

Subject: Expulsion of Ernesto Cuesta

From: "Robert Littrell" <robert.littrell@comcast.net>

Date: Thu, 11 Feb 2010 20:52:23 -0700

To: <fciglesias@earthlink.net>, <SilviaStamps@yahoo.com>, <engart@bellsouth.net>, <ignacio@ahora.net>, <jetgold@sbcglobal.net>, <marktyx@stanford.edu>, <purchase@uoriginals.com>, <yhkouri@massmed.org>

CC: "Dan Chaij" <danchaij@comcast.net>, "Ernesto Cuesta" <ecuesta@philat.com>, <ocpe@tampabay.rr.com>

Dear Fernando and others:

It was with great sadness that I heard the news from Ernesto Cuesta that the board expelled him from the club. Only a year ago the club bestowed upon him the Cruz-Planas Award, the highest honor that the club can bestow. Now this. It is really shameful. **And also illegal.** Here is what our bylaws say about expulsion:

"Article V, Section 2. Any member may be expelled for

- a conviction of a felony;
- failure to pay indebtedness to the Society or a member thereof, or
- who is found guilty of any fraudulent or unethical conduct

through an affirmative vote of 2/3 of the Board of Directors. The **charges for such action shall be placed in writing**, and shall be **definite and specific**. The results and conclusions of the Board of Directors shall be conclusive, final, and enforceable as to the parties. **A hearing by mail, instead of a hearing in person**, may be granted with a limit of 30 days, before the Board acts on the case."

The board did not follow these Bylaws in the following respects :

- The board did not place charges in writing;
- The "charges" were told to Ernesto after the fact of the "hearing";
- The "charges" were "based on continued violations of CPSA Board directives and derogatory comments" These are **unspecified** - bylaws require **definite and specific** charges;
- The stated reasons do not conform to the **three reasons** given in the bylaws for expulsion (bulleted above); and,
- The board did not give Ernesto the right to a hearing either in person or by mail.

Because of the TOTAL FAILURE of the Board to comply with the Bylaws, I have to consider this Board action **ultra vires** (beyond the powers that are given to the Board): the board has no legal power to do things other than by its own Bylaws) and those actions consequently of no value.

I request the board to consider their actions carefully, in light of the above. What they were really doing was kicking him out because he disagreed - some would say by being disagreeable - with the Board's refusal to come into the 21st century with policies of inclusion rather than exclusion. One of the things the Board has used in this struggle so far is to stand behind the Bylaws. They have said, for instance, they did not have to abide with the membership wishes at the Denver annual conference because there was not a quorum under the Bylaws. Now I am asking that they, too, abide by the Bylaws and scrap this illegal action. For all that Ernesto Cuesta has done for the

Society for many years, it is a travesty to treat him in such a manner. An apology would be insincere at this point. I just ask for a vote nullifying this illegal action.



Cuban Philatelic Society of America, Inc.

P.O. Box 141656 • Coral Gables, FL 33114-1656

Office of the President

January 18, 2010

Via: Certified mail #7006 0810 0005 3765 6406

Mr. Ernesto Cuesta
P.O.Box 34434
Bethesda, MD 20827-0434

Mr. Cuesta,

In the Miami meeting of Tuesday November 17, 2009, a motion was proposed by one of our members that you, Mr. Cuesta, would be permanently removed from membership in our Society based on your continued violations of the CPSA Board directives and the derogatory comments you personally expressed at our Miami meeting of November 10, 2009.

This motion was seconded by two other members, and finally was voted on unanimously by the other twelve members present, for a total unanimous vote of 15 members to carry the motion to be considered and be voted on by the CPSA Board.

The CPSA Board voted in favor of your membership dismissal from the CPSA, by a majority of 8 'yes' votes, with 2 'abstentions' and 1 'no' vote.

So, it is with a sad heart that I must inform you that effective immediately your CPSA membership is permanently revoked.

We must also demand that you cease and desist from continued hosting the old web address of the CPSA in your web server, <http://www.philat.com/cpsa/>. This page web address is to be totally deleted and eliminated as not to be used as a 'hook' for anyone searching the web for the CPSA. Additionally, a second web page that must have the CPSA name and reference deleted from its content is your page: <http://www.philat.com/> "Table of Contents – Directorio."

For the CPSA Board of Directors,

Fernando J. Iglesias
President, CPSA

cc: CPSA Board of Directors.

Please let me hear from you regarding your actions on this request. Thank you.

Robert Littrell

8150 Chipita Park Road
Cascade, CO 80809-1105
Phone: 719-684-7986
robert.littrell@comcast.net