

August 2, 2021

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Dear Mr. Berg and Mr. Mann:

On July 23, 2021, the Chair of the National Association of Parliamentarians Professional Standards Committee received a professional responsibility complaint, dated July 13, 2021, from Larry Mann against John R. Berg, PRP, with supporting documentation. Copies of the complaint and supporting documentation were sent to Mr. Berg on July 26, 2021. Mr. Berg responded by email on July 30, 2021.

For the reasons discussed below, the Professional Standards Committee finds that insufficient evidence has been presented to the Committee to support the allegation that Mr. Berg has violated any provision of the *Code of Professional Responsibility for Parliamentarians*. The complaint therefore is dismissed.

### COMPLAINT HISTORY

Mr. Mann's complaint does not specifically state that it is being submitted on behalf of anyone other than himself. It is apparent from a reading of the complaint and its attachments, however, that it is submitted on behalf of a group going by the name of "Citizens Supporting South Kitsap School District" (CSSKSD). This is, in fact, CSSKSD's third attempt to submit a complaint against Berg.

#### First Attempt

CSSKSD's first attempted complaint was by attachment to a July 5, 2021, email message to the NAP President, from [csskschools@gmail.com](mailto:csskschools@gmail.com), apparently as a follow up to an earlier contact with the president. The sender of the email message was identified only as "Site Moderator for Citizens Supporting South Kitsap School District." The attached complaint form identified the complainant as "Citizens Supporting South Kitsap School District," and in lieu of a signature the complaint stated, "Anonymity Requested Due Fears of Retaliation." Additionally, in lieu of listing the dates of the alleged violations and the standards alleged to have been violated, the complaint form listed in both spaces, "See Attached PDF History/Complaint." Finally, the email attachment included additional documents setting forth various alleged actions by Mr. Berg as a member of the school board for the South Kitsap School District and copies of several additional supporting documents.

The NAP President responded to CSSKSD's July 5 email, saying:

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I directed you to the National Association of Parliamentarians website because information regarding submitting a complaint is located there. The choice whether or not your organization decides to file a complaint is up to you. The complaints are submitted through our national office in Missouri and they cannot be anonymous. The NAP member must be informed of the complaint because he or she will have to provide a response to what is being alleged. The complaint does not come to me and is handled by our Professional Standards Committee once it is packaged, received, and logged in by our National Headquarters staff.

If your organization chooses to submit a complaint, it will need to follow the instructions so that proper documentation of the complaint is noted in the records of the National Association of Parliamentarians.

### **Second Attempt**

The CSSKSD Site Moderator next sent the exact same complaint form and attachments to NAP Headquarters with an email message stating:

I have been elected to forward the complaint on John Berg. I am one of the site moderators. Thank you for inviting our group to submit our concerns for your consideration.

I previously sent this to a Ms. Allen and was directed to send this to you instead of her. She is apparently reluctant to forward and insists a member of our group must put their name on this in order to be considered. We would prefer not to have to move further into formal litigation [sic] against Mr. Berg. This is an effort to find a method of 'correction' prior to such action being considered. Please find the entire submission sent to Ms. Allen attached for your review. Please let us know if your Org. is willing to help.

After consultation with the chairman of the Professional Standards Committee, the NAP Executive Directors forwarded CSSKSD's email to the chairman for a determination on its handling. The chairman then forwarded the message to the rest of the committee, who unanimously agreed that the complaint could not be considered until CSSKSD complied with all provisions of the *Rules for Processing Complaints of Professional Responsibility Violations*. Accordingly, on July 7, 2021, the chairman sent an email message to CSSKSD, stating:

The Executive Director of the National Association of Parliamentarians has forwarded your email, with its attached complaint, to m[e]. This is to inform you that your complaint cannot be considered by the NAP Professional Standards Committee unless and until it has been properly submitted in accordance with the attached *Rules for Processing Complaints of Professional Responsibility Violations*.

First, the complaint must be submitted to NAP Headquarters, by postal mail, inside a sealed inner envelope marked, "Confidential—Professional Responsibility Complaint." Further, all spaces on the Professional Responsibility Complaint Form must be completed with the indicated information, including:

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- The name of the complainant, who must be an individual. (The complaint may be on behalf of an organization, but the individual filing the complaint cannot be anonymous.)
- The complainant's mailing address.
- The complainant's phone number.
- The complainant's email address.
- The date(s) of the alleged violation(s).
- The signature of the complainant (the individual actually submitting the complaint).
- The specific standards of the *Code of Professional Responsibility for Parliamentarians* (copy attached) that the complaint believes the respondent has violated.

Once you have complied with those requirements, the Professional Standards Committee will send a copy of the complaint and supporting documents to the respondent, who then will have thirty days within which to submit a response. Once the committee receives the response, the committee will proceed to consider the matter, and will issue its decision within the time specified in the procedural rules. The committee may, at its discretion, request additional information from the parties before issuing its decision.

If you truly are concerned about possible retaliation, the complaint may be filed on your behalf by an attorney, who presumably can keep your names confidential. But if you are unable or unwilling to provide the name and contact information of an individual as the complainant, and comply with all other requirements of the procedural rules, then I suggest that you find a form in which you are able to maintain anonymity.

On July 16, 2021, the chairman received an email message from CSSKSD stating, "A specific person effected by JR Berg's actions has sent snail mail complaint as of this date."

### **Third Attempt**

CSSKSD's third attempt to file a proper complaint against Mr. Berg was the July 13, 2021, complaint submitted by Mr. Mann. Although the complaint no longer was anonymous, it still failed to comply fully with the provisions of the *Rules for Processing Complaints of Professional Responsibility Violations*. Specifically, it was not "sent to the Headquarters office in a sealed envelope marked 'Confidential—Professional Responsibility Complaint'," as specified in Rule I.B; the complaint form did not list the date(s) of the alleged violations, but instead stated, "Please see attached"; and, most significant, it did not list any specific standards of the *Code of Professional Responsibility for Parliamentarians* that Berg is alleged to have violated.

### **BERG'S RESPONSE**

In his response, Mr. Berg stated:

Inasmuch as the complaint fails to state which specific professional standard that I was alleged to have violated, nor does it fully provide sufficient facts and documentation surrounding the acts complained of in detail, I see no need to occupy the committee's time with a detailed response, and therefore ask that the committee dismiss the complaint

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in full as frivolous, inconsequential, or as not obtaining the required level of proof and/or find that I acted properly and exonerate me.

### ANALYSIS

Some of the deficiencies in the complaint could, perhaps, be considered *de minimus*, and not require dismissal. But the committee need not make that determination in this case. We find that one of the deficiencies, Mr. Mann's failure to list the specific standards Mr. Berg is alleged to have violated, is fatal to the complaint.

Mr. Mann and CSSKSD apparently expect this committee to sift through the complaint and its voluminous supporting documents and discern what professional responsibility standards Mr. Berg might have violated. We decline to do so. The burden of showing a violation of one or more standards rests with the complainant. If the complaint and supporting documentation revealed an obvious professional responsibility violation, we might be inclined to overlook a complainant's failure to list a specific standard. In this case, however, we find no obvious violation.

In essence, the complaint appears to be an attempt by CSSKSD to accomplish a political goal through NAP's complaint process rather than through the political process. This is especially clear based on CSSKSD's July 5 email to NAP, stating, "We would prefer not to have to move further into formal litigation [sic] against Mr. Berg. This is an effort to find a method of 'correction' prior to such action being considered." While the motivation for a complaint normally does not enter into our decision, it is obvious here that CSSKSD's remedy, if any, lies in the judicial and political forums, and not with the NAP complaint process.

### CONCLUSION

Based on the foregoing discussion, the NAP Professional Standards Committee dismisses the professional responsibility complaint against Mr. Berg, pursuant to Rule III.D.4 of the *Rules for Processing Complaints of Professional Responsibility Violations* "as frivolous, inconsequential, or as not attaining the required level of proof."

Sincerely yours,

*Weldon L. Merritt*

Weldon L. Merritt, PRP, Chairman  
NAP Professional Standards Committee

C: Professional Standards Committee members:

Denise Irminger, PRP  
Jason Morgan, PRP  
Tannis Nelson, PRP