first sentence.

Amend the USCF Bylaws by deleting Article V, Sections 4 and 5 and replacing them with the following wording:

Article V, Section 4. **Selection of Delegates and Alternate Delegates.** State Chapters shall designate the Delegates and Alternate Delegates for their states, as provided for in Article V, Sections 2 and 3, submitting the Delegates and Alternate Delegates in ordered lists. State Chapters must designate their Delegates and Alternate Delegates after the conclusion of the Annual Meeting, by November 1 of that year, or as soon thereafter as feasible. The term of each Delegate shall commence on January 1 for the year for which selected and continue for one year and thereafter until a successor is selected.

Renumber Article V, Sections 6-9 as sections 5-8 respectively.

Amend current Article V, Section 9(A) by adding the word "vote" after "majority".

This motion takes effect immediately. All current Delegates and Alternate Delegates will serve until December 31, 2010. **Passed with 2/3 vote**

DM09-17, NDM09-08 (Harold Winston, IL and Mike Nolan, NE for Bylaws Committee) Add to Article IX, a new section (19): "Severability. If a court of competent jurisdiction shall hold a portion of these Bylaws to be invalid, the remainder of the Bylaws not so held invalid shall remain in full force and effect." **Passed by 2/3 vote**

Harold Winston introduced NDM09-08 "Additional Delegates" for consideration. Ernie Schlich, Myron Lieberman, Allen Priest and Jim Berry participated in an in depth

discussion of this motion. Myron Lieberman noted "One advantage of the membership meeting is, they are USCF members and we would like to get them involved. But realistically they can't take any actions. They can't do anything on their own. They can only recommend to the delegates. Bottom line: regarding membership meetings, now they are doing something not just recommending to the delegates. They are actually taking actions that will have an impact. "

Allen Priest pointed out "This is up to five. It is not five. So the meeting could elect 0 or 5 or any number in between. It is not just guaranteed if five people show up, they are immediately put in the meeting. The intention is an election at that meeting that may not elect everyone who would like to be added to the delegates list."

Adding a higher number of delegates was suggested. Harold Winston stated "Illinois statutes are worded on how they permit variance. It is clear how five works, not clear a higher number would. I'd prefer to start with five and keep checking to see if a higher number is possible in future. "

DM09-18, NDM09-08 (Harold Winston, IL and Mike Nolan, NE for Bylaws Committee)
Add to Article V a new section (10): Additional Delegates. The USCF Membership Meeting may elect up to 5 Additional Delegates for a term of one year expiring at the start of the next Membership Meeting from persons who are present and have previously served as Delegates in at least one of the last five years. **Passed by 2/3 vote**

Harold Winston prefaced NDM09-09 by stating "If we have a state that has named three delegates and had "A" first, "B" second and "C" third and if all three aren't there but one alternate is, the alternate would replace "C". "A" and "B" would remain as delegates in case there was any emergency meeting later in the year. The lawyer felt it needed to be covered. Bylaws Committee is in agreement". Harry Sabine, Donna Alarie, and Guy Hoffman entered the discussion. Mike Nolan summed things up by saying "The only potential issue is that we are due to have a delegate election in 2010 by state chapters. This will affect them. So if we don't change it then we're dealing with the old logic. If we do change, we are dealing with new logic flawed or not. It needs to be fixed next year." David Heiser moved that NDM09-09 be referred to both States and Bylaws Committee since no immediate action is needed.

DM09-19, NDM09-09 (Harold Winston, IL and Mike Nolan, NE for Bylaws Committee)
Effective in 2011, modify Article V, Section 6A to replace the first paragraph with:
"For each state, if Alternate Delegates are available to attend the Annual Board of Delegates Meeting, those Delegates who do not attend the meeting will be deemed to have resigned as Delegates, and the available Alternate Delegates will become Delegates per the ordered list. The Delegates deemed to have resigned will only be

those equal in number to the available Alternate Delegates and will start with the lowest ranked Delegate on the ordered list per Article V, Section (5) . Alternate Delegates may not move up the ranked order until a Delegate or Alternate Delegate of higher rank resigns. **Referred as Amended to States Committee and Bylaws Committee**

DM09-20, NDM09-10 (Harold Winston, IL and Mike Nolan, NE for Bylaws Committee)
Technical Amendment to the Bylaws:

Correct cross references in Article III, Sections 12 & 13 and Article III, section 5 as follows:

- a. In Article III section 12, change reference from III, 12 to III, 13
- b. In Article III section 13, change reference from III,11 to III, 12
- c. In Article VIII section 5, change reference from III, 12 to III,13

Passed with 2/3 vote

This concluded the Bylaws Motions and the original Advanced Agenda was resumed.

DM09-21, ADM 09-06 (Harold Winston, IL): The Delegates ratify all actions of the Executive Board made available to the Delegates present in Indianapolis in the form of either Executive Board Resolutions, or Executive Board Minutes since the conclusion of the 2008 Delegates' meeting, USCF Executive Board (EB) Motions through June 5, 2009 located on page 7 of Delegates' Call and attached to this document. **Passed**

REPORT OF THE PRESIDENT (BILL GOICHBERG)

In general it's been a year when we had basically one very good thing happen and one very bad thing and financially they cancelled each other out. \$400,000 in legal fees and about the same amount came in, in the bequest of Phil LeCornu. This has been looked at by a variety of people in different ways. Without lawsuits USCF would have had a profitable year. Recognize that from time to time unusually good things and unusually bad things will happen. The idea that the bequest was "just a one time thing and could never happen again" is far from correct. We already have a fairly generous bequest for this fiscal year around \$50,000 which is not included in the budget. The argument that bequests should be ignored and that they are so rare that they are not legitimate income is a silly argument. If we disregard these two extraordinary events we're probably slightly behind for the year. If we could continue disregarding events like that I don't think we are in terrible shape nor should we be really happy. We still need improvement. The changes that the delegates made in the membership structure last year did have an impact and caused our loss to be less than otherwise would have been. We really didn't see the full impact as much as we expected. The impact will be much greater in this fiscal year. It was thought that the impact would be twice as much in this fiscal year. Actually I think it is going to be more than twice as much. Impact was miscalculated somewhat and expected the benefit to be earlier so we missed some of

that expected benefit. This year if you look over some of the finances you will see the revenue projection is similar and the expense projection for Chess Life shows substantial reduction. That is something that is helping. The economy is especially hurting the area of Scholastic and Youth Memberships because a lot of the schools and school districts don't have the same funding for Chess that they use to. For adults surprisingly the Adult Membership and entries in tournaments seem to be holding up pretty well. An observation people have made through the years is that chess does okay during very poor economic circumstances, even in the Great Depression. For scholastic it is different. While attendance may hold up at the national scholastics, the grassroots level, where the school chess clubs are bringing in new members, is hurting. Scholastic and Youth Memberships have not been doing well, not a disaster but going down more than desirable.

REPORT OF THE EXECUTIVE DIRECTOR (BILL HALL)

We had some big things happen this year. The 2009 Super Nationals occurred. This is a scholastic tournament that happens once every 4 years and you bring the High School, Junior High School & Elementary tournaments together in one place. Garry Kasparov, Alexandra Kosteniuk, Dr. Greg Chamitoff, astronaut on space station that we had the space match with were all at the SuperNationals. We had competition with students from Stevenson Elementary, Bellevue, WA select moves, people visiting website got to select candidate moves which one to be played and we had this match with the astronaut in space. Pretty cool promotion with NASA, kids got to interview the astronaut via satellite and this was televised live on NASA TV. It's the beginnings hopefully some interesting partnerships in the future with such an organization.

We fell a little short of setting the record four years prior the Super Nationals had 5320 participants, which is the largest chess tournament ever held in the world. We fell 73 short of that, which in the economic times we are facing we felt pretty good about that. Even more telling to what Mr. Goichberg spoke to about the resiliency of chess and recessionary periods we were one of only two contracts that the Gaylord Opryland had, at least through the first 6 months of the year that met its room block obligation. That's pretty powerful. That shows that chess is alive and well here. As Mr. Goichberg said we are seeing good attendance rates now. That the economy is affecting our adult membership is clear, but tournament participation seems to be very solid all across the country.

Mr. Hall continued his report by telling of his journey through the chess world to his current position. He stated that he owes chess a lot and is very passionate about the organization and the opportunities the organization affords. He expressed his love for chess and admitted that he still plays although maybe not as well as he once did. He stated that this has been a challenging year and that the current climate is tough. He

gave the following accolades and expressed thanks and gratitude. "Thanks to the Executive Board in light of the tremendous personal costs to each of them. Some might have you believe this is just a political fight. Our organization has history of nasty politics, which I have witnessed, but be assured this is not about politics. Special thanks to two Executive Board members for being absolutely crazy enough to be willing to run again for the Executive Board. Thanks to the candidates who ran considering the climate it is and the personal risks and costs they were willing to walk headfirst into to do that. Many thanks to all delegates and attendees collectively as a group, we had very concerning situations knowing we had to change things, practices and the way we do things in order to seat delegates. It wasn't certain we would obtain a quorum with all the hot topics before us. Sometimes when there is heat in the kitchen you don't want to stay in that kitchen. All of you here even those not seated as Delegates because of the changes but are still here to support and rise to the call. It doesn't matter what side of any fence you are on, you're here to do what you think is right and best for the organization. As a Life member, since 1981, I personally want to thank you for that.

Mr. Hall concluded his report with the following exhortation to the chess community:

We have to change the culture of our organization. We've had nasty politics for a long, long time. This year was really shocking because of a political situation where a couple of individuals who had some pretty tough battles and not necessarily the most warm, fuzzy feelings about one another for 35-40 years actually came together and there was an endorsement of a candidacy there. Probably the longest running feud in our organization's history was laid aside because the organization was at risk. I want to applaud that and I want to applaud more of that because this is a crisis situation for the organization and we have to come together. We have to do the best we can for the organization. If we don't, then we have more problems than we can probably deal with. Chaos breeds opportunity and this is a chance to start honestly changing the culture of this organization. You're here. You're participating, even though there's a lot in front of us- a lot of uncertainty, a lot of fears out there. With the group I see before me, I think we've got that infrastructure of people there to make it happen. So let's get through this business this weekend and let's start moving to some greener pastures and get the USCF really truly righted because that's what we need to be about. Thank You! (Applause from delegates)

Unidentified Delegate: Before we get to Randy Bauer's report I note that the office staff wasn't mentioned in Bill Hall's report due to time constraints or whatever. Under very, very trying circumstances, they've been doing a great job and showing the

dedication needed and they deserve a round of applause. (Hearty applause from Delegates)

REPORT OF THE VICE-PRESIDENT OF FINANCE (RANDY BAUER)

Order of report: Last fiscal year, current fiscal year and current budget. The audited financial statements are out. They were discussed at the Finance Committee Workshop. The bottom line has been discussed somewhat in the previous two reports that we finished the fiscal year with a financial loss of about \$112,000. There were a couple of one time bequests totaling approximately \$400,000, which are greatly appreciated and mean a lot to the organization and they certainly meant a lot in this fiscal year. We incurred unusual and hopefully nonrecurring legal expenses equal to the bequest amounts given, which is not a good situation for the organization. The bequests could have been more useful to the organization but in the current situation were used as necessary. \$100,000 of the bequest money was dedicated to the paying down the mortgage on the office building in Crossville. We can look at this as a tangible result of the generosity of our benefactors. A few other financial issues dealt with this year include almost fully resolving the issues surrounding the profit sharing plans for our employees, which required an additional contribution of approximately \$45,000 and a lot of work. Thanks go out to the member of the LMA Committee for working with us in providing a short-term loan to accomplish that payment and then the USCF was able to promptly repay LMA. Cooperation between the office, Executive Board and LMA during the past year has been great. Dr. Redman was acknowledged and thank for his assistance in keeping positive dialogue between USCF & LMA. There was an understanding that if we put another \$100,000 toward the mortgage we then would have less liquid assets, and the LMA would provide us with a letter of credit up to the amount we contributed to paying down the mortgage. That's a win-win situation for the organization. Instead of paying a bank the interest that accrues as you have credit extended to you it will now go to LMA so it stays within the family so to speak and ultimately benefits the life members and the whole USCF. These are a couple of the positive things that have come about this fiscal year but there are concerns. The USCF as many organizations of our type that are engaged largely in recreational activities is feeling the impacts of the downturn in the National economy. The National Bureau of Economic Research, the economists from on high have informed that the US has been in a recession since December of 2007. We're closing in on two years of a recession that is going to be the longest in post World War II history and most suggest by the time it is ended, it will probably be the deepest as well. Unfortunately the recovery doesn't look particularly promising and it's likely to be a jobless recovery. The Chief Economist David Weiss predicts that unemployment will not peak until next summer at about 11.5%. With 9% of our population without jobs, we have to understand that means the disposable income for many people who participate in chess activities is also down. It is to be expected that it will have an impact on our bottom line. As we looked to the

budget for next year, we developed what's believed to be a pretty conservative budget understanding that we still were not able to hit our revenue targets exactly there are some adjustments that have been made in this budget. Particularly on personnel and also some savings associated specific measures the office has undertaken to reduce our costs in ways that do not directly impact services to members in ways that they really care about. Examples: Dues structure has changed so that members are afforded the opportunity to pay a lower dues rate and not receive printed copies of Chess Life Magazine instead access it on the Internet. Access is pretty cool now because of new PDF Reader that has been installed. That realized savings can be put to the mission of the USCF and services that directly benefit the membership. As part of that effort the office is contacting Life Members to ask if they want to receive that service or are they willing to go a different route. This effort is bearing fruit. The magazine is important to a lot of our members and will be available to them. I don't foresee a time when a printed copy of Chess Life will not be available to members but those who do not wish to receive it, have lost interest in it or perhaps even in chess have the option to inform us of that. By so doing, costs are being reduced associated with the magazine without directly impacting the services that people care about and allowing a redirection of resources. Unfortunately, the budget contains significant reductions in personnel costs for the USCF. It relates to both current situations where employees have willingly taken a reduction in hours and furloughs. Instead of 40 hours they are working 32 hours with no office services on Fridays. Going forward its not sustainable in terms of our current revenues and expenditures that this be the only way that we approach balancing the budget for the current fiscal year. Note: this is an action and leadership role that have been taken by the office, Executive Director and Chief Financial Officer understanding that the budget we are approving is the one they have to live with. USCF is a very unusual organization it is rare that we don't pass a budget until we are somewhere into the fiscal year for that budget. Most organizations pass their budget prior to the fiscal year. They have understood with direction from the Executive Board where we have to go with this budget and they've made some really hard choices and will have to continue to make them. Ultimately, it's going to have to have some impact on services and that's why we need to get out from under the current legal environment we are facing and this is critical to the future of the USCF for next year and coming years.

At this point Allen Priest, of KY who voted for DM09-21, ADM 09-06 - the ratification of the Executive Board actions made the motion to reconsider that action, stating his intention was to move the vote on the ratification to 2 o'clock and to vote on the reconsideration right now. His reasoning was that giving the Board of Delegates two hours to read and considered the material before voting would remove any legal challenge to the Board of Delegates final decision.

Parliamentarian, Mike Nolan, explained that a motion to reconsider basically cancels the vote to ratify at which point the motion then becomes open for debate and revote at the time designated for reconsideration

Joe Lux, Donna Alarie, Harold Winston, Randy Bauer, Richard Buchannan. Alan Priest and Peter Spizziri entered a spirited and lengthy discussion. Consensus was that this ratification motion is very important in terms of the pending litigation and the upcoming Truong/Polgar appeal so correct procedure in handling it is critical. An additional opportunity for the Delegates to read the documentation and consider whether the Executive Board acted within its authority before voting was deemed necessary.

Carolyn Grosboll, the Illinois Attorney for USCF, addressed the Board of Delegates. "Earlier there was a question about the most important parts of the document to review, summarize. The most important thing is a resolution of the USCF Executive Board dated August 6, 2009. There have been numerous assertions and court filings that the Executive Board and subcommittees of the Executive Board, the Executive Director and Executive Board members have done things where they lacked proper authority, proper procedure; they've done defect or irregular executions; done things that are considered *ultra vires*. These court filings are just a tactic to not to get to the merits of the issues. The Board feels that in order to be fiscally responsible we need to get past these issues because they have done everything in accordance with the bylaws and under Illinois law. The thrust of this is just to get to the merits. The document before the Delegates is so voluminous because it contains all of the court documents indicating the specific acts that are being alleged that the Executive Board did improperly. Also included is the list of charges and specifications that were provided to Ms. Polgar and Mr. Truong on July 7, 2009.

The most important thing related to this ratification issue is the motion of August 6 of the Executive Board. I believe Exhibits A through E are attached. Those are mostly court filings containing the allegations against actions of the Executive Board and as stated in the Resolution. The Executive Board believes it is in the best interest and fiscally responsible for the USCF to get beyond these questions and to get to the merits of the litigation and resolve these issues as expeditiously as possible."

DM09-22, NDM09-11 (Allen Priest, KY) Motion to Reconsider ADM09-06 and schedule a vote at 2pm today. **Passed**

President, Bill Goichberg asked that everyone be back at 2 o'clock at which time the motion would be voted on and then the meeting would go into closed session, delegates only.

Meeting adjourned at 11:57a.m.

Saturday Afternoon –Open Session

At 2:15pm President Goichberg called the meeting to order with a tap of the gavel.

Harold Winston: I believe we have been afforded ample time to review the documents presented to us if we wished. I believe we can take an uncontroversial vote on ratification at this point.

Bill Goichberg: Ok is there any discussion? Ok hearing none all those in favor of the motion...those opposed...the motion passes...it looks like it was unanimous...one abstention...

DM09-23, NDM09-11, ADM09-06 (Harold Winston, IL): The Delegates ratify all actions of the Executive Board made available to the Delegates present in Indianapolis in the form of either Executive Board Resolutions, or Executive Board Minutes since the conclusion of the 2008 Delegates' meeting. USCF Executive Board (EB) Motions through June 5, 2009 located on page 7 of Delegates' Call and attached to this document. **Passed**

President Bill Goichberg: Thank you we'll now go into executive session for the appeal and that means only delegates may be present until we finish with this. If you are not a delegate I can't really assure you that there will be anymore business today. There may be, there is just no way to tell. I don't know how long this will last a few hours at least I would guess.

USCF Delegates Meeting

Sunday, August 9, 2009

Meeting called to order at 9:00 a.m. by President Bill Goichberg with the admonition that due to the large volume of business and short time frame only committee reports with ready proposals were to be given in brief, concise terms so the Delegates could vote. Committee reports without proposals would be considered after all other business was completed if time allowed.

Randy Bauer, Vice President of Finance presented ADM09-07 stating that after extensive discussion of the budget at the Finance Committee meeting participants voted 29-0 with 3 abstentions in favor of adoption. Primary expenses continue to be legal fees. Savings have been found in reduced personnel costs due to staff furloughs and in costs associated with printing and mailing Chess Life due to a renegotiated printing contract and responses to the Life Member letters.

DM09-24, ADM 09-07 (Randy Bauer, IA): The 2009-2010 Budget as presented by the Vice-President of Finance is adopted. **Passed**

Report of the Director of Publications - Daniel Lucas

The most significant thing to happen in my department this year was the renegotiating of the Quebecor contract. Three year printing contract with Quebecor ended in May of this year. Printing job was put up for bid. Five bids were submitted, two from serious contenders but Quebecor was extremely aggressive about wanting our business which their prices reflected and we worked out a really good deal. I am grateful to Joe Nanna who was literally and figuratively at my side during this whole process. His ability to provide the numbers needed and give advice along with his ability as a hard nose negotiator with Quebecor got us the very best deal we could have gotten. Quebecor has been our printer for 15 years or maybe a little longer since early 90s. The PDF viewer that Randy spoke about was attained through Quebecor at a very low cost. New contract has not been signed yet but should be shortly. Some specifics of that contract include a total of approximately \$3000 per month cash savings or 10% off the bottom-line (a significant number given our financial difficulties this year.) The printing cost per unit was \$.46 per Chess Life not including the postage costs. We are now down to \$.37 per issue. (Applause from delegates) As part of the current contract Quebecor has taken over the printing of our TLA Newsletter for kids and the TLA Newsletter for adults. This is the new item the delegates put into place last year. Premium members do not receive this. It is only sent to regular members with the idea to get something physical into their hands. The TLAs made the most sense and when there is space available editorials are included from the magazine. We publish 6 per year for adults and 3 per year for kids. With a one day turnaround we are looking at 9 days of extra work on the department. Delegates need to realize how much is actually on the Publications Department plate. Despite the challenges of the last year, staff cutbacks of 20%, have been largely invisible to the members. Members are still getting the publications they expect to get. A laundry list of publications being produced: Chess Life, Chess Life for Kids, Chess Life Online. After three years there is still confusion about what Chess Life Online is. It is the new editorial content that Jennifer Shahade puts out almost on a daily basis. Chess Life magazine also has an online presence through PDF Viewer & HTML but it is different from Chess Life Online. We do the Delegates Call, in-house advertising, various tournament programs (between 4 and 6 per year), the two TLA Bulletins & various special projects i.e., the

Life Member mailings just sent out. A lot is going on but we have an extremely dedicated staff and are proud of the job they have done under fairly extraordinary circumstances. Bottom line, our publications department is healthy, we're getting out good content for you, getting members what they need and deserve. We look forward to another good year.

Daniel Lucas then answered questions from Delegates Frank Berry, Tim Redman and Ernie Schlich.

Report of the Chairman of the US Chess Trust – Harold Winston

My report in its entirety is in the Delegates Call. There are four Trust Officers present: Secretary, Myron Lieberman; Vice President for Chess in Education, Tim Redman; Scholastic Vice President, Sunil Weeramantry. We gave out 425 sets and boards to schools across the country; 110 memberships. We want to do better in memberships. There was a breakfast meeting involving Barbara DeMaro, Harold Winston, Mike Nolan, members of Scholastic Council to develop a plan to get more memberships this next year. Due in large part to the generosity of Frank Berry, we gave more than ever before to the Olympiad totaling over \$16,000 including some earmark donations; \$3,000 from the Trust, \$10,000 from Mr. Berry (through the Trust) and substantial support to the World Youth to the tune of \$9,000. Our players did very well in both events. The Dondis Award was given to Mitchell Denker. Currently the Chess Museum, the World Chess Hall of Fame and the Sidney Samole Museum are temporarily closed in Miami. Negotiations are underway with Rex Sinquefield. I have been in contact with Mr. Sinquefield's attorney by phone and e-mail. Everyone is cautioned that nothing is final as of yet, however, certain principles are agreed upon involving moving the museum to St. Louis. We've appointed a committee from the Trust to negotiate. The Trustees have final approval of contract. Hopefully it will be known in 30 days if we will go to St. Louis. Looks like an exciting opportunity. It would be near the St. Louis Chess Center. We have heard very good things from the neighborhood and Rex appears to be very dedicated to Chess. We have a new website. The Denker Tournament was very successful with 48 players. Dewain Barber, the Denker & Polgar Chairman conducted a very moving Opening Ceremony and a very nice Awards Ceremony. We have received pledges from the Trustees totaling \$4900 to be matched from the Delegates. So far last night while the votes were being counted, \$955 was collected and another \$450 in pledges. Be on notice I will be coming around individually to you. Barbara DeMaro gave out some envelopes. If you filled out the card and you have a check, we will be happy to give you your 501C3 donation for this year. There is a motion on the Floor for USCF to get 501C3. After talking to Bill Hall, this probably won't happen until sometime next year at the earliest. There may be reasons even if the motion passes that USCF may want to wait a bit in view of the heavy litigation costs that are in the budget right now. If you want to support chess this year and many worthy causes, most of which are linked to USCF projects, now is the time to act through the Trust.

Report of the FIDE Delegate - Don Schultz

Within the next month, four reports will be submitted that should cover everything. 1) FIDE Zonal President, Beatriz Marinello, who replaced John Donaldson. She is in South America gathering votes for a very important organizational matter, which will be explained in those reports. 2) Bill Kelleher, Vice President of the FIDE Board; 3) Michael Khodarkovsky, Chairman of FIDE Affairs Committee and 4) from me to include some recommendations that will be sent

to the Board somewhat revamping FIDE Delegation hopefully within the next month. (Applause from Delegates)

FIDE Zonal President, Beatriz Marinello – Not Present

FIDE Vice President, Bill Kelleher – Not Present

Election of Delegate Appointed Committee

DM09-25, NDM09-15 Audit Committee Election: Allen Priest (KY), Jon Haskel (FL) and Grant Perks (OH) **Passed**

DM09-26, NDM09-16 Bylaws Committee Election: Mike Nolan (NE), Harold Winston (IL), Myron Lieberman (AZ), Ernie Schlich (VA), Guy Hoffman (WI), Richard Koepcke (CA-N), John McCrary (SC), Allen Priest (KY), Joe Lux (NJ), Robert Persante (FL), Gary Kitts (MI), David Mehler (DC), Donna Alarie (MA) and John Hillery (CA-S) **Passed**

DM09-27, NDM09-17 Election Committee Election: Mike Nolan (NE), Roger Gottschall (IA), Woody Harris ((VA), Myron Lieberman (AZ) with Alternates: Ernie Schlich (VA) and Polly Wright (NY-D) **Passed**

President Goichberg queried if we are required to have an election since there are two vacancies on the Executive Board. Mike Nolan advised that when there are two vacancies, it is the Board's responsibility to call a Special Election, but the Board may want to wait because of pending litigation. If a Special Election is called it will take place within the cycle of this Committee.

Nolan noted that there will not be a Delegate Election next June because we're going back to the old delegate selection procedure. This means that at next year's Delegates' meeting states will be advised of their Delegate allocation. State Chapters will then have until November to submit ordered lists of Delegates and Alternate Delegates to the USCF office.

DM09-28, NDM09-18 Ethics Committee Election: Richard Buchanan (CO), James Gray (OK), Alan Losoff (NV), James Mennella (NJ), Kenneth Sloan (AL), Andrew Thall (TX) and Ken Thomas (NJ) **Passed**

DM09-29, NDM 09-119 LMA Committee Election: Jack Adamo (NJ), Frank Camaratta (AL), Leroy Dubeck ((NJ), Peter Dyson (FL), Beatriz Marinello (NY-D), Grant Perks (OH), Tim Redman (TX), Mike Swatek (OK), Fred Townsend (CT) and Chuck Unruh (OK) **Passed**

COMMITTEE REPORTS

President Goichberg reminded that only reports including a motion would be entertained now.

Professional Players Health and Benefit Fund Committee John McCrary, SC – DAL introduced the next motion from the Professional Players Health and Benefit Fund Committee.

DM09-30, NDM09-20 (John McCrary, USCF Professional Players' Health and Benefits Fund)
The Board of Delegates adopts the following procedures for applications for benefits from the Professional Players' Health and Benefits Fund (PPHBF):

- 1) Applicants must be US citizens who hold the GM, IM, WGM, or WIM titles as granted by FIDE.
- 2) Applicants must provide documentation that they have serious financial difficulties resulting from their own medical or psychiatric conditions.
- 3) Applicants must give signed consent for the consideration, discussion, and review of all medical, psychiatric, and financial information they submit in support of their application, by any officials of the US Chess Federation (USCF) who are designated by USCF to make recommendations or decisions regarding their application. Such signed consent by applicants must expressly allow PPHBF committee members, the USCF Executive Director, and members of the Executive Board, or others designated by the Executive Board, the right to review and discuss any information submitted by the applicant in support of his/her application.
- 4) The USCF Executive Board shall appoint a PPHBF committee which shall review all applications for benefits, and forward recommendations from such review to the Executive Board for final decision regarding the applications. The USCF Executive Board has sole discretion over the granting or failing to grant any benefits from the PPHBF to applicants.
- 5) Applicants must agree in writing at the time of their application that they will accept the decisions of the USCF Executive Board, and shall hold harmless all persons involved in the review and decision process, and shall not initiate any legal actions concerning any such review and recommendations at any time.
- 6) A lifetime limit of \$10,000 to any applicant will be in effect.
- 7) Applications which do not fully comply with these procedures will not be considered.
- 8) These procedures take effect when passed, and do not apply to any actions taken with regard to the PPHBF prior to their passage. **Passed**

Rules Committee David Kuhns, MN Chairman of the Rules Committee, began by referring to page 61 of the Delegates Call where their motions were printed. The topic was electronic communication devices policy, and the result of a directive from the 2008 Delegates' Meeting (DM08-21) for the Rules Committee to establish guidelines on this topic - AMD 09-14. Kuhns said that if Motion 1, a direct cut and paste of the FIDE Rule passed, the other three motions would be moot. Tim Just, Bill Goichberg, Carol Jarecki, Guy Hoffman, Roger Blaine, John McCrary and Richard Koeppke participated in the debate surrounding the motions. After Motions 1-4 were discussed and voted down, David Kuhns offered to amend Motion 2 by adding to the list of exemptions "approved medical devices". This amended motion then passed

DM09-31, NDM 09-21 (DM08-21, NDM 08-55) (David Kuhns, USCF Rules Committee)

Motion 1 – Electronic Communication Devices

It is strictly forbidden to bring mobile phones or other electronic means of communication, not authorized by the arbiter, into the playing venue. If a player's mobile phone rings in the playing venue during play, that player shall lose the game. The score of the opponent shall be determined by the arbiter." FIDE Rule Committee consensus was against; Workshop 2 to 20 against. IF this one fails, then we go on to the other motions. **Failed**

DM09-32, NDM 09-22 (DM08-21, NDM08-55) (David Kuhns, USCF Rules Committee)

Motion 2.

20N. Electronic communication devices. With the exception of medical devices, electronic devices including but not limited to cell phones, pagers, computers, PDA, remote internet access and two way radios are strictly forbidden to be used in the tournament room. Exempted from these regulations are chess clocks, approved electronic score sheets and personal wrist watches (without alarm). Noise deadening earphones, noise cancelling devices, non-electronic earplugs and music players may be used at the discretion and with permission of the tournament director, as long as such devices do not cause a disturbance to the opponent or players on nearby boards. *TD Tip: All of the following violations are considered serious and should be treated as such. However, director's discretion to penalize (or not to penalize) is advised taking into consideration all the known factors, such as is the activity clandestine or attempted to be hidden or is it open and obvious to all? What kind of activity is taking place? Make certain that any penalties imposed are unbiased, and consistently enforced.*

20N1. Disturbing noise or disruption of games. Disruptive noises such as a cell phone ring tone, pager beep, alarms and other noises cause a disruption in the playing hall. These noises are often very loud and disturb the entire room. The following are guidelines for penalizing such disturbances:

- A) For the first offense the standard penalty is to subtract 10 minutes or half the remaining time, whichever is less. *Variant: Depending on the importance of the event. The tournament may have stronger restrictions as long as it is posted prominently at the site.*
- B) Second and subsequent offense for the same player during the same event is loss of the game currently in progress.
- C) If the incident occurs in the playing hall but after the offender's game for the round is completed while other games are still in progress, then the above penalties apply to the subsequent round. In the case of a loss (e.g. second offense), the player is not paired for the next round.
- D) If the incident occurs after the game for the last round is complete while other games are still in progress, the offender is treated like a non-participating spectator and is ejected from the playing hall. *Variant: Depending on the importance of the event and the disturbance created, the player may receive a 1/2 point total score penalty for prize distribution.* **Passed as amended**

DM09-33, NDM09-23 (DM08-21, NDM08-55) (David Kuhns, USCF Rules Committee)

Motion 3 - 20N2 Electronic Communication

Communication with an outside source by means of electronic equipment is strictly forbidden. Even if that communication is benign in nature, it gives the appearance of receiving information about the game in progress.

- A.) Listening to, looking at or reading the screen of an electronic device. Same penalties may be applied as above (20N1).
- B.) While a game is in progress a player talking on a cell phone, manipulating controls such as texting or application programs or similar such activity (except to deactivate the device as a result of a violation of 20N1) will result in immediate loss of the game in progress. This applies to anywhere within the facility when detected, not just the

playing hall proper. *TD Tip: With approval and in the presence of a TD, such communication may be allowed outside the playing hall.*

- C.) Activity as described in b, in the playing hall and after the game for the current round is completed, the same penalties apply as described in 20N1 c and d.
- D.) A player may deactivate a device while a game is in progress if done so in the presence of a TD. **Failed**

DM09-34, NDM09-24 (DM08-21, NDM08-55) (David Kuhns, USCF Rules Committee)

Motion 4. 20N2 Electronic communication. Communication with an outside source by means of electronic equipment is strictly forbidden. Even if that communication is benign in nature, it gives the appearance of receiving information about the game in progress.

- A.) Rules contained in section 20 A through 20 G regarding gaining or soliciting advice applies equally as well to electronic devices. Using such a device to gain or solicit advice is subject to the same rules and penalties.
- B.) Importance of the event, prize fund, event history, and so on may dictate more strict rules regarding the possible abuse of cell phones and other devices. Organizers may impose more strict regulations as long as those regulations are posted and announced at the tournament site, and if appropriate in advance rules for the competition. **Failed**

WD ADM 09-08 (DM08-39 - ADM 08-39) (Donna Alarie, MA) Bylaw Amendment – Executive Board Officers - To take effect in 2009. Current holders of these offices will have the opportunity to run for these positions while retaining their seats as directors at large on the Executive Board until such time as the term of their current position expires. **Withdrawn**

WD ADM 09-09 (DM08-40 - ADM 08-40) (Donna Alarie, MA) Bylaws Amendment – Replacement of Delegates-changes to be effective with the 2009 Annual Meeting. **Withdrawn**

ADM09-10 "Voter Registration" was considered next. Harold Winston prefaced the discussion by stating the Bylaws Committee favored 10 to 3 with the *proviso* that it only applied in Executive Board elections. The Workshop was divided 15 in favor 13 against 1 abstention. Next the motion's sponsor, Bill Goichberg, stated that the point of having voter registration is to have a better informed electorate. With fewer eligible voters, candidates can contact them more easily and at less cost. Ernie Schlich, Randy Hough and Mike Nolan entered the discussion. The need for a sundown provision, automatic registration and less election expense because of fewer ballots were points raised. Mike Nolan then recommended the motion be referred back to Bylaws and so moved.

DM09-35, ADM 09-10 (DM08-42 - ADM 08-43) (Bill Goichberg, NY) USCF Bylaws Article IV: Voting Members is amended as follows.

Section 2B. Registration. Members who are not already registered as Voting Members must register with the USCF office by March 31 to be eligible to vote in that year's regular election, except that all members who are elected as USCF Delegates, Alternate Delegates, or Executive Board members are automatically registered as Voting Members. Once registered, a member's status as a Voting Member continues as long as he or she is a member. When a membership lapses, Voting Member status ceases and the member must, after rejoining, again register by March 31 to be eligible to vote in that year's regular election. For a special election, the

registration deadline for those not already registered shall be the same as the deadline for the submission of nominating petitions. **Referred to Bylaws Committee**

Harold Winston introduced ADM09-11, a money saving proposal, by advising that a friendly amendment had been accepted by John McCrary. The words "Member's Meetings" would be added to the list of minutes available at the Delegates' Meeting. The amendment was favored by the Bylaws Committee 13 yes-0 no with 1 Abstention. The Workshop favored 32 yes - 0 no.

DM09-36, ADM 09-11: (DM08-46 - NDM 08-58) (John McCrary, Delegate-at-Large) Amend Article VI, Section 8 ("Secretary") by deleting the second sentence, and replacing it with this sentence: "The Secretary shall post these Minutes, after Executive Board review, on the USCF website within six weeks for each meeting and shall mail the Minutes to all the Delegates and Alternate Delegates who request such mailing and pay a printing and mailing fee, set by the Executive Director, sufficient to offset the costs of printing and mailing. Printed copies of the Minutes of the Member's Meeting and Delegates' Meeting of the previous year, and of all Special Delegates' Meetings and Executive Board meetings held thereafter, shall be available at the Delegates' Meetings."

Amend Article VI, Section 3, ("Meetings") by deleting the fourth sentence, starting "The Minutes", and replacing it with this sentence: "The Minutes of all Executive board meetings shall be posted on the USCF website within six weeks of each meeting. Delegates and Alternate Delegates may receive printed copies of Minutes upon request and upon payment of a reasonable fee, set by the Executive Director, sufficient to offset the printing and mailing costs of such printing and mailing." **Passed as Amended by 2/3 vote**

Mike Nolan introduced the next motion by stating that the Bylaws Committee suggested deleting the "such as the Executive Director" in the parenthetical at the end and he and Myron Lieberman are agreeable to the amendment. By making the Secretary an appointed office, rather than elected, would not prohibit a member of the Executive Board from filling that office. Harold Winston added that Bylaws Committee favored the motion 11-2 and Bylaws Workshop 30-2.

DM09-37, ADM 09-12 (DM08-49 - NDM08-61) (Mike Nolan, NE; Myron Lieberman, AZ) The office of Secretary should not be an elected office, but rather the Executive Board should designate a person to fulfill the functions of the Secretary. **Passed as Amended**

WD ADM 09-13 (DM08-51 – NDM08-63) (Myron Lieberman DAL-AZ, Rachel Lieberman DAL-AZ): Effective 10/01/2008 No member of the USCF Executive Board may sue the USCF without first resigning from the board. As of 10/01/2008 any existing suits against USCF will be subject to this regulation. **Withdrawn**

WD ADM 09-14 (DM08-21 - NDM08-55) (David Kuhns, MN - Rules Workshop): The delegates direct the Rules Committee to establish guidelines for the purpose of standardizing policy for electronic device abuse, to implement those guidelines, and to report to the delegates at the next annual meeting. **Withdrawn**

The next item of business was ADM09-15 which Mike Nolan introduced and recommended be referred to the Finance Committee, LMA & Executive Board with power to implement.

DM09-38, ADM 09-15 (DM08-30 - ADM 08-20) (Mike Nolan, NE; Grant Perks, OH) Beginning with the 2008-09 fiscal year, the USCF will recognize membership revenue from sustaining and life memberships on a monthly basis. An appropriate method for determining the estimated duration of a life membership will be presented to the Delegates in August. This method may treat life memberships received in the distant past differently than ones received more recently due to differences in the information we have on those memberships. For the 2008-09 fiscal year, the USCF will report results using both the monthly recognition method and the recognition method currently in use for life and sustaining members. **Referred to the Finance, LMA, and Audit Committees & Executive Board with power to implement**

Mike Nolan then made the same motion for ADM 09-16 with the exception that it did not need to go to LMA.

DM09-39, ADM 09-16 (DM08-31 - ADM 08-21) (Mike Nolan, NE; Grant Perks, OH; Chuck Unruh, OK) Beginning with the 2008-09 fiscal year, the USCF will recognize membership revenue (other than for sustaining and life memberships) distributed equally throughout the months of each membership. For the 2008-09 fiscal year, the USCF will report results using both the monthly recognition method and the annual recognition method currently in use. **Referred to the Audit Committee, Finance Committee and Executive Board with power to implement**

Review and approval of the continuance of promotional memberships was the next item on the agenda. Bill Goichberg, Mike Nolan, Jennifer Skidmore and Ernie Schlich spoke to the motion.

DM09-40, ADM 09-17 (Harold Winston, IL) Pursuant to Article III, section 10 of the Bylaws, the Delegates have reviewed the promotional memberships offered by the Executive Board in 2008-2009 and authorize their continuance. **Passed**

NEW BUSINESS

Donna Alarie brought ADM09-18 to the floor. Harold Winston, Larry Kaufman, Joe Lux, Myron Lieberman, Steve Immitt, Bill Goichberg, John McCrary, Ken Ballou, Tim Just, Jennifer Skidmore and Bill Hall voiced concerns. Semantics and legality were at the crux of the deliberations. Ultimately, Joe Lux moved to table the motions for legal counsel.

DM09-41, ADM 09-18 (Donna Alarie, MA): Recall Motion pertaining to Executive Board Member – Paul Truong - Moved that the recall of Paul Truong as an Executive Board member is approved by the Board of Delegates and submitted to the USCF membership for a decision. **Tabled**

DM09-42, ADM 09-19 (Donna Alarie, MA): Recall Motion pertaining to Executive Board Member – Susan Polgar - Moved that the recall of Susan Polgar as an Executive Board member is approved by the Board of Delegates and submitted to the USCF membership for a decision. **Tabled**

ADM 09-20 - Passed previously

ADM 09-21 - Passed previously

Seeking 501(c)3 status for the USCF, ADM 09-22, was the next item of business. Harold Winston advised that Bylaws Committee considered it and voted 5 yes, 0 no, 5 abstentions, and 3 needs more discussion. The time required for filing, our limited resources, if it is necessary, advantages and benefits were questions raised by Tim Just, Randy Bauer, Guy Hoffman and Bill Goichberg. After lengthy deliberation involving Guy Hoffman, Tony Pabon, Frank Vogel, Randy Hough, Bill Goichberg, Mike Nolan and Harold Winston to define our purpose as a 501(c)3 it was agreed that more study was needed and that the Charter not the Bylaws needed to be modified. Only the Delegates have that authority. Mike Nolan then moved to refer the motion to next year.

DM09-43, ADM 09-22 (Executive Board): 501(C)3 - See Appendix B for document **Referred to Bylaws Committee and Reconsideration at 2010 Delegates' Meeting.**

Speaking in favor, Bill Goichberg introduced ADM09-23 – raising the Regular Membership rate. Jennifer Skidmore, Richard Koepcke, Frank Camaratta, Randy Bauer and Bill Goichberg participated in the discussion that followed.

DM09-44, ADM 09-23 (Executive Board)

The \$29 Regular membership rate is raised to \$34 effective December 1, 2009. **Passed**

Donna Alarie introduced ADM09-24 saying it had been discussed in both Bylaws and States Workshops and met strong opposition. As a result she decided to amend her amendment from 100 to 120 noting that the overall goal of the motion was to encourage attendance at the Delegates' meetings and assure a quorum. Harold Winston, Bill Goichberg, David Kuhns, Guy Hoffman, Ernie Schlich, Joe Lux questioned how the reduction would be achieved, if the change was necessary, if the motion would be counter productive and make reaching a quorum more difficult.

DM09-45, ADM 09-24 (Donna Alarie, MA; Seven Muradian, IL) Reduction in number of Delegates -Beginning with the election for delegates for the term 2011-2012, reduce the number of delegates apportioned by state to 120 Delegates instead of 125. **Amended and Failed**

WD ADM 09-25 (Bill Goichberg, NY): Board of Delegates - Amend Article V of the Bylaws - **Withdrawn**

WD ADM09-26 (Donna Alarie, MA; Ken Ballou, MA; Sevan Muradian, IL) Additional Requirements to Nominations for Delegates - **Withdrawn**

ADM 09-27 previously Passed

WD ADM 09-28 (Donna Alarie, MA; Sevan Muradian, IL) Teleconferencing for Delegates/Directors -**Withdrawn**

WD ADM 09-29 (Donna Alarie MA; Sevan Muradian, IL) Eliminate Additional Alternate Delegates Bylaw change to be effective with the 2010 Annual Meeting. **Withdrawn**

WD ADM 09-30 (Donna Alarie, MA; Sevan Muradian, IL; Mike Mulford, GA) : Eliminate Filling Absent Delegate Positions - Bylaw change to be effective with the 2010 Annual Meeting.

Withdrawn

WD ADM 09-31 (Larry Cohen, IL) DELEGATE AFFILIATION - As Delegates are supposed to be members of their state association, any person seated as a Delegate who is not already on the USCF list of Alternate Delegates and Delegates MUST provide proof of state membership of the state they are seated in. To wit as they are representing a particular state, they should be members of that state's affiliate. **Withdrawn**

Bill Goichberg's ADM09-32 regarding nepotism was next on the agenda. Determining the precise terminology for relationships covered was at the root of the discussion in which Harold Winston, Randy Bauer, and Mike Nolan participated. The motion was deferred, amended and finally approved.

DM09-46, ADM 09-32 (Bill Goichberg, NY): Nepotism – No two or more individuals may serve on the Executive Board concurrently who share one or more of the following relationships:

1. One is the direct descendant of the other.
2. They are spouses or partners in a civil union.
3. They are siblings, by birth, marriage or adoption
4. They are adopted children and parent or stepparent and stepchild

Passed as Amended by 2/3 vote

WD ADM 09-33 (Bill Goichberg, NY) A member of the Executive Board may not file a lawsuit that seeks personal gain against the USCF, or against its employees, Executive Board members, Delegates, or volunteers based on actions taken in their capacity as USCF representatives. The act of filing such an action will be considered an immediate official resignation from the Executive Board. **Withdrawn**

Changing the term limits for Executive Board members, ADM09-34, was the next item considered. Ernie Schlich offered and Bill Goichberg accepted an amendment which added "Amend the Bylaws to change the Executive Board term to 3 years implementation as follows" to the language of the motion. The motion was later reconsidered with Harold Winston, Bill Goichberg, Jennifer Skidmore and Ernie Schlich participating in the debate which included the impact on how term limits will affect those already serving and may want to run again. Term limits became a sticking point and it was agreed to pass the motion as amended and refer the term limit issue to the Bylaws Committee. The following is the amended version.

DM09-47, ADM 09-34 (Bill Goichberg, NY) Amend the Bylaws to change Executive Board terms to 3 years implementation as follows:

2011: Three board members are elected to three year terms.

2013: four board members are elected, the top two to three year terms and the next two to two year terms.

2014, 2017, etc.: Three board members are elected to three year terms.

2015, 2018, etc.: Two board members are elected to three year terms.

2016, 2019, etc.: Two board members are elected to three year terms.

The terms of officers remains at two years, except that the term of an officer who leaves the board after one year in that office would expire.

Passed as Amended by 2/3 vote

WD ADM 09-35 (Donna Alarie, MA; Ken Ballou, MA; Sevan Muradian, IL): Change Terms of Executive Board Members - Beginning with the election for 2011, Executive Board members shall be elected to staggered three year terms of office instead of four. **Withdrawn**

As ADM09-36 was brought to the floor, Harold Winston reported that the Bylaws Committee and Workshop thought this was micromanagement with the Committee voting 0 in favor, 12 no, 1 abstain and the Workshop voting 0 in favor, 30 no, 0 abstain.

DM09-48, ADM 09-36 (Larry Cohen, IL): re: a required composition of Executive Board subcommittees. **Failed**

DM09-49, NDM09-25 (Mike Nolan, NE) Move that the issue of term limits be referred to the Bylaws Committee. **Passed**

DM09-50, ADM 09-39 Re: email usage by Executive Board members. **Tabled**

Randy Hough introduced a Governance motion from the floor sponsored by Frank Camaratta regarding the procedure for electing Executive Board members. Bill Hall, Frank Camaratta, Donna Alarie and Harold Winston participated in the discussion that ensued. Creation of a Governance Committee or Governance Subcommittee of Bylaws Committee to review the overall governance structure was recommended by Donna Alarie. Mike Nolan suggested having the Board name a "Board Appointed Committee", thereby giving it official standing and allowing its members to be recruited from the entire membership not just the Bylaws Committee.

DM09-51, NDM09-26 (Frank Camaratta, AL) Moved to refer the following motion to Bylaws. "Replace one member one vote method of electing Executive Board members with original Blue Ribbon Committee approved procedure as amended." The intent of this motion is to have Bylaws construct a properly researched and worded proposal for presentation to the Delegates as an ADM at the 2010 Delegates meeting. Currently there is no practical method for the electorate to remove an officer elected by the voting members. This has in effect defaulted that authority to the Executive Board by membership revocation which is not in the spirit of our Bylaws and can lead to abuses. **Referred to Bylaws Committee**

Mike Nolan introduced the next item of business ADM09-41 by stating "This is a clean up amendment. Last year when we passed affiliate commissions we left one of the membership types off. This just cleans that up again so this is really a very technical amendment." Jennifer Skidmore offered the amendment "affiliate commission be changed from \$3 to \$2 and the additional revenue go back to US Chess" which was defeated.

DM09-52, ADM 09-41 (Mike Nolan, NE, USCF Bylaws Committee) Modify Article III Section 9 of the Bylaws to read:

Section 9. Affiliate Commissions. There shall be a \$3 affiliate commission on all Youth, Scholastic, Young Adult, Family, Sustaining and Life Memberships. There shall be a \$3 affiliate commission on all Adult and Senior Memberships paid by mail or phone. **Passed by 2/3 vote**

At this time Walter Brown, Chief Tournament Director of the 2009 U.S.Open, addressed the Delegates to thank his staff members - Phil Smith, Jason Knight, Frank Guadalupe, Robert Tanner, Scot Reisinger, Chris Murley. He gave special thanks to Pat Knight Smith for all of her assistance. Asking to no longer be considered for the Chief TD position, he said he was ready to move on. (Laughter and applause from Delegates)

The Delegates returned to New Business and Indemnification a topic that had been passed over earlier. Bill Hall stated "We have received a request from Susan Polgar and Gregory Alexander that the United States Chess Federation provide them with indemnification in the suit in California where the United States Chess Federation is suing them. We do need you to formally consider indemnifying both of them in the suit where we are suing them."

DM09-53, NDM 09-27 (Allen Priest, KY): I move that the Delegates refuse the Indemnification request of Susan Polgar in the California suit. **Passed**

DM09-54, NDM09-28 (Allen Priest, KY): I move that the Delegates refuse the Indemnification request of Gregory Alexander in the California suit. **Passed**

DM09-55, ADM 09-42 – (Sevan Muradian, IL) Web based affiliate program.

The USCF is to implement a web-based affiliate program allowing USCF affiliates to redirect new or renewing members to the USCF website for membership registration and for the affiliate to be credited for the referral.

Currently no adult memberships receive an affiliate commission while most others membership types receive \$3 commissions. Under this proposal, a membership registration commission would be reduced by 50% to \$1.50 as the affiliate is no longer performing the functions of entering the membership registration information.

Rationale: Web-based affiliate programs are the norm for websites selling products or services. By allowing affiliates a method of receiving credit for advertising of USCF memberships, the USCF gains additional advertising channels at minimal cost to the USCF.

The maker of the motion requested it be referred to the Executive Board. **Motion Referred to Executive Board**

Steve Immitt introduced ADM09-54 stating the motion had been endorsed by the Membership at the 2007 USCF Membership Meeting but to date had not been implemented. This motion would establish a place on our website for the official records of our national and state championships, etc. It would increase traffic to our website and lend to officialdom and should be ongoing. Mike Nolan added that there is a somewhat abbreviated report in the April Chess Life and an expanded version of that with additional information posted on the website. He thought it would certainly be good to have this online and searchable, however the main challenge to this is the gathering of information. A process for designated individuals, possibly officer of State Associations, would be able to go to the website and type in various categories winners, teams, etc. had been discussed. Joe Lux, then offered a friendly amendment, which was accepted, that the Executive Board appoint a committee willing to research this project and report back at next year's Delegate Meeting.

DM09-56, ADM 09-43 (Steve Immitt, NY) Online Hall of Records: The Delegates authorize the Executive Board to appoint a committee to research the establishment of a "Hall of Records" on the USCF website, where the results of national and state championships may be displayed. The committee will report at the 2010 Delegates' Meeting. **Passed as Amended**

Mike Nolan then made a "Technical Correction to the Bylaws" motion to correct an oversight in Article III, Section 2 of Bylaws, Rights and Privileges of Members.

DM09-57, NDM09-29 (Mike Nolan, USCF Bylaws Committee) Amend the first sentence of Article 3 Section 11 by replacing the word "Youth" with "Young Adult". Add the following sentence after the 1st sentence – "Each Premium Youth member shall be entitled to receive a paper copy of Chess Life every other month." Modify the sentence starting "Each Regular and Youth member" to start "Each Regular, Young Adult and Youth member". **Passed with 2/3 vote**

WD ADM 09-44 (Donna Alarie, MA; Sevan Muradian, IL): USCF Committee Forums and Reports - **Withdrawn**

The topic of establishing a Blitz Rating system was next on the agenda. David Kuhns, Bill Goichberg, Mike Nolan, Gerald Larson, Ernie Schlich, Larry Kaufman and Tony Pabon voiced pros, cons and concerns in a lively debate.

DM09-58, ADM09-45 (Michael Atkins, VA; David Kuhns, MN; USCF Ratings Committee; USCF Rules Committee; GM Larry Kaufman, MD): Blitz Ratings - It is moved that the USCF create a separate rating system for blitz chess and remove it from the Quick Chess rating system. This blitz chess rating system would only appear online and not in print. If feasible, the blitz ratings would be incorporated into the database and Swiss system software makers would be encouraged to modify their software to include blitz ratings. **Failed**

A two part, alternate motion to ADM09-45 was then brought to the floor by David Kuhns. Bill Goichberg spoke against Part A – return to 10 minute time limit for Quick Chess. Each part was voted on separately.

DM09-59, ADM09-45 Alternative Motion to clarify Rule Book (David Kuhns, MN; USCF Rules Committee)

A) Return the minimum time limit for Quick Chess to 10 minutes. **Failed**

OR

B) Endorse the practice of rating Blitz Chess within the Quick Chess rating system.

a) The base time control must be 5 minutes or greater

b) If a time adjustment is made for time delay by rule 5Fa, that adjustments must not result in a base time control of less than 5 minutes.

Refer the exact wording for the Rule Book to the Rules Committee for implementation by January 1st. **Part B Passed**

Tim Just then asked the Delegates to consider ADM's 46,47,48 and 49 together saying "It's time to visit the "no losing chances rule" the infamous 14H, universally misapplied, almost universally becoming extinct is still used occasionally." This generated an extensive discussion

between Larry Cohen, Steve Immitt, Tim Just, Ken Ballou, Richard Koepcke, David Grimaud, and Tom Brownscombe.

DM09-60, ADM09-46 – (Tim Just, IL) 14H and 14I shall be repealed as of January 1, 2010.
Failed

Tim Just then said "If you like everything the way it is now defeat 47 and 48. 47 lends some reality and 48 lends even more reality to what we really do when we apply this rule. 47 says the TD does not interject himself in the game; they slap a digital delay on that game that's properly set; they stay out of the game. No clock tough luck. In 48 states if there is no clock we run 14H the way it is now except that the very first thing TDs are told is if there is a clock, you slap a digital delay clock on the game; and if there is no clock available you go through all the steps of 14H."

DM09-61, ADM09-47 (Tim Just, IL): As of January 1, 2010 the revised 14H below shall take effect and Rule 14I shall be repealed.

The current 14H allows the TD to intervene in the game. The USCF philosophy is for TD non-intervention in games. The proposed change limits the TD intervention currently allowed in 14H. *The default when the draw offer is not immediately accepted would be for a TD to place a properly set delay clock on the game if it is available. The procedures for dealing with no delay clock availability would be to continue the game using the same clock. Related rule 14I would then become moot.*

Revised 14H:

14H. Claim of insufficient losing chances in sudden death.

14H1. Explanation.

This procedure is not available for games in which a clock is being used with either the time delay or the increment properly set, whether the game begins with such a clock or one is added during the game (14H2a). If such a clock is not being used, or such a clock is being used without the time delay or increment feature in operation, the following procedure is available.

In a sudden death time control, a player on the move with two minutes or less of remaining time may stop the clock and may make a claim of insufficient losing chances.

14H2. Resolution of 14H claim.

The TD will inform the opponent of the player making the claim that a draw has been offered by the claimant. If the draw offer is accepted then the claim is resolved and the game is a draw (14B).

14H2a. The Draw offer is not immediately accepted and a properly set delay clock is immediately available for the game.

The claimant gets half of the claimant's remaining time (rounded to the nearest second); the opponent's time is unadjusted; the time delay is set for the standard delay announced at the start of the tournament. After the claimant's clock is started, the 14H draw request by the claimant becomes a draw offer under 14B3, Draw offer before moving. Penalties for rule infractions remain standard. The claimant may win, lose, or draw the game.

TD TIP: There is no rule allowing players, after the game has started, to ask for a properly set delay clock to be placed on their game, which would replace an analog clock or an improperly set delay or increment clock. Only the TD can initiate placing a clock with time delay capabilities on a game after a 14H claim has been made and the steps of 14H2 have been applied. As a result, the player wishing to place a time delay clock on the game must first make a 14H claim.

TD TIP: The director should inform the claimant and opponent that when the claimant's clock is started that rule 14B3, Draw offer before moving, is in effect. The opponent has the right to ask the claimant to make a move before the draw offer is rejected or accepted by the opponent; however, if the claimant makes a checkmating (13A) or stalemating (14A) move, the game is over.

14H2b. The Draw offer is not immediately accepted and a properly set delay clock is not available for the game.

The game shall continue with the non-delay clock that was in use at the time of the 14H claim. After the claimant's clock is started, the 14H draw request by the claimant becomes a draw offer under 14B3, Draw offer before moving. Penalties for rule infractions remain standard. The claimant may win, lose, or draw the game. **Failed**

DM 09-60, ADM09-48 – New 14H - Claim of insufficient losing chances in sudden death, shall take effect as of January 1, 2010.

New 14H

14H. Claim of insufficient losing chances in sudden death.

14H1. Explanation.

This procedure is not available for games in which a clock is being used with either the time delay or the increment properly set, whether the game begins with such a clock or one is added during the game (14H2a). If such a clock is not being used, or such a clock is being used without the time delay or increment feature in operation, the following procedure is available.

In a sudden death time control, a player on the move with two minutes or less of remaining time may stop the clock and may make a claim of insufficient losing chances.

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The TD will inform the opponent of the player making the claim that a draw has been offered by the claimant. If the draw offer is accepted then the claim is resolved and the game is a draw (14B).

14H2a. The Draw offer is not immediately accepted and a properly set delay clock is immediately available for the game.

The claimant gets half of the claimant's remaining time (rounded to the nearest second); the opponent's time is unadjusted; the time delay is set for the standard delay announced at the start of the tournament. After the claimant's clock is started, the 14H draw request by the claimant becomes a draw offer under 14B3, Draw offer before moving. Penalties for rule infractions remain standard. The claimant may win, lose, or draw the game.

TD TIP: There is no rule allowing players, after the game has started, to ask for a properly set delay clock to be placed on their game, which would replace an analog clock or an improperly set delay or increment clock. Only the TD can initiate placing a clock with time delay capabilities on a game after a 14H claim has been made and the steps of 14H2 have been applied. As a result, the player wishing to place a time delay clock on the game must first make a 14H claim.

TD TIP: The director should inform the claimant and opponent that when the claimant's clock is started that rule 14B3, Draw offer before moving, is in effect. The opponent has the right to ask the claimant to make a move before the draw offer is rejected or accepted by the opponent; however, if the claimant makes a checkmating (13A) or stalemating (14A) move, the game is over.

14H2b. The Draw offer is not immediately accepted and a properly set delay clock is not available for the game.

The director has four possible ways to resolve the claim.

1. A director who believes the claim is clearly correct should declare the game drawn. The exact drawing and non-losing chances of any position cannot be calculated, but a director wishing a more precise standard may consider the likely game outcome if a delay clock were placed on the game. **See also** 14I, Advice on claims of insufficient losing chances in sudden death under rule 14H and 14H3, Conferring with players.

2. A director who believes the claim is clearly incorrect should deny the claim and may subtract up to one minute from the claimant's remaining time. After the claimant's clock is started, the 14H draw request by the claimant also becomes a draw offer under 14B3, Draw offer before moving. Penalties for rule infractions remain standard. The claimant may win, lose, or draw the game. **See also** 14I, Advice on claims of insufficient losing chances in sudden death under rule 14H.

3. Deny the claim while inviting a later re-claim. There is no adjustment of either player's time. After the claimant's clock is started, the 14H draw request by the claimant becomes a draw offer under 14B3, Draw offer before moving. Penalties for rule infractions remain standard. The claimant may win, lose, or draw the game.

4. Watch the game while reserving judgment on the claim. The director should make every effort to resolve the claim before the flag of either player falls (5G). There is no adjustment of either player's time. After the claimant's clock is started, the 14H draw request by the claimant also becomes a draw offer under 14B3, Draw offer before moving. Penalties for rule infractions remain standard. The claimant may win, lose, or draw the game.

14H3. Conferring with players.

A director who is unsure how to rule may confer privately with either player or with both players separately regarding the player's plans. The director should be careful not to say anything that might assist the player if the game is resumed.

14H4. Player with fallen flag may not claim.

A player whose flag is down (5G) may not claim insufficient losing chances.

14H5. Delay Clock, a clock with time delay capabilities, or Increment clock, a clock with increment capabilities.

If either a properly set Delay Clock (5F) or a properly set Increment Clock is used, 14H and 14I are not in effect; i.e., no claim of insufficient losing chances may be made. The reaction time provided for by the delay or the added increment time for each move is likely to be sufficient for a player with insufficient losing chances to hold the position. **Passed**

MOOT ADM 09-49 (Steve Immitt, NY): Insufficient Losing Chances - The Delegates Reaffirm The Use Of Rule 14H, The Claim Of A Draw By Insufficient Losing Chances, In Sudden Death, When Necessary.

DM09-63, ADM09-50 (Steve Immitt, NY) - Awarding Prizes When One or More Prizewinners Is Subject to Prize Limitations – **Referred to Rules Committee**

A change to Rule 34E was then brought to the floor by Steve Immitt. Ernie Schlich, Tim Just and Steve Immitt took part in the discussion. An amended version making this a TD Tip was approved.

DM09-64, ADM 09-51 (Steve Immitt, NY) Playoff for Perfect-Score Ties - The Delegates resolve the following TD Tip be added to Rule 34-E:

The TD should realize that in the unique case of multiple players all finishing the tournament with perfect scores (winning the maximum number of games possible in a tournament), the standard tiebreaking systems would not have the same relevance as they would in outcomes where the players finished with less-than-perfect scores, and could have otherwise done better. It is impossible to improve on a perfect score. Therefore, in the special case of more than one player finishing with a perfect score, the TD should make every effort possible to have a playoff among all players with perfect scores, to determine the winner of the event. The playoff does not have to be rated, and the time control can be faster than the time control used for the tournament (but should allow at least five minutes per player). A special playoff to break perfect-score ties does not need to be announced in the tournament publicity, but should be announced to the players at the beginning of the tournament." **Passed as Amended**

WD ADM 09-52 (Steve Immitt, NY): Furnish And Use Time-Delay Clocks – **Withdrawn**

ADM 09-53 was brought to the floor. Ken Sloan (AL) and Joe Lux took part in the discussion.

DM09-65, ADM 09-53 (James Mennella, NJ, Roger Inglis, NJ) The delegates urge organizers of tournaments to report anyone caught cheating by use of electronic devices, or identity theft, to the police for possible criminal prosecution. **Passed**

DM09-66, ADM 09-54 (Sevan Muradian, IL) Fischer Random Rating

The USCF shall institute a Fischer Random rating for time controls considered 'Regular' under current USCF rules. The USCF shall create a baseline to determine acceptance and growth by USCF members for this variant to determine additions of Quick and Blitz ratings for Fischer Random in the following years. – **Referred to Ratings Committee with no power to implement.**

WD ADM 09-55 (Sevan Muradian, IL; Ken Ballou, MA): FIDE Fees - **Withdrawn**

Larry Cohen introduced ADM09-56 for consideration. Tim Just, Frank Camaratta, and Mike Nietman commented against adoption. Randy Bauer then noted that the way it's written it requires people at tournaments to provide profit and loss accounting of their profit and loss it does not just say it is USCF's profit and loss. He said "While we do receive and provide information on each of the tournaments we have a problem right now in that it is difficult to allocate a direct cost associated with tournaments. Prefer to refer this to Executive Board with power to implement."

DM09-67, ADM 09-56 (Larry Cohen, IL) ACCOUNT FOR NATIONAL TOURNAMENTS

A profit and loss accounting for each National Tournament will be presented as part of the budget presented to the Delegates at each Delegate meeting in August. This will not project the profit/loss for the upcoming year, but will list the actual figures for the past year. **Referred to Executive Board with power to implement**

DM09-68, ADM 09-57 (Sevan Muradian, IL; Donna Alarie, MA) Tournament Organization Documentation

The USCF is to create and maintain tournament organization documentation that will track the financials of each event on a detailed line item level (budget and actual), all contracts for the event, and all registration information. Additionally the USCF is to track registration patterns to determine in which time period (early entry, second early entry, late, at the door, etc.) registrations came. **Referred to Executive Board with power to implement**

DM09-69, ADM 09-58 (Ken Ballou, MA): When choosing tournament staff for national tournaments it runs, the USCF will actively seek to provide opportunities for qualified tournament directors to earn directing experience credits needed for advancement to higher certification levels. **Failed**

WD ADM 09-59 (Ken Ballou, MA): Clarification of TD certification experience requirements - **Withdrawn**

Donna Alarie introduced ADM09-60 saying it would good for advance publicity if the location of next years US Open were announced to the Delegates. She asked that the motion be referred to the US Open Committee. Bill Hall advised that the 2010 US Open would be held in Irvine, CA.

DM09-70, ADM 09-60 (Donna Alarie, MA; Ken Ballou, MA; Sevan Muradian, IL): US Open Location: Prior to the closing of the nominations for the election of delegates for the 2011-2012 cycle, the USCF shall make every effort to establish the location of the US Open for the years 2011 and 2012 and to publicize same. **Referred to US Open Committee**

Larry Cohen introduced ADM09-61 and requested it be referred to the US Open Committee.

DM09-71, ADM 09-61 (Larry Cohen, IL): US Open. For any US Open of 11 or more rounds the requirement of having a 1 round a day schedule is suspended. Thus, any US Open of 11 or more rounds can have 2 rounds on a weekend as part of its longest schedule. **Referred to US Open Committee**

DM 09-72 NDM 09-30 (Tony Pabon, CA-N): RESOLVED: The Delegates express the admiration for and congratulations to our US Champion Hikaru Nakamura upon his astonishing performance in the French League in May of 2009. Playing on first Board for the winning team, Hikaru scored 7.5 of 8 for a performance rating over 3000! The USCF is proud to have such a distinguished Champion" **Passed by Acclamation**

NDM 09-31 was next on the floor. Harold Winston moved it be referred to Bylaws Committee.

DM09-73, NDM 09-31 (Larry Cohen, IL) Amend Article VI Executive Board Section 1 Composition. Add after the sentence "All Executive Board Members or National Officers of the USCF" new sentence – "All serving Executive Board members must have a current USCF membership a one month lead way will be given for renewal." **Referred to Bylaws Committee**

DM09-74, NDM 09-32 (Frank Camaratta, AL; Frank Guadalupe, TX; and Tony Pabon, CA-N)

1) The Chairs of the Rules, Ethics and Scholastic Committees of the USCF be appointed as nonvoting members of the Executive Board. 2) The scope of these members is to act in an advisory capacity as oversight to the Executive Board on issues that are contrary to previous actions by the Board of Delegates or Committees or any issues that would be better served by referring to the appropriate committee for opinion or action. 3) The members so appointed will be subject to the Bylaws and the same confidentiality agreements as the elected members as required by the Bylaws. 4) This Delegate Motion is to be referred to the Bylaws Committee.

Referred to Bylaws Committee

DM09-75, NMD09-33 (John Hillery, CA-S) The Delegates remind the office that bids must be allowed and considered for the US Open. While the office may decline any bid and choose to organization the event itself it may not consider this the default option as this was explicitly rejected by the Delegates. **Failed**

PRESENTATION OF CERTIFICATES OF GOVERNANCE TO OUTGOING BOARD MEMBER

Bill Goichberg: It's been a pleasure to serve with Randy these past 3 years. He's been one of three other members I've served with that have made me very proud because they stuck to what was right. It would have been easy to give in to threats but they never considered doing that. (Applause from Delegates)

Randy Hough: Thank you, Bill its been a memorable 3 years and since I try to be a glass is half full kind of guy, I'll always cherish my memories of working with Bill Hall and the office staff; Bill Goichberg, Randy Bauer and Jim Berry. Thank you. (Applause from Delegates)

INSTALLATION OF NEW EXECUTIVE BOARD MEMBERS

Bill Goichberg: Call for new members

New Members: Michael Atkins of Virginia and Ruth Haring of Northern California

Bill Goichberg announced that the 6p.m. Executive Board meeting is an Open Session.

Meeting adjourned at 1:12 p.m.