

Ethics Complaint Submitted to Ethics & Elections Committee 8/25/2016 10:24 AM

At the Huntsville Hamfest this past weekend, Greg Sarratt, W4OZK placed copies of the attached campaign flyer on tables around the Hamfest. The flyer is also on his website:

http://www.w4ozk.com/index_htm_files/GS%20flyer%202016%20paths.jpg

The photo in the lower left hand corner is Peter Meijers, AI4KM, the HamCation Chairman, shaking hands with Sarratt (probably HamCation 2013). The photo of Peter in Sarratt's campaign literature implies Peter's endorsement of Sarratt as a reasonable person would infer that Sarratt asked for and received permission from Peter to use his photo in his campaign. Further the "Orlando HamCation" caption under the photo implies the endorsement of the Orlando HamCation team.

Peter is a very good personal friend of mine. I have confirmed with Peter that he did not give Sarratt permission to use a photo of him in Sarratt's campaign flyer and is greatly disturbed. Further, the Orlando HamCation did not give Sarratt permission to utilize their service mark in his campaign.

I demand that at a minimum Sarratt be immediately ordered to take down the deceptive campaign flyer, destroy all remaining printed copies of the flyer, refrain from using Peter's or any other person's photo in his campaign without that person's permission, and be required to immediately place a PROMINENT notice on his website, w4ozk.com, with language stating that the photo of Peter Meijers, AI4KM, in his campaign flyer was used without permission AND Peter Meijers, AI4KM, DOES NOT support Sarratt, and that "Orlando HamCation" was used without authorization and the Orlando HamCation and the parent organization, the Orlando Amateur Radio Club, does not support Sarratt.

The willful and purposeful use of Peter's photo and the Orlando HamCation service mark in Sarratt's campaign literature is particularly insidious as it implies that the largest organization in my Division and located in my home area supports Sarratt rather than me. He could have used a photo from the Huntsville Hamfest where he might have some support, but he purposefully chose the Orlando HamCation.

The foregoing cannot cure the ethics violation, but is as close a cure as could exist as that flyer has already been seen by hundreds of people.

I have copied Peter and also John Knott, N4JTK. John is the President of the Orlando Amateur Radio Club and also a very good personal friend.

Doug Rehman, K4AC

ELECT GREG SARRATT W4OZK ARRL Southeastern Division Director

MEMBER DRIVEN, EXPERIENCED, EFFECTIVE REPRESENTATION AND
DEMONSTRATED PROVEN PERFORMANCE WITH INTEGRITY

AS YOUR PAST ARRL DIRECTOR



ARRL HURRICANE KATRINA
CONTROL CENTER



OPERATING W1AW



OPERATING W1AW/KP4



AWARD PRESENTATION



ORLANDO HAMCATION

Fellow Amateur Radio Operator,

I am running for the position of ARRL Director and would appreciate your support and vote. I served as your Director from 2007 to 2013 and represented Amateur Radio and the Southeastern Division.

As Director, I enjoyed meeting many fellow amateurs throughout our Division. Meeting you has greatly shaped my member-driven thinking and focus to improve, protect and serve Amateur Radio and the ARRL.

As a second generation ham, I have been active in many areas of amateur radio for over 30 years, including emergency communications, DX, VHF/UHF, public service, education, contesting and digital.

I will represent our Division with my proven leadership performance, integrity, experience, successful Board collaboration and credibility.



I would appreciate your vote to elect me as ARRL Southeastern Division Director in October.

Thank you and 73s,
Greg Sarratt W4OZK

VISIT
www.w4ozk.com

VOTE FOR GREG, ARRL SOUTHEASTERN DIVISION DIRECTOR



FEATURED IN NOV 2005
QST MAGAZINE



LEADING DISASTER RELIEF



DISASTER RELIEF TRAINING



ANTENNA INSTALLATION

Reply of Ethics & Election Committee 8/29/2016 9:11 AM

Doug:

I have your second "ethics complaint" against Greg Sarratt, W4OZK and all three members of the Elections and Ethics Committee have reviewed the flyer you sent and the allegations you have made. It is our collective view that again, you have not made any factual allegation that could possibly lead to disqualification of Greg Sarratt as a candidate for election as Southeastern Division Director or any other sanction, and we decline to further review this complaint. The E&E committee takes its work seriously endeavoring to be always fair and objective. We do not appreciate your bullying tactics and object to your sending copies of this complaint to third parties not members of the ARRL Board, and we would caution you to refrain from doing that in the future. In our view you have filed a frivolous complaint against your opponent and have published that frivolous complaint to third parties. That is in our view an unfair election procedure and if it is repeated we will have no recourse but to consider the effect of your action on your own qualifications to run for reelection and we will notify the rest of the Board of our findings.

You object to a photo in Mr. Sarratt's flyer of a person who you know (but who is unidentified in the photo) who you say does not support Mr. Sarratt's candidacy. What the photo illustrates is that two people are shaking hands at a ham radio event in public. There is no quote from the person who you identify as AI4KM to the effect that he supports Sarratt and no identification of the person at all. Two people shaking hands in public in a photograph indicates nothing more than that two people met and shook hands in public, and certainly not an endorsement of anyone's candidacy for director, especially since you indicate that the photo was taken at an unknown date, perhaps in 2013, long before this election. We assume that AI4KM does not deny that he shook hands with Sarratt at some point in the past and that the photograph is authentic. There is no misuse of the gentleman's likeness because Sarratt is not making any commercial use of the photo and it was a photo taken in public and is included without characterization. No advance permission is required in those circumstances. Finally, the appearance of the term "Orlando Hamcation" in the flyer does not constitute a prohibited use and even if it did, you are not a proper person to raise that concern.

In our view, Doug, you need to stop these frivolous complaints against your opponent and focus on conducting a clean and informative campaign yourself. We do not anticipate any further correspondence from you with respect to either of the complaints you have filed against Mr. Sarratt.

73,

For the Ethics and Elections Committee

Dale Williams WA8EFK
Chairman

Response to Ethics & Election Committee 8/29/2016 11:11 AM

Dale:

Thank you for the Committee's reply.

A significant point of clarification—I did not ask for Sarratt's disqualification based upon the flyer—just the retraction of the flyer. I am concerned as to whether my complaint was actually read.

The reason I included AI4KM and N4JTK on the complaint email is that they are directly involved (AI4KM in the photo and N4JTK as the President of OARC, the service mark registrant). It was done for convenience so that had you chosen to do the most basic of due diligence you had merely to reply all, removing anyone you didn't want to see the reply, and asked Peter and John if my representation of their position was correct. This was in no way a "bullying tactic".

While I believe the photo to be from 2013, a viewer of the flyer would very likely think the photo was recent.

I will let Peter and John know that they will have to send Sarratt a cease and desist letter as the E&E will take no action.

Am I to take from your closing paragraph that both complaints are completely adjudicated and closed?

I am disappointed with your inaction, but not surprised. It serves to reinforce the narrative of my campaign.

73,
Doug
K4AC