

## REPLY TO DHA PRESIDENT AND TREASURER LETTERS OF FEB 7<sup>TH</sup> & 8<sup>TH</sup>

The President and Treasurer issued two versions of the Open Letter to Dunardry Heritage Association Directors and Members, one on February 7<sup>th</sup>, 2006 to some clan members and the other, approximately 24 hours later, to a wider audience. Unless otherwise mentioned, quotations below will be to the original second letter. We will indicate the original first letter by putting "FIRST" before quoting the lines involved.

Other Codes: P = Paragraph. Paragraphs are numbered sequentially from the beginning.  
L = Line within the Paragraph

### ASSERTION (1) - P1, L2

".....asked him what the "present circumstances" were that would require a password-protected access to a new forum on his new personal webpage? He refused to discuss the posting. I asked him what letter he was referring to and he said that he would make sure that I received a copy."

**Misleading.** I replied to the President that there were some serious issues with the DHA and that a letter had been sent out to all members. The letter was long and would need careful reading. I also said that once he had finished reading it he should call me back so we could discuss it. He did not call back.

### ASSERTION (2) - P3, L1

"...the new webmaster gave the password information to Steven who had absolutely no right to it..."

**Disagree.** The DHA had recently appointed a new web master to design and maintain all aspects of the website. As the DHA's representative, he was in control of the password. He changed the password, as was his prerogative, to ensure independence of his role while upgrading the site, and to monitor all content to ensure communication was respectful. No identity theft occurred.

The DHA subsequently changed the password and locked the web master out. The moderator then allowed posting of several vehement and poison-pen type letters on the web-site in full view of the general public. This was something I had tried very hard to avoid by setting up a forum available to clan members but which was not available to the general public. The idea was to prevent outsiders from viewing internal issues and maintain transparency.

The DHA has since pulled the letters, but only after the general public had access to them for several days.

The DHA has also blocked several clan members from expressing their views, even though they have paid their membership fees. The clan members – at least one of whom is a lifetime member - have yet to receive a pro-rated refund of their dues, since the DHA no longer gives them the same rights to express themselves as any other clan member.

Until four days ago, ALL clan members had access to the Chief's forum. Prior to that, with the exception of one posting at the very beginning that I asked a member to modify because I found it too abrasive toward the DHA, I have not interfered with who or what can be said on the forum. On the other hand, the clan members who have been banned from free communication on the DHA forum are those whose opinions do not sit well with the DHA. This means that these fee-paying members cannot defend themselves in public when the DHA allows the subsequent display of demeaning postings against them.

After much consideration, I have made the decision that members of the DHA board may no longer post on the Chief's forum, unless equal and fair treatment is given to all clan members on the DHA web-site.

Over the next few weeks, you will likely hear the DHA make accusations that I "stole" the DHA's web-site. I did not. The domain name "MacTavish.org" that sat on the liquidweb host site "mactamhais.com" was registered to Clan MacTavish. The primary point of contact was my father. See Appendix 3 for a copy of the confirming e-mail dated Sep 3 2003 from the service provider to

my father. I legitimately and properly changed the domain from my father, to me as Chief of Clan MacTavish. I subsequently moved the domain to a different host company. Now that the DHA has been disavowed, it no longer has access to the domain name.

#### ASSERTION (3) - P6, L1

"...a power-grab being made for reasons unknown."

**Disagree.** Up until June 19<sup>th</sup>, 2005, the DHA was run by Chief Dugald. He was the power. The '2004' AGM minutes changed the DHA structure so that power was transferred to appointed members who, without general elections, will be in place until 2008. The general membership was not informed of this transfer. The use of proxies has further concentrated the power. If I consider that the Treasurer is a self-appointed executive officer with considerable decision making power who also controls the finances and who has denied at least two board member requests for audits, I conclude that the power grab and financial control is not by me but by the DHA.

#### ASSERTION (4) - P6, L2

"...the honorable thing to do would be to have contacted me as President of the DHA so that we could work together and arrive at a viable solution."

**Comment.** My regret is that I did not first approach the President with my concerns. I publicly apologized to the Board and clan members for the upset around the Vision letter discussions. Similarly, if this is an issue of honor, then it would have also been honorable if the President had promptly disclosed his position to everyone that his long term authority is the result of a self-appointment that needed to be ratified by clan members.

#### ASSERTION (5) - P7,L1

"Steven's assertion that either Mary or I applied 'ongoing pressure' is a bold-faced lie."

**Disagree.** There were numerous calls and e-mails. My perception was then, and still is, that there was on-going pressure. I did not lie.

#### ASSERTION (6) - P7, L6

"...those of us selected by Chief Dugald to fill positions in the DHA..."

**Incorrect.** The structure put in place by the '2004' AGM minutes is not real and was not condoned by Chief Dugald. See Appendix 2 for dialogue between treasurer and various other clan members.

#### ASSERTION (7) - P9, L2

"...between July 1 2004 and 30 June 2005, Chief Dugald had used \$18,070.83 from DHA accounts for personal vacations in Hawaii, Vegas and Scotland as well as his groceries, motels, utilities, and nearly \$6000 worth of cash withdrawals"

**Innuendo.** I do not know if my father misused funds. I had no contact with him for 7 ½ years. However, the DHA was aware that funds were being used for personal travel. See the e-mail in Appendix 1 dated June 23 05 2:28 pm. The Treasurer wrote me and said: "...some things...which need to be sent here so we can continue to operate the clan. First his check book/credit card for account [number censored] at Bank of America. That is the Dunardry Heritage Association account and is where store receipts/purchases are made. Your father's name was also on it so that he could pay personal travel while on clan business with his own identification."

My father is not here to defend whether these trips were clan business related. From my father's papers I know that Hawaii has Scottish games and that my father had been in contact with historical associations in Scotland. I do not have any other details.

I also know that my father was legally blind and was unable to read the bank machine keypads. After my father's death, I spoke with one person who said he chauffeured my father around, had a key to his apartment and assisted my father with his banking by entering his pin number. This person and one of his friends sent an e-mail to the DHA from my father's computer in his apartment after the police had sealed the unit, to advise of my father's death. When I later spoke with this person, and challenged why he had been in a sealed apartment, he said he and a friend had cleaned the apartment because it was messy. He said he did not have the pin number anymore. My father's bank account had been stripped of funds – three cash withdrawals on the same day. When they searched the apartment, the police did not find any cash other than \$5 or so in quarters.

Whether he was being robbed, or misused funds, or practiced questionable accounting or had legitimate expenses, no one will know. It is all speculation.

It is, however, overwhelming proof that a strong fiscal policy must be the very foundation of any association.

It is also better to focus on the fiscal practices of the current DHA since they can be held accountable. Why not have an audit by an independent, outside, qualified third party? If all is in order, the DHA will be able to assert with confidence that it is transparent. Why not put a fiscal policy in place that not only gives the appearance of transparency, but ensures it? Nothing can be lost by making the association's fiscal policies stronger.

#### ASSERTION (8) - P9, L6

"Steven made no offer of financial assistance...."

**Comment.** I made no offer of financial assistance at that time because I was experiencing an immediate and unforeseen financial crunch as a result of my father's death. These expenses included return airfare for my wife and I from Ontario to BC, a hotel for 5 days, meals, car rental, fuel, funeral costs and transportation fees to ship my father's personal items and papers across country to our home.

#### ASSERTION (9) - P9, L7

"...nor did he appear to be concerned about the pending financial impact on those traveling..."

**Incorrect.** On Wednesday June 22, 2005 at 6:12 PM I received an e-mail which reads "This is [North American Commissioner] from North Carolina. [Treasurer] called last night to tell me about the passing of your father. She also told me that you were very interested in helping make sure that the folks who had planned to go to Scotland in July would be able to make that trip – thank you!"

#### ASSERTION (10) - P9, L8

"...or the clan as a whole..."

**Incorrect.** Mrs. MacTavish and I first offered to lend funds for the purchase of fabric for MyClanTartans. Then we offered to fund new banners. Most recently, we offered to lend funds so the last issue of the Newsletter could be produced. None of the offers were taken up by the DHA.

#### ASSERTION (11) - P9, L11

"Now, we have our 'Chief' denigrating our actions and alluding to some kind of financial mismanagement..."

**Misleading.** I have said that the '2004' AGM minutes were falsified. See Appendix 2 which clearly shows the minutes were made up. Other directors have acknowledged that the minutes were invented. This falsification of the minutes actually occurred therefore it is hard not to denigrate it.

With respect to financial mismanagement, I have only said that a fiscal policy needs to be in place and that examples of fiscally responsible measures are: MyClanTartans and the DHA would each have their own bank accounts, balance sheets and qualified managers who would oversee daily activities. Any person with fiscal oversight responsibility would only hold one elected or appointed role simultaneously. The DHA would create an audit committee, mainly drawn from the general members, to monitor fiscal activities.

To the degree the DHA does not do these things, it has room for significant improvement in its accountability to its members. It's the general members that get hurt when policies are not strong, not so much the people who look after and spend member funds.

#### ASSERTION (12) - P9, L13

"...and have been spending our own money to keep this clan going."

**Misleading.** The statement implies that the only available funds are theirs. Membership dues and profits from MyClanTartans are also deposited into the general bank account and provide operating funds.

In addition, the Treasurer receives reimbursements.

For example, an e-mail was sent by the Treasurer to the Membership Secretary on September 2nd 2005 ..... "I wrote a check out to the myself (screwed up the first one.....1008....so it's voided) for \$233.67 on check 1009...13.50 to Staples for copies..."

#### ASSERTION (13) - P10, L2

"Steven's insinuation that there were no existing policies/by-laws for the DHA is a lie."

**Quoted out of Context.** The statement I believe they are referring to is 'How could they take over the clan and yet demonstrate that they were compliant with government regulations when there was no existing documentation to show this?' The original context of the Vision Letter was in relation to AGM minutes, i.e. there were no written instructions for transfer of clan management from my father to the DHA. It was not a reference to by-laws and constitution. I did not lie.

#### ASSERTION (14) - P10, L3

"We sent him the papers months ago as requested."

**Incorrect.** Although I asked for a copy of the by-laws and constitution since before the 2005 AGM, I only received them at the beginning of December 2005.

#### ASSERTION (15) - P11, L1

"The minutes of the board meeting in question were unfortunately not written down at the time of the meeting and were written at a later time by members in attendance at the meeting. To the best of our recollection, the resultant minutes are correct in content regarding what was discussed and agreed to, though not necessarily the exact wording at the time."

**Disagree.** See Appendix 2 which clearly shows the minutes were invented.

#### ASSERTION (16) - P11, L5

“At no time did Mary call Steven as alleged in his Q&A letter and tell him that the 2004 minutes were being “recreated” to show the transition.”

**Noted.**

ASSERTION (17) - P12, L3

“He spits out innuendos and hopes you will take his word for it that there are “improprieties.”

**Incorrect.** I have only said that a fiscal policy needs to be in place and have given examples of fiscally responsible measures.

The trouble is there are too many things that look as though there is something wrong. It does not mean that there are improprieties. But to reassure the members and to eliminate all doubt, conduct an audit by an independent, qualified third party.

ASSERTION (18) - P13, L2

“...Mary worked with the pewterer to get new clansman crests, cuff links, tie tacs and kilt pins designed and made when Steven wanted to change the design.....”

**Misleading.** The Treasurer was uncomfortable with the existing pewter quality because it was very soft and the design was unclear. I was uncomfortable with the prior design. The Treasurer and I undertook a mutual effort to produce something clan members could be proud of, not a one-sided request by me.

ASSERTION (19) - P13, L4

“...(yes, he DID approve the design)...”

**Misleading.** I approved the design. It does not logically follow that the DHA, as an entity, has the right to market or use it, if it loses the favor of the Chief.

ASSERTION (20) - P13, L9

“...without close observation, astute financial management (all transparent)...”

**Disagree.** The close observation and astute financial management we are talking about is (1) to have the books open for audit by fellow directors (2) maintain separate bank accounts for the clan store distinct from the general membership bank accounts (3) no commingling of funds e.g. inventory is not to be purchased from general membership dues (4) clan store finances handled by a different person than the person handling the membership fees (5) two signatures required on checks (6) two parties living in the same domicile not to have signing authority (7) monitoring of financial statements by an internal audit committee made up mainly of general members. If the DHA practiced these policies it could then assert its fiscal transactions are under close observation and transparent. However, at the time of the disavowal, it does not and so fails to meet these standards.

ASSERTION (21) - P14, L2

“There are two separate accounts – one for sales and one for general bank transactions”

**Disagree.** Perhaps there are two accounts, but there is commingling of funds. I am advised, for example, that on the August 31, 2005 Bank of America printout, the following commingled transactions occurred:

8/30/2005	Checkcard APlus .net debit	\$9.95 (expense)
8/4/2005	Checkcard Lochcarron USA	\$125.15 (store - profit)

8/25/2005

Deposit [Membership Dues]

\$320.00 (non-profit)

ASSERTION (22) – FIRST P 7, L24

“However, what [membership secretary] DID do was to assist Steven to convert the DHA’s prepaid website to Steven’s personal gain.”

**Incorrect.** The membership secretary is prepared to swear under pain of perjury that he did not do as the President/Treasurer accuse. In addition, how can I gain personally from a web-site that does not produce income for me? I don’t.

ASSERTION (23) - P15, DHA VISION 1 - 3

“Promote the history and genealogy of the name MacTavish and associated septs...”

“Provide a newsletter...historical....articles.”

“Fill the genealogical position and develop an online, searchable genealogical database.”

**Disagree.** (a) Besides the fact that Clan MacTavish does not recognize the DHA as its representative, the DHA itself has said that it is a totally separate, distinct, non-profit organization which is not in any legal way associated with “clan MacTavish”. While quick to remove the photograph of Mrs. MacTavish and myself, the DHA has been very slow to segregate itself completely. When the domain name sat on the liquid web host site, the DHA kept my family’s bloodline history – the result of countless hours of research done by my father and others, not the DHA. It also continued to showcase and google itself as the ‘Official Clan MacTavish’.

(b) If the DHA collects fees on the grounds it promotes the name MacTavish and its associated septs, the DHA will mislead the public. It would be like an organization collecting funds on behalf of the Red Cross or UNICEF but keeping the money for itself. The public would assume the DHA is an organization with ties to Clan MacTavish – something the DHA categorically says it doesn’t have.

(c) If DHA members contribute their personal genealogy to the DHA, the members would only have access to a small database. They would be disconnected from the comprehensive, worldwide Clan MacTavish database.

(d) Unless the DHA is willing to invest large sums of money and time researching our Clan and associated family names’ noble history, members will not receive the benefit of new historical discoveries.

ASSERTION (24) - P15, DHA VISION 4

“Provide members with a source for Scottish clothing and accoutrements...”

**Misleading.** According to the minutes of the 2005 AGM minutes, [www.MyClanTartans](http://www.MyClanTartans) is a commercial site with all profits going to the **Clan**.

In her October 22, 2005 e-mail response to a clan member, the Treasurer states: “It was great to meet you...by the way, via the grapevine I understand you are concerned about who makes money from My Clan Tartans. It ALL goes into the **clan** electronically as soon as someone pays with their credit card – we never see the info nor get any money. It goes from the cart directly to 2checkout and on to the **clan’s account** at Bank of America.”

The emphasis is mine, but I want to demonstrate that the DHA recognizes the purpose of the web-site is to supplement the Clan, not the Dunardry Heritage Association.

In summary, all profit belongs to the Clan. The DHA has categorically stated it “is NOT in any legal way associated with clan MacTavish”. Therefore, the profits from MyClanTartans or any of its revised store names are meant for the benefit of Clan MacTavish, not the Dunardry Heritage Association.

This must be true or else the DHA has been misleading clan members all along.

ASSERTION (25) – P 15. DHA VISION 6

“...present their concerns or suggestions to the DHA”

**Comment:** Clan members who attended the 2005 AGM raised their concerns about the existing poor transparency. The DHA has only begun changing the way they do things since the disavowal. The options of withdrawing authorization and disavowing an organization are types of pressure a Chief can apply. Family members who decide to support the DHA will have little power to encourage full transparency. The issue is not whether clan members can express their concerns or provide suggestions but whether the DHA will incorporate meaningful change. For example, would the DHA implement the proposed fiscal policy in its entirety?

ASSERTION (26) – P 17, L1

“... their lack of integrity...”

**Disagree.** Integrity is a matter of honesty and sincerity. I may not be perfect in all ways, but I have built my personal and business reputation on these qualities. I am willing to let the evidence speak for itself.

ASSERTION (27) – P 17, L1

“...and an obvious intent to control the DHA and use its resources, Mary no longer feels her invested money is secure from further backdoor incursions into the financial operations of the DHA.”

**Misleading.** According to the DHA's By-laws, in the Officers paragraph, the Treasurer's duties are as follows: 'The Treasurer controls the finances of the Association by establishing bank accounts, co-signing checks, and preparing financial statements for annual meetings.' As of the time of their Feb 7<sup>th</sup>, 2006 e-mail, the Treasurer is the only one who signs checks. In addition, in paragraph 14, line 6 of their e-mail when talking about the credit card, the President and Treasurer say "This number was (of course) confidential and was only given out to companies **who provided goods/services for the clan** and only one card was maintained so that Mary, as treasurer, would know there were no unauthorized charges."

The Treasurer was the only one who could sign checks and the only one with a card. No one else outside of the President and Treasurer's domicile could or did take funds. I have not had and do not have access to the bank accounts.

There was no need to take out the funds since the Treasurer was in full control, yet she did. I do not know if this action caused bounced transactions due to insufficient funds.

I also note that the Treasurer acknowledges that goods and services are provided to the clan, not the Dunardry Heritage Association.

ASSERTION (28) – P18, L3

“The reprehensible actions taken by Steven and others have far surpassed any accusations made against us and others. The under-handed, backstabbing approach...”

**Misleading.** When I decided to go to the general membership first instead of to the President of the DHA, I believed it was a well-thought out decision. The officers of DHA had ceased sharing any meaningful information with me. One officer and one director told me that I did not have a place in the DHA. After the Treasurer became upset with me over the Newsletter, I found out the Treasurer was telling others I would never be given the opportunity to express my opinion because nothing would be revealed to me. In considering my decision, I assessed that the maximum number of directors and officers I could expect to support a fiscal policy was likely to be six members. The board appeared to be and was acting as if it was stacked in the Treasurer and President's favor. Given the way things have transpired, it turns out my assessment was accurate. I have apologized for not going to the Directors and Officers first. However, I do not and I never will regret or apologize for raising the issues that needed to be addressed.

I did not lie.  
I did not slander.  
I did not libel.  
I did not make misleading statements.  
I did not nor could I take financial control of the bank accounts.  
If these actions are reprehensible and repugnant to people who do these things, then that's the price these people pay when they get caught.

ASSERTION (29) – P18, L6

“He chose to stop communicating with us after Donna Pratt and Mary refused to give him the complete editorial control of the DHA newsletter he demanded.”

**Misleading.** I am not nor was I interested in complete editorial control. I made comments in three areas:

(1) The DHA had decided to change the Newsletter name from its traditional “Non Oblitus” to “In Kinship”. I asked that it remain as the Non Oblitus to maintain ties with the past and to have a common name with all Newsletters that will be published by other sister organizations worldwide.

(2) I suggested that an inside section be dedicated to a respected clan member so that we all might learn and appreciate the current richness of our family. It was not a demand. It was a suggestion.

(3) The collage was a major issue for me. When people see images, at first they see the obvious meaning. But they understand far more on the subconscious level than they may know right away. That is why every year many millions of dollars are spent on advertising and product lay out. Images influence everyone's thoughts and actions.

I appreciate that the Treasurer put in many hours working on the collage. I found it difficult to tell her that I had some serious reservations about the collage because I liked her and didn't want to hurt her feelings. I told the Treasurer this as well.

But, when I considered that the cover is a piece of history – something that documents our clan activities and can be viewed by the general public now and by many people in the generations to come, I believed it was important to discuss my concerns.

The first collage was not the same as the one sent out to you. In the first version, the cover had (a) a poor quality large picture of a broken sword strewn on a blanket (b) a very large picture of a young boy who was not a clan member (c) a small picture of a young girl who is the daughter of one of our commissioners (d) a picture of my father in the bottom right hand corner looking frail and with his arm in a sling and (e) a picture of the President of the DHA in the top left hand corner of the collage. A few of the questions I considered were:

How would the general public interpret the symbol of having a broken sword on the front cover? When a male non member child is given much larger space on the cover than a female clan member, what are we telling the world about our clan? What are we telling our family members? The picture of the young boy was taken on the spur of the moment while at Stone Mountain because he was a charming wee child. We do not know his name. Do his parents even wish to have his picture on the front of a Newsletter?

When the President of the DHA is given a dominant place over Chief Dugald and the Chief is displayed as “broken”, how do you think the general public would perceive their roles within the clan?

In the end, the DHA made some compromises, but the underlying issues remain unchanged. There are other questions the collage raises but it is enough for me if you look at the collage again with a fresh set of eyes and see who is given respect and who is given less. You may or may not agree with me, but as Chief, these are the issues and types of questions I am concerned with.

(4) I did not ask about nor try to control any other content in the newsletter. I did not see the content until I received my copy at the same time as everyone else.

ASSERTION (30) – P18, L7

“Mary, in particular, continued to send e-mails...”

**Misleading.** Since I did not have a wide range of contacts at that time, I was dependent upon the DHA to keep me informed of relevant issues. The nature of the Treasurer's communications changed fundamentally after we discussed the Newsletter. The Treasurer decided not to share any meaningful information in future about the DHA or its clan members and had told other board members accordingly. After her decision, she kept in touch by sending jokes, electronic cards and a photograph of a road sign. These are not the stuff of meaningful communication. I learned of the President's ill health through another clan member.

ASSERTION (31) – P19, L2

"...we stayed true to "do no harm?"

**Disagree.** Even if I grant, which I don't, that falsifying the '2004' AGM minutes may have started out with good intentions, it rapidly degenerated. Elections could have been held at the 2005 AGM for the remaining 11 appointed board members but nothing was said. Instead, power was further concentrated by the use of proxies. At the time of the Feb 7<sup>th</sup> e-mail, all financial transactions were controlled by one person and efforts by other directors to have financial oversight have been refused. These are not harmless actions.

ASSERTION (32) – P19, L3

"...collaborators..."

**Misleading.** Section 1107 of the Corporate Fraud Accountability Act of 2002 is applicable to all corporations, including nonprofits. Section 1107 makes it a crime and imposes criminal penalties for any organization to retaliate or take any harmful action against any person who has provided any truthful information regarding the commission of any Federal offense to a law enforcement officer. This applies to actual commission of an offense, and to the possible commission of an offense. A reasonable belief or suspicion that an offense has been committed is sufficient create protection for the person. Under this section, "any harmful action" includes interference with the employment or livelihood of the person. This thus prohibits the organization from firing, demoting, suspending, harassing, refusing to promote, or reprimanding the person. The penalties for violations include a fine, or imprisonment up to 10 years, or both.

I am deeply indebted and grateful to the people who have helped support me in bringing these issues to light. Their integrity and risk at coming forward is something to be proud of not put down. Since their February 7<sup>th</sup> & 8<sup>th</sup> e-mails, the DHA has resorted to slander and libel against several individuals and threatened legal action against at least one. So, what is the DHA is afraid of?

ASSERTION (33) – P19, L5

"What exactly has Steven done for you?"

**Misleading.** I am bucking the status quo so that we may overcome some bad habits now and get back on track. I am showing the family the only way we can grow in a healthy, democratic, transparent, fiscally responsible manner worldwide and for generations to come.

ASSERTION (34) – P19, L5

"...threaten and bluster and try to frighten you into believing that you don't have the rights and responsibilities clearly outlined in the DHA constitution and bylaws."

**Incorrect.** I told the DHA entity that its board members could not continue acting as a representative of Clan MacTavish until it changed its policies and practices.

I was clear that should the DHA not obtain approval, I would honor Clan members' dues/association memberships when they transferred to a new organization approved by the Chief.

My focus was the DHA entity itself and its own behavior because as long as it was a representative, its actions reflected upon Clan MacTavish and how we are seen by the public and other clans.

The members have never been in jeopardy.

#### ASSERTION (35) – P19, L7

"He failed to mention that, at his request, Tom and I traveled to the Stone Mountain games in October to help guide him through his first games as an Honored Guest. We aren't rich and this was a financial burden..."

**Comment.** I did not mention it because I did not think the trip was relevant to the issues of good governance, fiscal responsibility and transparency.

For the record, however, I was humbled that the President and the Treasurer came to the games and rallied support. My wife and I met an incredible group of family members and shared many conversations both at the tent, at the family dinner and later around a campfire. One couple delayed their vacation in order to come; some traveled large distances and paid the costs of accommodation and food. We were very much aware that many members felt a financial burden in order to attend the games and welcome us. I cannot begin to describe all that I felt as I watched our family march in the Parade of Tartans. Even though we were all hot and tired and had probably spent more than we planned, here we were marching together, friends and family, under a new banner made by the Treasurer - letting ourselves be counted. I felt tremendous pride! Nothing that has transpired since, nor ever will, change my view. The selflessness moved my wife and I profoundly and only strengthened our resolve to do right by our family.

It is also the main reason I have stressed over and over that people maintain a calm and respectful manner in discussing the core issues.

#### ASSERTION (36) – P20, L2

"Steven has intentionally misled you about the Dunardry Heritage Association."

**Incorrect.** I have been very clear about what I know to be true about the DHA. I have not misled anyone. I have told the truth. For example, see Appendix 2.

#### ASSERTION (37) – P20, L2

"His rants are designed to basically scare you..."

**Incorrect.** The response to Assertion 33 applies here.

#### ASSERTION (38) – P20, L3

".. what he "envisions" (which is STILL never articulated)..."

**Incorrect.** My vision was to "Lay the Groundwork for a Strong International Family Network".

This meant, at the time of the DHA's e-mail's, that the DHA would need to implement:

- (1) a responsible and transparent fiscal policy and charter of accounts (examples were provided)
- (2) transparent, standardized policies and practices (examples were provided)
- (3) democratic elections of all directors and officers by the general membership (reasons given in the letter).

#### ASSERTION (39) – DHA FACT 2

“...You don’t “join” anything, pay dues, homage, or anything else – you are part of Clan MacTavish by birth. We are all part of the clan and Steven can’t change that.”

**Misleading.** I have never said anything differently. On the other hand, The DHA is not Clan MacTavish. You don’t need to join it, pay it dues, or homage, or anything else. That is something you can change.

ASSERTION (40) – DHA FACT 3 and 4

“Steven, as Chief of Clan MacTavish, has absolutely no authority over, nor ties to the Dunardry Heritage Association.”

**Incorrect.** Clan MacTavish was brought out of dormancy by Chief Dugald. The DHA was originally established to raise funds for building a clan center in Scotland. The fund raising efforts failed, but my father continued to micro-manage the DHA, using it as an authorized agent for building the membership base, sending out newsletters, etcetera. The DHA was not and is not Clan MacTavish. Prior to the disavowal, the DHA and Clan MacTavish were in an intertwined relationship, with the Chief running the DHA. The falsified ‘2004’ AGM minutes made it look as though my father had given the DHA permission to run the Clan - that the DHA and Clan MacTavish were one. The DHA took over the bank accounts and day to day running of the clan on false pretense and use the minutes as their authority to say that the new Chief has no authority. I am more than happy to communicate and work closely with an association that is democratic, transparent and fiscally responsible. I am not a figurehead as I am and will continue to be very active in ensuring our overall direction is true and healthy. I do not need or want to micro-manage representative organizations. I have authority over Clan MacTavish plus who and how we will be represented.

ASSERTION (41) – DHA FACT 5

“Steven cannot restrict DHA participation in games nor what may be displayed on or in a tent.”

**Incorrect.** The DHA has been disavowed. The DHA also freely admits it is a NOT in any legal way tied to Clan MacTavish, the DHA cannot display or otherwise suggest any tie to Clan MacTavish or its associated names. To do so would be to publicly act under false pretense.

ASSERTION (42) – DHA FACTS 6

“Steven has no editorial rights over DHA publications or communications.”

**Incorrect.** See answer to Assertion 40. I have authority over Clan MacTavish plus who and how we will be represented.

ASSERTION (43) – DHA FACTS 7 & 8

“Steven has no say over general membership meetings – where or when held, nor agenda items.”

“Steven has no input into who may be directors or commissioners of DHA.”

**Incorrect.** I have never said I wish to determine who the general membership elects in an organization that represents Clan MacTavish. However, I have said there must be an elected board since it is supposed to be a democratic entity. I have input about how the process is run. I can insist the representative organization require candidates to:

- (a) Sign conflict of interest forms
- (b) Agree to learn about financial statements and implement Sarbanes-Oxley standards applicable to not for profits organizations
- (c) Operate meetings using Roberts Rules of Order

(d) Provide a written resume of their experience, talents, skills. For treasurer nominees, include their professional designation

(e) Agree to sign a Code of Ethics

This information would be included in a nomination packet available to the general membership so they could make informed choices.

I can also choose to audit the nomination and election procedures to ensure practices are democratic and true to the spirit of what The Clan stands for.

#### ASSERTION (44) – DHA FACTS 9

“Steven has no control over the financial matters of DHA.”

**Incorrect.** As of the February 7<sup>th</sup> & 8<sup>th</sup> email, the Treasurer is the only one who has had sole daily financial control of the DHA, including turning down requests by two directors for financial oversight. This is not a good thing.

I have never indicated that I want to have financial control of the books.

I have said, and I have input over how a representative organizations runs their fiscal policies.

I can insist that any Clan organization, such as the DHA used to be, maintains high fiscal standards. If the DHA were to have failed an audit or be shut down while associated with us, it would have been the name of Clan MacTavish that would be smeared. I can insist a representative organization implements and practices IRS and SOX standards. Financial policies and practices are the outward display of our integrity to insurance companies and governmental agencies. It is also a promise to all clan members that we will remain transparent and accountable.

#### ASSERTION (45) – DHA FACTS 10

“A working relationship between the DHA and Chief of Clan MacTavish is desireable, but not imperative....”

**Misleading.** The DHA has been disavowed as a representative of Clan MacTavish. It can continue to function as a separate entity, perhaps as a generic historical society, but it may not act as a representative nor suggest any ties to or collect fees on behalf of Clan MacTavish and its associated family names. See also responses to assertions 40 and 41.

#### ASSERTION (46) – DHA FACTS 11

“Steven has no input into policies, actions, membership requirements or dues.”

**Incorrect.** See response to Assertions 40, 42, 43 and 44.

#### ASSERTION (47) – DHA FACTS 12

“Steven has no claim to any **clan** merchandise or other items belonging to the DHA.”

**Misleading.** This is not an issue about me. I personally do not want the merchandise. This is a Clan issue. The DHA and Clan MacTavish’s relationship was intertwined up until the disavowal. Prior to that, the DHA was collecting dues and purchasing/selling inventory on the Clan’s behalf, giving all proceeds to the Clan. The merchandise displays “Clan MacTavish” and does not promote the Dunardry Heritage Association. The profits and inventory belongs to Clan MacTavish. The DHA may keep any product that promotes the DHA. See the response to Assertion 24 also.

### ASSERTION (48) – DHA FACTS 13

“And most importantly, Steven does not have the authority to ban the wearing of the clansman’s crest, tartan, sashes or other identifying accoutrements.”

**Misleading.** I have not said I would. I have absolutely no problem with members wearing Clan accoutrements. The purpose of the clansman’s crest in particular is a sign of loyalty to the current Chief. For example in her March 11<sup>th</sup> 2006 posting on the DHA public forum, the Treasurer says that I’ve “lied, stolen, maligned, misled, bullied, threatened, banned, etc...” to get my own way. If the Treasurer, or any other clan members feel that way, it is questionable why they would want to wear the crest in any event. But that becomes more a personal preference and a matter of conscience.

### CONCLUSION

The vindictiveness, hate mail and excessive defensiveness by the DHA is very telling. I went to the general membership because, in my opinion at the time, (a) the board appeared to be and acted as if it was stacked (b) key people were refusing to discuss any substantive clan matters and (c) power was focused in the hands of only one or two people. No matter how the DHA President and Treasurer may feel, it does not change what happened under their watch. The issues needed to be discussed in a calm manner, power re-distributed to many, and new fiscal measures put into place. The DHA has publicly confirmed that it “is a totally separate, distinct, non-profit organization which is NOT in any legal way associated with clan MacTavish” (capitals in the original). I agree with this statement wholeheartedly. The DHA is a disavowed organization now, but the sad thing is it needn’t have been if they had been open to change. The DHA’s open letters issued on February 7<sup>th</sup> and 8<sup>th</sup>, contain nearly 50 errors and misleading statements which only clouds the facts.

These are just a few of the true statements about the DHA:

- 1) They falsified the ‘2004’ AGM minutes.
- 2) Such minutes attempted to ‘record’ for all time, that my father, the Chief, slandered a clan member by accusing her of theft and irresponsible behavior.
- 3) The self-appointed executives did not disclose that they were “Acting President” and “Acting Treasurer”.
- 4) They changed the power structure of the DHA without consultation.
- 5) The President and Treasurer did not put their positions forward for election at the 2005 AGM, even though they had the opportunity and 3 other positions were voted upon.
- 6) The DHA have stated they are not in any legal way associated with Clan MacTavish, yet continue to maintain a web-site with the words “Clan MacTavish” prominently displayed. Google prioritizing shows they are the “official Clan MacTavish” web-site.
- 7) The DHA has taken credit for Clan MacTavish history and claimed it as its own on the web-site until the domain name was moved to another host.
- 8) The DHA maintains it can use the Chief’s Coat of Arms and Clan Crest, collecting profits on merchandise containing their likeness. By doing so the DHA receives full benefit when the Chief’s Coat of Arms and Clan Crest do not belong to them.
- 9) The DHA is using the public forum to air an internal family issue.
- 10) The DHA is using the public forum to display hateful and vindictive e-mails.
- 11) The DHA has used general membership dues (part of the not-for-profit aspect) to purchase retail inventory (for profit, taxable aspect), thus commingling funds.
- 12) The DHA has the appearance of and acts as if it has a “stacked” board.
- 13) The DHA has 3 co-habiting couples on the board.
- 14) The DHA only requires one signature on a check.
- 15) Profit and Not for Profit Funds have been commingled
- 16) The DHA Treasurer has refused 2 board member requests for financial oversight/internal audit.
- 17) At the time of the February 7<sup>th</sup> and 8<sup>th</sup> letters, the Treasurer had sole financial control.

The time for change is now. And that is exactly what I intend to do.