

Minutes of Clan MacLeod USA Council Meeting

Meeting was called to order at 2 pm at Hotel Encanto, Las Cruces, New Mexico on April 25, 2019.

Weeden Nichols gave the opening invocation.

13 Council members were present with an additional 5 proxies constituting a quorum.

Motion to adopt the agenda was made by John W. McLeod, seconded by Tammie Vawter, and approved.

Motion to adopt the Council Minutes, Alexandria VA, Nov. 30, 2018 was made by Robert McLeod, seconded by Charlene Boyes, and approved.

REPORTS: Written reports submitted for the meetings will be available on the Clan MacLeod website after the event:

= <http://www.clanmacleodusa.org/members.html>

A recording of the full meeting is available on request from Sandra McLeod.

Only council members giving verbal reports are mentioned below.

President - Weeden Nichols.

In very brief summary, my words of advice to those who come after me are:

1. Elect the President and the VP directly to those offices after choosing candidates, preferably at least two candidates per office, who are particularly suited to the specific office. Nominate them in the near time frame (one year in advance). Consider women. (At least half of our best and brightest and hardest-working members are women.) Forget the idea of assumed succession to the office of president from vice president, though there might be a "Renaissance person" who can do anything and everything "waiting in the wings" somewhere.
2. Lose the racism. I'm older, probably than anyone else in this room. The cultural conditioning resulting in biases and prejudices was even stronger in my time than it was for most of you. But I recovered. You can too. And the organization will be better for it.

Vice President – John W. McLeod

See written report

National Secretary – Sandra McLeod

1. The email blast for proxies for the general meeting this Saturday was unnecessary. We have sufficient, verified proxies to have a quorum at this AGM. Anne L. MacLeod has been sending out proxies with the renewals during the months immediately before the AGM. This has worked well because many are returned with the renewal money insuring that the person is a member of the organization.
2. The roster of council members to be elected at the AGM indicates all roles of that individual. The bylaws state an individual can only have one vote no matter the number of positions they hold. This roster shows the exact number of council members for this year and can be used to substantiate a council quorum in 2019-20.

VP Regional Coordinator - Robert McLeod

In addition to those RVPs mentioned in his report, Robin Ingram of the South Central Region and Jeff and Cindy McLeod of the Gulf Central region have stepped up to the challenge of RVP and should be recognized. Dale Lewis will be attending this AGM as a possible candidate for the Southwest RVP position.

A project is starting at Wilmington NC which will be a Scottish Trail of Migration tracing the immigration pattern into areas where 20,000 Scottish Highlanders made their home in the US. This will begin in Wilmington which is kind of the Ellis Island for the highlanders and will trace to locations like Crosscreek (Fayetteville) with historic markers and information. Anyone interested in more information should see Bob.

Piping – Tim MacLeod

1. Only South Central region has requested their McCrimmon medal. Tim does have 3 medals with him.
2. There was no qualifying competition in North Carolina.
3. Tim gives lectures on the Scottish migration into the Carolinas.
4. To gain youth you can promote Clan MacLeod participation at private schools, social, civic organizations as a family activity.
5. There is now a Clan MacLeod Pipes and Drums band with 23 members based in Richmond, VA on the Carolina line. 15 of these band members also have submitted memberships. Money is needed to outfit the band with the Raasay Tartan. A thank you to Chief John for giving permission. The band has a go-fund-me site. Support from other MacLeod Facebook etc. sites would be welcome.

https://www.father.com/f/help-outfit-our-scottish-pipes-and-drums-group?fbclid=IwAR3krca4yxi1_p4kHI3hT6Ou1wRlsiqdrNc6LtPV9yly2ThhUnlhvjCNE_g

The screenshot shows a GoFundMe campaign page. At the top, there's a navigation bar with the GoFundMe logo, a search bar, and buttons for 'Share', 'Tweet', and 'Donate'. The main content area features a header image with a red and black plaid pattern on the left, a circular logo for 'MACLEOD PIPES & DRUMS' in the center, and a photo of a woman in a red plaid jacket on the right. Below the header is a video thumbnail with the text 'HELP US REACH OUR GOAL?' and a group of people playing bagpipes. The campaign title is 'Help Outfit Our Scottish Pipes and Drums Group'. To the right, a progress bar shows a '\$15,000 goal' and indicates the campaign was created 1 day ago. There are buttons for 'Donate Now' and 'Share on Facebook'. The creator is identified as Tim MacLeod, a Creative from Richmond, VA. The funds raised will benefit 'St Andrews Legion Pipes and Drums', a Certified Charity. The 'Donations' section shows 'No donations yet. Help launch this campaign and become the first donor.'

Publicist – Judy MacLeod

Tim MacLeod should consider writing an article on the formation of the MacLeod Pipes and Drums band with its tie to the MacLeod of Raasay or on the Scottish migration lectures that he does. This should be sent to Judy for submitting to the Highlander or one of the other publications that she works with. This coming issue of the Highlander should have an article on Michael McClure who will be at the NAG in 2020 talking and displaying his fossil collection.

RVP Carolina Representative - Lorna MacLeod

To reach the youth of today you have to speak their language which is Snapchat, Instagram, etc. not postcards. Consider speaking to your grandchildren to find out how to use these new communications.

Old Business

- Indemnification policy – Weeden Nichols – See attached quotes and Weeden insurance report. Full detailed documentation available from Sandy McLeod on request.
 - o Long term issue
 - Tex MacLeod resigned the RVP position because he felt there was not sufficient insurance coverage for officers. Stephen MacLeod brought up insurance needs for general liability and other considerations.
 - Weeden Nichols has spoken with various insurance agents for both Directors and Officers Insurance and General Liability for 501(c)3 organizations. The quote on General Liability for all Clan events in the USA was \$3214 per year. Quotes are attached.
 - Currently, there are no funds budgeted or available to cover this insurance without raising membership dues.
 - Raising the dues \$5 could help cover this insurance.
 - Tim MacLeod suggestion is to consider a fund-raising event as an alternative.
 - The long-term solution will be discussed and resolved at the next council meeting in Alexandria including what type of insurance is needed and how to pay for the insurance.
 - Prior to the meeting, we should utilize other communications to compile ideas on how to solve this issue.
 - o Short term issue – Stephen’s email comments attached
 - Stephen MacLeod who is the host for the Alexandria meetings has signed a contract with the Hilton Hotel which states that Clan MacLeod has a minimum \$2,000,000 in general liability insurance plus any other insurance based on the event. He wants a decision from Clan MacLeod by June 4 which is the last date that he can cancel the reservation without penalty.

Insurance: You agree to maintain insurance reasonably commensurate with all activities arising from or connected with your Event, including, but not limited to, general liability insurance, with limits not less than \$2,000,000 per occurrence, covering personal injury, property damage, and other liability arising from your Event.

Hotel agrees to maintain general liability insurance with limits not less than \$2,000,000 per occurrence, covering liability for personal injury, property damage, liquor liability, and automobile liability, as well as Workers Compensation insurance per applicable laws and Employers Liability insurance.

Upon written request, each party shall make evidence of coverage available to the other party. For hotels that participate in Hilton Worldwide's general liability insurance program, proof of Hotel's insurance coverage is satisfied by a Memorandum of Insurance available at: <http://www.marsh.com/moi?client=0291>. The Hotel can confirm whether they participate.

- A motion was made by Tammie Vawter that Stephen Macleod as an agent of Clan MacLeod society, USA be given permission to obtain a single event insurance for \$2,000,000 of general liability and any other insurance necessary to cover the mid-winter Scottish Walk Event at the Hilton Hotel in Alexandria in 2019 satisfying the hotels needs which cost will be covered by Clan MacLeod, USA. This was seconded and approved.
- See Stephen MacLeod's response 4/26/2019
- 2020 NAG – Judy MacLeod
 - The NAG (North American Group), a USA/Canada joint meeting, will take place July 29 – August 2, 2020 with a theme, Looking Forward/ Looking Back, at the Marriott in Livonia, MI.
 - Michael McClure will bring some displays of his Jurassic Scotland which contain fossils from the Isle of Skye and other locations. The full display will be part of the Livonia Scottish Highland games this same weekend on Saturday.
 - There will be a bus tour of Detroit highlighting all of the renovation taking place to rebuild the city and the MacLeod connection.
 - Workshops and speakers will also be scheduled.

New Business

- Use of Chairperson in title of council member – Sandy McLeod
 - There are committee positions which must be led by individuals who are already members of council. To avoid confusion, council position titles should avoid this label.
 - The use of the term Chairman currently has negative cultural connotation.
 - A Motion was made by John W. to change the new council position for Piping to Piping Coordinator. This was seconded by John Norman and approved.

Respectfully Submitted,

Sandra McLeod
National Secretary

Attachments

Long Term Insurance Issue

TO: CMSUSA Council (Board of Directors0
FROM: Weeden Nichols, F.S.A. Scot., President, CMSUSA
SUBJECT: Insurance
DATE: 25 April 2018

Ordinarily, I like to start an agendum in a business meeting with a motion that speaks to the issue in a preliminary fashion. That focuses discussion and allows the position of the decision making body on the matter to be refined. At some point, the original motion receives a friendly amendment, or not, or is withdrawn, or not (or, if withdrawn, then a better motion is submitted). In the case of both D&O insurance and general liability insurance I, personally, will not be the initiator of a motion, though someone else is free to do so. I have performed due diligence, I believe, and I offer to Council the following accounting for my actions and my reluctance to offer a motion:

Tex McCloud resigned as SC RVP last year due to a perception of personal exposure as an officer of the Society. (Even though he was not one of the four national officers, he was a vice president of a particular sort, and was a member of our board of directors (Council). There probably are a lot of problems I failed to anticipate, and this was one. Once this problem reared its head, I had to take it seriously and give it a high degree of visibility in Council -- first as a D&O problem alone. Then, in Council in December, Steve MacLeod moved that I be required to investigate general liability insurance, as well as D&O insurance. This was not unreasonable. Insurance is not a field of expertise for me. Through acquaintances and associates whom I trust, I found three entities that seemed competent and trustworthy. One handled only D&O, and is the source of Dunvegan Foundation's D&O insurance. The other two are large, well-organized, general-purpose, insurance agencies. I attach quotes from all three. The two general agencies agreed to supply quotes for both D&O and general liability insurance. As it turned out, the general purpose agencies both recommended the same general liability policy from the same company. Both agreed that this policy was the "Holy Grail" of such policies for purposes such as ours. I have a D&O quote from all three.

My reasons for devoting so much work and worry to this matter is that, once the issue has emerged, it would be irresponsible for me, as president, to ignore it. Our risk could reasonably be assessed as "Low," but the penalty for losing a suit, whether justified or simply opportunistic, could be assessed as "High." My other reason for taking this matter seriously is that I was worried that Tex's resignation for the stated reason of exposure, might be merely the "tip of the iceberg." So I did give a lot of visibility to the problem.

Tex clearly has believed that he has been unfairly criticized regarding his resignation, and in saying so Tex probably referred to me, since I was the one making it a high-visibility matter. I don't blame him, and I might feel the same if I were in his shoes. But I assured Tex, and I assure Council, that I quite respected his decision to protect his family's assets and well-being, and that I was merely doing my

duty in pursuing it with Council and referring to Tex's resignation as the reason I had to see that we addressed the matter as well as possible. Such are the risks when "the buck stops here."

People in the insurance business probably would take the position that we cannot afford to not have insurance. I would point out that our revenue stream is hardly more than a trickle. Most of it derives from dues, and we have approximately half the membership we had 16 or 17 years ago (during the Highland craze precipitated by *Braveheart* and *The Highlander*). During my tenure as president, Treasurer Rich in the first two years, and Treasurer Kris in the last two years, both said that the only reason we were able to operate "in the black" was that I declined the President's Stipend. (I didn't mind declining.) I mention the delicacy of our finances only to say why I am not initiating a motion to pay even \$700 or \$800 for D&O insurance, as that would put us "in the red" by almost exactly that much. I shall have at this Council meeting on 25 April, the complete quote packets for examination, should anyone wish.

If I were to make a recommendation (and I think the insurance problem should be settled at the December Council meeting, as that is our primary forum for serious business, the Council meeting at AGM's being secondary to the AGM as a reunion), I would say that general liability insurance for representing Clan MacLeod at the various Games and Festivals around the country could not anticipate the wildly variable circumstances and protective provisions at all those venues. I think there are insurers which provide coverage for single events, or for individuals performing a function at single events.

On the other hand, I do think D&O insurance might be worthwhile, if only we could generate a little more revenue. It is awkward that our semi-autonomous charitable subsidiary, Dunvegan Foundation, provides D&O coverage for its functionaries. If we were to provide such coverage, Affinity Nonprofits (at \$687.00 in the last quote I received) would be my clear choice. This is the entity providing D&O insurance to Dunvegan Foundation.



1120 20th Street, NW, Suite 600, Washington, DC 20036 • 800-432-7465 • Fax: 800-701-1982 • www.affinitynonprofits.com

12/17/2018

Weeden Nichols
 Clan MacLeod Society USA
 44 W. 98th Street #36
 New York, NY 10025

Nonprofit Management Liability Insurance Proposal

For over three decades, Affinity Nonprofits has been a leader in providing specialized high quality insurance products to the nonprofit community. We are pleased to provide the following terms through our Nonprofit Specialty D&O Program:

Insurance Carrier	Arch Insurance Company (AIC) (Admitted Paper)
A.M. Best Rated	A+ Excellent
Proposed Policy Period	TBD to TBD
Liability Coverages	
Liability Coverage Parts Aggregate Limit of Liability	\$1,000,000
Defense Costs Outside the Limit of Liability	Unlimited
Directors & Officers (D&O) Liability and Employment Practices Liability (EPL) Coverage Part	
D&O Liability Limit	\$1,000,000
Excess Side A Limit	\$1,000,000
Crisis Management Costs Sublimit	\$250,000
D&O Liability Deductible	\$1,000
Workplace Violence Coverage Sublimit	\$250,000
EPL Limit	\$1,000,000
Third Party Liability Sublimit	\$1,000,000
Fair Labor Standards Act Sublimit	\$500,000
EPL Deductible / Third Party Deductible	\$1,000 / \$1,000
D&O and EPL Premium	\$652.00
Fiduciary Liability Coverage Part	
Fiduciary Liability Limit	\$250,000
Fiduciary Liability Deductible	\$0
Fiduciary Liability Premium	Included
Total Premium	\$652.00
Policy Administrative Charge	\$35.00
Total Amount Due	\$687.00

CLAN MACLEOD SOCIETY USA INC
 Quote # 1452850 V1
 Date Prepared 01/30/2019
 Proposed Policy Period 02/15/2019 - 02/15/2020

NONPROFIT ORGANIZATION DIRECTORS AND OFFICERS LIABILITY

COVERAGE	LIMIT
Nonprofit Organization D&O	\$1,000,000*
*Policy Level Shared Annual Aggregate Limit Applies - No	
Investigative Costs Sublimit	\$100,000
Excess Benefit Transaction Tax Sublimit (per organizational manager)	\$20,000
Employed Lawyers Limit	Not Covered
Additional Defense	Not Covered
Excess Side A	\$1,000,000
COVERAGE	DEDUCTIBLE
Nonprofit Organization D&O	\$1,000
Deductible does not apply to non-indemnifiable loss.	
Employed Lawyers	N/A

Retroactive Date: N/A
 Prior or Pending Date: 02/15/2019
 Continuity Date: 02/15/2019

PREMIUM SUMMARY

The Cincinnati Insurance Company

Named Insured: CLAN MACLEOD SOCIETY USA INC

Address: 3650 MORNING STAR DR UNIT 2105
LAS CRUCES, NM 88011

Agency: Diversified Insurance Group

Coverage	Premium
Nonprofit Organization D&O	\$863
Employment Practices Liability	\$300
Crime	\$200
Cyber Risk Liability	\$373
Terrorism	\$25
Total Annual Premium	\$1,761.00

Completed, signed & dated Pillar application
2019 Financials for insured.

Ask your agent about various billing and payment options.



A Member of the Tokio Marine Group

One Bala Plaza, Suite 100
Bala Cynwyd, Pennsylvania 19004
610.617.7900 Fax 610.617.7940
PHLY.com

PROPOSAL FOR INSURANCE

Quotation Number: 12411922

Proposal Date: 01/29/2019

Named Insured and Mailing Address:

Clan MacLeod Society U.S.A., Inc.
3650 Morning Star Dr Unit 2105
Las Cruces, NM 88011-1765

Producer: 6101

HUB International Insurance Services Inc
530 N Teishor Blvd Ste D
Las Cruces, NM 88011

Contact: Joseph Kester

Phone: (575)524-8686

Fax: (575)526-9640

Insurer: Philadelphia Indemnity Insurance Company

Policy Period From: 02/15/2019

To: 02/15/2020

Proposal Valid Until: 02/15/2019

at 12:01 A.M. Standard Time at your mailing address shown above.

Product: Flexi Plus Five

Submission Type: New Business

PHLY Representative:

Duran, Adan C.

PHLY Representative Phone:

(610) 617-7900

Underwriter:

Villanueva, Maria K.

Underwriter Phone:

(303) 200-6360

Email: Adan.Duran@phly.com

Email: Katrina.Villanueva@phly.com

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY,
WE AGREE WITH YOU TO EXTEND INSURANCE AS STATED IN THIS PROPOSAL.

THIS PROPOSAL CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS
INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

	PREMIUM
Flexi Plus Five	\$ 772.00
TOTAL	\$ 772.00

The premium shown is subject to the following terms and conditions:
Any taxes, fees or surcharges included in the total premium shown on the proposal
are not subject to installment billing.

A maximum per installment fee of \$5.00 may be included (some states may vary)
NON-BINDING INDICIATION SUBJECT TO THE FOLLOWING:
1. Receipt and review of a fully completed, signed and dated PHLY Flexi Plus Five
New Business application.
2. Please confirm that the regions are just divisions of the named insured versus
separately incorporated chapters. If so, please confirm that the revenues provided
in the original submission includes the total revenues for all regions.
TERMS SUBJECT TO CHANGE UPON REVIEW OF THE ABOVE



A Member of the Tokio Marine Group

One Bala Plaza, Suite 100
Bala Cynwyd, Pennsylvania 19004
610.617.7900 Fax 610.617.7940
PHILY.com

PROPOSAL FOR INSURANCE

Quotation Number: 12411914

Proposal Date: 01/30/2019

Named Insured and Mailing Address:

Clan MacLeod Society U.S.A., Inc.
3650 Morning Star Dr Unit 2105
Las Cruces, NM 88011-1765

Producer: 6101

HUB International Insurance Services Inc
530 N Telshor Blvd Ste D
Las Cruces, NM 88011

Contact: Joseph Kester

Phone: (575)624-8888

Fax: (575)626-9640

Insurer: Philadelphia Indemnity Insurance Company

Policy Period From: 02/15/2019

To: 02/15/2020

Proposal Valid Until: 02/15/2019

at 12:01 A.M. Standard Time at your mailing address shown above.

Product: Non Profit

Submission Type: New Business

PHLY Representative: McGovern, Jason P.

PHLY Representative Phone: (610) 617-5877

Email: Jason.McGovern@phly.com

Underwriter: Laufenburger, Adam W.

Underwriter Phone: (303) 200-5379

Email: Adam.Laufenburger@phly.com

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO EXTEND INSURANCE AS STATED IN THIS PROPOSAL.

THIS PROPOSAL CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

	PREMIUM
Commercial General Liability Coverage Part	\$ 2,995.00
Commercial Auto Coverage Part	\$ 219.00

The Total Premium includes Federal Terrorism Risk Insurance Act Premium	TOTAL	\$ 3,214.00
in the amount of:		\$ 12.00

- Bill Plan Options:**
- 25% Down and 11 Consecutive Monthly Installments - Combined minimum premium must be \$7,350
 - 25% Down and 9 Consecutive Monthly Installments - Combined minimum premium must be \$6,000
 - 25% Down and 5 Consecutive Monthly Installments - Combined minimum premium must be \$3,333
 - 25% Down and 3 Consecutive Monthly Installments - Combined minimum premium must be \$2,000
 - 50% Down and 2 Consecutive Monthly Installments - Combined minimum premium must be \$2,000
 - 30% Down and 3 Quarterly Installments - Combined minimum premium must be \$2,150
 - Premiums under \$2,000 are Fixed Annual billing

The premium shown is subject to the following terms and conditions:

A signed UM/UIM Selection/Rejection form is required upon binding. (If applicable.)
Any taxes, fees or surcharges included in the total premium shown on the proposal are not subject to installment billing.

Short Term Insurance Issue – 3 documents dated April 24, April 25, and April 26

Document 1



Sandy Mcleod <smcleod6809@gmail.com>

Insurance Report from the President

MacLeod, Stephen D CTR USAF AF-TE (US) <stephen.d.macleod2.ctr@mail.mil> Wed, Apr 24, 2019 at 3:59 PM

To: Weeden Nichols <redolaf1@gmail.com>, "Smcleod6809@gmail.com" <Smcleod6809@gmail.com>
Cc: John B MacLeod <blackolav@gmail.com>, "johnwmcleod@embarqmail.com" <johnwmcleod@embarqmail.com>, "JohnNMacLeod@aol.com" <JohnNMacLeod@aol.com>, Ann McLeod <aemcleod@embarqmail.com>, "Smcleod6809@gmail.com" <Smcleod6809@gmail.com>, "isain@nc.rr.com" <isain@nc.rr.com>, Judy M <judyanaerville@aol.com>, Robert McLeod <holdfast4909@gmail.com>, "sdrakem@aol.com" <sdrakem@aol.com>, "MacLeod, Stephen D CTR USAF AF-TE (US)" <stephen.d.macleod2.ctr@mail.mil>

Weeden – I'll be unable to attend the AGM. I'm attending the Southern Maryland Celtic Festival representing Clan MacLeod. I read your insurance report twice. Please provide clarity/comment for the following points:

1. When you state: *"The two general agencies agreed to supply quotes for both D&O and general liability insurance. As it turned out, the general purpose agencies both recommended the same general liability policy from the same company. Both agreed that this policy was the "Holy Grail" of such policies for purposes such as ours. I have a D&O quote from all three.*

Q1. Are there General Liability quotes? The attachments sent show only D&O. D&O and General Liability quotes are to be presented to CMS Council for discussion/decision/vote. Either both, one, or none.

2. When you state: *"At some point, the original motion receives a friendly amendment, or not, or is withdrawn, or not (or, if withdrawn, then a better motion is submitted). In the case of both D&O insurance and general liability insurance I, personally, will not be the initiator of a motion, though someone else is free to do so."*

Comment: Without General Liability quotes the motion can be only acted upon if it were to remove the General Liability quote pursuit which in-of-itself would require a motion. Since I acted to add this I will not under any circumstance offer a "friendly amendment" to remove the General Liability quote pursuit. This really gets back to Q1 above. Did you ever received a General Liability quote?

3. When you state: *"During my tenure as president, Treasurer Rich in the first two years, and Treasurer Kris in the last two years, both said that the only reason we were able to operate 'in the black' was that I declined the President's Stipend. (I didn't mind declining.) I mention the delicacy of our finances only to say why I am not initiating a motion to pay even \$700 or \$800 for D&O insurance, as that would put us "in the red" by almost exactly that much"*

Comment: Weeden, this paragraph biases any CMS discussion of either D&O or General Liability. The CMS task is simple: Obtain quotes for D&O and General Liability insurance. Once the quotes for both are obtained then a fact

based discussion can held. Whether CMS is in the red or black is irrelevant to the immediate task at hand as other factors can influence CMS being in the red or black.

4. When you state: *If I were to make a recommendation (and I think the insurance problem should be settled at the December Council meeting, as that is our primary forum for serious business, the Council meeting at AGM's being secondary to the AGM as a reunion),*

Comment: Weeden, again your biasing the task at hand. If there is a CMS council quorum at AGM, and information is available on this issue, then take action and quit talking about it. Kicking the can down the road on this issue simply looks bad for CMS leadership and stating "AGM as a reunion" not for serious business is disappointing wrt to the Clan MacLeod USA Charter and by-laws.

5. When you state: *On the other hand, I do think D&O insurance might be worthwhile, if only we could generate a little more revenue. It is awkward that our semi-autonomous charitable subsidiary, Dunvegan Foundation, provides D&O coverage for its functionaries. If we were to provide such coverage, Affinity Nonprofits (at \$687.00 in the last quote I received) would be my clear choice."*

Comment: Not awkward for Dunvegan Foundation. Numerous e-mails from CMS members in Jan/Feb 2019 withdrew support for D&O if it did not include General Liability. Your biasing those CMS members input and solely tying D&O to affordability. Reducing risk is the sole purpose of insurance. D&O will ONLY protect 2 or 3 people in CMS whereas General Liability protects a far greater number manning Clan MacLeod tents /events exposed to higher risk. I'm really disappointed CMS leadership would even consider pursuing D&O to protect 2 or 3 people without General Liability leaving the rest of us high and dry.

6. When you state: *I would say that general liability insurance for representing Clan MacLeod at the various Games and Festivals around the country could not anticipate the wildly variable circumstances and protective provisions at all those venues. I think there are insurers which provide coverage for single events, or for individuals performing a function at single events.*

Comment: I care less what you think but a lot more on your analysis/findings on General Liability insurance. I do agree event insurers are out there and CMS / Dunvegan Foundation needs to find one soon.

Action Item for CMS Council to address during April 2019 AGM: Attached you'll find the latest Alexandria Embassy Hotel contract. **Note:** I've previously sent this and all Alexandria contracts to CMS leadership for the last 10-years. All have a similar statements wrt "Indemnification" and "Insurance". I've mentioned with CMS leadership concerning general liability insurance requirement and was led to believe this wasn't a problem...especially when I forward them to be reviewed prior to signing them. You'll note on pg 5 that for this event The Clan MacLeod Society / Dunvegan Foundation is required to maintain general liability insurance of not less than \$2M per occurrence, covering personal injury, property damage, and other liability arising from our event.

- Options:**
1. Have CMS / Dunvegan Foundation leadership obtain event insurance prior to event.
 2. Cancel Alexandria prior to 4 June and no cancellation fee will be incurred. **Note:** Pg 4 of the contract has a cancellation fee schedule.
 3. Take a risk and don't obtain event general insurance. **Note:** I don't recommend option 3.

Comment: I signed this contract on behalf Clan MacLeod acting in good faith that general liability insurance is available. It has been revealed that no general liability insurance has (or ever was) been available by CMS leaving me exposed. If I don't hear anything prior to 4 June from CMS President which option is to be taken (or if Option 3 is taken) I will cancel this contract and someone else can sign a new one.

Timeline: Please let me know which option has been selected prior to 4 June.

Sandy – Please submit this e-mail for the record in the CMS Council Meeting minutes. Thank-you.

Hold Fast

Steve MacLeod, mid-Atlantic RVP

sdrakem@aol.com

2 attachments

-  **2019 CMSUSA_Dunvegan Winter Meeting Contract Hilton Embassy Suites..pdf**
312K
-  **Insurance - for Council 4-25-19.pdf**
71K



Sandy Mcleod <smcleod6809@gmail.com>

General Liability Insurance

2 messages

Weeden Nichols <redolaf1@gmail.com>

Thu, Apr 25, 2019 at 9:06 AM

To: "Stephen D MacLeod - Home (E-mail)" <sdrakem@aol.com>

Cc: Sandy MacLeod <Smcleod6809@gmail.com>, John Norman MacLeod <johnnmacleod@aol.com>, John Smith <iain@nc.rr.com>

Steve,

During the night I have gone through my e-correspondence and my paper correspondence, and it appears I may not have included the general liability insurance proposal in what I have sent out. Here it is (attached).

Today at Council, regarding insurance, I shall present what I have regarding recent indications of insurance need and financial impacts of buying insurance and potential impact of not buying insurance (low risk of litigation versus very high impact if such occurs). I personally will not initiate a motion on the matter. As I have said, I have discerned no great interest among Council during the many months it has been weighing on me. And I do understand that you are "under the gun" regarding your prudent concern in your region for event-by-event general liability insuring, if CMSUSA does not take prompt action to provide general liability insurance.

Weeden

 2019 General Liability Ins Proposal.pdf
3488K

MacLeod, Stephen D CTR USAF AF-TE (US) <stephen.d.macleod2.ctr@mail.mil>

Thu, Apr 25, 2019 at
10:24 AM

To: Weeden Nichols <redolaf1@gmail.com>

Cc: Sandy Mcleod <smcleod6809@gmail.com>, "JohnNMacLeod@aol.com" <JohnNMacLeod@aol.com>, "johnwmcleod@embarqmail.com" <johnwmcleod@embarqmail.com>, Judy M <judyanaerville@aol.com>, "iain@nc.rr.com" <iain@nc.rr.com>

Weeden -

For the upcoming Alexandria meeting in December this is a problem. Re-read the contract that has been previously sent.

- This is a "CMSUSA / Dunvegan Foundation Event" liability concern NOT not a mid-Atlantic "under the gun" regional liability concern which you've inaccurately portrayed.
- The CMS council has to take action WELL PRIOR to December to have in-place either a general liability policy or an event general liability policy.
- Inform me prior to 4 June what action will be taken. See previous e-mails same subject on options.

For the upcoming nationwide highland games / events this too is a problem for those who do not have personal liability insurance (or event insurance).

- The CMS council has received quotes on both D&O and General Liability
- The CMS should as a current AGM agenda item take action.
 - o Make motion to delay for further discussion – If delay provide rationale.
 - o Make motion for further research of general liability options – Request volunteer to continue.
 - o Make motion to purchase both, one, or none.

Sandy - Please submit this e-mail for the record in the AGM minutes relating to Weeden's insurance report.

Thank you

Hold Fast

Steve MacLeod, mid-Atlantic RVP

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Weeden

From: Weeden Nichols <redolaf1@gmail.com> < Caution-mailto:redolaf1@gmail.com > >

Date: April 24, 2019 at 10:55:35 PM EDT

To: Steve <sdrakem@aol.com> < Caution-mailto:sdrakem@aol.com > >

Subject: Re: Your Insurance Message

Steve,

The "no decision" prediction was merely a prediction. I took the insurance problem as an obligation of mine to pursue. I have encountered no great interest among Council, in taking action. Perhaps I am just generally discouraged due to pretty much zero results from any extensive effort on my part regarding any problem.

Weeden

On Wed, Apr 24, 2019 at 8:11 PM Steve <sdrakem@aol.com> < Caution-mailto:sdrakem@aol.com > > wrote:

Weeden - Is the Philadelphia quote @ \$772/yr strictly for General Liability? If so you have said in your report this is the "Holy Grail" then no further search for General Liability quote is needed and you have three quotes for D&O. What possible reason would you want to delay since all the tools are in place to move forward?

The CMS council meeting this AGM (quorum permitting) should address both D&O and General Liability now. Either both, one, or none. You should let CMS council decide whether to act or not on this issue.

You deciding unilaterally to take no action until Alexandria on this issue is you alone are exposing Clan MacLeod members to risk thru inaction on your part.

Either way I need to know by 6 June by what option CMS is taken for event general liability insurance for Alexandria required per signed contract.

Sandy - Please submit this e-mail for the record in the AGM minutes relating to Weeden's insurance report.

Thank you

Hold Fast

Steve MacLeod, mid-Atlantic RVP

Document 3 – Response from Stephen MacLeod on motion to resolve Short Term issue

Steve <sdrakem@aol.com>

Fri, Apr 26, 2019 at 10:01 AM

To: Weeden Nichols <redolaf1@gmail.com>

Cc: blackolav@gmail.com, JohnNMacLeod@aol.com, johnwmcleod@embarqmail.com, iain@nc.rr.com, smcleod6809@gmail.com, holdfast4909@gmail.com, judyanaperville@aol.com

Weeden - It does not meet my approval. Once again you've mischaracterized my role as an "Agent". I'm not searching for single event insurance. CMSUSA / Dunvegan Foundation leadership will. This is not a mid-Atlantic sponsored event. It just happens to be hosted in the mid-Atlantic.

As you've stated in your insurance report "...I'm sure there are single event insurers out there..." CMSUSA leadership can now exercise that and find one and have it in-place prior to Alexandria in December.

Just let me know before 4 June what option CMSUSA has taken so we don't incur cancellation penalties should CMSUSA / Dunvegan Foundation decide to cancel Alexandria altogether.

Finally, every contract I've signed on behalf of CMSUSA was presented for review by CMSUSA leadership prior to signing. The indemnification and liability language has always been there as well as the previous 2yrs and current year with Hilton Embassy Suites. This not a "new" requirement which leads to believe you either never reviewed it, understood it, or simply looked the other way leaving me exposed. You decide which one it was.

Sent from my iPad

On Apr 25, 2019, at 6:21 PM, Weeden Nichols <redolaf1@gmail.com> wrote:

Steve,

Hope action taken meets your approval. You are CMSUSA's agent for single-event (\$2 million general liability) insurance for Alexandria. CMSUSA pays. (Unless I have mis-characterized something.)

Weeden

[Quoted text hidden]