Dear NO’s and BOD,

Please see my recent correspondence (in-line text below) with APA Appeal Board (AB) chairman CA Robert Sproc regarding the high level of corruption and procedural irregularities involving APAs Article VII Machinery, and my subsequent message to the BOD requesting immediate remedies;

--------------------------------------------------------------------------

Dear Rob,

As per our discussion during last week’s BOD, please find attached Jason Goldberg's AB recommendations, which were largely incorporated into the current language of Article VII.

I also a few questions about the current AB policy;

1. Also was never provided a copy of the AB Sep 2016 Policy Manual, do you consider that to be currently in effect?

If so as of what date?

2. I did see a pending resolution, R2016-27, for the BOD to vote accept and approve such manual, but that resolution is postponed. approving it. Therefore, is it appropriate for the AB in my case to rely on that manual?

3. Specifically, since that manual is not yet BOD approved, it cannot be effective, so how is it appropriate for CA Torell and her rep to be provided paid union (PU) leave in the matter of *Meadows v. Torell*, filed on 4/14/14, which was long before the currently manual, and indeed those proceeding must be adjudicated under those pre-2016 rules, which DO NOT provide for PU.

Isn't it a policy violation to provide CA Torell and her rep PU, while not offering or providing it to me, how is that fair?

4. As you are aware, this month CA Torell as the accused and while committed to sworn testimony, and having never been released from the witness stand by the AB, refused to appear for her 2nd day of hearing. Thereby, making it impossible for me to fully and fairly prosecute my Art/ VII charges against her. Worse, as the AB ruled, her attendance was not voluntary, but indeed mandatory, and her refusal to appear usurped the authority of the AB. If her flouting of the supreme law of APA and authority of the AB is left unchecked, she has effectively created a precedent that an accused is not obligated to appear. If that is allowed to stand it will render the AB a toothless tiger, and the entire Article VII process neutered and ineffective. If that's the case, you may as well disband the AB now. Otherwise, the AB chair should file Article VII charges against CA Torell and seek maximum discipline and fines up to expulsion. No member, much less a sitting NO should ever be allowed to challenge and blatantly ignore the authority of the AB, and such conduct MUST NOT be tolerated, in order to protect the integrity of the associations Article VII machinery. This most certainly rises to an LMRDA violation which should be addressed in federal court, but might even warrant a DOL complaint. Not only is she violating my union member bill of rights, but she is violating her duties as a labor organization official.

So given all the above, my last question to you is what action or discipline is the AB going to take to prevent the creation of a precedent and ensure that an accused does not appear for future Article VII hearings?

Rob, in sum, based on my first-hand experience, I find the APA Article VII process to be corrupt and rigged by the institution against the individual members like myself, behaving as nothing more than a *Kangaroo Court*, wherein the institution has surreptitiously and overtly acted to undermined the individual and collective rights of members such as myself. Not only is APA’s Article VII machinery a source of public embarrassment and substantial legal costs and liability for the association, it is outright unethical and unlawful. I do not make that allegation lightly, and say so with a fair amount of authority.

Indeed, I have personally experienced numerous incidents of unethical/unlawful conduct in my good faith prosecution of charges in the court ordered[[1]](#footnote-1) proceedings of *Meadows v. Wilson* and *Meadows v. Torell*, including but not limited to; 1) AB not initiating an automatic mandatory review of C&R lock-out within 14 days, 2) AB being advised by APA’s former GC Steve Hoffman (who is the defendant in sanctions filed me in the Utah federal court proceedings in *Meadows v. APA*, 3) the AB also getting legal advice from the institution, (i.e.; APA Legal), 4) AB Chair Hepp while presiding over *Wilson* submitted two sworn declaration to the Utah federal court in support of Mr. Hoffman, and acted adverse my claims of Mr. Hoffman’s misrepresentations of material fact and law to that court, 5) Despite being an adverse material witness in my Utah proceedings, AB Chair CA Hepp refused my numerous written and oral demands for his recusal, 6) Ultimately around Dec 2015, the AB denied my article VII charges against Wilson for unlawfully locking us court of C&R, 7) The folly of that AB decision was highlighted in Jan 2016, when the Florida federal court in *Emery v. APA* ruled that the APA C&R AUP which Wilson “allegedly” was enforcing to lock-out disable members, was an impermissible infringement of the free speech rights of APA’s disable MDD members, in violation of their union member bill of rights under the LMRDA – Wilson had indeed enforced an unlawful AUP and is so doing violated the C&B, 8) There was not a standing list of 5 arbitrators, I was only given a choice of two, and Valverde was the only one that was available, who acted prejudicially I your Article VII proceedings, and charge d you full costs, 9) Valdverde denied all my properly subpoenaed witnesses, and only allowed Wilson’s witness to testify, which included former APA Legal Director Bennett Boggess, and former BOD CA McDaniels, 10) Valverde behaved in a biased and prejudicial manner, 11) Valverde exceeded his jurisdiction and issued a ruling on matters not properly before him, nor in my Article VII charges relating to my membership standing, 12) Valverde ignored the prior arbitral precedent in *Annable v. Wissing*, where Arbitrator Wolitz defined a member in “good standing”, 13) Valverde also ignored the AB decision and APA policy that disabled inactive APA member, Joe Barkate (similarly-situated like Meadows) indeed remained a member in good standing, 14) Valverde exceeded his authority and charged me costs, despite no finding of bad faith, 15) Although it can’t be fully proven (yet), I suspect Mark Meyers and/or Steve Hoffman had *ex parte* communications with Valverde, 16) APA Staff Attorney Mark Meyers meddled in the *Meadows v. Torell* proceedings, and wrote a letter on behalf of CA Torell, and cited to the Valverde decision, attempting to invalidate my standing to bring Article VII charges at all - for the improper purpose of derailing my hearing against CA Torell, 17) Regardless, that hearing did occur on 3/1/17, and CA Torell and her Rep were provided paid union leave (PU) in violation of the existing policy, 18) CA Torell’s Rep admitted on the record that he was indeed representing the interests of APA Legal, despite him allegedly being tasked with representing CA Torell for her charges as an individual, 19) During the first day of hearing, proper protocol was not followed, and CA Torell was not sequestered to a witness stand, instead allowed to sit directly next to her Rep who counseled and coach her on each and every objection, 20) During that 1st day, CA Torell usurp the authority of the AB, and asked APA Staff Attorney Mark Meyers to intervene in an improper attempt to stop those proceedings, 21) On the 2nd day of hearing, the accused and primary witness CA Torell (despite not being released by the AB) refused to appear and continue her testimony, 22) The AB was taken back and took an hour recess, thereafter it admonished CA Torell, stating her attendance was not voluntary, and instead was mandatory, and that by refusing to appear she usurped the authority of the Appeal Board, 23) The AB also found CA Torell’s testimony to be needlessly evasive, and that she failed to answer questions which she should have known in her capacity as Secretary-Treasurer, 24) Thus, Meadows was deprived of his rights under Article VIII, and rendered incapable of fully and fairly prosecuting his charges against Torell, 25) Subsequently, the AB admitted that they were and still are advised by APA’s former GC Steve Hoffman, 26) Torell’s Rep admitted that he will be on PU while drafting her Article VII Brief, presumably with continued legal advice from Mark Meyers, courtesy of APA Legal and all on the memberships dime, 27) to date the AB Chair has not issued any sanctions, taking any disciplinary action, nor filed charges against CA Torell, effectively condoning her malfeasance as an individual member (not to mention as a sitting NO), and thereby has rendered the Article VII machinery an ineffective toothless tiger.

In closing, Rob, I like you and respect your past activities and positions as an ardent unionist. Please do not take the above as a slam on you - it most certainly is not. I actually think and hope that you are the guy that can fix this unsavory mess. I know you inherited this Article VII legal quagmire created at the hands of your predecessors, and in a particular James and Hoffman and Bennett Boggess. It incenses me that the BOD has directed you to stay out of my proceedings and tried to stack the deck in the Torell proceedings, by continuing to saddle me with a conflicted, corrupted AB panel who should have been recused based on the appearance of impartiality alone, not to mention the direct conflicts of interest of CA Hepp being a material adverse witness in my Utah proceedings.

Bottom-line, the way APA conducts Article VII proceedings must be immediately cleaned up, and conducted in an ethical and lawful manner in accordance with established practice of legal tribunals and the professional rules of conduct. Most importantly, unless APA holds CA Torell accountable for flouting the supreme law of the union and usurping the authority of the AB, she will have been allowed to make mockery of APA’s internal union remedies, and effectively rendering the article VII machinery a meaningless, ineffective, toothless tiger. Seriously, these proceedings as APA’s former AB Chairman, CA Jason Goldberg pointed out in his AB 2009 Policy Manual Recommendations, which were adopted in the current Article VII language, are akin to a criminal trial; specifically stating that;

***“The article VII proceeding is akin to a criminal procedure,*** *the consequences of which may well be Signiant sanction. For the Appeal Board to deny the accused [or accuser] the right to present witnesses and oral argument is* ***tantamount to depriving accused of a crime the right to trial”***(AB 2009 Winter BOD Policy Manual Recommendatiosn, ¶7.).

Essentially, CA Torell has essentially refused to appear as the accused for her APA “criminal trial”, denying the individual member’s prosecution of his right to seek inter-union justice for her willful violation of the supreme law of the APA C&B. In criminal court she would have been found in contempt and incarcerated, here in the APA tribunal in accordance with Article VII.A. she can be *“subject to disciplinary action, including but not limited to fines, placing a member in bad standing, suspension, or expulsion…”*. Here expulsion while harsh, is the most appropriate remedy. Unless she is firmly disciplined she will have succeeded in making a mockery of APA’s Article VII machinery, and rendering it meaningless and ineffective.

As I requested of last week’s BOD, the APA must immediately and affirmatively recognize disabled MDD APA members as member in good standing, and you through the President and/or BOD must ensure that the AB proceedings are conducted in an ethical and lawful manner.

Fraternally,

Lawrence M. Meadows

MIA/FO/777/MDSB

----------------------------------------------------------------------------------

----------------------------------------------------------------------------------

Dear Gentleman of the BOD,

I implore the powers to be at APA to fix these egregious failures once and for all, and resolve these matters amicably in the best interests of the membership - before it is too late. Frankly, I growing very weary of my very own union’s relentless refusal to comply with, much less its outright assault upon the individual and collective rights of myself and all members of APA, in violation of the with the supreme law, JCBA, and various statutory laws.

To be certain, the Association along with its NO and BOD has a fiduciary duty and obligation to comply with the prime objective of APA’s supreme law, the C&B Art. II.B. which explicitly states;

***"To protect the individual and collective rights of the members of the APA and to promote their professional interests, including timely prosecution of individual and collective grievances."***

**Note: that nowhere in the C&B does it provide for that the interests of the “Institution” must be protected at the expense of the individual and collective contractual and statutory rights of the members. Yet that institutional mentality has been engrained in APA’s attorney’s and most of all of its leaders – that in and of itself is an unlawful. Caution is to be advised, as under the RLA you men are charged with the duty of fairly representing APA’s members and all pilot employees of AA, and are obligated to protect their interests first and foremost, and not those of yourselves, nor the Institution.**

While no disrespect is intended, you guys need to own up to your actions or lack thereof on behalf of the membership. I saw the BOD show last week and was not overly impressed with what was actually accomplished. However, I was glad I attended, and learned a lot, and I would like to share five key take aways;

1. Over a period of 3 days, I watched endless hours of valuable time wasted and saw at least $1.5M of membership dues expended on Public Relations firm Blue Engine (to poll and help control the memberships perception), NAI, Contact Management Software, TWA attorney fees, and the improper use of association assets to reimburse committee members for a personal off-site loss. Some of these matter may or may not be meritorious, but that shouldn’t trump protecting contractual and statutory rights of APA’s LTD/MDD members.
2. Zero time spent was on Appeal Board, LTD, or LMRDA resolutions, especially the ones that would resolve APA’s substantial legal liabilities for non-compliance with various statutory laws.
3. A Legal Department Grievance Report Briefing, was inaccurate and designed to mislead the BOD, and exclude rights under otherwise meritorious grievances (12-011, 12-012, etc.) affecting the rights of all disabled pilot members which have languished for five years or more and in some cases 10 years; and effectively been abandoned by APA Legal.
4. A prolific and inefficient use of numerous unscheduled Closed Sessions, which excluded myself and another disabled member from the room, whilst allowing NON-MEMBER guests and vendors to remain (despite their admission that had not signed NDAs). Thus, there could have been no legitimate purpose in going closed other than to excluded disabled members Emery and Meadows. The many abrupt and unscheduled Closed Sessions serve to take focus off scheduled issues and generally derail the agenda. Perhaps the BOD should dedicate and schedule closed sessions for the last 1-2 hours of each day. Otherwise, membership in the room or especially those on the webcast quickly lose interest based on erratic and lengthy closed interruptions. Which, only serves to further discourage membership participation, even on the webcast where members grow weary of a black screen which gives the appearance that the webcasts are not working.
5. Unlike other public boards and councils, the published agenda does not provide for 15-30 minutes of public input after roll call. Or in APA’s case no time allotment for individual members. Unless such member input is deliberately scheduled onto the agenda, the currently jam-packed BOD agendas, will never allow any time for member participation. Thereby discouraging and stifling member BOD meeting attendance and participation. I would suggest that after every Roll Call 15-30 minutes of membership input time be allotted at every meeting, for in person or webcast/call-in member commentary.

At this juncture, the BOD is clearly distracted and not focusing all its resources and energies on resolving individual and collective rights of the members; in particular member issues involving Appeal Board corruption, LTD/MDD issues, ongoing LMRDA violations, nor enforcing much less fully implementing the JCBA. While non-member issues like NAI are noteworthy - Meanwhile Rome is burning! The BOD should heed the lessons of Nero.

Moreover, I am obligated to inform the BOD, that on Friday I made a good faith effort to reply to an official email from APA Staff Attorney, Tricia Kennedy, regarding Legal’s review of my four proposed resolutions, which were intend to help bring APA into statutory compliance with the LMRDA and ADA. As soon as I identified myself she brusquely said “I can’t talk to you”, and abruptly hung up on me. That behavior is unprofessional and unacceptable on many levels for any member, and especially for one who has an LMRDA protected right to sue the union without fear of retaliation ad discriminations; indeed, this is in fact yet another unlawful violation of my rights under the LMRDA. I mean seriously, how is APA ever going to comply with the LMRDA when its very own labor union attorney continues the recent pattern of discriminatory and retaliatory conduct, as exhibited by certain officers and employees, despite the recent issuance of inactive member cards to disabled pilots, and and the Emery U.S. District Court Ruling/Injunction. BIG PROBLEM. I can’t even make this stuff up; APA is writing the next LMRDA lawsuit with what seems are almost daily violations.

Furthermore, as unpalatable as it may seem the APA’s leadership must resist the its desire not close ranks and protect and attempt to cover-up the unlawful and unethical conduct of its failed Secretary-Treasurer, who has committed numerous breaches of her Fiduciary duty in violation of the C&B, LMRDA, Internal Revenue Code (IRC), and Civil RICO Act. Perhaps most egregiously, is the Secretary-Treasurer’s flouting of the supreme law of the union by refusing to and refusal to appear for her own Article VII charges, and in so doing she has also made a mockery of APA’s Article VII/Appeal Board machinery; which if allowed to stand unchecked, will create an adverse precedent effectively rendering that machinery ineffective and worthless to the detriment of the association, and each and every member who one day may need to avail themselves of that process. Otherwise, protecting her and condoning her unethical and unlawful conduct, will only serve to erode the credibility and integrity of APAs leadership, leading to public and professional embarrassment; which is most certainly is *“contrary to the best interests of the APA as an institution or its membership as a whole.”* APA’s Code of Ethics plainly and explicitly states that all APA Officers must, *“at all times keep my…conduct above reproach.”*, and *“will conduct my affairs with the Association in such a manner as to bring credit to the Association and to myself.”*, and *“will conduct my affairs with the Association and its members in accordance with the rules laid down in the Constitution and Bylaws of the Association and the interpretations promulgated there from”.* The other NO’s and BOD must ask themselves two simple questions; 1) Is this the individual you want managing APA’s financial affairs and $50M in membership assets? and 2) If they want the current Secretary-Treasurer to be the example by which the membership judges them? I would most certainly think not on either one – or else APA is DOOMED.

**GENTLEMEN CA CAREY IS RIGHT - ENOUGH IS ENOUGH!!!**

**Please heed CA Carey’s July 1st mandate, which stated in part;**

*"I have asked our Board of Directors to be mindful of the following values, which should guide our every action: respect, integrity, fairness, competence, and accountability.* ***I have asked them to consider one question I want us to ask in everything we do: Is this good for the members we serve?"***

Sadly, it seems as if the BOD either wasn't paying attention, or simply doesn't want to conduct themselves in accordance with APA President Carey's July 1st, 2016 mandate; at least with respect to LTD/MDD issues, APA's ongoing LMRDA violations, or upholding the integrity of the Article VII machinery.

I have done my best to present my issues in a factual and rational manner, but understand that it may not be well received by the current BOD. Although most of the current NO’s and BOD (with a couple of notable exceptions) did not cause these problems – your predecessors did; but APAs’ current NO and BOD officers refusal or failure correct these issues renders them equally culpable. It is not my intent for this SoundOff to cause internal conflict, animus, consternation or strife. I simply want to help my union to conduct itself in accordance with the supreme law of the union, the JCBA, and all statutory laws, and to protect my individual and collective rights and timely prosecute all member’s grievances.

However, I am merely acting in good faith as an adversely affected disabled member, in an effort to help my association conduct itself ethically and comply with it obligations under statutory law, and conduct itself in a professional and ethical manner. While some of my comments may be very critical of the association and leadership, they are indeed based on well-founded research and documented matters of fact and law. Moreover, as a member in good standing under the LMRDA, I am absolutely entitled to express my views and be critical of my union’s leadership them without fear of reprisals (i.e.; retaliation or discrimination), as is my statutory right under the LMRDA union member bill of rights, particularly with respect to my right to freedom of speech and assembly, as upheld by Emery Court.

**Finally, Gentleman I am reaching out to you in good faith, and have extended an olive branch as opposed to wielding a sword – but time is short, as my DFR clock is ticking** (based on the DRC denial of my SLI claim)**. It’s not too late for APA to amicably resolve these matters. To that end, I am respectfully requesting that at a minimum, the BOD convene telephonically within the next 3 business days, and take the following actions;**

1. **Vote up and adopt resolution R2017-xxx1, submitted to you last week, and declare that all disabled MDD members who were in good standing prior to going on disability, DO INDEED remain members in good standing;**
2. **Commit to timely correcting all the procedural irregularities, unethical and unlawful practices in APA’s Article VII/Appeal Board machinery, and staying the *Meadows v. Torell* proceedings and retting them for a new hearing with a new Appeal Board.**

Otherwise, I will be obligated act in the best interest of the membership and inform them of the contents of this Soundoff and request they get involved and demand action from the BOD; which will also hopefully enable them to make an educated decision as to whether or not APA has run its course, and decide if ALPA can best represent our MEMBERSHIP’s INTERESTS as opposed to the current fatally flawed current mindset of protecting the “Institution” at the expense of the members individual and collective rights.

In Unity and Fraternally,

Lawrence M. Meadows

MIA/FO/777/MDSB

1. APA must be mindful of why Meadows’ Article VII proceedings are taking place to begin with. During his federal court Utah LMRDA litigation in *Meadows v. APA,* APA’s former GC Steve Hoffman argued that as an APA member, I must first fully exhaust my internal union remedies; thus, at Mr. Hoffman’s behest the Utah Court dismissed Meadows LMRDA claims without prejudice, and ordered that he must first exhaust his internal union remedies before refiling his LMRDA lawsuit. There are two important take aways. First, Mr. Hoffman by representing to a federal judge that Meadows must exhaust internal remedies, implies that to exercise that right Meadows MUST BE a member in good standing. Otherwise, that is yet another material misrepresentation of fact by Mr. Hoffman. Second, according to the C&B and prior arbitral precedent in *Annable v. Wissing* that APA’s internal union Article VII remedies “do not address labor laws of the land” (i.e.; the LMRDA). Thus Mr. Hoffman has made yet another material misrepresentation of law – there are in fact no internal union remedies for the LMRDA, only for the APA C&B. Bottom line, either Meadows is a member in good standing, OR Steve Hoffman and APA committed fraud upon the U.S. District Court of Utah. If certain APA officers and employees continue to in refusing to acknowledge that Meadows is indeed an APA member in good standing (as was admitted in former Pres. Wilsons’ sworn testimony), then an Independent Rule 60 motion must/will be filed in the UDC. Why does APA even want to go there??? To that end, APA must immediately and decisively resolve this disabled member “good standing” issue via resolution or Presidential Interpretation, as I asked of last week’s BOD. [↑](#footnote-ref-1)