

Sent via Email and Registered Mail

June 14, 2021

President Simpson,

This is official notification from the Majority Members of the BMWED National Division Executive Board that you are not to expend any National Division funds on "founding conventions" as outlined in your recent correspondence disbursed via a June 11, 2021, Email by Mr. P. Kennedy, or any other post correspondence. As allowed by Article 6, Section 6 written request has been drafted by a majority group of National Division Executive Board and a meeting is requested in conjunction with a National Division Association meeting to address this serious issue.

We refuse to approve the disbursement of funds because your proposal was performed in secret outside of any National Division meeting, and because your proposal would severely damage the welfare of the Brotherhood of Maintenance of Way Employees Division – IBT. If you move forward with any expenditures related to this issue, such action will be seen as an unauthorized use of funds and appropriate action will be taken.

Article III Section 1 of the BMWED National Division Bylaws requires the National Division President to submit a message setting forth the affairs of the BMWED during his term of office and suggestions for legislation and changes in Bylaws for the best interest of the BMWED. He is also to set forth other suggestions and recommendations as he may deem advantageous to the BMWED and its members. Since your reelection at the 2018 National Division Convention, you have never indicated to a National Division body that you were even remotely thinking about the drastic plan you have recently proposed. Thus, expending funds without first outlining your plans does not comport with Article III, Section 1 of the Bylaws and thus it would be wholly improper to approve any expenditures in connection with your plan.

Another important reference here is to the damage your proposal would do to our financial position. You are reminded that by letter dated February 12, 2021, to National Division Officers, S/T David Joynt outlined a budget at your direction, which stated that you and he worked together to achieve a balanced budget "all-be-it by a razor thin margin". Additionally, that letter reads:

"However, in order for this budget to be accomplished over the next fiscal year requires sacrifices, difficult decisions, and some changes in habits and work processes for all of us. As you will see, when we go through the membership numbers at our meeting, we must reduce our costs at every opportunity because we all know our membership is not at a point where they would tolerate a dues increase. No officer that I know of wants to consider a dues increase, except as a last resort."


Importantly on February 18, 2021, there was a meeting of National Division Officers, which was followed by a meeting of the National Division Executive Board. During the meeting of the National Division Officers S/T Joynt presented a 2021 Budget Report and then provided a proposed budget for fiscal year 2022. The financial reports were adopted at the National Division Officer meeting with there never being a mention about expenditures for seven (7) founding conventions in September and October 2021. Likewise, during the meeting of the National Division Executive Board on February 18, 2021, S/T Joynt again presented the BMWED Financials and the proposed budget for fiscal year 2022. Again, there was never a mention about any significant expenditures on "founding conventions" for a major recalibration of the BMWED.

Based on the information that was provided, the Executive Board approved the 2022 budget. Now, just a few months later you are proposing massive expenditures that will harm our union financially and you have not provided a proposal for the potentially multi-million dollar expenditure. The Budget that was approved provides you with the necessary funds in which to administer the affairs of the BMWED and you are not to expend any additional funds without Executive Board approval. It is also noteworthy that we have incurred additional expenses months into the fiscal year by extending out the National Division Internal Organizers. Consequently, the razor thin balanced budget we approved is already out of balance.

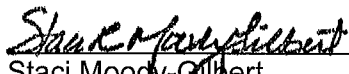
The National Division Budget was balanced on a razor thin margin, and you are expected to operate within that budget unless we incur unplanned and unforeseen emergencies, and your "founding conventions" plans are not an emergency. In addition to notifying, you of our rejection of spending on this proposal, you are further notified that the undersigned will not consider Disbursements exceeding income from dues and investments (Article V Section 3) if any funds are spent on this proposal. Clearly spending on these "founding conventions" will exceed our investments and dues.

You are directed not to expend any National Division Funds on mailers, material, equipment, attorneys, consultants, or any other expenditure in connection with this plan until the Executive Board has a chance to meet to vote on whether to approve funds.


Sincerely,




Dennis Albers
ND Executive Board Chairman



Staci Moody-Gilbert
ND Executive Board Secretary



Dale Bogart
ND Executive Board Member – East



Jeffery Fry
ND Executive Board Member – West