

The Honorably Discharged Veterans of Sarasota County, Inc.

In response to the state of Florida DAV and their claim that all our assets to include our building, property, bank accounts and the sweat equity of our members their families and the community that we have been a part of for Eighty-Seven Years, belong to them... We say not so!

The building and property were part of the "Veterans of World War One" for over a Quarter of a Century prior to the DAV asking if the members would like to change affiliations. The building and property was being used as a Veterans Organization two years prior to the DAV ever existing and Thirteen years of service to Veterans and the Community of Sarasota before the DAV was ever recognized by congress.

The purpose of any organization in any community is to become a working part of it. The members, their families and friends become an extension of both the community and the organization. A Veterans Organization has a more focused outlook, but it does not stop it from helping in all aspects of the community it lives, works, goes to school and prays in.

The goals of our membership, their families and our community have changed over the years and the National and State DAV kept giving us rules and regulations that prevented and/or restricted us from helping our neighbors, our community or our fellow Veterans.

The DAV says we must give them 10% of everything we earn, to include items we get donated. (Are they the Catholic Church or the Mafia?)

The DAV says we must pay membership fees and get all of our members to become 'Life Members' so they become permanent members on the DAV rosters.

The DAV says we must participate in their "journals" and pay for 'ads' to be placed in it. Not only should we buy an ad but our Auxiliary should participate as well.

The DAV says we must participate in their two state conventions each year, pay our registration fees, stay in hotels that provide them with a return on each room night, purchase items from them... And at these conventions, "Never" is anything done for the individual chapter or the community they come from.

The DAV says we must help them raise funds for "their" causes.

The DAV says we must not have "Any" fund raising activities without written permission in advance of the activity.

The DAV says we must not let "others" meet or gather in our building without prior written permission from the state and or national headquarter and with guidelines of what can and cannot be accomplished at said gathering. (It is our experience that written permission could take longer than six months... If permission is granted at all! A Unit in Saint Petersburg has been waiting for a written response since November 2005 for an activity to take place in May of 2006.)

The DAV says we must "Not" associate with any other organization, to include other Veteran's organizations, community groups, fraternal organizations, local publications, government agencies or religious institutions.

Because of the many restrictions placed upon us, it was difficult to recruit new members. Our social standing in our community had dropped as we were not permitted to be associated with anyone. We were told that DAV Chapter 97 (also in Sarasota County) was being shut down and they would soon merge with us.

In early 2005 we had a problem with a couple of senior officers in our Chapter, who were also known and friendly with the state DAV officials and we asked the state to see if they could assist us with a matter of leadership.

The 'state' came in said there was a problem, suspended our officers and put in their own trustees. During the months that they served as "Our" officers and leaders, these trustees led by DAV State Commander David Stone, abused the members as they were insulted, bullied and threatened and/or intimidated through repercussion of their Veteran's benefits affected or being charged with some 'Article and Section' in the national by-laws, which nobody ever saw.

By the time the 'state' officials left us in late summer, the \$27,000.00 out of our Holding Company treasury was still missing without resolution or terms of repayment or so much as a "Here's what was done with your money!" They did not help us in any manner of the requests we made of them. We don't even know if repayment was made to them and not us.

Attending our general meeting in July 2005, were Florida State Executive Director Albert Linden, Florida State Inspector Carlos Rainwater and Florida State Commander David Stone. They had brought up the subject of our building and land holding company and sold the members some type of story that they were watching out for us and that our Building and Land (which has no mortgage on it) was in some sort of jeopardy with our current holding company; "Veterans of Sarasota County Holding Company" which we were with for many years "But" they were going to fix it for us. (What they did was file a Quitclaim Deed and bought our building and property for \$1.00 and put it in their name.) We did not even know we were robbed.

It was through an article in a Veterans publication that made us take a second look at what the state of Florida DAV had done. They stole the building and property of a Community Based Veterans Organization telling us story's of how they were helping us. We were flimflammed!

We also discovered that they had tried to do this very same thing several times in the past and each time the Officers and Members of our Organization fought them and took it back.

Their by-law says that if they close a Chapter upon revocation of charter or the disbanding of said chapter it becomes their property as no DAV Chapter may have any permanent assets. (With over 2,000 Chapters nationwide, we do not know that even one percent actually know about this by-law)

Since they did not close the Chapter by revocation or recall the Charter because the chapter disbanded, the rule/by-law does not apply. We turned in our Charter, we quit and we do not wish to associate with an organization that would treat its members in this manner.

In their item #34; *"The active membership in DAV Sarasota #3 has declined in recent years. The individual Defendants are members, officers and directors of DAV Sarasota Chapter #3."* The reason for the decline of membership was the restrictions placed upon the Chapter about fund raisings and activities by the DAV State and National. The so-called Defendants are no longer officers, members or directors of anything involving the DAV.

In their item #36; *"The Defendants knew that if the chapter disbanded, surrendered its charter or has it revoked that the real property and the assets of the chapter would revert to DAV Florida."* There is 'Nothing' in their by-laws that says anything about surrendering a charter. The charter was not revoked by state at the time they received it voluntarily as the chapter could no longer financially, emotionally or socially afford to stay in the DAV because of all the restrictions.

In their item #37; *"The Defendants intentionally and maliciously conspired to defraud DAV Florida by fraudulently transferring ownership of the real property for no consideration or reasonable value to avoid the real property reverting to DAV Florida."* This is exactly what Albert Linden, Carlos Rainwater and David Stone did when they intentionally and maliciously conspired to defraud the Veterans of Sarasota County when they falsely stated that there was a problem with the prior holding company and then transferred ownership of the real property for no consideration, which was paid for by the local Veterans and the community that supported them.

In their item #38; “*The Plaintiff reserves the right to plead a claim for punitive damages upon a reasonable showing by evidence in the record to the court.*” The Plaintiff has no rights or privileges as it gave “NO” consideration to the members, never paid a single debt for or towards the building, property, maintenance, repairs, utilities or fees of operations.

In count III there was no breach of anything, the Veteran members were taking back what was taken from them in the exact same manner that DAV said was wrong which is what they did. And since there is no by-law that prevents a chapter from surrendering its charter prior to allowing the DAV from stopping all activities or stripping it bankrupt, the entire complaint is moot! In addition to this, a phone conversation with Albert Linden on June 13th, 2006 revealed that the state DAV received the return of the charter.

Now the state and national commanders are saying that they are revoking the charter. Is this like filing an eviction notice on a renter that moved out last month? The only purpose may be to show that the truth is, any chapter can surrender their charter while in good standing, but if the DAV can show the court that it was revoked after the fact, maybe they will find a court that will go along with it, we just don’t believe that it will happen in this country for the DAV to take what is not legally theirs?

Whereas:

We could no longer afford to pay the mandatory offerings/fees to the State DAV;

Whereas:

We could no longer allow them to take funds from our treasury at will;

Whereas:

We could no longer separate ourselves from other Veteran’s Groups;

Whereas:

We could no longer participate in ‘public functions’ including Veteran's Day Parades;

Whereas:

We could no longer be part of our community of Eighty-Seven years;

Whereas:

We no longer wished to be insulted and bullied by David Stone;

Whereas:

We no longer wanted to be intimidated by Carlos Rainwater;

Whereas:

The National DAV Headquarters would not respond to our cries for help;

Whereas:

There are no rules protecting members and chapters, just state and national employees;

Therefore:

The Members discussed, decided and voted to remove themselves from the ranks of this DAV organization and returned their Charter to them as the regulations allow, so they can return to a Community Based Veterans Organization known as; “The Honorably Discharged Veterans of Sarasota County.”

This organization will allow “All” Honorably Discharged Veterans to join. It will increase our membership base to become more active in community affairs, to open our doors to other

Veteran and community Groups who wish to assist in our endeavors of serving our neighbors, community, county, state and nation.

If and when the Honorably Discharged Veterans of Sarasota County no longer exists, the building, property and assets will be returned back to the community from which it all was created from.

Respectfully Submitted;

July 11, 2006

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