

Ethics and Elections Committee
Report to the Board Concerning Doug Rehman's Ethics Complaint #1 Against
Greg Sarratt, W4OZK Election Qualification
September 22, 2016

To the members of the ARRL Board of Directors:

The Elections and Ethics Committee has concluded its investigation of the complaint of Doug Rehman, K4AC against Greg Sarratt, W4OZK pertaining to the relationship between Sarratt and electronics manufacturer and dealer Gigaparts. Participating in the resolution of this matter were E&E Committee member-directors Dale Williams, Rod Blocksome and Kent Olson.

Both candidates were initially been found basically qualified to run for election as Director, but since that time, Director Rehman has been found by the Committee to be disqualified as a candidate for re-election. Because Mr. Rehman has asked the Board to review the decision of the Committee that he is disqualified, we will leave it to the Board to determine whether or not Mr. Rehman has standing to request a review of this decision. If Mr. Rehman is determined to no longer be an eligible candidate for re-election, he would not have the ability to unilaterally request review of this decision.

It is the decision of the Committee, after investigation of the allegations made by Mr. Rehman and the supporting documentation provided by him, that there is no basis to find Mr. Sarratt disqualified. There was no substantial evidence submitted to the Committee by Mr. Rehman that could lead to disqualification of Mr. Sarratt and therefore no action will be taken on the complaint by the Committee.

The E&E Committee is aware that Mr. Rehman has on September 20 asked the Board to review the issue of Mr. Sarratt's relationship with Gigaparts in his e-mail to the Board. In the view of the Committee, that request was premature inasmuch as no final action had been taken by the Committee on that complaint at the time of Mr. Rehman's request. Mr. Rehman may choose to renew his request upon distribution of this Board report when it is circulated. However, as per the above, Mr. Rehman's disqualification as a candidate for re-election, if not reviewed or reviewed and subsequently reversed by the Board, would render him unable to unilaterally call for a review of the committee's decision detailed in this report. Instead, per the terms of Bylaw 41, five or more directors would have to request such review.

On August 24, 2016 Doug Rehman filed the following complaint with the Elections and Ethics Committee:

I hereby relate the following information and call for the immediate disqualification of Greg Sarratt, W4OZK, as a candidate for Southeastern Division Director.

E&E replied to my nameless inquiry concerning the soliciting and/or receipt of monetary (sic) and/or in kind contributions from an amateur radio vendor by a candidate for the Board by stating that it is "truly unethical". This is a standard far beyond being of questionable ethics.

I have heard rumors that Sarratt has approached amateur radio vendors at a Convention and solicited campaign contributions from them. Those rumors if true disqualify Sarratt from being a candidate for Director. The following information shows that Sarratt has indeed accepted in kind campaign contributions from an amateur radio vendor.

I have discovered that Sarratt's campaign website, www.w4ozk.com, is currently hosted by Alabama based amateur radio vendor Gigaparts. Further investigation revealed that this has been the case since at least 01/11/2012. It is probable that this was the case in the 2010 election cycle when I lost to Sarratt. The unequivocal evidence shows that as a sitting Director, Sarratt accepted an in kind campaign contribution by Gigaparts during the election cycle of 2013 when I defeated him.

Sarratt served as a Director for six years, including a stint on the Ethics and Elections Committee as Chair—an assignment cut short due to his actions concerning an ongoing election the committee was overseeing. His actions in having his personal campaign website hosted by Gigaparts are willful and intentional. There can be no excuse of he didn't know any better; Sarratt is not a candidate for the Board that has no previous knowledge of the League's ethics policies.

I must presume that Sarratt did not disclose his ongoing relationship with Gigaparts on 4C of his nomination questionnaire as the E&E would surely have found him to be disqualified for having committed a "truly unethical" act by accepting an in kind donation from an amateur radio vendor.

Below are the publically available sources of information that unequivocally prove my charges:

Internet Archive of Sarratt's campaign website ([w4ozk.com](http://www.w4ozk.com)) on 11/06/2010: <https://web.archive.org/web/20101106142423/http://www.w4ozk.com/> (PDF Attached)

Internet Archive of Sarratt's campaign website ([w4ozk.com](http://www.w4ozk.com)) on 09/30/2013: <https://web.archive.org/web/20130930071730/http://www.w4ozk.com/> (PDF Attached)

Sarratt's campaign website currently: <http://www.w4ozk.com/> (PDF Attached)

DNS Report on [w4ozk.com](http://www.w4ozk.com) (note the [gigaparts.net](http://www.gigaparts.net) nameservers under "PARENT"): <http://www.dnsstuff.com/tools#dnsReport?type=domain&&value=w4ozk.com> (PDF Attached)

IP History for [w4ozk.com](http://www.w4ozk.com): <http://viewdns.info/iphistory/?domain=w4ozk.com> (PDF Attached)

IP History

for [gigaparts.com](http://viewdns.info/iphistory/?domain=gigaparts.com): <http://viewdns.info/iphistory/?domain=gigaparts.com> (PDF Attached)

While a false or misleading statement by a candidate can be cured by a retraction and notification, there is no way to cure a “truly unethical” breach of ethics. The only appropriate remedy to Sarratt’s “truly unethical” violation of accepting an in kind campaign contribution from an amateur radio vendor is his immediate disqualification. The only appropriate remedy to Sarratt’s failure to disclose the relationship with an amateur radio vendor on his questionnaire is his immediate disqualification.

I am preparing a web page to be placed on my campaign website that details the foregoing information, including the unequivocal proof of the “truly unethical” violation. I am holding off publishing it in the event that doing so is unnecessary.

Doug Rehman, K4AC
Director Southeastern Division
doug@k4ac.com

In response to this complaint, the E&E Committee agreed to investigate the matter and investigate allegations regarding Gigaparts as a courtesy to a fellow Board member. However, it was then and it is now the firm view of the Committee that Mr. Rehman did not raise any issue which, even if assumed to be true, could reasonably lead to the disqualification of Mr. Sarratt. The following cautionary response was sent to Mr. Rehman on behalf of the E&E Committee on or about August 25:

Doug, I have received your complaint and the information you provided with respect to Southeastern Division Director candidate Greg Sarratt, W4OZK, and I have conferred with the other two members of the Elections and Ethics Committee, Rod Blocksme KØDAS and Kent Olson KAØLDG, about what you have provided. The Committee has decided that it will investigate the facts that you have raised in detail. However, we are doing so only in deference to a fellow member of the Board. A preliminary review of the complaint leads us to conclude that you have not presented enough facts to justify disqualification of the candidate and your complaint is untimely. We will not, because we can’t, complete the investigation prior to tomorrow’s deadline for finding candidates qualified to run for election. That is, as you yourself have noted recently, not a deadline that we can ignore. So as it stands now, Greg Sarratt will be found qualified to run for election.

Here is why we are taking this position:

1. The complaint is untimely in the extreme. All of the information that you have provided was known or knowable long before now. You provided this material after the deadline, last Monday, when the candidates had to be notified who is running in each Division. Tomorrow is the deadline for final eligibility determinations. Those

two deadlines are in conflict but even ignoring the first, we cannot complete a fair investigation of your complaint in the time available.

2. Your first complaint against Greg Sarratt is that you “have heard rumors” that Sarratt has approached vendors at a convention and solicited campaign contributions from them. You do not identify the source of these “rumors” and who the vendors are other than Gigaparts. We will not be investigating rumors, nor vague accusations like this.

3. With respect to Gigaparts, your allegation is that Gigaparts hosted Sarratt’s web site. You allege that this is an in-kind “campaign contribution”. You don’t, however, prove that this hosting was a donation. It could have been something that Sarratt paid for and in any event you do not establish the value of the hosting, which could be and in all likelihood was nominal.

4. Finally, having checked with Tom Gallagher about this, we have found that Gigaparts is not an ARRL advertiser and has not been for almost ten years. We have no commercial connection with Gigaparts. Even if Gigaparts did host the web site for Sarratt free and even if that had more than nominal value, Gigaparts is not an ARRL vendor, supplier or advertiser and there is no clear violation of any ethical obligation that Sarratt had to either report it or decline the alleged contribution.

5. You have grossly misstated our correspondence of August 23 in your repeated characterizations of what constitutes “truly unethical” behavior by a candidate. The entire point of my e-mail to you in which I used that term was to note that Board Policy 2.1 created no precise policy that can be stated with respect to a candidate’s solicitation or receiving monetary or in kind contributions from what you referred to as “an amateur radio vendor”. The issues are fact-based and have to be resolved on a case-by-case basis. I did note that in my view, “using one’s position with the ARRL to solicit or accept a donation or services from an ARRL vendor, supplier or advertiser is truly unethical.” I still believe that. But you asked a generalized question and I told you that these analyses are resolved case-by-case. Even so, you do not allege and it does not appear true that Greg Sarratt used his position with the ARRL (he doesn’t have one) to solicit or attempt to solicit or accept a donation or services from an ARRL vendor, supplier or advertiser. Gigaparts is none of those things.

So in our view, your complaint is not substantive and it is too late to adjudicate on a timely basis relative to this election. Nevertheless, as I mentioned earlier, out of deference to a fellow Board member, we will inquire into the Gigaparts web-hosting. If we find information that justifies some action by the Committee, we will take action in due course. Thank you for bringing this to our attention.

One other thing, Doug: You claim that you are going to create a web site that includes these allegations. We would advise against doing that. If you do, please understand that the E&E does not condone such an action and you will be

exclusively responsible for the consequences of doing so, including any claim by Mr Sarratt that he has been harmed by it. Furthermore, asserting claims which prove false or frivolous could trigger a complaint about you.

For the ARRL Ethics and Elections Committee
Dale Williams WA8EFK
Chairman

Subsequently, the Committee had a dialog with Sarratt with respect to his relationship with Gigaparts but no useful information was obtained that indicated any departure from the original review that the Committee made of Mr. Rehman's materials submitted with his complaint.

Recently, on or about September 15, Mr. Rehman asked Tom Gallagher to provide information from prior Director elections pertaining to candidate statements and nominating petitions of Mr. Sarratt relative to the current election and prior elections. The Committee did not ask for additional information from Mr. Rehman and Tom Gallagher asked General Counsel Imlay for an opinion with respect to the propriety of providing information unilaterally under the circumstances. Imlay corresponded with Mr. Rehman by e-mail, stating in part:

At this point, it is difficult to determine the purpose of your document request. You made a complaint against Sarratt that either did contain or should have contained all of the material that you needed to submit in order to make a prima facie case of an ethics violation against your opponent. That was submitted to the E&E Committee on or about August 24, almost a month ago. You now, without explanation, are asking that additional information be provided by Tom to the E&E that the E&E has not asked for and which bears no apparent relationship to the complaint you filed with E&E. To be candid it looks like a fishing expedition, and it seems to me that unless the E&E Committee asks for additional information in the course of their investigation of your Ethics Complaint #1, you either made your case on August 24 or you didn't. The E&E Committee informed you that the material you submitted on August 24 was late at that time and they had other concerns about the substance of your complaint, but as an indulgence to a fellow Board member, they agreed to investigate the complaint. How they do that is up to them, not you.

So before putting Tom in the middle of your effort to supplement your complaint with material that pertained to long earlier elections as well as the current one, with information that the E&E Committee has not asked for, my suggestion is that you ask the E&E Committee if they wish additional information in order to adjudicate the Ethics Complaint #1 that you put before them on August 24. If the Committee wishes additional information (which they can decide for themselves; I am copying them with this e-mail) they may unilaterally ask Tom for the information you identify. However, I am constrained to note that any complaint you have about your competitor that pertains to a prior election process is of highly questionable relevance and it is difficult to imagine why you couldn't have raised an ethics complaint relative to Mr. Sarratt based on that well before now, on a timely basis.

Finally, it may be that all or some of the information you ask for has been published by ARRL already. If so, it would be incumbent on you, not Tom, who is in the midst of the budgeting process at the moment, to assemble that information and provide it to the E&E yourself if you feel the need to do so.

73, Chris W3KD

Upon review of this letter from Imlay to Rehman and because the Committee members decided that no further information was called for, it was voted to not request any further information about this pending complaint.

Mr. Rehman did on September 20 send to the Board a request for review of the relationship between Sarratt and Gigaparts. As noted above, the view of the Committee is that such request was premature because on September 20 no final decision had been reached by the Committee, though the August 25 response to Mr. Rehman from the Chair of the E&E Committee did make it clear that unless additional investigation revealed some issue, as it stood, Mr. Sarratt was found to be eligible. Mr. Rehman also provided to the Board information and attachments that had not before been submitted to the Committee. Though the Committee was not obligated to do so, it has reviewed these additional materials. They assert that in earlier elections, Mr. Sarratt had an undisclosed relationship with Gigaparts that Mr. Rehman asserts to be improper. But in the view of the Committee, there is nothing submitted that would cause the Committee to conclude differently than it did in its initial response to Mr. Rehman. Mr. Rehman is now questioning the propriety of actions occurring in a prior election more than three years ago. There is no relevance to that information because as previously noted, Gigaparts is not now an ARRL advertiser and the relationship that Mr. Sarratt may or may not have with Gigaparts is not prohibited by our rules. Mr. Sarratt has no current role with ARRL and there is no showing that the web hosting has any but nominal value. In short, there is no showing, either on August 24 or in the aggregate to date that there is any prohibited relationship or action between Mr. Sarratt and Gigaparts.

Based on the foregoing, the Committee, after careful deliberation has found no basis whatsoever for disqualification or other sanction against Mr. Sarratt's candidacy for election as Southeastern Division Director and declines to take any action in response to Mr. Rehman's complaint.

For the Ethics and Elections Committee
Dale Williams WA8EFK, Chairman
Rod Blocksom KØDAS
Kent Olson KAØLDG