

## THE NACD TODAY FROM THE VICE-PRESIDENTS PERSPECTIVE

From the Vice-President's perspective I would like to provide you the cave diving community my observations of where the NACD is today, how we got to where we are and hopefully where we are going?

I would like to take the opportunity to introduce myself. Many of you may know who I am, many do not. Most do not know the position I currently hold or the stance I take on the protracted situation of which the NACD as an association and its membership finds itself. YES ITS MEMBERSHIP!

I am the Vice-President of the board of directors and the Membership Chair. Currently I am in the position as the interim President. I will discuss this later in this letter. I am and have always been of the belief that the Board of Directors (BoD) is of the membership and for the membership. The NACD is an association made up of this membership. For anyone whom have received a renewal letter from me would read this in each and every letter I personally signed and mailed to you; you as a person by name not a salutation saying just "Dear Member".

I have always been a proponent of the rule of law in this case the by-laws used to govern the NACD. No current BoD is signatory to the establishment of the current as written by-laws. The by-laws have been handed down to us and for what they are worth they shall and must be used to enact policy of the NACD. How the by-laws are or have been often interpreted is a debate we could spend hours, many pages writing, blogs or chat-board posts discussing. I do believe that the internet is often not the best medium to be used in discussing these matters, but it is as they say, what it is. So here we are using a communication medium that fails often in its ability to convey tone, attitude and the reality of the situation. I would rather and prefer be available in person to do so. Come the 13 October at Ginnie Springs at 6 pm we will get this opportunity. This is a very important meeting. So much so I believe that it justifies my return from Canada where I'm serving in the military traveling at my cost to chair the meeting as the presiding officer. In the past I have made every effort to attend meetings via telephone conferencing and Skype from as far away as Afghanistan. This is a dedication I can sadly say is not shared by all BoDs past or present. Nor can I expect it of them because the position of BoD for the NACD is a volunteer post, nominated for the most part by the membership if not the incumbent BoDs. Family and career have to be balanced against this commitment. When it is something as critical as the situation regarding recent events, my expectation are that every effort should be made to be there, its that simple, no excuses.

Somewhere between the rants, the complaints of foul play, and the flag waving attempts to rally the troops lays the real truth. It is my intent to sort through the chaos and bring the NACD into a successful future. I believe that the NACD must be governed with integrity, accountability, discernment and transparent visibility and openness. I sense that many of you feel the same.

The incumbent BoD are not taking the Johnny Richards situation lightly, I assure you that. While we may have differencing opinions of what to do, we are working to resolve it. I have articulated to the BoD that the by-laws must be adhered to and that all by-laws reviewed and those applicable to the situation dutifully considered. The by-laws are not to be interpreted in any way different or altered then the words they are composed and defined with; in short they must be followed to the letter. Here in itself lies a challenge as history suggests this was not always the case. The by-laws are not a perfect solution and like the skills of a cave-diver require a constant evolution of development and betterment. Fair enough, we the membership inclusive of the BoD will get to that. However the by-laws as they stand at this moment are what we have and cannot in fairness be changed or ignored to accommodate the situation because it suits us to do so. The process to effect change is not unlike the study of accident analysis. We use the lessons learnt to develop a course of actions, determine the best way forward and effect the required change. Change should only be when needed and not just for the purpose of change for changes sake. When we change things we should expect some degree of conflict as not everyone will agree to the changes. Thus when we must change, we do so to meet the requirements of ideally 90 percent of the affected members, we call that the majority.

So we find ourselves at a cross roads pondering under a gray sky, a cloudy sky of uncertainty. I am writing this letter at 3 am on a Sunday morning, please allow some leeway if my language and grammar are off and the facts as I recall them are not quite 100 percent. I am burning the midnight oil researching all avenues regarding this situation. The Johnny Richards's situation has been a topic creating great stress to the organizational structure of the NACD. Since Johnny Richards arrest of drug related offences came to light coupled by his association to the NACD as an instructor, two members of the BoD have resigned and two have been removed.

I propose to you a consideration? If Johnny Richards was not living in the region affectionately known as "Cave Country" and he was not known to be closely associated to the NACD being that of a cave instructor. Would we be having this debate of what should become of him let alone the demise of the NACD and that "*Good O' Boys*" club also known as the BoD that govern it? I suggest we would not. The NACD BoD can only act upon what it knows. Unfortunately this is not the case here. Johnny Richards by his popularity, his decision to approximate himself to drugs and his association to cave diving, specifically the NACD requires that disciplinary action be taken. The State of Florida under federal and state laws has imposed what they hope will be corrective measures on Johnny Richards. The state's punitive measure does not remove the NACD from its responsibilities to its members and the cave diving community as a whole.

Thus the disputation begins almost a year ago. Important to note is the following comments reflects my perspective as the Vice-President and was passed before the incumbent BoD before being made public, but its still my letter. Jeff Bauer resigned from the NACD because (and Jeff can speak for himself) he was unable to bring the BoD to a consensus and a resolution; he weighed the stress against his family's pending needs and decided to depart the NACD. The Johnny Richards situation played a role in probably only expediting what was inevitable. We wish Jeff and his family wellness and

the very best. Jacki Clark resigned from the BoD clearly over the Johnny Richards debate because she could not accept the indecisive actions of the BoD to expulse Mr. Richards as per By-Law article 3.09 (4). I may be paraphrasing her actions here but I believe this was her reasoning. (Jacki most certainly can speak for herself). With the departure of Jeff Bauer the BoD called for an executive special meeting, the process of which was not fully within the by-law requirements of articles 3.13 or 4.12, however I believe justified (discernment). At this meeting it was determined that Don Symes would assume the role of Secretary and Treasurer, Bert Wilcher's former role. Bert would assume the position of President. It was agreed my military service in Canada precluded me from assuming the Presidential functions as per by-laws. I do not favour this opinion in today's environment. Tracy Grubbs was in attendance via telephone speaker and Curt Bowen newly appointed as a BoD was not available. Soon following the restructuring of the BoD we are saddened by the sudden passing of Debra Green, The NACD Operations Manager, who by her enduring and endearing efforts was a critical component to the day to day business affairs.

At the time of Debra's death as a friend Bert Wilcher came to assist Larry by assuming his instruction of cave classes with no compensation. Bert correctly realized that the operations of the NACD had to carry on. There was some disruption of a minor nature but for the most part Bert with the aid of his wife succeeded to stem off the operations complete shut down. Those that know me know I will give credit where it is due but I will call it as I see it and will separate business from friendship. Bert is a victim of circumstance to some degree and by his own actions. Bert's well to do intentions to service the NACD in taking on the operation functions boxed himself into a potential conflict of interest. For one he did not completely hand over the needed financial data. This was not a good scenario as Bert remained able to sign the checks and concurrently manage the bank accounts. To date Don Symes is still waiting for some financial data to permit reconciliation of the accounts. Further to this a condition was created by the removal of NACD materials and holding's from what was formerly Debra Green's desk held at the Green's residence. I will not debate the issue if personal files of the Green's were on the NACD computer or mixed within some of the files that Bert took but suffice it to say that Bert was in the Green's residence without Larry at a time of mourning and that better discretion and planning could have been used to secure the NACD holdings. Larry was separated from the Student and Instructor data base. Now he is complicated in performing his responsibilities as Training Director. Bert did provide some data however not sufficient to the needs of the Training Direction.. This situation is compounded by the discord and recent communication difficulties the two former friends are now experiencing.

I will say that Bert provided to me a data base for the membership upon my request but it is not the data base used to determine the quarterly renewal schedule and is only the list of names. Debra would prepare the list every quarter for me to action as membership chair. It will take some time but I will fix the data base.

To Bert's defense I will repeat myself. Bert did attempt to develop a cohesive team within the BoD; He pursued the development of a NACD mission statement and sought

definitive organizational structure. I do applaud Bert for this attempt. Now it is of no secret that in a few of the BoD meeting that Bert became involved in heated confrontational discussions with other BoD members, most notably Larry Green I suspect fueled in part by the method and timing of removal of NACD properties from the Green's residence. My observation of the primary NACD concern was that no progress was being made regarding the Johnny Richards situation. In truth a divided BoD was evident with no breaking of the stalemate, again a consensus for a needed course of action was not achievable.. Although by-law article 3.09 (4) states "shall" be terminated for the following reasons, article 3.11 allows a member to petition a termination unless a unanimous decision of the BoD is reached to reject said petition. Bert drew up a letter of termination acting at best with only partial BoD consent; this is clearly against by-laws as it applies to the Johnny Richards case. Personally I do not like this scenario but it is the cause and effect of the current by-laws. Bert's actions were creating a vile state of animosity amongst the BoD and were contrary to his efforts to build a team. Many NACD members have expressed their disappointment and disillusionment at how Bert chaired the board meetings and believe the structure was yet again more of the same "Good O'l Boys" stuff.

A meeting for 1 September was called with the agenda to fully discuss the Johnny Richards situation and the pending legal ramifications if the BoD did not act on behalf of the NACD in honoring the petition in accordance with the by-laws. At this time Johnny Richards is still an active NACD instructor and member and as such is afforded the rights thereof and so submitted a Petition for Termination through his attorney. This special executive meeting or as the chat boards refer to it as "Secret Squirrel" Meeting was called by Don Symes and supported by all BoD except Bert Wilcher and Curt Bowen. Bert explained that he had family activities scheduled and will not be attending. Curt Bowen in a series of course e-mails made it clear he would not and could not attend because he was out of country he offered the following week that the BoD come to Sarasota, FL. The distance from Sarasota, FL was too far to drive and perhaps the majority of the BoD should come down his way. Both BoD members were given the opportunity to Skype into the meeting, both declined; Bert for family reasons and Curt basically a flat out No. Being in Canada I have an attitude problem on this approach.

I had asked the BoD having a sufficient quorum via Skype their feelings and explanations of the Johnny Richards situation. It is important to know here that there are differencing opinions. However I am flexible and willing to rationally discuss and hear things out by all involved. It was presented as a motion to remove Bert Wikher from the BoD in part because of his actions of violating the by-laws and solely acting on behalf of the NACD membership without full BoD consent.. As I described it to Bert he was removed because of a failure of corporate leadership and practices.

The removal of Curt Bowen was not so much related to the events attributed to Johnny Richards. Curt is very clear that Johnny should be removed from membership. Curt became a BoD following last year's nomination from the floor during the annual seminar. Since that time Curt has only attended one BoD meeting, He has been and continues to be openly critical of BoD members, specifically focused on one Larry Green. His

communications have been callous offering no solutions or constructive recommendations. He was cautioned by myself in this regard and made no effort to correct himself. Curt was removed from the BoD under By-law articles 4.08 (2), and 4.08 (3).

Right now the NACD BoD is focused on the conduct of operations of the NACD, social events such as the annual seminar and the legal issues pertaining to Johnny Richards Petition for Termination. The regular scheduled BoD meeting on 13 October will be Mr. Richards's opportunity to present his case against termination. This will be before the membership as part of the new business agenda items. (We do still have the responsibility to the membership to discuss the day to day business items normally listed as part of the meeting agenda). In the meeting as part of the Presidential reports I will clearly articulate the conduct of the meeting and the expected decorum by all in attendance. Should Mr. Richards not show it has been explained to him in a letter that his Petition will be considered null and non-contested and the BoD will rule a course of action (COA) determining the standing of Mr. Richards membership status in his absence. I can tell you Mr. Richards has presented two options in his Petition for Termination. One which is compatible to the imposed State of Florida Probation and the other legal action against the NACD should option one not go as he hopes.. I tell you this in hopes of fostering transparent visibility and openness.

The BoD is attempting to keep on track through this difficult time. We do monitor the chat boards as they do to a degree provide us an element of how the membership feels and what they are telling us. Amongst the rants, venting and saber rattling there are some good ideas. In this way the internet is a good thing.

It is my intent as a NACD BoD to move the NACD past this moment to a better position, one of trust by its membership and to resume its position as the leader in the global cave diving community.

In closing I remind you that this letter is my perspective having served as the membership's Vice -President and Membership Committee Chair. My writing this is my attempt to explain the situation and to appeal to the NACD membership to sustain rational thinking, to ask questions so that we may better work to the truth and to resolve this current situation with the intent for betterment in how we govern ourselves.

That's how I see it, thank you it is now 0745 hours, I'm going to bed

Rick Murcar  
NACD