



**Winchester Chapter of the Izaak Walton League**  
**2863 Millwood Pike**  
**Winchester, VA. 22602**  
**BOARD RESOLUTION**

Subject:	Jent Mitchell Legal Costs			
Dated:	9/5/2017	# Aye: 8	# Nay: 0	Approved (Y/N): Y
Resolution:	<p>Whereas: On December 17, 2015, Joan Fine, acting on behalf of the Winchester Izaak Walton Club ("WIWC"), filed a request (Praecipe) with the court for a hearing on Motion for Entry of a Final Order, case No: CL 13-89 (CL 13000089-00). Copy attached. The objective of the hearing was to demonstrate to the court that the WIWC had fully complied with the court's rulings and that the case filed by Jent P. Mitchell, III against the WIWC could be closed out.</p> <p>Whereas: Joan Fine certified that she had sent a copy of the Praecipe to Mr. Mitchell's attorney, Nate L. Adams.</p> <p>Whereas: The Praecipe was for a hearing between Joan Fine, representing the WIWC, and the judge – the notice to Mr. Mitchell's attorney was sent as required. Neither the Praecipe nor the court nor the WIWC requested Mr. Mitchell's presence – his case had already been adjudicated. The issue was solely whether the WIWC had complied with the court's order, so a simple determination of fact. His presence and that of his attorney was solely at his own initiative, not based on any request by either the WIWC or the court.</p> <p>Whereas: The court assigned the plaintive, Mr. Mitchell and the Defendant, WIWC to bear their own legal costs, requiring the WIWC to cover only its own legal defense costs of some \$97,780.</p> <p>Whereas: On January 11, 2015, Mr. Mitchell and his attorney attended the hearing and filed an objection to the Motion for Entry of a Final Order. His objection was based on failure of the WIWC to file amended tax returns for the calendar years 2013 and 2014 – an issue that was not included in the court's original order and was irrelevant to the case that had already been adjudicated. As a direct result of Mr. Mitchell intervention, the court requested that Yount Hyde &amp; Barbour (YHB) file the amended tax returns and also review the WIWC's financial records for the years 2011 and 2012 to determine whether amended returns should also be filed for those years.</p> <p>Whereas: While Mr. Mitchell's justification for his claim reads:</p> <p>"Reimbursement of legal fees incurred on behalf of the membership of the WIWC to cause the club's IRS Form 990EXs for the years 2011-2012-2013-2014 to be reviewed by Judge C. L. Athey, Jr.'s court and corrected and amended as required in case Number CL13-089."</p> <p>There was no requirement in the original ruling in case Number CL13-089 for</p>			

	<p>the accounting work performed by YHB – this was added solely as a result of Mr. Mitchell’s intervention, including on what should have been a simple closure of the case.</p> <p>Mr. Mitchell’s intervention on January 11, 2015 resulted in:</p> <ul style="list-style-type: none"> <li>a) A delay in the issuance of the Motion for Entry of a Final Order; and</li> <li>b) Increasing the accounting costs resulting from his law suit to comply with the added court requirement, bringing the total charged by YHB for accounting service initiated primarily at Mr. Mitchell’s insistence to \$18,735 (excluding the \$2,000 charged for preparation of the 2015 IRS 990EZ).</li> </ul> <p>Clearly neither result was in the best interests of the WIWC or its membership, and by wasting the assets of the WIWC, contributed to the need to raise membership dues for 2017 to rebuild reserves.</p> <p>Whereas: A corresponding claim had been rejected by the previous Board as not in the best interests of the Chapter and its membership, as is required for Chapter reimbursable personal expenses.</p>
	<p>Now Therefore: The reimbursement claim dated April 4, 2017 by Mr. Jent P. Mitchell, III, for \$6,270.60 is hereby rejected and this issue is considered closed, not subject to further discussion.</p>

### Vote

Member	M/S	Aye	Nay	Abstain	Absent	E-Mail	Phone
Dan Arico	S	X					
Chris Barltrop		X					
Brian Callahan				X			
Duane Kramer		X					
Wade Manuel					X		
Mike Mercer		X					
David Prater	M	X					
Jim Sherry		X					
Al Stitt					X		
Paul Strawderman					X		
Jack Weeks		X					

Member	M/S	Aye	Nay	Abstain	Absent	E-Mail	Phone
Harold Whitacre		X					

## Material Discussion

Full documentation is attached, including:  
Mr. Mitchell's reimbursement request  
The Praeipie dated December 17, 2015  
The Praeipie dated February 12, 2015