

1 MR. RAINWATER: We are.

2 MR. McDonald: Excuse me, Commander, is
3 John Haynes appointed or John Kell~~AT~~?

4 COMMANDER STONE: John Kell~~AT~~ and
5 yourself. Should be John Kell~~AT~~.

6 MR. RAINWATER: The Department is
7 prepared to present.

8 COMMANDER STONE: Is the accused ready
9 and does he understand the procedures for
10 this hearing?

11 MR. RUELO: Mr. State Chairman,
12 Commander, my name is Roberto Ruelo. I am
13 the attorney for Paul Branesky. We are
14 ready for the hearing.

15 COMMANDER STONE: Comrade Adjutant,
16 will you read the charges and
17 specifications?

18 MR. LINDEN: The charges and
19 specifications are contained in the letter
20 of notification dated May 19, 2005, to Paul
21 Branesky. Charge 1, Paul Branesky issued
22 numerous checks and withdrawals on chapter
23 accounts with only his signature affixed.
24 Article VI, Section 6, of the chapter
25 bylaws require that all checks and

1 withdrawals shall be countersigned by the
2 Commander, or in his extended absence, the
3 Senior Vice-commander.

4 Charge 2, Paul Branesky, Treasurer,
5 failed to safeguard the funds of Chapter 9.

6 Charge 3, Paul Branesky gave false
7 information to the Pinellas County
8 Sheriff's Office regarding theft of chapter
9 funds.

10 Charge 4, Paul Branesky using only his
11 signature, wrote Check Number 2196 for \$500
12 cash with a notation, "Donation for
13 Hurricane Charlie."

14 Charge 5, Paul Branesky, at a chapter
15 meeting on 11/15/04, violated Article VII,
16 Section 11, of the chapter bylaws and
17 Article XVI, Section 16.1, Paragraph 1-C,
18 DAV National Bylaws, by exhibiting conduct
19 not conducive to the best interests of the
20 organization and contrary to the
21 maintenance of proper order and decorum.

22 MR. MCDONALD: Mr. Linden, Harry
23 McDonald, question. On Charge 5, you said
24 violated Article VII and the script says
25 Article VI. Which is it?