

# TOMS RIVER FIRE COMMISSIONERS, DISTRICT NO. 2



257 WARNER STREET  
TOMS RIVER, NEW JERSEY 08755

732-363-2245  
Fax: 732-363-2695



**Kevin W. Britton, Chairman**  
**Richard Heroy, Treasurer**  
**Kevin Geoghegan, Clerk**  
**Kenneth J. Taylor, Purchasing**  
**Roger J. Brown**

**Pleasant Plains Fire Dept.**  
**Clayton Avenue, Toms River, NJ**

**Silverton Fire Company**  
**Kettle Creek Road, Toms River, NJ**

## FAX COVER SHEET

TO: John Paff

FAX NO.: 908-325-0129

FROM: Linda Jones

DATE: 8/26/14 PAGES TO FOLLOW: 22

RE: OPRA Request - George Peters, OCN-L-3113-11

COMMENTS: Per you request attached is the most recent version of George Peter's civil complaint filed against Silverton Vol. Fire Co., et al. OCN-L-3113.11.

PLEASE CALL 732-363-2245 IF TRANSMITTAL IS NOT COMPLETE.

LUEDDEKE LAW FIRM  
215 Morris Avenue  
Spring Lake, NJ 07762  
(732) 449-2884  
Attorney for Plaintiff

FILED  
MAR 13 2013  
ARNOLD B. GOLDMAN, J.S.C.

GEORGE PETERS  
Plaintiff(s)

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
OCEAN COUNTY

Docket No. OCN-L-3113-11

v.

SILVERTON VOLUNTEER FIRE  
COMPANY NO. 1, TOMS RIVER  
BOARD OF FIRE COMMISSIONERS  
DISTRICT 2, et al

CIVIL ACTION

REVISED AMENDED ORDER

Defendant(s)

This matter having been opened to the Court by Ronald L. Lueddeke, Esquire, attorney for Plaintiff, and the Court having considered the papers filed in support and opposed to said Motion, and having considered objections thereto and any oral arguments made, and for good cause shown;

IT IS ORDERED on this 13<sup>th</sup> day of March, 2013

that Plaintiffs be and are hereby granted leave to file a Second Amended Complaint in the form annexed to the moving papers with the exception of the deletion of Count III (Individual Liability under CEPA) within ten (10) days of the date hereof, and; it is further

ORDERED, that a copy of this Order shall be served on all parties within 7 days of this Order.

*No opposition  
oppos. from w. Thrown*

*Arnold B. Goldman*  
Arnold B. Goldman, J.S.C.

LUEDDEKE LAW FIRM  
215 Morris Avenue  
Spring Lake, NJ 07762  
(732) 449-2884  
Attorney for Plaintiff

GEORGE PETERS

Plaintiff(s)

v.

SILVERTON VOLUNTEER FIRE  
COMPANY NO. 1, TOMS RIVER  
BOARD OF FIRE COMMISSIONERS  
DISTRICT 2, JOHN ADALIA,  
KENNETH TAYLOR, RYAN  
FITZGERALD, ANDY JENSEN  
GARY TATTERSALL, GUS  
BAXES, KEVIN M. GOEGHEGAN, et al  
Defendant(s)

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
OCEAN COUNTY

Docket No. OCN-L-3113-11

CIVIL ACTION

**SECOND AMENDED COMPLAINT**

Plaintiff, George Peters, by way of Second Amended Complaint alleges as follows:

Plaintiff's initial Complaint filed September 27, 2011 and First Amended Complaint filed October 5, 2011 are hereby incorporated by reference and each and every allegation is re-alleged as though set forth at length herein.

**AMENDED PRELIMINARY STATEMENT**

Plaintiff re-alleges his CEPA claim as alleged in Counts One and Two of his First Amended Complaint. Plaintiff does hereby amend his complaint to add additional claims as follows:

Count III - **VIOLATION OF BY-LAWS: WRONGFUL EXPULSION  
FROM MEMBERSHIP**

- Count IV - DEPRIVATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS
- Count V - CIVIL CONSPIRACY
- Count VI - SPOLIATION OF EVIDENCE

**COUNT III**

**(Violation of By-Laws; Wrongful Expulsion from Membership)**

1. Plaintiff repeats each and every allegation of Counts One and Two as though set forth at length herein.
2. On or about July 14, 2011 the defendant Fire Company conducted a meeting.
3. Plaintiff was not present at said meeting
4. At said meeting Gary Tattersall stated the following:  

Wants to let everyone know that he is not an American Citizen. He has talked to a few people on trying to get a passport. Didn't know he had to be one in order to be a member here and was brought to his attention by George Peters. He was told he lied on his application when he put Dover, NJ like he always had. Everyone knows he was born in England. He would like to know what the company wants to do with him. He wants this on record so it doesn't come back on him. There is nothing in the by-laws stating there is an issue with this. Minutes of 7/14/11 meeting are attached as Exhibit "A".
5. Defendant, Gary Tattersall personally participated in the wrongful expulsion of plaintiff.
6. At said meeting defendant Ken Taylor made a motion to impeach plaintiff.
7. With respect to said impeachment motion defendant Ryan Fitzgerald seconded the motion
8. The discussion on the impeachment motion was as follows:

We should see if we can suspend him upon dismissal. He should be suspended immediately he is going through everyone's files and it is unclear on how much information he is using and what he is using it for. He has everyone's SSN and DL he should be suspended immediately to get him away from the files until a decision can be made for impeachment. Anyone can be suspended by Chief or President. To make clear the Vice President does have access to the files but the question at hand is what he is using his access for. A recommendation is made that he should just be expelled from the company. (Exhibit "A")

9. With respect to plaintiff allegedly going through the files and using information, plaintiff was ordered by defendant, President John Adalia and Ken Taylor at the Fire Company meeting on June 11, 2012 to investigate fully any and all personnel matters that may represent violations of the by-laws and procedures.

10. Trustee Bill Rawling also requested that plaintiff review personnel files to determine accurate service time in order to award members service time pins and stripes.

11. Defendant Ken Taylor is not only a member of the Fire Company but also a commissioner of the defendant Dover Township District #2 Board of Fire Commissioners.

12. At said meeting of July 14, 2011 defendant Ken Taylor made a motion to expel plaintiff "under Article 7, Section 4 of the by-laws for his actions are unbecoming as a member and officer for reviewing of personnel file without just cause or reasons" (said section of by-laws attached as Exhibit "B").

13. Said expulsion motion was seconded by defendant Andy Jensen.

14. The membership in attendance at said meeting cast a secret ballot and 31 members voted to expel and 2 members voted no.

15. Article 7, Section 4 of the by-laws (Exhibit "B" at pg. 35) was not followed by the Fire Company and said section was violated in the following respects:

- (1) a written record of the charges shall be forwarded to the Executive

Committee for consideration; this did not occur;

- (2) If the Executive Committee finds merit to the charges, a special meeting shall be called; this did not occur;
- (3) At this meeting, the member in question shall be afforded the right to their defense on the meeting floor; this did not occur;
- (4) The meeting shall be presided over by the Judicial Committee; this did not occur;
- (5) The secretary shall record the minutes of the proceeding; this did not occur as there was no special meeting;
- (6) After the presentation of the charges and defense, the membership shall vote. In plaintiff's matter the membership voted but there was no presentation of the charges and plaintiff had no opportunity to defend.

16. At no time did plaintiff engage in conduct that was cause for expulsion. In fact, whatever conduct plaintiff engaged in with respect to the files was lawful; authorized by the by-laws; a duty or authority plaintiff had as Vice-President; ordered by defendant Ken Taylor or ordered by President Adalia and requested by Trustee Bill Rawlins. Plaintiff did nothing with respect to the personnel files or the information contained therein which was in any manner unlawful, unethical or unauthorized.

17. Plaintiff was expelled by Fire Company members who were protecting their own interests and therefore had ulterior motives.

18. Said expulsion was wrongful and contrary to the by-laws. In addition to the Fire Company not adhering to the procedure set forth Article 7 Section 4 (Exhibit "B").

Article 7, Section 1 provides that any action that may result in disciplinary action shall be investigated by the Chief, President or other designee. No such investigation was conducted with respect to the reasons why Plaintiff was expelled.

19. Said expulsion is legally actionable. Higgins v. Am. Soc'y of Clinical Pathologists 51 N.J. 191, 200-204 (1988).

20. The individual defendants identified in Schedule "A" wrongfully participated in or did nothing to stop plaintiff's expulsion.

21. Plaintiff has suffered harm as a direct and proximate result thereof.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, non-compensatory damages, punitive damages, attorneys' fees, enhanced attorneys' fees, interest, costs, and any other relief the Court deems equitable and just.

#### COUNT IV

##### **(DEPRIVATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS)**

1. Plaintiff repeats each and every allegation of Counts One, Two and Three as though set forth at length herein.

2. The Defendants actions and conduct described herein, particularly plaintiff's wrongful expulsion for the Fire Company and conduct in connection with LOSAP benefits to which plaintiff was statutorily entitled resulted in a deprivation under color of State law of Plaintiff's substantive due process and property rights secured by the Constitution and laws of the United States and of New Jersey.

3. This conduct deprived and continues to deprive the Plaintiff of his substantive due process and property rights secured by the Constitutions and laws of the

United States and of New Jersey.

4. This deprivation of rights violates the New Jersey Civil Rights Act codified at N.J.S.A. 10:6-1, et seq. and 42 USC 1983 and entitles the Plaintiff to a remedy pursuant to N.J.S.A. 10:6-2(C), 10:6-2(e), 10:6-2(f) and 42 USC 1988.

5. State courts have concurrent jurisdiction with federal courts over civil rights actions. Endress v. Brookdale Community College, 144 N.J. 109, 132 (App. Div. 1976).

WHEREFORE, Plaintiff demands judgment against said Defendants, jointly and severally for:

- a) An Order declaring that the expulsion Resolution is void and that the Defendants' actions were arbitrary, capricious and unreasonable; and
- b) An Order declaring that all of the arbitrary and capricious actions, interpretations and decisions by the Defendants violated 42 USC 1983 and 1988 and entitle the plaintiff to an award of damages including attorney fees, interest, and costs of suit; and
- c) An Order declaring that all of the actions and decisions by the Defendants violated the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, et seq. and entitle the plaintiff to an award of damages including injunctive relief, attorney fees, interest, and costs of suit; and
- d) And such other relief as the Court may deem just and equitable under these circumstances.



**COUNT V**

**(Civil Conspiracy)**

1. Plaintiff repeats each and every allegation of Counts One, Two, Three and Four as though set forth at length herein.

2. Plaintiff alleges that the defendants and each of them engaged in conduct that constitutes civil conspiracy. Civil conspiracy is a combination of two or more persons acting in concert to commit an unlawful act, or to commit a lawful act by unlawful means, the principal element of which is an agreement between the parties to inflict a wrong against or injury upon another, and an overt act that results in damage. Banco Popular N. Am. v. Gandi, 184 N.J. 161 (2005).

3. The conduct of defendants constitutes civil conspiracy.

4. Inter alia, plaintiff alleges that defendants acted in concert to commit an unlawful act or acts or to commit lawful acts by unlawful means.

5. Defendants are jointly liable for the wrongdoing and resultant damages.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, non-compensatory damages, punitive damages, attorneys' fees, enhanced attorneys' fees, interest, costs, and any other relief the Court deems equitable and just.

**COUNT VI**

**(Spoliation of Evidence)**

1. Plaintiff repeats each and every allegation of Counts One, Two, Three, Four and Five as though set forth at length herein.

2. Plaintiff was expelled for ostensibly going through the Fire Company's personnel files. One of the files that plaintiff went through for which he was expelled was the personnel file of defendant, Gary Tattersall.

3. Plaintiff served upon the defendant Fire Company an interrogatory and request for production (#34) dated October 13, 2011 whereby plaintiff sought the production of a complete copy of Gary Tattersall's personnel file.

4. On or about August 24, 2012 plaintiff's counsel was advised by defendant's counsel that as to interrogatory #34 "Answering defendants are not in possession of a copy of Gary Tattersall's personnel file".

5. In plaintiff's initial Complaint there was a specific demand to preserve all evidence (initial Complaint at pg. 7). Said demand further advised that a failure to preserve evidence will result in a separate claim for spoliation.

6. The personnel file of Gary Tattersall is critical and material to this litigation as evidenced by the statement made by Tattersall at the July 14, 2011 meeting at which plaintiff was expelled (Exhibit "A"). In fact, plaintiff was expelled at least in part for (a) plaintiff reviewing Tattersall's personnel file and (b) plaintiff advising Tattersall about its content with respect to Tattersall not being a U.S. citizen and falsifying his application to join the Fire Company with respect to his citizenship.

7. The defendant, Fire Company had a clear duty to preserve Tattersall's personnel file for purposes of anticipated litigation.

8. The defendant, Fire Company committed the tort of fraudulent concealment and spoliation of evidence.

9. The elements of for such a claim are set forth in Rosenblitt v. Zimmerman

166 N.J. 391, 406-407 (2001) have been met. In Rosenblitt the Supreme Court specifically states that if a party uncovers concealment or destruction of evidence while the case is pending, that party may amend his Complaint to add a count for fraudulent concealment (at pg. 407).

10. Plaintiff has been damaged as a result thereof.

WHEREFORE, plaintiff seeks all spoliation remedies and inferences afforded by law as a result of this wrongful conduct, including a suppression of defendant's Answers and Defenses, an adverse inference charge, compensatory damages, punitive damages, attorney's fees and costs of suit.

#### **JURY DEMAND**

Please take notice that Plaintiffs demand trial by jury on all counts.

#### **DESIGNATION OF TRIAL COUNSEL**

Pursuant to New Jersey Rules of Court, RONALD L. LUEDDEKE, ESQUIRE, is hereby designated as Trial Counsel in this cause.

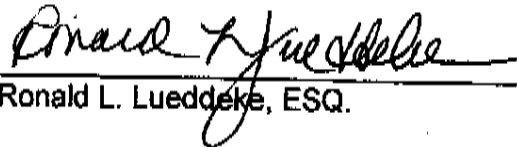
#### **CERTIFICATION PURSUANT TO R. 4:5-1(b)(2)**

It is hereby certified pursuant to R. 4:5-1(b)(2) that the above matter in controversy is not the subject of any other court action or arbitration proceeding now pending or contemplated, and that no other party should be joined in this action or is subject to joinder pursuant to R. 4:29-1(b) with the exception that members of the defendant Fire Company who voted in favor of Plaintiff's expansion may be added as

parties (the identity of these potential parties is presently unknown) and (b) the Fire Company may be in violation of the LOSAP statute (referred to in Plaintiff's detriment. Plaintiff may seek to further amend his Complaint to assert this claim depending upon discovery.

LUEDDEKE LAW FIRM  
Attorneys for Plaintiffs

Dated: 3-19-13

By:   
Ronald L. Lueddeke, ESQ.

**SCHEDULE "A"****John Adalia:**

President of Silverton Volunteer Fire Company No. 1 ("Fire Company"), allowed expulsion to occur.

At the June 11, 2011 meeting president Adalia discussed with the membership openly that there were several other members who were in violation with the by-laws and that all violations would be rectified but that would mean reviewing such members records to verify certain information to be accurate and up to date. Pres. Adalia then ordered plaintiff to conduct such investigation.

John Adalia had knowledge of all prior complaints that the defendant made against Kevin Geoghegan regarding the LOSAP program and other irregularities that were occurring within the company.

**Kenneth Taylor:**

Commissioner of defendant, Toms River Board of Fire Commissioners, member of Fire Company and person who in July moved to impeach plaintiff from office and moved to expel plaintiff under Article 7, Section Four of the by-laws for his actions "are becoming as a member and officer for reviewing of personnel file without just cause or reason". Ordered plaintiff at June 2011 meeting to investigate fully any and all personnel matters that may represent violation of company by-laws and procedures.

**Ryan Fitzgerald:**

seconded the motion to impeach plaintiff at the July 11, 2011 meeting.

**Andy Jensen:**

seconded the motion to expel plaintiff at the July 11, 2012 meeting

**Gary Tattersall:**

made false statements to Fire Company regarding plaintiff's actions with respect to Tattersall's application to join the Fire Company; admitted at the July 14, 2011 meeting that he is not an American Citizen, lied on his application about his place of birth and violated company by-laws.

**Gus Baxes:**

Purposely and willfully arbitrarily falsified year end percentages on or around November 2009 by inflating members actual percentages for LOSAP purposes. This conduct is illegal and such conduct is subject to the imposition of penalties, forfeiture of

benefits and prohibition from serving as a volunteer fireman.  
N.J.S.A. 40A: 14-194.1.

**Kevin M. Geoghegan:** personally engaged in conduct to have plaintiff expelled and thrown out of the Fire Company as evidenced by his letter to defendant, Fire Commissioners dated 12/23/09 (Exhibit "C"). Engaged in slanderous conduct against plaintiff, harassment towards plaintiff, lying to members regarding plaintiff's past behavior, and participated in denial of LOSAP benefits earned by plaintiff. This conduct was complained about by plaintiff as indicated in plaintiff's 6/14/10 letter to Pres. John Adalia (Exhibit "D"). upon information and belief, participated in and/or voted for Plaintiff's expulsion.

Defendants had alternative remedy to discipline plaintiff if there was in fact just cause.

Article 3, Section 21 of the by-laws provides for "Removal of Officers".

Since defendants chose not to remove Plaintiff from office as Vice-President as is provided for by the by-laws this failure to act under this section reinforces Plaintiff's contention that Defendants maliciously and purposely acted quickly and decisively to expel Plaintiff from the company. In addition, any member expelled is prohibited from reinstatement. Article 7, Section 8. This conduct is retaliatory, unlawful and damaging to Plaintiff.

**EXHIBIT "A"**

## Silverton Volunteer Fire Company Meeting Minutes

### Called to order at 20:05Hrs

Motion to dispense the reading of the Minutes of the previous meeting.

1<sup>st</sup> Mike Mooney

2<sup>nd</sup> - Chuck Garrison

Motion- Denied

Motion to accept the minutes as ready

1st-Chris Hansson

2<sup>nd</sup>-Lou DeAngelo

Motion- passed

Correspondence were read

Bills were read and a motion to accept and pay them was made by

7/7/11

7/14/11

6/23/11

1<sup>st</sup>-Ken Taylor

John Reilly

John Reilly

2<sup>nd</sup> - John Reilly

Ken Taylor

Ken Taylor

Motion-Passed

Passed

Passed

Receipts were read

### Officers Reports

**Chief:** Chicken BBQ signup on the board. Sign up for physicals by Wednesday. 2904 and 2917 being worked try to keep up to date with the changes everything will be posted on the board. New ladder demo on Sunday and ladder committee meeting will be help on the Thursday. Will need to pay our annual township fire officer association dues of \$150. Request for the Chiefs fund. And 2 changes with the SOGS. 2904 will be used for CO alarms if no officers are available. Incident credits were emailed out to everyone.

**Asst Chief:** No Report



**Captain:** Wants to let everyone know that he is not an American Citizen. He has talked to a few people on trying to get a passport. Didn't know he had to be one in order to be a member here and was brought to his attention by George Peters. He was told he lied on his application when he put Dover, NJ like he always had. Everyone knows he was born in England. He would like to know what the company wants to do with him. He wants this on record so it doesn't come back on him. There is nothing in the by-laws stating there is an issue with this.

**1<sup>st</sup> Lieutenant:** Fire Prevention on Tuesday

**2<sup>nd</sup> Lieutenant:** No Report

**Engineer:** 2914 at Downs Ford for Electrical repairs

2903 batteries fixed

177 Needs work.

**Tech Rescue:** Drill last night. Joint County drill on September 24th

**President:** Cambourne Shores gave us \$100 donation and gas card that we will raffle off tonight. They will be borrowing chairs like they always do. If you have any tables or chairs still just return them. It's SOG that an officer is to be notified and it is to be put on the board that you borrowed them. Committees need to get dates reserved for 2012. Any ideas for New Years for the company, if not we will give it out to a private renter. Try to clean up after ourselves. Andrew Flihan has a freezer to donate to the fire company needs a few people to help get it in Bay Head.

**Vice President:** None

**Trustees:** Clarified that it takes a few months for Viridian to take effect. We need to watch our electric bill. Hall was set at 59. We used 20% more in electricity this month than we have in the past years. Keep the garage doors closed.

### **Committee Reports**

**Building and Grounds-** Pete is looking into sensor thermostats. Thanks to everyone that came out to the cleanup. If you did not make it then makeup assignments will be in your mailboxes.

**Ways and Means- Hall Committee-** If you are on the Monitor list you need to see Addalia or Mike Wilson. There is a new checklist to follow along with deposits that needs to be followed. This is a business we are running. Fund Drive report will be next meeting next mailing in September.

Public Relations- Blood Drive on September 22. Fall Festival- Tony Naturalie has a route planned; a lot of things going into the works if anyone would like to help out see one of them.

Good And Welfare- Company picnic on August 27<sup>th</sup> for the entire family. Installation dinner committee needs to meet. Relief meeting on Monday night.

Administration and Membership- 2 Guys in the Works. By-laws are being reviewed; next meeting will be held soon. Uniforms- \$35 for Khaki Shorts from Blueline. Already have motion for the money.

Old Business:

Motion that everyone who is in the fire company stays in the fire company.

Motion- Gary Tattersall

Second- Bruno Tucci

Motion Carried

Motion to impeach George Peters from Office. (Rescinded)

Motion- Ken Taylor

Second- Ryan Fitzgerald

Discussion- We should see if we can suspend him upon dismissal. He should be suspended immediately he is going through everyone's files and it is unclear on how much information he is using and what he is using it for. He has everyone's SSN and DL he should be suspended immediately to get him away from the files until a decision can be made for impeachment. Anyone can be suspended by Chief or President. To make clear the Vice President does have access to the files but the question at hand is what he is using his access for. A recommendation is made that he should just be expelled from the company.

Motion made to expel George Peters under Article 7 Section 4 of the by-laws for his actions are unbecoming as a member and officer for reviewing of personnel file without just cause or reason.

Motion- Ken Taylor

Second- Andy Jensen.

Secret Ballot- 33 Voting Members present. 31-Yes 2-No

Correspondent Secretary needs to let George Peters know that as of 7/14/2011, His membership in this company has been officially terminated.

Motion to hold nominations for next meeting

Motion-Ken Taylor Second-Andy Jensen

Motion-Passed

New Business:

Motion to pay the Ocean County Fireman's association dues of \$10

Motion- Ken Taylor Second- John Reilly

Motion Passed

Motion to pay Township Fire Officers dues of \$150

Motion- Gus Baxes Second- Andy Jensen

Motion Passed

Motion for the Chiefs Fund

Motion- Ken Taylor Second- Lou DeAngelo

Motion passed

Motion to fix 177

Motion-Will Ihrig Second-Ken Taylor

Motion Passed

Good and Welfare from the Floor: The relief meeting is this Monday night downtown #2. Golkowitz Retired and was president of the local relief and if fit to go for the president of state relief. We will be supporting him. Campaign needs to fund to help and other companies have donated \$500 to help out.

Motion to donate \$500 to Bill Golkowitz for the NJ State Fireman Relief.

Motion- Bill Rawlins Second- Kevin Geoghegan

Motion Passed

Acquired a new fire prevention fire truck from the Bureau and just needs new batteries.

Joe Veni's wife is sick with Stage 4 Breast Cancer, though it doesn't meet the requirements of sending something, maybe we should send something due to his child situation.

Motion to give \$30 gas card and \$150 to Joe Veni

Motion- Chris Hansson

Second- Bill Dorman

Motion passed

We should change the door codes and get the keys back from Peters. Rear door will be 321 And garage in the front will be 2911.

Maybe we should look into getting a key fob system. It will cost a lot but it will be worth the price to pay.

Joe Veni and Nick Osborn are up on their 1 year and to be moved over to regular members.

Treasurers Report was read and accepted by

1<sup>st</sup>-Chris Hansson

2<sup>nd</sup>-Mike Cocco

Motion-Passed

A Motion to Adjourn the Meeting was made by

1<sup>st</sup>- Chris Hansson

2<sup>nd</sup>- Ryan Fitzgerald

Motion- Passed Meeting Adjourned at 2135

**EXHIBIT "B"**

### ***Section 3: Dismissal***

The membership shall have the right to consider any member for dismissal who shall have received a negative report at a regular meeting by the Chairman of the Membership Committee in accordance with Article 4 Section 7. Dismissal shall take place upon an affirmative vote of two thirds of the members voting. Vote to be by secret ballot.

### ***Section 4: Expulsion***

Whenever a member (Charter, Life, Active, Probationary, Organization Past Active Honorary and Ladies Auxillary) of the Company is repeatedly neglectful of his duties or does not conduct himself in a manner conducive to the best interest of the Company, a written record of charges shall be forwarded to the Executive Committee for consideration.

If the Executive Committee finds merit to the charges, a Special Meeting shall be called. At this meeting, the member in question shall be afforded the right to their defense on the meeting floor.

This meeting shall be presided over by the Judicial Committee.

The Secretary shall record the minutes of the proceeding.

After the presentation of the charges and defense, the membership shall vote. The member may be expelled by a two thirds vote of the members voting. Vote to be by secret ballot.

### ***Section 5: Notification of Dismissal or Expulsion***

Any member dismissed or expelled in accordance with Article 7 Section 3 or Section 4 shall be notified in writing by certified mail return receipt requested by the Corresponding Secretary stating the reason for such dismissal or expulsion.

### ***Section 6: Reinstatement of a Resignation***

Reinstatement of a member in good standing shall be in accordance with Article 2 Section 7, except in the case of a former Active member wherein the one (1) year period as a Probationary member may be waived by the officers of the Silverton Vol. Fire Co. #1 Inc.

### ***Section 7: Reinstatement of a Dismissal***

Reinstatement of a member who may have been dismissed shall be in accordance with Article 2 Section 7.

**Section 8: Reinstatement of an Expulsion**

No reinstatement shall be considered for any member expelled as prescribed in Article 7 Section 4.

**Section 9: Vacancies in Office or Board of Trustees**

Vacancies in office or on the Board of Trustees caused by resignation, dismissal, expulsion, or otherwise shall be filled at the next regular meeting of the Company by an election. The members so elected shall serve until the next annual meeting.

**Section 10: Return of Equipment**

All equipment issued by the Silverton Vol. Fire Co. #1 Inc. shall be returned to the Company, whether the member has been dismissed, expelled, or has resigned. All equipment that is assigned is referred to in the standing rules of the Silverton Vol. Fire Co. #1 Inc.