

### 2009.3.3 Telephone Conference Minutes

#### MINUTES OF THE ATOS BOARD OF DIRECTORS TELEPHONE CONFERENCE TUESDAY, MARCH 3, 2009 8:00 p.m. E.S.T.

Chairman of the Board Craig Peterson called the meeting to order at 8:02 p.m.

**Officers Present:** Craig Peterson, Chairman of the Board, Mike Hartley, Vice Chairman of the Board, Bob Evans, Secretary, Paul Van Der Molen, Treasurer. **Board Members Present:** John DeMajo, Jelani Eddington, Allen Miller, Don Near. **Youth Representative to the Board:** Tyler Morkin **Board Members Absent:** John Apple, Donna Parker, Doug Powers, Bucky Reddish, Dennis Unks. **Staff Present:** Ken Double, President/CEO, Jim Merry, Executive Director, Jeff Weiler, Parliamentarian.  
**Guest:** Whit Raynor, Attorney.

Chairman Peterson declared a quorum.

The minutes of the 2009.1.3 Mid Year Meeting were approved. The minutes of the 2009.1.19 and 2009.1.29 telephone conferences were approved.

#### **New Business:**

- Resignation of Dennis Unks as ATOS Director  
Dennis Unks has resigned his recently appointed ATOS Board Chair because of health reasons. Two names have been submitted for consideration. David Barnett and Bob Arndt have been proposed as possible candidates for appointment.  
The question was raised about whether to immediately appoint someone to fill the seat vacated by Dennis Unks. The board discussed this situation in detail.

**Motion: (Van Der Molen) That the Board fills the current vacancy with an appointment. (Carried: 5Yes, 2 No)**

Jelani Eddington suggested that each candidate send a statement of his qualifications to the board along with a biographical sketch.

The Board will consider each candidate's statement and biography and act in a timely manner to make the appointment.

- Financial Review Committee  
Mike Hartley was appointed chair of the Financial Review Committee.

**Motion: (Hartley) to allow up to \$2500 for travel and lodging for two board members and two members-at large to perform a financial review of ATOS accounts. (Carried: Unanimous)**

#### **Old Business:**

- Update on the Recording Policy Review.  
By the recommendation of Dolton McAlpin, attorney, the ATOS Board asked Whit Raynor, noted copyright attorney to examine our new recording policy.  
Note: The ATOS Board announced at last year's Annual Membership Meeting that recording would not be permitted at ATOS conventions after the upcoming Western Reserve Chapter sponsored event. The Board felt that to best protect ATOS from copyright infringement lawsuits a legal opinion from "the outside" was necessary.  
Whit Raynor explained to the Board that recording at conventions without the specific legal consent from the composer and artist is illegal. He also noted that because the organization (ATOS) has

### 2009.3.3 Telephone Conference Minutes

knowledge of the recording activity at convention it is legally liable for any copyright infringement litigation that might be initiated.

When asked under what conditions recording could legally be done at a convention, Whit replied that in order for an individual to secure permission to record a performance he or she would have to get written consent from the composer and publisher of each selection (covered by copyright) played during a convention program. Mr. Raynor explained that such a task was nearly impossible.

Mr. Raynor's opinion was that allowing recording at conventions could potentially put ATOS at very heavy financial risk.

The Board will enact the prohibition of recording at ATOS affiliated conventions immediately.

- Ken Double updated the Board on the status of the Fox/TCM project. ATOS has initiated a bid to Turner Classic Movies to sponsor a showing of *The Phantom of the Opera* at the Atlanta Fox. The Fox Moller, with Clark Wilson at the console will be used to accompany the classic silent film. Robert Osborne, official host on the Turner Classic Movie Channel, will act as host for the event. Plans are underway to film the whole program for TCM to be presented on that channel at a later date. If this plan cannot be accomplished then Osborne will host the live event and later host a program filmed in TCM's studio that focuses on the silent film and the theatre organ. Right now the Atlanta Fox and Turner Classic Movies are working on securing a date for the presentation.
- John Apple and his membership committee have contacted six chapters about recruiting new ATOS members from the chapters "associate membership". This is a logical first step in increasing our membership numbers.
- Web Radio Program: The Web Radio broadcasts are in the process of testing. When the station goes on the air a listener will have access to theatre organ music twenty-four hours a day, seven days a week. President Double indicated that the ATOS web radio station might be ready to begin broadcasting by April 1, 2009.

Chairman of the Board Craig Peterson adjourned the meeting at 9:07p.m. E.S.T.

/s/ Bob Evans, Secretary

Please Note: The meeting was conducted according to *Robert's Rules of Order*. Jeff Weiler, Parliamentarian