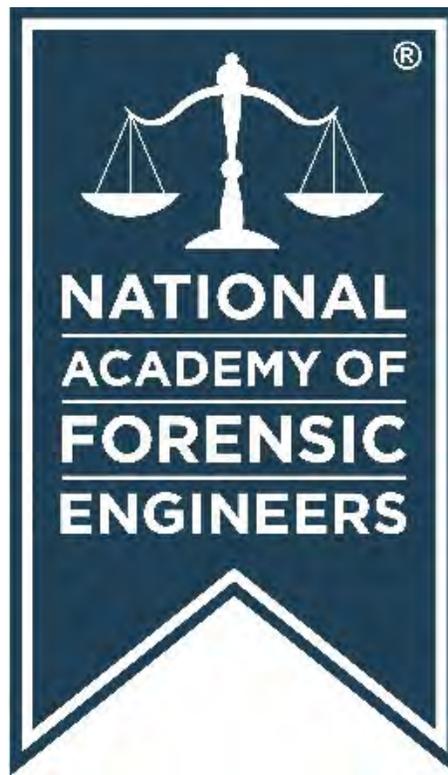


# **The National Academy of Forensic Engineers**

Winter Conference 2022

Tucson, Arizona



## **Board of Directors Book**

January 7, 2022

# 2021 Board of Directors

## PRESIDENT



LIBERTY JANSON, PE

## PRESIDENT-ELECT



SAMUEL SUDLER PE, IntPE,  
CFEl, CVFI

## SENIOR VICE PRESIDENT



JOSEPH LEANE, PE

## VICE PRESIDENT



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## SECRETARY



RICHARD RICE, PE

## DIRECTOR AT LARGE



DANIEL COUTURE, PEng

## DIRECTOR AT LARGE



ROBERT PERUZZI, PhD, PE

## PAST PRESIDENT (2020)



JAMES PETERSEN,  
PE, DFE

## PAST PRESIDENT (2019)



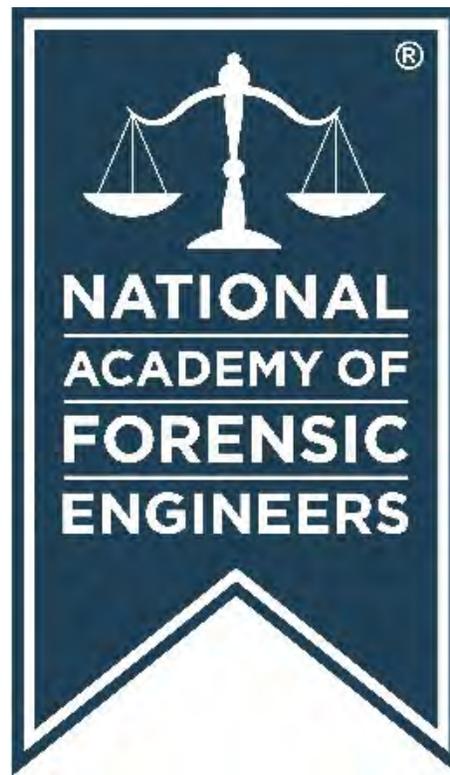
JOHN CERTUSE, PE

## PAST PRESIDENT (2018)



MARTIN GORDON,  
PE

# AGENDA





**Agenda**  
**NAFE BOD Meeting January 7, 2022**  
**Tucson, Arizona**  
(All times are MST)

- 1) 8:30 am – Zoom Connection and Sound Check
- 2) 9:00 am – Welcome and Introduction – Janson
- 3) 9:05 am – Board Orientation – Bowman
- 4) 9:30 am – Roll Call and Confirmation of Virtual Attendance – Janson
- 5) 9:35 am – Mission and Objectives of NAFE – Janson
- 6) 9:40 am – Approval of Minutes
  - 1) July 30, 2021 - Providence
- 7) 9:45 am – Review and Approval of Agenda
- 8) 9:50 am - Committee Reports (approximately 5 minutes each)
  - 1) Admissions –Sudler
  - 2) Membership – Janson
  - 3) Public Relations – Peruzzi
  - 4) Publications and Technical Review – Kemper
  - 5) Education – Janson
  - 6) Long Range Planning – Janson
  - 7) Continuing Professional Development – Leane
  - 8) Bylaws and AOI – Rice
  - 9) Finance – Leane
  - 10) NAFE 1 – Peruzzi
  - 11) Website – Leshner, Maifeld
  - 12) Nominating – Petersen
  - 13) Legislative – Curtis
  - 14) Ethics – Sudler
  - 15) Contract Documents – Leane
  - 16) Insurance – Leane
  - 17) Distance Learning – Certuse
  - 18) Community Association Institute Task Force – Janson
- 9) 11:30 am **Executive Directors Report** – Bowman
- 10) 11:40 am **Secretary's Report** – Rice
- 11) 11:50 am **Treasurers Report** – Wiers
- 12) 11:00 AM **Presidents Report** – Janson

**13) 11:10 Old Business**

NAFE Budget

- 2022 Budget Discussion
- 2021 Budget Approval

2022 Summer Conference

- Toronto Contract
- Consider Options

Virtual Conference Options

Mark Levin Membership Report

- Brief Review of Completed Items
- Proposed Next Steps

Website Content Needed

- Committees Consider communication with dues-payers, potential members, and public
- PR Proposal and Blog

14) 12:00 Lunch Break – On your own

**15) 1:15 New Business**

NAFE Refund Policy

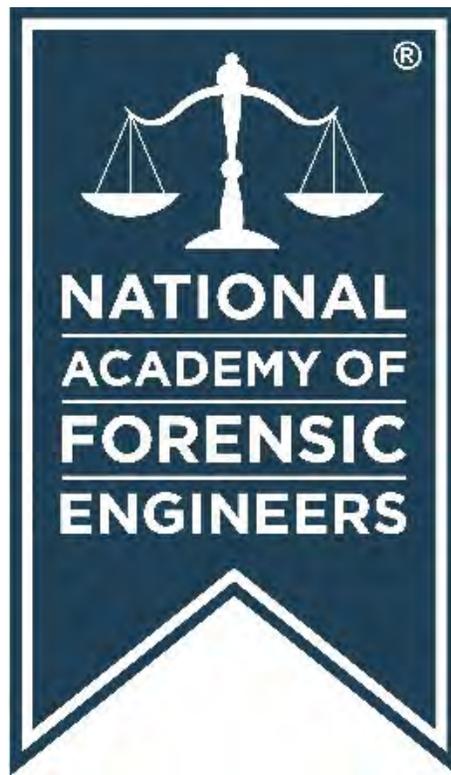
2023 Winter Conference

Journal Process Open Discussion

- Increase submissions
- Increase acceptance
- Increase papers

**16) 4:00 pm Adjourn**

# BOARD ORIENTATION





# Legal Duties

Rebecca A. Bowman, Esq., P.E.

# NAFE Governance Primer



## NAFE Governance Primer:

### A Summary of Volunteer Leader Duties

#### NAFE BOARD OF DIRECTORS

Association officers, directors, delegates, committee members, and others involved in an association's governance are often uncertain of their roles and responsibilities. And for good reason—some rights and obligations are determined by law, others by the association's articles of incorporation and bylaws, and still others by written policies and procedures or more informal arrangements.

The following brief is designed to clarify the delegation of duties; explain the fiduciary duties imposed by law on association officers, directors, and delegates; and suggest ways to protect volunteer leaders from personal liability.

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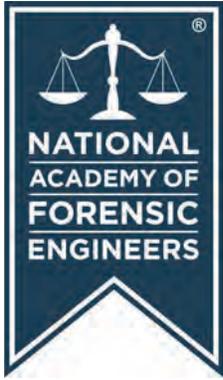
# The Fundamentals

- Duty of care
- Duty of loyalty
- Duty of obedience
- Duty to avoid conflict of interest
- Duty to respect confidential information

# The Bottom Line

- Stay informed
- Be an engaged listener with an open mind
- Make decisions based on what is best for the academy, not your personal preferences or interests
- Respect the Board's time
- Reliance on Experts
- Use common sense
- When in doubt ... ASK!





# NAFE Governance Primer:

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## A Summary of Volunteer Leader Duties

### **NAFE BOARD OF DIRECTORS**

Association officers, directors, delegates, committee members, and others involved in an association’s governance are often uncertain of their roles and responsibilities. And for good reason — some rights and obligations are determined by law, others by the association’s articles of incorporation and bylaws, and still others by written policies and procedures or more informal arrangements.

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# Roles and Responsibilities

## NAFE Board of Directors

The NAFE Board of Directors (the “Board”) is the governing body of the NAFE (the “association”), responsible for the ultimate direction of the management of the organization’s affairs. The Board is responsible for policymaking, while employees (and to a certain extent, officers) are responsible for executing day-to-day management to implement Board-made policy. However, the ultimate legal responsibility for the actions (and inactions) of the association rests ultimately with the Board. The Board can act legally only by consensus (majority vote of a quorum in most cases) and only at a duly constituted and conducted meeting, or by unanimous written consent.

The Board may delegate authority to act on its behalf to others such as committees, but, in such cases, the Board is still legally responsible for any actions taken by the committees or persons to whom it delegates authority. An individual Board member has no individual management authority simply by virtue of being a member of the Board. However, the Board may delegate additional authority to a Board member, such as when it appoints Board members to committees. In a similar fashion, an officer has only the management authority specifically delegated in the bylaws or by the Board (although the delegated authority can be general and broad).

## Committees

Committees have no management authority except for that delegated to them by the bylaws or by the Board. Furthermore, under most state nonprofit corporation laws, certain functions may not be delegated by the Board to committees. For example, in many states, the Board may not delegate to committees the power to elect officers, fill vacancies on the Board or any of its committees, amend the bylaws, or approve a plan of merger or dissolution.

## Employees

Employees have no management authority except that specifically delegated to them in the bylaws or by the Board. For example, most associations’ bylaws delegate to the chief staff executive the responsibility for the day-to-day operations of the association’s office(s), including the responsibility to hire, train, supervise, coordinate, and terminate the professional staff of the association, as well as the responsibility for all staffing and salary administration within guidelines established by the Board.

## Members

Members have no management authority, as such authority is held by the Board. However, some state nonprofit corporation laws generally reserve to members the right to remove officers and directors and to amend the association’s articles of incorporation, among other rights. Under some associations’ bylaws, certain matters, such as the amendment of the bylaws or the election of officers and directors, must be submitted to the membership for a vote. However, most other matters generally are not submitted to the full membership, but rather are handled by the Board, one or more of its committees, or the officers or employees of the association.

## Legal Duties

### Fiduciary Duty

Those in positions of responsibility and authority in the governance structure of an association — both volunteers who serve without compensation and employed staff — have a fiduciary duty to the organization, including duties of care, loyalty, and obedience. In short, this means they are required to act reasonably, prudently, and in the best interests of the organization, to avoid negligence and fraud, and to avoid conflicts of interest. In the event that the fiduciary

duties of care, loyalty, or obedience are breached, the individual breaching the duty is potentially liable to the association for any damages caused to the association as a result of the breach. This fiduciary duty is a duty to the association as a whole; even those who serve only on a particular committee or task force owe the fiduciary obligation to the entire association.

## Duty of Care

This duty is very broad, requiring officers and directors to exercise ordinary and reasonable care in the performance of their duties as well as exhibit honesty and good faith. Officers and directors must act in a manner that they believe to be in the best interests of the association and with the same level of care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. The “business judgement rule” protects officers and directors from personal liability for actions made in poor judgment, as long as there is a reasonable basis to indicate that the action was undertaken with due care and in good faith. The duty of care also imposes an obligation to protect any confidential information obtained while serving the association.

## Duty of Loyalty

This is a duty of faithfulness to the association. This means that officers and directors must give undivided allegiance to the association when making decisions affecting the association.

In other words, officers, directors and delegates cannot put personal interests, even the interests of any specific constituency they were elected or appointed to represent, above the interests of the association.

Personal interests may include outside business, professional, or financial interests; interests arising from involvement in other organizations; and the interests of family members, among others.

Officers and directors should be careful to disclose even potential conflicts of interest to the Board of directors, and should recuse themselves from deliberation and voting on matters in which they have personal interests. For pervasive and continuing conflicts — such as a director of the association concurrently serving on the Board of a competing association — resignation from the individual’s association leadership post or from the outside conflicting responsibility may be required. Officers and directors can have business dealings with the association, but such transactions must be subject to considerable scrutiny. In such event, officers and directors must fully disclose any personal interests to the Board of directors, and the terms of any transaction must be fair to the association. In addition, state nonprofit corporation statutes frequently provide specific procedures for dealing with transactions in which officers or directors have conflicts of interest.

## Duty of Obedience

This duty requires officers and directors to act in accordance with the organization’s articles of incorporation, bylaws, and other governing documents, as well as all applicable laws and regulations.

## Conflict of Interest

Beyond the general legal duties, the importance of avoiding actual and perceived conflicts of interest is well grounded in law. If anything, recent changes in the wake of the WorldCom, Enron and the 2008 Lehman Brothers bankruptcy and ensuing financial market collapse have placed even stricter standards of scrutiny on conflict of interest obligations. The Sarbanes-Oxley financial reform bill put additional enforcement provisions and higher penalties in place for violations of these standards. The IRS has intensified compliance and enforcement actions and adopted a zero-tolerance attitude towards conflicts of interest through changes in the annual tax filings that not-for-profit organizations like NAFE and its state associations must make.

Most people understand the most obvious forms of conflict of interest: where direct financial benefits are involved. It doesn’t take a law degree to know that it would be wrong for a director of the association to participate in a board decision that would financially benefit him or her directly. For example, if the association were considering a major asset purchase and you owned an interest in one of the company’s competing for that sale, you have a clear conflict of interest.

But there are other, more subtle conflicts that can from time to time arise, and volunteer leaders have a legal duty as well as an ethical obligation to be sensitive to them.

## Duality of Interests

The reason this is such an issue is that none of us, as individuals, live lives so narrowly focused or categorically compartmentalized as to avoid constantly carrying a multiplicity of legitimate demands for our loyalty. We are, each of us, a bundle of different interests: we owe the same duty of loyalty not only to NAFE, but also potentially to other organizations in which we are involved. We have a duty of loyalty to our employer, to the community organizations we are involved in, to the church, school and civic boards we serve on. The list goes on and on. It would be unreasonable to expect any individual to divest him or herself of any outside interests other than NAFE before allowing them to serve and impossible for any of us to comply if such a demand were made of us.

The good news is that while we all must live in a constant state of duality of interests (simultaneous duties of loyalty to two or more organizations), it is a relatively rare event when those dualities of interest actually come into conflict. Your obligations to your employer will very seldom if ever come into conflict with your obligations as a volunteer to NAFE. Even less often will your obligations to a community or civic organization come in conflict with your obligations to NAFE.

But it can happen. So you need to be aware and highly sensitive to the possibility of some specific issue or topic or action suddenly implicating two legitimate interests that demand your loyalty. When that situation occurs, you have a duty to both organizations to immediately make leadership aware so that conflict can be appropriately addressed and resolved.

That point is important enough to restate:

- Legitimate dualities of interest exist for each of us ... obligations to more than one organization that may or may not ever create an actual conflict.
- A duality of interest becomes a conflict whenever a volunteer has a direct or indirect interest, financial or otherwise, in the outcome of a matter involving NAFE.
- Whenever that occurs, the volunteer has a legal and ethical obligation to both organizations to bring that actual or perceived conflict to light, so that it can be appropriately resolved.

Remember, having a conflict of interest is not evidence of some moral shortcoming or ethical failure on your part. However, failing to act promptly to make leadership aware of the conflict so it can be appropriately addressed is a serious violation of your legal and ethical duties.

## Remedies

When an actual or perceived conflict occurs, there are three remedies:

**Disclosure.** In a few cases, the conflict is so minor that simply disclosing it (and recording that disclosure in the official minutes) might be sufficient. For example, if the board was considering a large equipment purchase and you or your spouse owned a small amount of stock (a non-voting interest) in one of the company's competing for the sale, the board might very well determine that your financial interest is so small and your degree of control so slight that simply recording the disclosure in the minutes is enough.

**Recusal.** In a vast majority of cases, a conflict of interest is resolved by recusal --- or simply removing yourself from participating in any of the discussions or actions taken by the board or committee in a specific matter. Whenever the matter in which you have a conflict is discussed (including in any circulation of information in advance of the meeting), you are excused from the deliberations and leave the meeting.

**Resignation.** In a few, very rare cases, a conflict will arise that is so fundamental, you must make a choice. If you cannot, in good faith, serve the two masters simultaneously, you must resign from the service of one or the other. Again, such situations are rare, but there may be instances where one entity to whom you owe a duty of loyalty demands something from you that you cannot honor without violating your duty to another. For example, if you serve on one board that, for legitimate reasons, demands that certain proprietary information be kept confidential, but

withholding that information would be damaging to another organization on whose board you serve, you cannot simultaneously honor both demands.

## Who Decides?

One additional and very important point. The individual does not get to decide if a conflict exists or what an appropriate remedy would be. The board or other governing entity makes that call. Your duty, as an individual, is to fully and promptly disclose any actual or potential conflict and to abide by the collective decision of the board or committee as to its resolution.

Finally, it is important to remember that a board's action to cure a conflict of interest is not a reflection on your trustworthiness or character. It is not a question of whether you can be trusted to act in the best interests of the association ... the legal standard is whether a reasonable person, looking at the matter with no special or inside information, might reasonably find cause to doubt that the decision was made exclusively in the best interests of the association, uncolored by any outside or individual concerns, if you participated in it.

## Additional Considerations

### Corporate Opportunities Doctrine

The duty of loyalty specifically prohibits competition by an association officer or director with the association itself. While officers and directors generally may engage in the same "line of business" or areas of endeavor as the association, it must be done in good faith and without injury to the association. One form of competition that is not permitted, however, is appropriating "corporate opportunities." A corporate opportunity is a prospect, idea, or investment that is related to the association's activities or programs and that the individual knows, or should know, may be in the best interests of the association to accept or pursue. An association officer or director may take advantage of a corporate opportunity independently of the association only after it has been offered to, and rejected by, the association.

### Reliance on Experts

Unless an officer or director has knowledge that makes reliance unwarranted, an officer or director, in performing his or her duties for the organization, may rely on written or oral information, opinions, reports, or statements prepared or presented by: (i) officers or employees of the association whom the officer or director believes in good faith to be reliable and competent in the matters presented; (ii) legal counsel, public accountants, or other persons as to matters which the officer or director believes in good faith to be within the person's professional or expert competence; or (iii) in the case of reliance by directors, a committee of the Board on which the director does not serve if the director believes in good faith that the committee merits confidence.

### Willful Ignorance and Intentional Wrongdoing

Directors cannot remain willfully ignorant of the association's affairs. A director appointed as treasurer, for example, with limited knowledge of finance cannot simply rely on the representations and reports of staff or auditors that "all is well" with the association's finances. Moreover, officers and directors acting outside of or abusing their authority as officers and directors may be subject to personal liability arising from such actions. Furthermore, officers or directors who, in the course of the association's work, intentionally cause injury or damage to persons or property may be personally liable, even though the activity was carried out on the association's behalf.

## Reducing Personal Liability Risk

Association officers and directors can help minimize their risk of personal liability by doing the following:

1. Being thoroughly and completely prepared before making decisions;
2. Becoming actively involved in deliberations during Board meetings, commenting as appropriate, and making inquiries and asking questions where prudent and when such a need is indicated by the circumstances;
3. Making decisions deliberately and without undue haste or pressure;
4. Insisting that meeting minutes accurately reflect the vote counts (including dissenting votes and abstentions) on actions taken at meetings;
5. Requesting that legal consultation be sought on any matter that has unclear legal ramifications;
6. Requesting that the association's accountants assess and evaluate any matter that has significant financial ramifications;
7. Obtaining and carefully reviewing both audited and unaudited periodic financial reports of the association;
8. Attending the association's meetings and reading the association's publications carefully to keep fully apprised of the organization's policies and activities;
9. Reviewing from time to time the association's articles of incorporation, bylaws, and other governing documents; and
10. Avoiding completely any conflicts of interest in dealing with the association and fully disclosing any potential conflicts.

## Liability Protection

If preventive risk management fails, the liability of association officers and directors can be limited through indemnification by the association, insurance purchased by the association, and state volunteer protection laws.

## Apparent Authority

In the landmark 1982 case, **American Society of Mechanical Engineers v. Hydrolevel**, the U.S. Supreme Court determined that an association can be held liable for the actions of its officers, directors, and other volunteers (including actions that bind the association financially), even when the association does not know about, approve of, or benefit from those actions, as long as the volunteer reasonably appears to outsiders to be acting with the association's approval (i.e., with its "apparent authority"). The Supreme Court made clear that associations are to be held strictly liable for the activities of volunteers who have even the apparent authority of the association. Even if an association volunteer does not in fact have authority to act in a particular manner on the association's behalf, the law will nevertheless hold the association liable if third parties reasonably believe that the volunteer had such authority. The law thus requires an association to take reasonable steps to ensure that the scope of its agents' (e.g., officers, directors, and committee members') authority is clear to third parties, and that agents are not able to hold themselves out to third parties as having authority beyond that which has been vested in them by the association — for example, by regulating access to association letterhead stationery.

## Antitrust

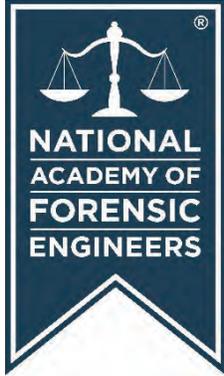
Associations are subject to strict scrutiny under both federal and state antitrust laws. The Sherman Act, the principal federal antitrust statute, prohibits "contracts, combinations, or conspiracies ... in restraint of trade." By their very nature, associations are a "combination" of competitors, so one element of a possible antitrust violation is always present, and only some action by the association that unreasonably restrains trade needs to occur for there to be an antitrust violation. Consequently, associations are common targets of antitrust plaintiffs and prosecutors.

The consequences for violating the antitrust laws can be severe. A conviction can carry stiff fines for the association and its offending leaders, jail sentences for individuals who participated in the violation, and a court order dissolving the association or seriously curtailing its activities. The antitrust laws can be enforced against associations, association members, and the association's employees by both government agencies and private parties (such as competitors and consumers) through treble (triple) damage actions. As the Sherman Act is a criminal conspiracy statute, an executive who attends a meeting at which competitors engage in illegal discussions may be held criminally responsible, even if he or she says nothing at the meeting. The executive's attendance at the meeting may be sufficient to imply acquiescence in the discussion, making him or her liable to as great a penalty as those who actively participated in the illegal agreement.

Common antitrust claims against associations include price-fixing (any explicit or implicit understanding affecting the price of a member's product or service is prohibited, even if the understanding would benefit consumers), group boycotts / concerted refusals to deal, customer allocation or territorial division, bid-rigging, and illegal tying arrangements. Antitrust-sensitive areas of association activity include membership restrictions, standard setting, certification and self-regulation, statistical surveys, and information exchange programs, among others.

To avoid antitrust liability, associations should adopt a formal antitrust compliance program, and this policy should be distributed regularly to all association officers, directors, committee members, and employees. The policy should require, among other conditions, that all association meetings be regularly scheduled — with agendas prepared in advance and reviewed by legal counsel — and that members be prohibited from holding “rump” meetings. Above all else, members should be free to make business decisions based on the dictates of the market — not the dictates of the association. Any deviation from this general principle, such as adoption of a Code of Ethics that infringes on members' ability to make fully independent business decisions, should be approved by legal counsel.

*(1/5/21)*



**NAFE**

**Board of Directors**

**Key Rules of Order**

**and**

**Parliamentary Procedure Primer**

## **NAFE Board of Directors Key Rules of Order**

1. The presiding officer shall rule on all questions pertaining to the NAFE Bylaws, rules of order, and interpretations of parliamentary procedure.
2. Individuals who desire to address the NAFE Board of Directors shall approach a microphone and wait to be recognized by the presiding officer. When recognized, the speaker shall give his or her name and affiliation. Each speaker shall address comments to the presiding officer.
3. In all cases, the maker of a motion or resolution shall be entitled to speak first. The presiding officer will then ask for those who wish to speak in favor and then those who wish to speak against the motion or resolution to address the board in alternating fashion. This procedure will continue until there are no persons desiring to speak on one side of the question or the other, at which time debate will cease and the issue will be voted on. The presiding officer may impose a reasonable time limit per speaker if circumstances warrant. The presiding office may also rule a speaker's comments to be redundant to those of prior speaker(s) and ask the current speaker to be seated.
4. A Consent Agenda may be presented to the board members for adoption without debate. Upon request of a single member, any item may be removed from the Consent Agenda for separate consideration and action by the NAFE Board of Directors as an item on the Main Agenda.
5. An affirmative vote of two thirds of votes cast by the NAFE Board of Directors present and eligible shall be required to adopt amendments to the NAFE Bylaws.
6. Motions proposed by committees, task forces, and the NAFE Board of Directors prior to the start of the Board Meeting do not need a second. These motions will be included in the meeting agenda. A motion proposed by a member does require a second.
7. Should any member have an emergency that requires early departure from the NAFE Board of Directors meeting, the member shall notify the NAFE Secretary.

## NAFE Board of Directors Parliamentary Procedure Primer

*Parliamentary procedures are necessary for the efficient conduct of a meeting and, when used properly, can make the meeting more productive and enjoyable. Below are some general guidelines for using parliamentary procedure during a NAFE Board of Directors Meeting.*

### What is parliamentary procedure and where did it come from?

Parliamentary procedure is merely a set of rules for the conduct of meetings. These rules, when effectively used, allow everyone attending the meeting to be heard and to participate in the decision-making process. This also helps eliminate confusion.

Parliamentary procedures originated in the early English Parliaments and were brought to America with the first settlers. In 1876, Henry M. Robert published these procedures as a uniform manual on parliamentary law. *Robert's Rules of Order Newly Revised* is widely used today by most professional associations and is the basic handbook for presiding officers.

### Why is parliamentary procedure important?

Parliamentary procedure has become an essential tool in conducting meetings because:

- it allows for democratic rule, flexibility, protection of rights, and a fair hearing for all participants;
- it has been tested over the years and has proven successful; and
- it is adaptable to any organization

### How do we use parliamentary procedure?

Parliamentary procedure is used in a variety of ways in planning and conducting meetings, most notably by preparing and following a set agenda, by establishing a quorum (the number of members that must be present for business to be conducted legally), and by making motions.

### **Motions**

A motion is merely a proposal that the body takes a stand or takes action on some issue. Motions are presented, seconded, debated, and decided (by vote). There are four general types of motions: **main motions**, **subsidiary motions**, **privileged motions**, and **incidental motions**:

- **Main motions** introduce subjects to the body for its consideration. Main motions cannot be made while another motion is before the Board. Main motions yield to privileged, subsidiary, and incidental motions. An example of a main motion is, "I move that the NAFE Board of Directors approve the proposed NAFE Professional Policy..."
- **Subsidiary motions** are more commonly known as amendments. The purpose of a subsidiary motion is to change the main motion or affect how it is handled. The proposed amendment must relate to the subject as presented in the main motion. An example of a subsidiary motion is, "I move the proposed NAFE Professional Policy be amended by striking the word 'the' in the first sentence and replacing it with the word 'a' ...."

- **Privileged motions** are most urgent and pertain to special or important matters not related to pending business. An example of a privileged motion is, “I move the NAFE Board of Directors adjourn....”
- **Incidental motions** involve issues of procedure that arise out of other motions. Incidental motions must be considered before the other motion. An example of an incidental is, “I move to suspend the rules for the purpose of....”

For a motion to be considered “in order”, the motion must relate to the business at hand and be presented at the proper time. A motion must not be obstructive, frivolous or contrary to the NAFE Bylaws.

Most motions require a “second”, i.e., an affirmation by another voting member of the NAFE Board of Directors to consider the motion. This practice prevents the body from spending time on a question that interests only one member.

One particular type of a Subsidiary Motion is a Substitute Motion. When a member wishes to offer a complete alternative to a main motion, that member gets recognized by the presiding officer and states the alternate motion that must be seconded. At this point the Board effectively has “dual main motions” and must determine which of the two alternatives will be ultimately acted upon. During the debate amendments to either motion (secondary amendments) may be entertained. Once all such amendments have been adjudicated the Board votes to select the motion to be acted upon, i.e. either the original Main Motion or the Substitute Motion.

Consider this scenario: A body owns a barn that it wishes to repaint. A motion is made and seconded to repaint the barn red within 30 days. Another member, not liking that color and sensing that 30 days is too short an interval, moves to substitute that the barn be repainted blue within 90 days. Now the body has “dual main motions” motions to consider. A supporter of the original motion, recognizing that 30 days may be too short, moves an amendment to change “30 days” to “60 days.” This amendment is approved by the body, resulting in an amended Main Motion. A supporter of the Substitute Motion, recognizing that the amended Main Motion now makes it more appealing, moves an amendment to the Substitute Motion to reduce the interval from “90 days” to “60 days.” This amendment is also approved. Now the body must vote on whether to consider the amended Main Motion or the amended Substitute Motion. After that vote is decided the body then finishes debate on the successful alternative, and the body votes that motion up or down.

The right to free and open debate is provided on most motions; some privileged and incidental motions are not debatable.

Most motions require only a simple majority vote, but motions concerning the rights of the Board or its members generally require a 2/3 majority vote for adoption.

Some motions can be re-debated and re-voted to give members an opportunity to change their mind. The “motion to reconsider” must come from a member who voted for the prevailing side.

### *Methods of voting on motions*

There are five methods of voting to decide the outcome of motions: **by voice, by a show of voting signs, by roll call, by ballot, and by general consent.**

- **Voting by voice** is the most frequently used method at meetings. In this instance, the presiding officer asks those in favor to say “aye” and those opposed to say “no”. This method is used only for motions that require a majority vote. The presiding officer rules as to which side of the motion has received the greater number of votes. Any member may move for an exact count.
- **Voting by a show of voting signs** is accomplished by the board members raising their voting cards and tallying the sum of the weighted votes for both sides. This method is frequently used to clarify the results of a voice vote.
- **Voting by roll call** is conducted if a record of each member’s vote is needed. When voting by roll call, each member responds “yes” or “no” when his/her name is called. The weighted vote of each member is tallied to determine the result.
- **Voting by ballot** is used when secrecy is desired. In this type of voting, the members cast their votes on slips of paper or by computer. Again, the weighted votes of each voting member are tallied to determine the result.
- **Voting by general consent** is sometimes used when the motion is unlikely to be opposed. If someone objects to this method, the motion must be put to one of the types of vote described above.

In addition to the option of voting for or against an issue, a member may also abstain from voting (choose not to vote). When abstentions exist, the number of affirmative votes shall determine if a majority has been achieved to approve the proposed action.

A “motion to table” (lay on the table) is used to temporarily lay an issue aside to tend to a more urgent matter. The option to “take from the table” is always available to enable a body to reconsider the motion. This must occur before the adjournment of the current Board.

A “motion to postpone indefinitely” is a strategy to dispose of a motion without making a decision for or against. It is useful in the case of a badly chosen main motion for which either a “yes” or “no” vote would have undesirable consequences.

## Parliamentary Procedure Summary

1. A motion must be on the floor before a topic is discussed. If a member starts to discuss something, the presiding officer must interrupt to ask “Does someone want to make a motion?” A motion is then made.
2. The presiding officer restates the motion and asks, “Is there a second?” Someone will generally second, but if no one seconds the motion, there cannot be discussion on the motion and it dies for lack of a second.
3. The presiding officer asks, “Is there any discussion? Would the maker of the motion like to speak to the motion?”
4. Individuals are then recognized by the presiding officer and allowed to speak in alternating order for or against the motion. Discussion must all relate to the topic of the motion.
5. The presiding officer asks “Is there any further discussion?” If there is no further discussion, the presiding officer will state “Hearing none – the motion before the Board is as follows....”
6. The presiding officer then directs “All in favor of the motion say aye; all opposed to the motion say no.” The motion carries or the motion fails.
7. Amendments to the main motion should be made prior to voting on the main (original motion).
8. Substitute Motions shall be handled as follows:
  - Main Motion to paint the barn red, motion seconded, discussion of the motion;
  - Substitute Motion to paint the barn blue, substitute motion seconded, discussion of substitute motion;
  - Discuss and perfect Main Motion and Substitute Motion concurrently;
  - Vote to replace Substitute Motion for Main Motion;
  - Vote on surviving Motion.

# Parliamentary Procedure at a Glance

*The following is a handy table for use at NAFE Board of Directors Meetings*

<b>Parliamentary Procedure At A Glance</b>		<b>Here are some motions you might make, how to make them, and what to expect of the rules.</b>					
<i>To Do This:</i>	<i>You Say This:</i>	<i>May You Interrupt the Speaker?</i>	<i>Do You Need a Second?</i>	<i>Is It Debatable?</i>	<i>Can It Be Amended?</i>	<i>What Vote is Needed?</i>	<i>Can It Be Reconsidered?</i>
ADJOURN MEETING	“I move to adjourn.”	NO	YES	NO	NO	MAJORITY	NO
CALL AN INTERMISSION	“I move to recess for...”	NO	YES	NO <sup>1</sup>	YES	MAJORITY	NO
COMPLAIN ABOUT HEAT, NOISE, ETC.	“I rise to a question of privilege.”	YES	NO	NO	NO	NO VOTE	NO
TEMPORARILY SUSPEND CONSIDERATION OF AN ISSUE	“I move to lay the motion on the table.”	NO	YES	NO	NO	MAJORITY	NO <sup>2</sup>
END DEBATE AND AMENDMENTS	“I move the previous question.”	NO	YES	NO	NO	2/3	YES <sup>3</sup>
POSTPONE DISCUSSION FOR A CERTAIN TIME	“I move to postpone the discussion until...”	NO	YES	YES	YES	MAJORITY	YES
GIVE CLOSER STUDY OF SOMETHING	“I move to refer the matter to committee.”	NO	YES	YES	YES	MAJORITY	YES <sup>4</sup>
AMEND A MOTION	“I move to amend the motion by...”	NO	YES	YES <sup>5</sup>	YES	MAJORITY	YES
INTRODUCE BUSINESS	“I move that...”	NO	YES	YES	YES	MAJORITY	YES
<b><i>THE MOTIONS LISTED ABOVE ARE IN ORDER OF PRECEDENCE... BELOW, THERE IS NO ORDER...</i></b>							
PROTEST BREACH OF RULES OR CONDUCT	“I rise to a point of order.”	YES	NO	NO	NO	NO VOTE <sup>6</sup>	NO
VOTE ON A RULING OF THE CHAIR	“I appeal from the chair’s decision.”	YES	YES	YES	NO	MAJORITY	YES
SUSPEND RULES TEMPORARILY	“I move to suspend the rules so that...”	NO	YES	NO	NO	2/3	NO
AVOID CONSIDERING AN IMPROPER MATTER	“I object to consideration of this motion.”	YES	NO	NO	NO	2/3 <sup>7</sup>	YES <sup>2</sup>
VERIFY A VOICE VOITE BY HAVING MEMBERS STAND	“I call for a division,” or “Division!”	YES	NO	NO	NO	NO VOTE	NO
REQUEST INFORMATION	“Point of information...”	YES	NO	NO	NO	NO VOTE	NO
TAKE UP A MATTER PREVIOUSLY TABLED	“I move to take from the table...”	NO	YES	NO	NO	MAJORITY	NO
RECONSIDER A HASTY ACTION	“I move to reconsider the vote on...”	YES <sup>8</sup>	YES	YES <sup>9</sup>	NO	MAJORITY	NO

**NOTES:**

<sup>1</sup> Unless moved when no question is pending.

<sup>2</sup> Affirmative votes may not be reconsidered.

<sup>3</sup> Unless vote on question has begun.

<sup>4</sup> Unless the committee has already taken up the subject.

<sup>5</sup> Unless the motion to be amended is not debatable.

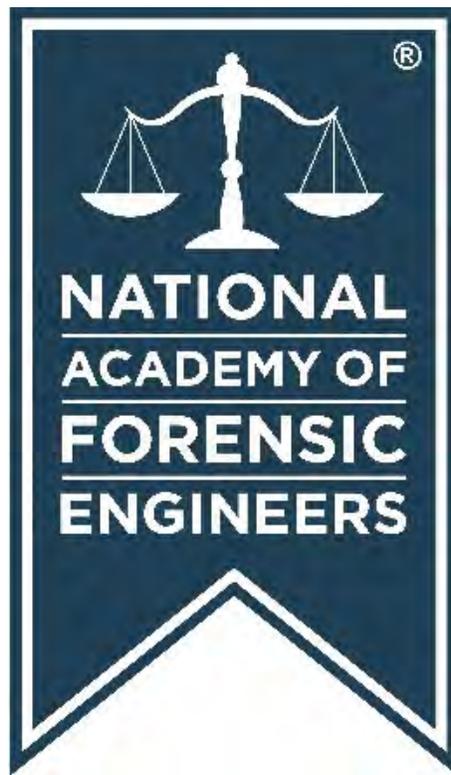
<sup>6</sup> Unless the chair submits to the Board for decision.

<sup>7</sup> A 2/3 vote in negative is needed to prevent consideration of the main motion.

<sup>8</sup> Only if the speaker has the floor but has not actually begun to speak.

<sup>9</sup> Unless the motion to be reconsidered is not debatable.

# MISSION STATEMENT



# The Mission and Objectives of The National Academy of Forensic Engineers NAFE

## Mission

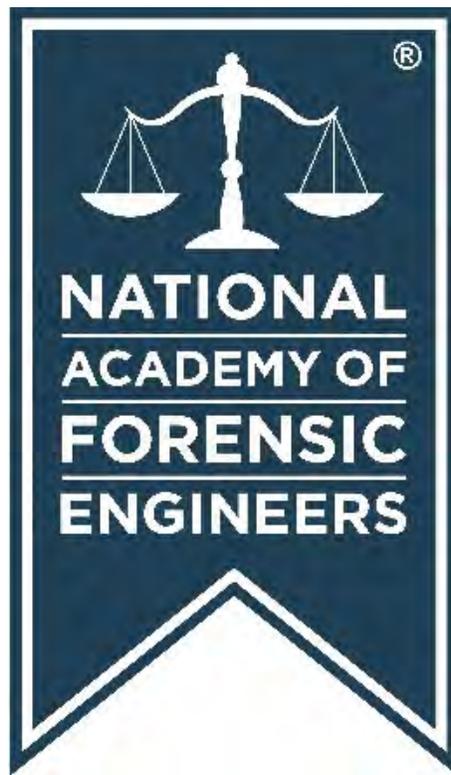
- Serving the public by advancing the ethical and professional practice of forensic engineering;
- Serving the jurisprudential system by certifying individuals having achieved expertise in forensic engineering;
- Serving Academy members and furthering the development of forensic engineers through education and the publication of peer-reviewed technical literature.

## Objectives

The Objectives of NAFE are set forth in Article II of our Articles of Incorporation. These are:

- (a) To serve the public by advancing the skill and art of engineering analysis, investigation, consultation, and expert testimony in judicial and administrative proceedings which involve the use of engineering evidence, or the rendering of opinions based on engineering knowledge or judgment.
- (b) To establish criteria for and further the education of forensic engineers through formal studies, seminars, and publication of literature on the subject.
- (c) To engage in research and the publication of papers, books, and articles on the art and science of forensic engineering.
- (d) To elevate standards and the ethical concepts governing the practice of forensic engineering.
- (e) To cooperate with and assist other professions and organizations engaged in the administration of justice and resolution of disputes.
- (f) To certify individuals having acceptable experience in Forensic Engineering.

# PAST MEETING MINUTES





1420 King Street  
Alexandria, VA 22314-2794

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Fax: 703-836-4875

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## **MINUTES OF BOARD OF DIRECTORS MEETING** (07/30/21)

Started meeting with Rebecca Bowman providing Board Orientation

A NAFE Board of Directors meeting was held on July 30, 2021. A quorum of the Board was present. Board members present were:

James Petersen  
Liberty Janson  
Sam Sudler  
Bart Kemper  
Bruce Wiers  
Richard Rice  
Michael Leshner  
Martin Gordon  
John Certuse  
Joe Leane  
Daniel Couture

President Janson called meeting to order at 11:10 am EST

Previous minutes from January 8, 2021 BOD Meeting were reviewed.

Motion to accept January 08, 2021 minutes – Made by Peterson seconded by Sudler.  
**CARRIED unanimous**

Motion to accept February 26 2021 minutes – Made by Peterson, seconded by Leane  
Carried unanimous

Review and Approval of Agenda

Committee reports:

Admissions – Sudler  
• Membership is on the way up.

Membership – Janson

Public Relations: Peruzzi



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#### Technical Review & Publications (Kemper)

- Discussed NAFE Journal
- Discussed process

#### Education (Janson)

- Steve Pietropaolo will be new Education Chair

#### Long Range Planning (Janson)

#### Continuing Professional Development (Leane)

- Discussed Membership CPD status

#### Bylaws and AOI Committee (Rice)

#### Finance (Leane)

#### Audit – Kravitz

- Weir discussed CPA firm to audit books
- Suggestion by Kravitz to drop committee due to lack of activity

#### NAFE1 (Peruzzi)

- Peruzzi and Peake are moderators. A third is available. Mayfeld is technical support.

#### Website (Leshner and Mayfeld)

- Thanking Mitch Mayfeld for work on new website.
- New features of website.

#### Nominating (Certuse)

- Discussed virtual meeting of committee.
- Discussed 2022 nominations



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- Leonard Goldblatz (sp?) nominated himself for the position of Director at Large

#### Legislative (Gordon)

- Suggest edit to bylaws regarding legislative committee. Text to be submitted to Secretary for administrative change.

#### Ethics (Sudler)

- No ethical issues came up since last meeting.
- Ethics content will be discussed for upcoming meeting.

#### Contract Documents (Leane)

- No issues have arisen
- Nothing is planned

#### Insurance (Leane)

- No activity. Nothing planned.

#### Distance Learning (Certuse/Couture)

Discussed the creation of this new committee  
Discussed the content needed for this endeavor  
Discussed coordination with other NAFE committees  
Discussed CPD's

#### Community Association Institute (CAI) Task Force

- Their interest in having an engineer on their board to help them as a response to Surfside building collapse.
- CAI in Alexandria, VA

#### Executive Director's Report (Bowman)

The Executive Director is bridge between NAFE and NSPE  
The Executive Director can help with ethical issues.



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### **BOD Officer Reports -**

Secretary Report (Rice)

Treasure Report (Wiers)

President Report (Janson)

Motion to accept NAFE Committee Reports  
First by Leane                      Seconded by Sudler  
**CARRIED Unanimous**

Motion to accept BOD Officer Reports:  
First by Sudler                      Seconded by Leane  
**CARRIED Unanimous**

### **Old Business**

2021 Budget Approval

Motion to approval 2021 Budget –  
First Gordon, Second Sudler  
**CARRIED Unanimously**

Address Public Service members on application and other areas.  
Discussed how life members are accounted for.

Janson asked if there are things that are needed on 2022 budget.  
Certuse brought up cost for a legal team to put on presentation

Review of Mark Levin Report

Subject: How to grow membership.  
Gordon brought up Marvin Specter's position on adversarial experience.  
Sudler responded.  
Sudler addressed reinstating plaque.

### **New Business**



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Distance Learning:

- Leshner published video on Forensic Engineering. 200 watched it.
- Discussed fall and spring forums/seminars virtually
- Discussed sources of content
- Leshner: Suggested that NAFE gets rid of CPD requirements. Discussions ensued.

Discussion about upcoming NAFE seminar in Tucson, AZ in January 2022.

Motion to Adjourn: 4:33pm eastern

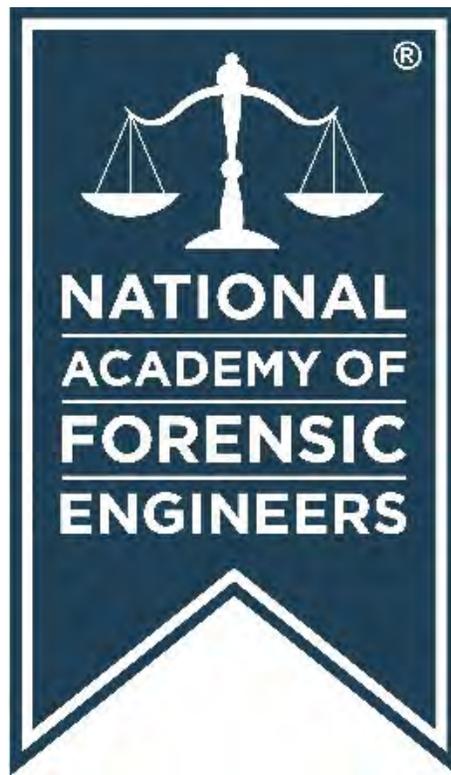
First by Rice. 2<sup>nd</sup> by Sudler

**CARRIED with One Descent: Gordon**

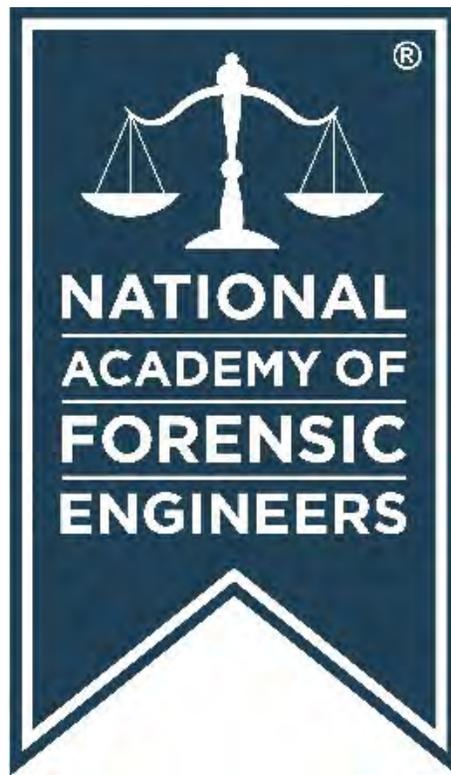
A handwritten signature in black ink, appearing to read "Richard A. Rice". The signature is written in a cursive, somewhat stylized font.

Richard A. Rice, PE  
Secretary - NAFE

# ADMISSIONS



# MEMBERSHIP





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January 3, 2022

To: To NAFE Board of Directors  
From: Liberty L. Janson, PE  
Re: Membership Report

The Membership Committee Vice Chairs continue to move forward with assigned efforts, including cross-committee communication and conference support. As discussed in the current and previous Website Committee reports, we've abandoned previous online services and systems to better integrate and customize our own NAFE website interfaces. Added to the previous means of member communication, [help@nafe.org](mailto:help@nafe.org) allows direct interaction with members, potential members, and the public. Lessons continue to be learned through trial and error. The system is currently monitored by the WWW Committee and Mary Ann Cannon. Rebecca Bowman will be taking an active role in help responses. Mike Leshner's recommendations to improve response time and share the labor will require additional volunteers capable of regular attention.

The Academy continues to communicate with our members through LinkedIn and LimeSurvey. The Membership Committee proposes revisiting the membership communication and gathering critical data on member expectations and priorities including a path forward into a post-pandemic world.

Finally, Membership Committee members continue to work with Website Committee in the application of the Mark Levine recommendations. This should remain a critical focus, including reference back to Mr. Levine's report when addressing current practice or planning new programs/policies.

Sincerely,

**NATIONAL ACADEMY OF FORENSIC ENGINEERS**

Liberty L. Janson, PE  
Membership Committee Chair

# Membership Audit Report to the National Academy of Forensic Engineers

(August 15, 2019)

B.A.I., Inc. is pleased to present this Membership Audit Report to the National Academy of Forensic Engineers (NAFE). Any questions should be sent directly to Mark Levin, CAE, CSP, who conducted the analysis.

## Program Elements

The program included (but was not limited to):

- a) onsite visits and discussions with NAFE staff; **(completed)**
- b) attendance at the 2019 NAFE Summer Conference Board of Directors Meeting and dinner or other event gathering of NAFE leaders the evening prior (Thursday, July 26 thru Friday July 27, 2019) in Denver, Colorado in order to make an initial presentation to the NAFE Board, respond to questions and interact with the any NAFE membership in attendance; **(completed)**
- c) a review and evaluation of all membership-related materials, including printed materials, website content (related to membership), publications, and communications, etc., and providing content revisions for membership marketing materials as necessary; **(completed)**
- d) a review of office/administrative procedures related to membership/member service; **(completed)**
- e) a written report on these audit findings, to include observations, assessments, and recommendations for improvements of membership recruitment and retention materials, membership marketing and retention efforts, member communications, and membership administration; **(completed)**
- f) working with other NAFE leaders and consultants to provide any needed membership data, including member surveys, etc. **(completed)**
- g) an oral summary of audit findings to staff and/or leaders; **(completed)**
- h) Meetings (in-person or telephone) with any member committees working on this project; and, **(completed)**
- i) Ongoing communications with, and support for, all NAFE staff and volunteers involved in this project. **(continuing)**

## Deliverables

Based on the activities outline above, the program was designed to produce the following deliverables:

- 1) A membership audit and evaluation: a comprehensive (written and oral) evaluation and report of current membership acquisition, engagement, and retention efforts in the areas of concern; **(Included in following report)**
- 2) Action plan: assistance in preparing a detailed set of recommendations to the staff and volunteer leadership for to assure long-term membership success; **(included in following report)**

- 3) Ongoing assistance to staff and volunteer leaders during the term of agreement (**continuing**)

## **Background**

NAFE was formed in 1982 to advance the art and skill of engineers who serve as engineering consultants to members of the legal profession and as expert witnesses in courts of law, arbitration proceedings and administrative adjudication proceedings.

NAFE was also formed to identify and bring together professional engineers having qualifications and expertise as practicing forensic engineers to further their continuing education and promote high standards of professional ethics and excellence of practice.

The NAFE is formally affiliated with the National Society of Professional Engineers (NSPE) and has adopted the NSPE Code of Ethics.

## **Membership Issues**

1. **Membership in NAFE has remained virtually flat over the past five years** (474 members in 2015: 475 members (YTD) in 2019). This is not unusual with professional organizations in general over that period, but it does present reasons for concern for the future.
2. **Member retention is a growing concern.** While new member acquisition is basically replacing members that are dropping out, the fastest growing demographic in the NAFE membership profile is “Former Members.” Of greatest concern are those members who join for only 1-2 years and then leave.
3. **Aging membership.** Because NAFE membership requirements are very stringent and contain minimum experience levels that may take a number of years in practice for potential members to reach, it is understandable that the average age of NAFE members is going to be higher than the norm for similar professional groups. This can cause some problems in branding and recruitment if NAFE is seen as an organization for *older* practitioners rather than as the organization for practitioners with a certain level of expertise (i.e. the leaders in the field). In addition, the ability to attract younger (in relation to the current members) members affects the future volunteer leadership system in NAFE.
4. **Limited Value Perception for those who do not attend events/Conferences.** Although there are many benefits of NAFE membership, there is a feeling among the leadership (Board) that many members who do not participate in the Conferences and other events have trouble identifying the value of NAFE membership.
5. **NSPE affiliation requirement.** The NSPE requirement is one of the cornerstones of NAFE’s history, however it does mean extra dues, extra paperwork, and extra decision-making by non-NSPE members who want to join NAFE.

6. **Lack of marketing outreach.** NAFE is blessed with excellent professional and volunteer leadership in many ways, but membership in NAFE has been, for the most part, an administrative function vs. a marketing function. When potential members apply there is a process for reviewing and approving various levels of membership but until very recently it has been a case of potential members either knowing about NAFE or attending a Conference prior to applying. This makes it difficult to get a steady flow of prospects into the database.

## **Methodology**

In order to assess the various aspects of NAFE's membership management, several methods were used.

- 1) Interviews with NAFE staff
- 2) Interviews with NAFE volunteer leadership (Board)
- 3) Interviews with membership-related committee chairs
- 4) Reviewing the membership-related content of the NAFE website
- 5) Talking with/facilitating discussion with NAFE National leaders at the 2019 Summer Conference
- 6) "Mystery Shopping" – joining NAFE under an alias to enable evaluation of membership communications and reinforcement by receiving them just as a new member would

## **Evaluation and Recommendations**

The focus of the analysis was directed toward these aspects of NAFE membership development:

- a. **New Member Recruitment**
- b. **Intake/on boarding of new members**
- c. **Member Engagement**
- d. **Retention**
- e. **Marketing/Branding**
- f. **Administration**
- g. **Website coordination**

### **New Member Recruitment**

As was mentioned above, member recruitment has been steady but barely keeping membership level, due to dropped members. The main sources of new members, the website and non-member attendees, generate some excellent leads but the follow up on these leads is not producing the numbers it could/should. Leaders have estimated that there may be as many as 1,000 (or more) engineers that currently qualify for NAFE membership who are not members.

The most effective way to recruit new members for NAFE (or any other organization) is through word-of-mouth recruitment. During the assessment period, it was noted that there may be some underlying reasons why current members are not more active in reaching out to prospective members. These include: engineers (as a rule) are not necessarily "sales" oriented, despite the fact that they market their services to clients; some members are uncertain of how to present

NAFE's membership benefits effectively; and there may be some reluctance to recruit people or firms which may become competitors in the marketplace.

## **Recommendations**

There are two basic ways to get more prospective members into the NAFE membership system: - they find NAFE (via website or events); or NAFE finds them (by reaching out via member contact or effective marketing)

- 1. Increase website (membership) traffic.** Since the website is a prime source of members and potential members, NAFE should re-evaluate its SEO and Google ads strategies. It may be worth hiring an outside web marketing person to guide this effort. Another (less expensive) option is to find members, member firms, or (perhaps) someone within the NSPE organization with the appropriate skills, to give advice on how to do this.

NAFE should also be concentrating on raising its internet/website presence to the industries and professions which use the services of NAFE members: legal, governmental, insurance, construction, real estate, etc. This does two things: 1) it will encourage these key decision-makers to ask "are you a member of NAFE?" which will, in turn get those non-members to think about joining; and 2) it will be another benefit of NAFE membership to discuss with potential members.

As was discussed at the Summer Conference, no one is looking to join another organization. They are looking for clients and the ability to solve clients' problems. That is the basis on which NAFE should address its internet presence.

- 2. Raise the percentage of non-member attendees and non-member users of other NAFE programs and services who are converted to members.** These are among the very best prospects for new members, because they have already shown interest in a NAFE benefit.
  - a. When non-members attend NAFE Conferences, include the first year's dues as part of their registration fee. The 50% discount currently offered is more than a year's dues so it is no financial burden on NAFE.
  - b. Offer to credit the non-member differential charged to purchase other NAFE publications, products, or programs toward the first year's dues
  - c. When communicating with these non-member participants, always mention the program or product they have already used. Rather than sending a form letter requesting that they join, start off by saying something like "Thank you for attending our program on (subject). This is just a small sample of the benefits our members get on a continuous basis," etc.
- 3. Increase member-to-prospect recruitment efforts.** Give members the tools needed to feel comfortable asking others to join.
  - a. Develop a member recruitment guide for members, suggesting the best potential members to ask, how to describe the benefits of NAFE membership, etc.
  - b. Offer current members incentives for recruiting new members and also for referring potential members to NAFE Headquarters (or the Membership Committee).
  - c. Publicize the names of members who do recruit new members in NAFE member communications and on the NAFE website. This provides recognition to those who recruit and (hopefully) inspires others to so.

- d. Have an event (reception, etc.) at the NAFE Summer and Winter Conference that is just for members who have recruited a new member in the past year.
- e. Create a Committee to focus on trying to get former members to reinstate their NAFE membership. Former members are a unique prospect group and should be approached on the basis of what is new/different now vs. when they were members.
- f. Continue participating in the Conferences of other organizations (NSPE, ASCE, etc.) where potential members may be attendees and/or exhibitors. Develop a specific follow up plan for leads generated from these events.

#### **4. Review & revise the membership section of the website**

The membership part of the website needs a lot of work (more on this under the website recommendations). This looks (from a layperson's view) like an administrative nightmare for applicants. The type is too small, there is no flow, not all of the links work, the matrix is daunting, it's the equivalent of 3-4 pages long before even starting to fill anything out, some of the information doesn't fit the page, etc., etc.

A key to membership growth is making membership as easy as possible. This does not mean lowering any requirements for membership. It is a matter of presentation and user friendliness.

### **Intake/on-boarding of New Members**

The first few months of membership are critical to keeping new members after the first year. This will be even more critical as NAFE (hopefully) begins bringing in more new members as a result of this analysis. Here are some suggestions, based in part by the "mystery shopping" observations.

#### **Recommendations**

1. **Revise the new member welcome letter.** It currently is little more than a reminder of benefits (which the prospect was already told about during recruitment) and then a description of how to sign in to the website and other administrative procedures. This letter should start off by telling the new member what a great decision he/she made by joining NAFE, and what he/she can look forward to. Then, acknowledge that as a new member they probably have a number of questions about what's next, and tell them how to answers, etc. Make the welcome letter all about the new member first, then talk more about NAFE.
2. **Have some type of personal contact to welcome new members (in addition to the welcome letter).** Have an officer or Membership Committee member call or email each new member. During this contact, ask questions of the new members about their business or career goals, and how NAFE can help them achieve those goals.
3. **Consider adding a New Member page to the website.** This page could simply be an FAQ-style page for new members.
4. **Be especially conscious of new members who join because of an incentive.** As mentioned above, incentives to join such as reduced dues or Conference fees are great to attract new members, but this can come back to be a problem when they are asked to renew a year later. This second year of membership will not include the same

incentive, so they are going to pay more for the second year. Be prepared to deal with this.

5. **Continue having new members identified at NAFE Conferences.** Have special ribbons on name tags of New Members and First Time Attendees. Tell NAFE officers/leaders to seek these people out and make them feel welcome.
6. **Add a glossary of terms to new member information.** Don't assume new members are familiar with all of the acronyms that stream through NAFE's website, publications, etc.

## **Member Engagement**

One of the big challenges is to find ways for members who don't attend the Conferences to get enough value in NAFE membership to justify the cost.

### **Recommendations**

1. **Promote the non-Conference benefits of membership as heavily as the Conferences.** This doesn't mean you don't want everyone to attend Conference, but you'll never get *everyone* to attend (the % of members attending NAFE Conferences right now is excellent). Try to attach a **value** to each aspect of NAFE's benefits which don't require a physical presence (other than from an office or home office).
  - a. The **NAFE Yahoo** groups (from my non-engineering view) look like an excellent resource for members. These should be promoted not just as discussion groups but as one of the many ways NAFE membership can enhance your credibility (third party input). It's also another way to build partnerships in new areas.
  - b. Access to **the online directory** should be promoted as a one-stop guide to peer support and information.
  - c. **Recommended insurance programs** should be promoted as cost-effective ways to protect your business and your practice.
  - d. **Certification** is both a form of achievement and credibility and also a differentiator for clients.
  - e. The **NAFE library of peer-reviewed publications** provides one of NAFE's primary offerings of continuing education, as well as the ability for members to be recognized as a true leader of the forensic engineering field via being published
  - f. Etc., etc.

While this might sound like wordsmithing or promotional jargon, it's not. It's the truth, as we discussed in Denver. More importantly, none of the things listed above require anyone to get on a plane and go to meeting anywhere, yet they all provide value to members, if presented effectively.

2. **Engage members by asking their opinion.** We described in Denver a potential way to take targeted, short surveys to get more members (especially those who don't attend Conference) engaged in NAFE in an easy way. There are some guidelines for doing this effectively, but NAFE seems to have the kind of membership "culture" that could lend itself to this being a good opportunity to enhance the membership experience.

- 3. Keep track of member engagement and identify non-active members early in the program year.** Target them for special communications (such as the survey mentioned above). Make personal contacts with those who don't respond to additional communications.

## **Member Retention**

It's important to get a handle on exactly how well NAFE is currently doing in member retention in the various membership categories. The overall retention rate seems to be in the 85-90% range (which is good) but it would be worth a closer look at when and why the majority of these members are leaving. It would make it easier to set up a specific effort to retain those "at-risk" members at a higher rate. Even with a retention rate at a high level, NAFE is still challenged with replacing 45-50 dropped members with new members each year just to stay even. A focused retention effort could be moving NAFE back over the 500 level with just a small increase in the retention rate.

## **Recommendations**

- 1. Create a Member Retention Committee (or Subcommittee) with direct responsibility for member onboarding, engagement, and retention.**
- 2. Where possible, customize and personalize member communications based on what is known about the individual member(s) or groups of members.** Try to avoid form letters and Dear Fellow Member letters.
- 3. Offer members choices on how they receive communications from NAFE.** Younger members, especially, want to make those kinds of choices for themselves.
- 4. Continue to identify ways to make new members and first-time attendees feel special at NAFE events.**
- 5. Make member renewal as simple and quick as possible.**
- 6. Have a pre-invoice letter sent outlining NAFE accomplishments.** This should be sent **prior** to the first renewal notice to members. They will then have been reminded of the value NAFE provides without having the renewal notice in front of them.

## **Marketing/Branding**

Obviously, NAFE's reputation as an "exclusive" organization is one of the things that attracts engineers to it. "Exclusive" refers to the necessity to attain a certain level of certification, expertise, experience, etc. This makes NAFE membership a goal for many. However, NAFE needs to be careful not to allow the "exclusive" aspect of its reputation be a barrier to membership.

NAFE has this excellent reputation among most of those who are *aware* of it, but not enough engineers are aware of the opportunities in the field or NAFE's role in promoting both the science and the practice of forensic engineering. There are some engineers who probably qualify for membership but haven't joined because of lack of exposure to NAFE, affiliation with another engineering organization (including NSPE) that they feel meets their needs, or they have been contacted by NAFE and didn't see enough value to join.

## Recommendations

1. Create a dialogue with NSPE to **find additional ways to use the NSPE membership requirement in NAFE as an advantage of NAFE membership, not a barrier to it.** Include phrases like “as an NSPE member, you already meet one of the most important qualifications to join NSPE,” or, for non-NSPE members, “your membership in NAFE will also entail becoming an NSPE member, allowing you to benefit from two of the leading professional associations in the engineering field.”
2. **Contact other professional organizations which are “stakeholders” for NAFE and offer to provide educational programming for their Conferences.** These organizations are always looking for the best quality educational sessions for their own members, and the exposure to these groups will expand NAFE’s brand and value message. Again, in addition to engineering societies, think of legal organizations, insurance, real estate, etc. There are hundreds of these groups at the National, state, and local levels.
3. **Continue expanding the use of social media to create awareness of NAFE and its members.** As the average age of NAFE members drops (due to retirements, new practitioners entering the field, etc.,) social media will become more of the norm for members and prospects and less of something that has to be learned. These members/prospects will have been using social media since their undergraduate days, and they will expect their professional organization to provide outlets for using it to enhance their education and businesses.
4. Encourage members, especially leaders, to **include their NAFE membership and leadership positions in their introductions, biographies, signatures on their emails, business cards, etc.**
5. **Set quality control standards on everything NAFE does.** As discussed in Denver, NAFE’s brand is, in part, determined by first impressions. Quality control is an important part of any organization’s brand. NAFE is probably held to an even higher standard than many other groups because of its prestige, it’s membership (engineers are very detail-oriented), and its “culture” (reflecting what its members do).

## Administration

Due to NAFE’s limited budget, many of the functions that would normally be done by staff members in similar organizations are handled by volunteers in NAFE. Fortunately, NAFE is blessed with a cadre of experienced members willing to put in the time to produce the many things NAFE offers to its members and the profession.

This can also create a situation where there is sometimes a lack centralized oversight (see quality control, above); volunteers can get burned out by having to fulfill NAFE commitments while running their businesses/practices; and NAFE is limited in its ability to add new programs and services in its attempt to fulfill its mission.

By growing its membership, NAFE can add additional financial and volunteer resources to NAFE's management. By providing funds to perhaps add staff support, or to outsource programs and functions currently being done entirely by volunteers, this raises NAFE's ability to continue adding value to membership.

## **Recommendations**

1. **Work with NSPE to see if additional NSPE staff support can be added** to NAFE's management in the form of administrative support, website development and user friendliness (see next section), database management, etc.
2. **Be careful about taking on too much.** It's not just a question of money. Before new products/services are undertaken there needs to be an assessment of NAFE's ability to deliver them at the very best level.
3. **Where possible, try to centralize communications and decision-making as it applies to members and membership.** It's important for (pardon the old-time reference) the right hand to know what the left hand is doing. Remember, quality control and first impressions are an important part of the NAFE brand. Some sort of communications flow control needs to be formalized, well-communicated to the leadership, and implemented.

## **Website Coordination**

The organizational website has replaced calls the Headquarters office as the way all of NAFE's stakeholders (members, prospects, engineering profession, other organizations, the general public, etc.) find out about NAFE, learn about NAFE, and communicate with NAFE. Almost all of the membership recruitment, engagement, and retention efforts center around the website, too. Marketing is aimed at driving prospects to the site; applications and benefits are on the site; engagement opportunities are on the site; renewal options are on the site.

## **Recommendations**

1. **Add some drop-downs from the home page under the top Membership tab** to allow visitors to go to the section they seek. Limit the number of clicks for all visitors, especially prospective members.
2. **Reverse the information on the membership landing page.** Start with the (updated) list of NAFE benefits before sending them to the how to join section. Make the page more about the prospective member than the organization.
3. **Create some empathy for the reader.** Refer to the exercises done in Denver to create content which lets prospective members know that this could be their new home page, where the organization (NAFE) knows what their daily challenges are and can help them meet those challenges.
4. **Update the information and forms.** Example: the directions ask applicants to fill out the 2016 Application Form. Even if the form is the same, at least update the date on it.
5. **Link membership promotions to specific pages, not just the home page.** Save the prospective members driven to the site through membership promotions some

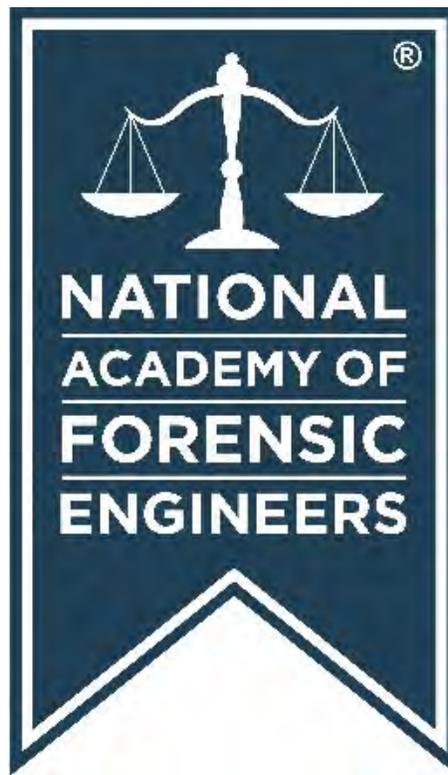
unnecessary clicks by linking these promotions to specific pages in the membership part of the site, not just the home page.

6. **Add some member testimonials to the site.** Use quotes, photos, and videos to let current members talk to site visitors about how NAFE membership has helped make them more successful, raised their credibility, and helped create new partnerships and friendships.

### **Next Steps/Action Plan:**

1. **Review assessment and recommendations, forward any questions to B.A.I., Inc.**
2. **Assign Committee/Task force to make action recommendations to Board**
3. **Task Force to identify recommended action items, categorized by**
  - Immediate** – easily implemented ideas/actions that don't require Board approval or funding)
  - Priority** - ideas/actions that NAFE should try to have in place within one program year
  - Long Term** – ideas/actions which require more planning, thought, discussion, money, etc. These should be discussed at Annual Planning Meetings
4. **Board to approve Committee Recommendations**
5. **Start to Grow the Academy!**

# **PUBLIC RELATIONS**





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[WWW.NAFE.ORG](http://WWW.NAFE.ORG)

December 18, 2021

To: NAFE Board of Directors  
From: Robert O. Peruzzi, PhD, PE, DFE  
Re: Public Relations Committee Report

The NAFE Public Relations Committee members are:

Robert Peruzzi: Co-Chair  
Richard Rice: Co-Chair  
Michael Kravitz  
Liberty Janson: NAFE President

The Public Relations Committee worked through the second half of 2021 pursued at least two activities which I report here.

1. Formal Public Relations Plan and Policies

The NAFE Public Relations Policy Working Group includes

Richard Rice: PR Committee Co-Chair  
Robert Peruzzi: PR Committee Co-Chair  
Bart Kemper: NAFE member experienced in PR as an Army Public Affairs Officer  
Liberty Janson: NAFE President  
Sam Sudler: NAFE President Elect  
Rebecca Bowman: NAFE Counsel and Member

The working group continued developing the plan begun in the first half of 2021 and reached a point where I need discussion and guidance from the board of directors to move forward. On September 25, 2021, I sent a status summary and draft entitled "NAFE PR Policy Evolution" (see attached) to the PR Committee, the Working Group plus the NAFE WWW committee consisting of

Allen Molitoris  
Mitch Maifeld  
Michael Leshner  
Liberty Janson  
Rune Storesund

The WWW committee was consulted because the proposed policy calls for significant additions to our website [www.NAFE.org](http://www.NAFE.org). Answering on behalf of the WWW committee, Mike Leshner confirmed willingness to make the website changes.

Next steps are:

- Gain approval (or suggested modifications) for the preliminary plans from all PR Committee members, Working Group members, and WWW Committee members, Board of Directors
- Delegate volunteer to edit the preliminary plan into formal document

- Ascertain that our plan does not violate NAFE bi-laws.
  - Delegate volunteers to accomplish the website and social media plans
  - Delegate volunteers to accomplish the ongoing maintenance of the PR policy
2. NAFE Participation in National Society of Professional Engineers (NSPE) 2022 PECON  
NAFE Counsel and Member Rebecca Bowman has strongly encouraged NAFE members to submit proposals to speak at the NSPE PECON conference, August 1-3, 2022 in Philadelphia, PA. I know of two submissions as of 12/18/21
- Mike Leshner submitted a proposal for a panel discussion of “Forensic Engineering and NAFE” [working title]. If accepted, the panel will include Mike, Sam Sudler, and me.
  - I submitted a proposal for an individual talk on “Career Evolution, Professional Engineering, Expert Witnessing, and NAFE,” which is like individual talks I gave to the Consultants Network of San Diego, the IEEE Affiliation of Independent Consultants Networks (online seminar presentation), and the Lehigh County, Pennsylvania, Bar Association.
  - If other NAFE members have submitted proposals, please let me know.

For that matter, please let me know of any of your professional activities that you would like to see on our upcoming PR section of our website and social media.

Sincerely,

**NATIONAL ACADEMY OF FORENSIC ENGINEERS**

Robert O. Peruzzi, PhD, PE, DFE  
Public Relations and Advertising Committee Chair

Attachments:

- “NAFE PR Policy Evolution”

# NAFE PR Policy Evolution

Shortly after the Champlain Towers South Condo in Surfside, Miami, Florida collapsed on June 24, 2021, NAFE formed a committee to develop a protocol for NAFE as an academy to officially respond to sensational disasters such as this, and guidelines for NAFE dues payers as individuals to respond to media inquiries. (There were more than a few instances of media asking NAFE members for statements, some of which were discussed on NAFE1.)

We first, as suggested by our Executive Director, Rebecca Bowman, modified the existing NSPE Disaster Protocol to fit NAFE. (Attached “NAFE Disaster Protocol ...”).

From there, members of this Disaster Response Working Group got introspective about Public Relations in general. NAFE Journal Editor-in-Chief Bart Kemper sketched out a wide ranging PR approach, based upon his years of service as “Public Affairs Officer” for the US Army. I’ve made a crack at creating a document from the suggestions in Bart’s emails. (Attached “NAFE Public Relations Policy Draft”). It needs a lot of improvement. Furthermore, I’m overwhelmed by the very thought of how much work is implied if adopted.

The incomplete quality of my document notwithstanding, we can begin to implement the approach suggested by Bart. It calls for a number of things:

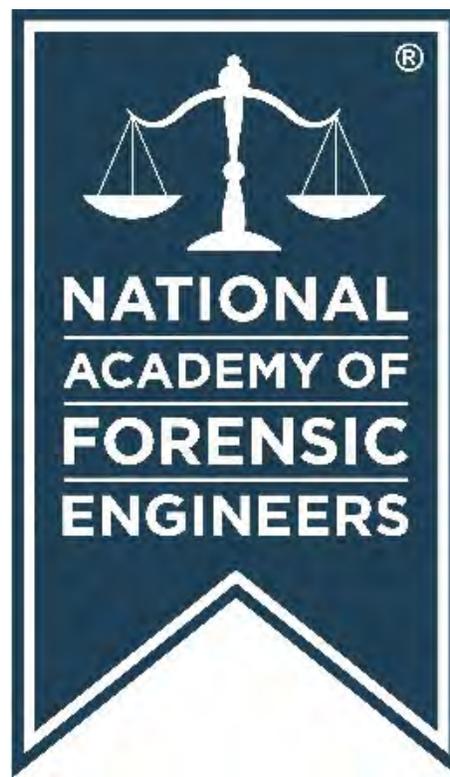
- Dissemination of Press Releases
  - Press releases to be crafted by NAFE president with input from Counsel and PR Lead, and released to media outlets (to be defined). Easy. All that’s needed is to generate the list of recipients, and send emails when the need arises.
- Additions to the NAFE.org website, including
  - A page to post NAFE press releases.
  - (Marketing.) A page for NAFE news and announcements targeted to “those we are trying to build relationships with in order to benefit NAFE”
    - Potential recruits
    - Potential legal clients
    - Potential sources of NAFE publicity (e.g. NSPE).
  - (Public Relations.) A page for NAFE news and announcements for the general public. Non-technical.
- Acquiring and holding additional media accounts interlinked with the NAFE.org web page
  - Instagram accounts
    - NAFE Information
      - Photos from conferences
      - Pointers to press releases
      - Pointers to “Call for Papers” announcements
    - About NAFE
      - Pointers to new member announcements
      - Pointers to conference announcements
      - Pointers to NSPE announcements, articles, etc.
  - Twitter account

- Mainly just for self-defense. To lock down the name, preventing others from creating an account and making statements purporting to represent NAFE.
- Could also include pointers to announcements etc.

Narrowing this down to a few specific questions:

- Is it feasible to augment NAFE.org to add the above features?
- Is there anyone on this list facile with Instagram and Twitter who would be interested in creating and operating these accounts?

# **PUBLICATIONS & TECHNICAL REVIEW**





02 Jan, 2022

*RE: Report for the Technical Review Committee*

Dear President Janson,

The Technical Review Committee report is as follows:

1. The volunteer staff for the Journal has maintained from last meeting:
  - Editor In Chief (Bart Kemper)
  - One Senior Associate Editor (Jim Green)
  - Seven Associate Editors (Dave Ilove, Joe Lean, Bob Peruzzi, Steve Pietropaolo, Mike Plick, Paul Stephens, Paul Swanson)
  - One technical editor (Mitch Maifeld)
2. The current issue has 6 papers. The current Winter Conference has 2 papers in the review process and several that may convert into a full paper. We are continuing to make progress on the backlog.
3. The committee will conduct a 1 hour PDH at Tuscon regarding the Journal process and the criteria used by the committee. The intention is to address perceptions regarding the difficulty in writing for the Journal as well as the actual and perceived change in criteria. Questions will be welcome.
4. Our visibility has been steadily increasing, with surges coinciding with Journal issue publication. Using CrossRef as part of the OJS system has increased the visibility of the Journal and their authors. (See following page.)

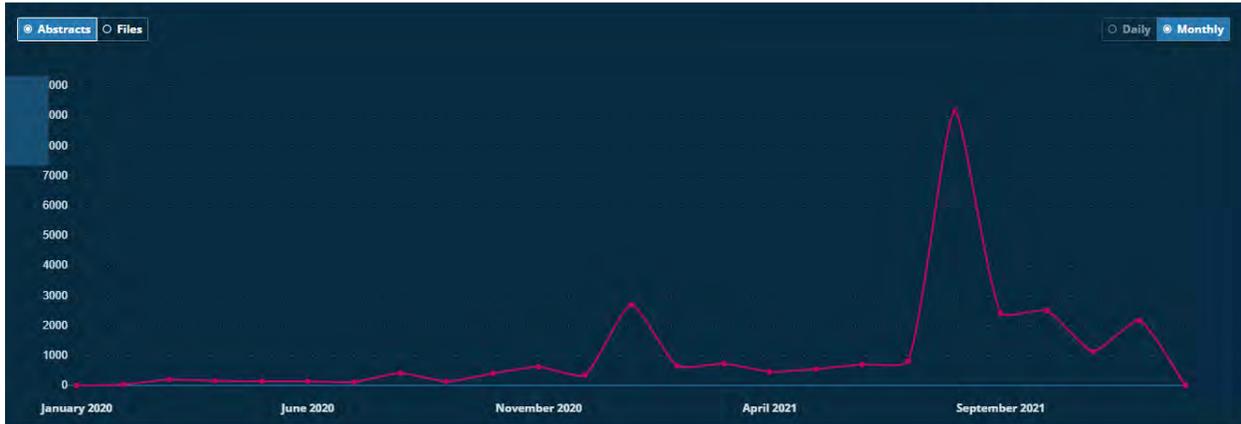
Best regards,

**Bart Kemper**



Articles

2020-01-04 — 2022-01-03 Filters



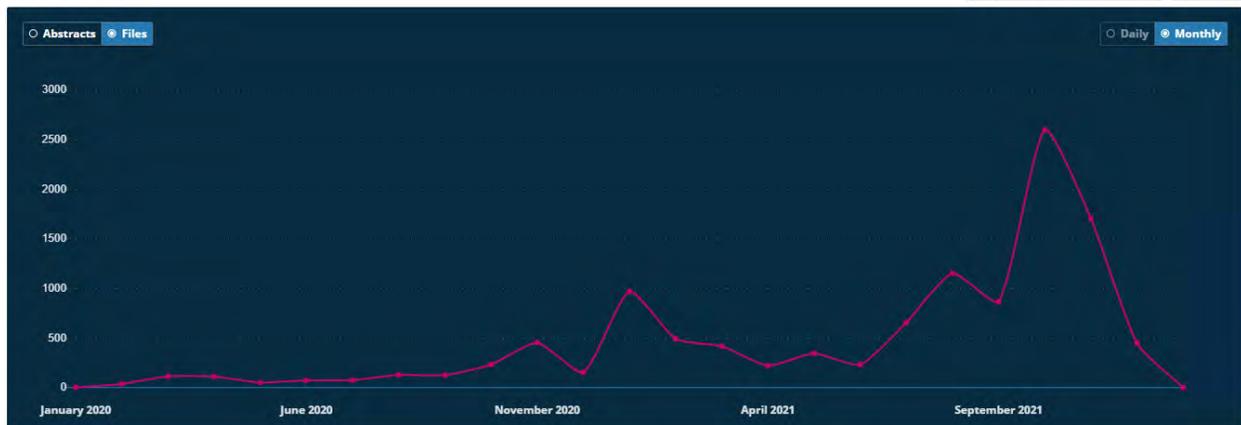
Article Details

30 of 529 articles

Title	Abstract Views	File Views	PDF	HTML	Other	Total
Williams Use of the Repairability Assessment Method for Evaluating Asphalt-Composition Shingle Roof Repairs	545	450	450	0	0	995
Icove et al. Computer Fire Modelling and the Law: Application to Forensic Fire Engineering Investigations	676	227	227	0	0	903
Kemper Misapplication of Pressure Vessel Codes in Forensic Applications	399	176	176	0	0	575
Icove et al. State of the Arc (Mapping)	315	203	203	0	0	518
Ziernicki, PhD, PE, DFE et al. Forensic Engineering Analysis of Projectile Thrown from Phantom Vehicle	313	109	109	0	0	422
Sasso Forensic Engineering Analysis of Common Failures and Inspection Procedures for Residential and Commercial Chairs	256	137	137	0	0	393
Lee Forensic Engineering Analysis of Upper Extremity Nerve Entrapment Injury Mechanisms as Related to Rear-End Collisions	210	131	131	0	0	341
Webster Dynamic Motion Simulation: Applications in Forensic Engineering	174	149	149	0	0	323
Ziernicki et al. Forensic Engineering Application of the Matchmoving Process	194	124	124	0	0	318
Storesund FE Evaluation of Hillside Excavation for a Construction Contract Dispute	209	104	104	0	0	313

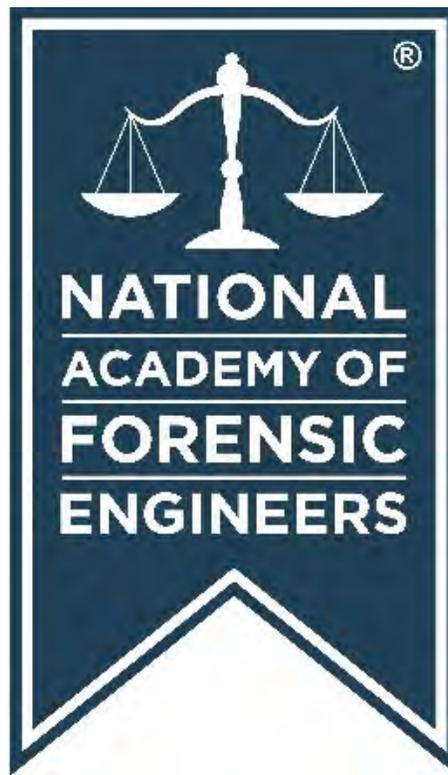
Articles

2020-01-04 — 2022-01-03 Filters



**Note: The impact of the latest Journal release has not occurred at the time of this report. Regardless, we are seeing an overall upwards trends in terms of journal engagement and files downloaded, as shown in the two-year graphs above. The top ten articles are the same for abstracts as well as file downloads.**

# EDUCATION





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[WWW.NAFE.ORG](http://WWW.NAFE.ORG)

January 3, 2022

To: To NAFE Board of Directors  
From: Steve Pietropaolo, MS, P.E., CFEI, DFE  
Re: Education Committee Report

The Winter Conference Educational Program came together quickly and smoothly. The program includes three presentations consistent with our traditional Winter Conference Sunday Ethics seminar and three presentations on the practice of forensic engineering in automotive matters. The addition of a presentation from an attorney that specializes in defending experts, including forensic engineers regarding motions to exclude testimony will be very beneficial for our academy members. The day will conclude with what has become traditional – a panel discussion regarding forensic practice and the current issues facing the forensic engineering field.

This would not be possible without the volunteers who have agreed to present and, in some cases, revise their original proposals to better suit the Sunday Educational format. In addition, several of our presenters were willing to shift presentation timing, length and attendance as needed to ensure the overall conference program was full and useful to our attendees. It was a pleasure to work with Bart Kemper ensure a complete program in Tucson.

As I write this, we continue to face challenges associated with Covid-19, hospitality staffing, and travel industry fiascos. Thank you to everyone who was willing to be flexible and accommodating to ensure we serve our members.

While 2021 has been an unusual year for conference planning. I look forward to working with the Board to take on our next opportunity – our first international conference in Toronto, July 22-24, 2022.

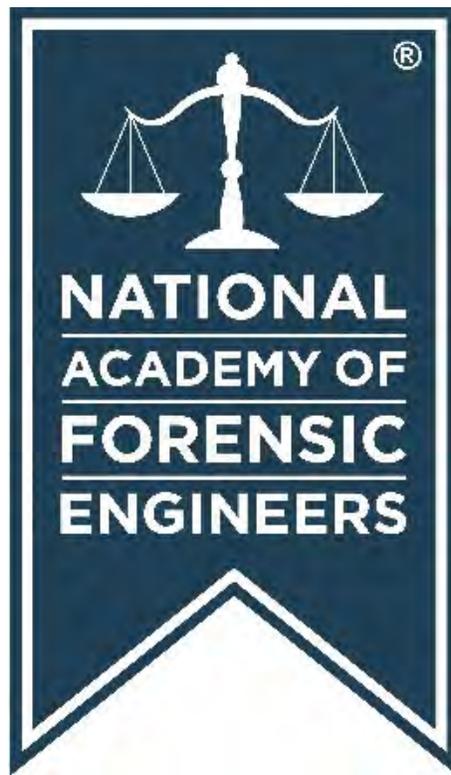
Sincerely,

**NATIONAL ACADEMY OF FORENSIC ENGINEERS**

Steve Pietropaolo, MS, P.E., CFEI, DFE

Education Chair

# LONG RANGE PLANNING





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[WWW.NAFE.ORG](http://WWW.NAFE.ORG)

July 27, 2021

To: To NAFE Board of Directors  
From: Liberty L. Janson, PE, NAFE  
Re: Long-Range Planning Committee Report

The first half of 2021 brought National Academy of Engineers and our dues-payers the exciting opportunity to define that great 2020 cliché – the New Normal. With two virtual conferences under our belt, a major overhaul of our online presence, and an enthusiastic new Executive Director, the NAFE Board of Directors is working to embrace new systems and programs while preserving the core elements of the Academy

With Leadership focused on immediate needs, the Long-Range Planning Committee did not formally meet. However, the long-term goals and needs of the Academy appeared on the agenda of nearly every Leadership meeting since January 2020. Based on these discussions and previous Long-Range Committee discussions, I offer the following:

#### **CONTINUE ON-LINE ENGAGEMENT**

- **Virtual Conference:**
  - Explore and institute means of providing education and engagement through recorded content and live meetings.
  - Consider a remote aspect to all future conferences
  - Consider standalone virtual conferences
- **Linked In**
  - Expand use of LinkedIn to engage both current and future dues-payers
- **Journal**
  - Continue effort to get the journal visible to the public. Clarify Academy policies on access and publication

#### **NSPE:**

- Review relationship with NSPE and find a means to engage at all levels
- Review relationship with NSPE and NCEES, regarding cost/benefit and impact on members.
- Engage NSPE members through webinar applications and support of the NSPE Education staff.
- Increase presence in PE magazine including proposed standard column.

## **GROW THE ACADEMY:**

- **Recruitment:**
  - Surveys and attendance indicate standard advertisement is not an effective means of reaching the broader Forensic Engineering industry. Consider adjusting funding and efforts to media that have a greater return.
  - The impact of more personal interactions, including speaking engagements with other professional groups, has not yet been measured. It is believed that this is an effective means of recruitment, but we need to develop metrics to determine the actual impact and determine the most effective demographics to engage.
    - The established standard presentation has been delivered a handful of times by a number of NAFE leaders.
    - The Introduction to Forensics presentation will be recorded during the 2020 Virtual Conference. There are several potential recruitment uses for this video.
  - Significant effort to improve our website requires improved content. While major work was done through 2020 and 2021, this must be an on-going effort to keep the site fresh, informative, and engaging. This same effort will improve our SEO
  - Continued effort to improve our outward facing communication should continuously refer back to Mark Levine's report.
- **Retention:**
  - Determine and create means to better engage our due-payers throughout the year.
  - Build up and support the mentorship program to help new dues-payers through the first years of practice.
  - Expand committees. Consider immediate engagement of new members as well as efforts to engage long-term inactive members
  - Create and assign task-forces to address new Academy needs or engagement efforts
  - Establish a calendar and communication system to promote membership upgrades
  - Better engage interest committees to expand journal and conference involvement.
  - Develop committee chair successors.

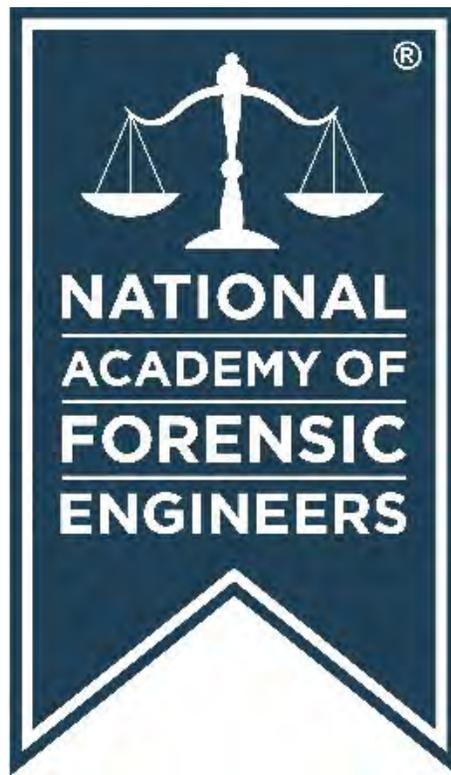
These are intended to be discussion items for the Board of Directors and the Academy members, in general.

Sincerely,

**NATIONAL ACADEMY OF FORENSIC ENGINEERS**

Liberty L. Janson, PE, DFE  
Long-Range Planning Chair

# **CONTINUING PROFESSIONAL DEVELOPMENT**





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[WWW.NAFE.ORG](http://WWW.NAFE.ORG)

December 26, 2021

### Memorandum

To: NAFE Board of Directors

From: Joseph Leane, DFE, CPD Committee Chair

Re: Continuing Professional Development (CPD) Committee Report

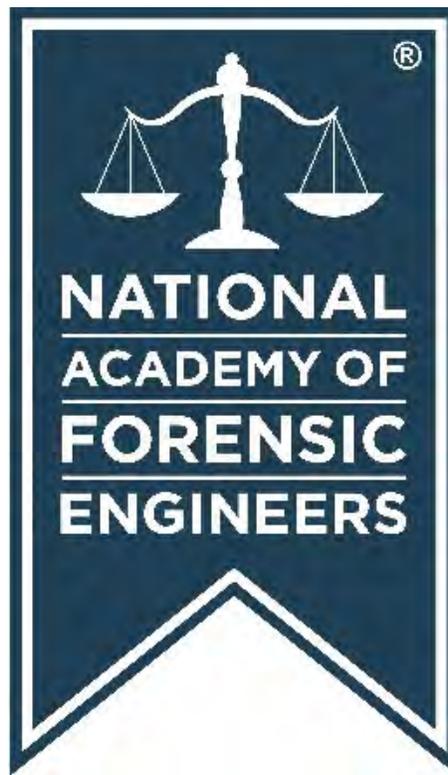
The NAFE CPD and Website Committees have been working together to transition the CPD process to the new NAFE website. The CPD portion of the website went offline earlier this year, as part of the planned transition to the new website. Although much progress has been made, the online CPD submission webform has not been completed. That form needs to be finalized and tested. We expect this work to be completed soon and made available to the members.

Members normally have until January 7, 2022, to submit 2021 CPDs, as described in Appendix 2 of the Bylaws. However, that deadline was extended one month to February 7, 2022, to accommodate for the later availability of the CPD form. Membership was notified of this extension via e-mail.

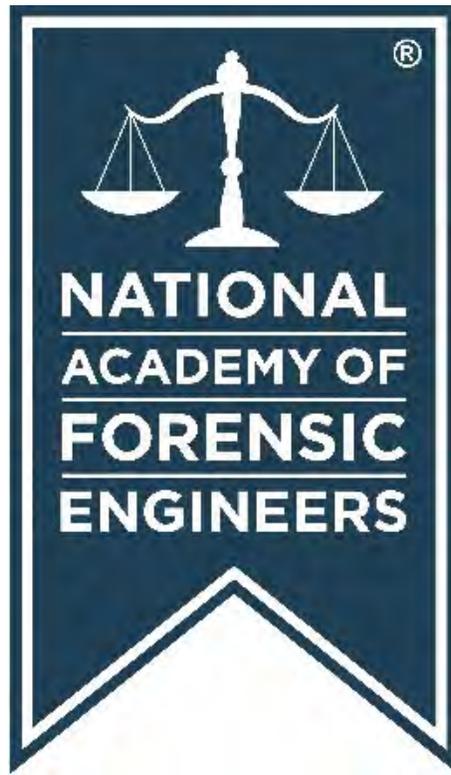
It would be improper to generate a list of *not current* members during this time period when there is no means for members to submit CPD credits to change their status to *current*. Once the CPD transition is complete, the submission webform is online and available to the membership, and the February 7<sup>th</sup> deadline has passed, a list of *not current* members will be generated. A notice will then be distributed to those members advising them of their status and providing instructions on how to submit CPD credits to become *current*.

Please contact me with any comments or questions. Thank you.

# **BYLAWS & AOI**



# FINANCE





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[WWW.NAFE.ORG](http://WWW.NAFE.ORG)

December 26, 2021

### Memorandum

To: NAFE Board of Directors

From: Joseph Leane, DFE, Finance Committee Chair

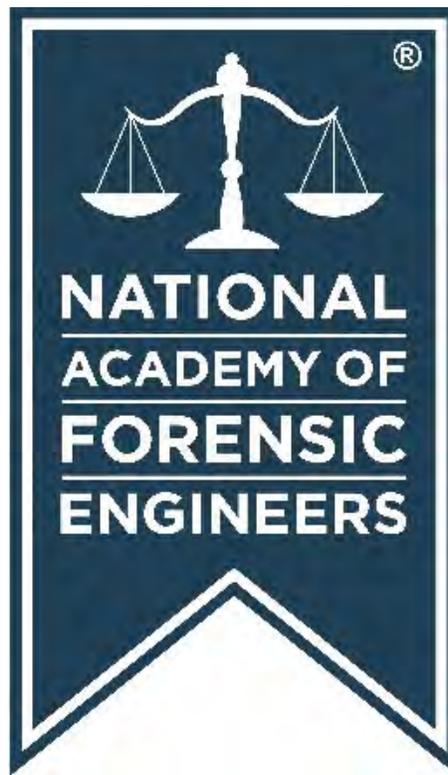
Re: Finance Committee Interim Report

Members: Sam Sudler, President Elect  
Steve Pietropaolo, Vice President  
Bruce Wiers, Treasurer  
Richard Rice, Secretary  
Joseph Leane, Senior Vice President

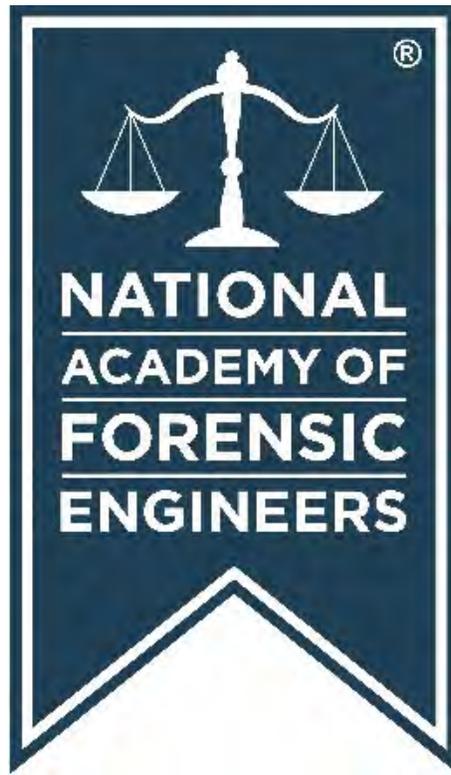
The Finance Committee met several times virtually and submitted the 2021 Budget, which the Board approved at the July meeting. A *budget to actual* comparison was presented to the Board in December. Finally, preliminary work has begun on the preparation of the 2022 Budget. The full year 2021 *budget to actual* comparison will be reviewed once it is complete and that data will inform the committee for the proposed 2022 budget amounts.

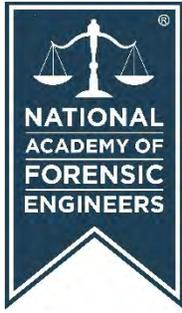
Please contact me with any comments or questions. Thank you.

# NAFE1



# WEBSITE





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Tel: 703-684-2845  
Fax: 703-836-4875

<http://nafe.org>

Date: January 7, 2022  
Subject: Website-Database Committee Report

## Current Status

We are finalizing organizational functionality on our own virtual private server (VPS), nicknamed “euler”. See the last page of this report for a graphic representation of our complete IT infrastructure. Once the functions are complete, we can spend some effort on style. We have prepaid \$38/month to InMotion Hosting for this VPS. This entire server is backed up every other day, weekly, and monthly to Backblaze B2 at almost \$3/month for about 500 GB of storage. Other expenses are Google Ads at a max of \$50/month and ClickMeeting at \$45/month for hosting/selling our webinars of past conferences. There was a one-time assist from a consultant to get our CPD form completed for \$1700.

## WWW Site

Our nafe.org site is built on a content management system (CMS) called Drupal. Members and non-members can create login accounts on this CMS to access some content not available to the general public such as registration for conferences and application for membership. Members can access even more information than that such as a member directory and our bylaws. Members can also check their membership status and process a renewal. Most of these functions are provided with a back-end constituent relationship management system (CRM) called CiviCRM. It provides extensive capabilities for working with contact information, handling memberships, processing mailings, managing events with registrations, working case files for member applications, and accounting for all monetary transactions.

Our CPD reporting form is nearly finished by Allen Molitoris. He leveraged his new expertise in Webforms from creating our Membership Application into making a CPD Submission form which validates the entered data and does all the calculations. The credits are then stored in a tab of the contact’s summary page in CiviCRM and viewable in-aggregate on a CPDs Report page. We ran into a snag where the software couldn’t do what it seemed like it should. We were able to contact the developer who works for CiviCRM and wrote this exact piece of software. He confirmed that we had structured everything correctly, but the software didn’t actually handle our situation. Although completing NAFE’s CPD system took \$1700 paid to this consultant, now the thousands of other users of CiviCRM can also benefit from this improvement.



## Email

There is no additional cost for unlimited email boxes as mail server software is included with our VPS. Positional accounts such as [treasurer@nafe.org](mailto:treasurer@nafe.org) and [president@nafe.org](mailto:president@nafe.org) have mailboxes on euler which can be accessed via webmail or via email client. Most of these also have forwards to the position-holder's personal email address for that user's convenience. If you are on the Board but have not yet used your nafe.org email address to use while conducting NAFE business, let us know when we can help you set it up.

## Help Desk

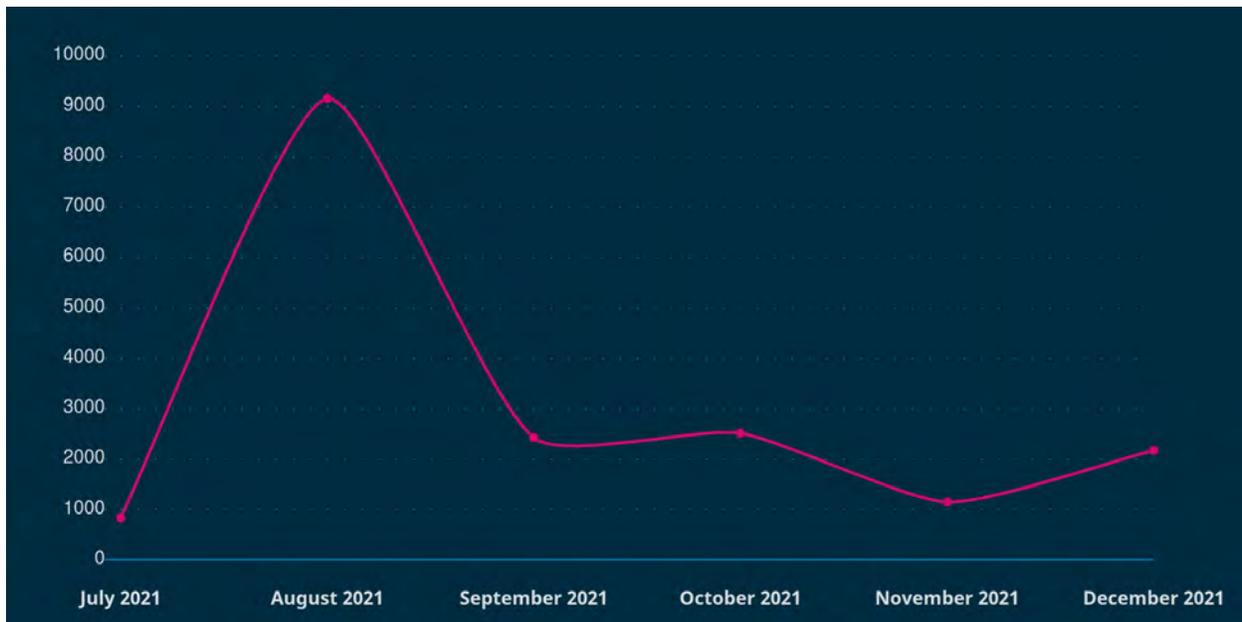
Help desk software called FreeScout runs email mailboxes for: [help@nafe.org](mailto:help@nafe.org) to help members, correspondence about each conference via [conference@nafe.org](mailto:conference@nafe.org) and for interested parties to "Discuss with a Member" on [discuss@nafe.org](mailto:discuss@nafe.org). Our help "line" handled 222 conversations with 143 different customers in 2021. The conference "line" helped 58 customers over 212 conversations last year. Having a hub for member services means that handling all of these conversations doesn't fall to just one person: the entire NAFE Leadership team can contribute to avoid burnout.

## NAFE1

GNU Mailman comes free with our server management software and handles several dozen messages per month. The email address to use is: [nafe1@nafe.org](mailto:nafe1@nafe.org) Current moderators are Rune Storesund, Bob Peruzzi and Drew Peake.

## Journal

The NAFE Journal staff will likely expand upon Journal stats in their own report, but for the last half of 2021 our Open Journal Systems (OJS) handled *thousands* of article views each month. The peak of 9000 was just after the conference in August. There was a similar peak after the January 2021 conference of only 2500. In the first half of the year, there were 500-800 article views per month; in the second half you see the doubling below of 1000-3000 article views. We have been visible in Google Scholar for over a year; the big change mid-year was the NAFE Journal joining Crossref to acquire DOIs for articles and installing the ORCID plugin for author connections.



Since starting sales of articles on OJS in November of 2020, we have sold 26 PDFs to non-members (or members who did not/could not take advantage of them being free) for a grand total of \$650.

## Log4Shell

The log4j JNDI attack was a major concern for *any* computer connected to the Internet during December 2021. We quickly reviewed our systems using Anchore's Grype/Syft and found no vulnerability. Just as we regularly receive attacks and site registrations from Russian trolls, we have seen Log4Shell attacks on our systems.

## Groupware

Our groupware solution called Nextcloud is available to our leaders at <https://cloud.nafe.org>. Most organizations use collaboration software such as this and we have put our meeting minutes, bylaws, branding, contracts, and video recordings there. Every committee has its own shared folder as does every conference. Users also have their own personal folders which can be shared to other users individually or to set up as drop links.



## Online Advertising

Our regular Google Ads campaign has a budget of \$50/month. We pay for clicks, but not impressions – averaging about \$0.71/click. We continue to receive about 750 clicks per year with 80% of them at Google's search and the rest at partner sites. Of 19,000 impressions over 2021, 70% were on mobile devices. We normally get a few hundred impressions per week, but the week of 8 March 2021 there was a spike of over 5,000. Our top three clicked search terms continue to be "forensic engineering", "national academy of forensic engineers", and "nafe". Thanks to Google's tracking, we know that 54% of **new** visits to our site in the last 12 months are from this ad.



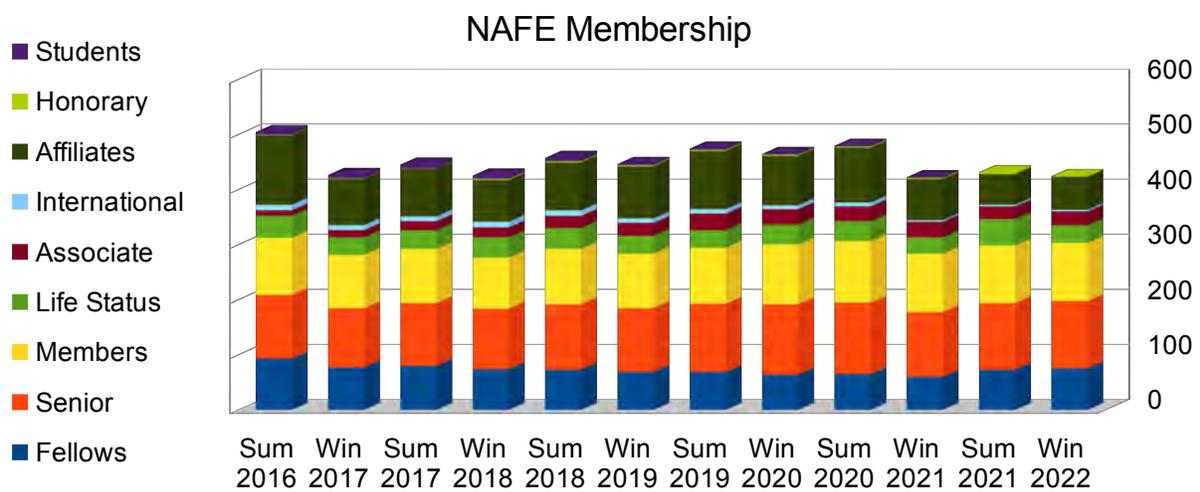
## Education

Summer 2020 and Winter 2021 conferences occurred virtually in ClickMeeting, a webinar platform requiring no downloads for the listeners or presenters. We kept recordings of some of the presentations there for sale via streaming; one presentation called "Introduction to Forensic Engineering" was free. While 141 people paid for the last conference, only 4 paid to watch individual presentations afterward. Because "free" is a magic word, 89 people registered for the Intro seminar.

NAFE would like to expand into online education, so we set up <https://education.nafe.org> which runs software called Moodle, a learning management system (LMS). We are still in the experimental stage, but we are setting up the free seminar first since it was the most-popular. Moving to Moodle for no added expense on our VPS would allow us to quit ClickMeeting, where we currently pay \$45/month.



## Database



	Jan 2022	July 2021	Jan 2021	July 2020	Jan 2020	July 2019	Jan 2019	Jul 2018	Jan 2018	Jul 2017	Jan 2017	Jun 2016
Fellows	75	73	60	65	64	69	69	73	74	80	77	93
Senior	123	121	118	130	128	124	116	119	110	114	108	116
Members	106	105	106	112	109	102	99	101	93	99	97	104
Life Status	32	48	30	36	36	32	33	38	37	34	32	40
Associate	25	23	28	27	28	30	23	22	18	16	13	10
Internat.	3	3	3	7	7	8	8	10	10	9	9	10
Affiliates	60	56	75	100	90	106	95	87	76	86	84	126
Honorary	1	3	2	2	2	2	2	2	2	1	1	1
Students	0	0	2	2	1	2	2	6	6	7	6	5
<b>Total</b>	<b>393</b>	<b>385</b>	<b>424</b>	<b>481</b>	<b>465</b>	<b>475</b>	<b>446</b>	<b>458</b>	<b>426</b>	<b>446</b>	<b>427</b>	<b>505</b>

n.b.; The Total here does not double-count the number in the Life Status row as those members are counted within their member grade.



## Future Work

Building on the work of the last couple of years as outlined above, the WWW Committee is exploring these paths forward into the future:

- Constituent Relationship Management (CRM) operations for current and prospective members with software called CiviCRM
  - member directory search by geography/discipline/subject and profiles/connections for referral/networking
- Extend and support journal management system (Open Journal Systems)
  - join LDAP for usernames/passwords
- Single Sign-On: retain authorization for all member functions (Journal, NAFE1, etc.)
  - OpenLDAP with phpLDAPadmin on identity.nafe.org using keycloak
  - gravatar.com for individual photos

Respectfully submitted,

Michael D. Leshner, PE

Allen Molitoris, PE

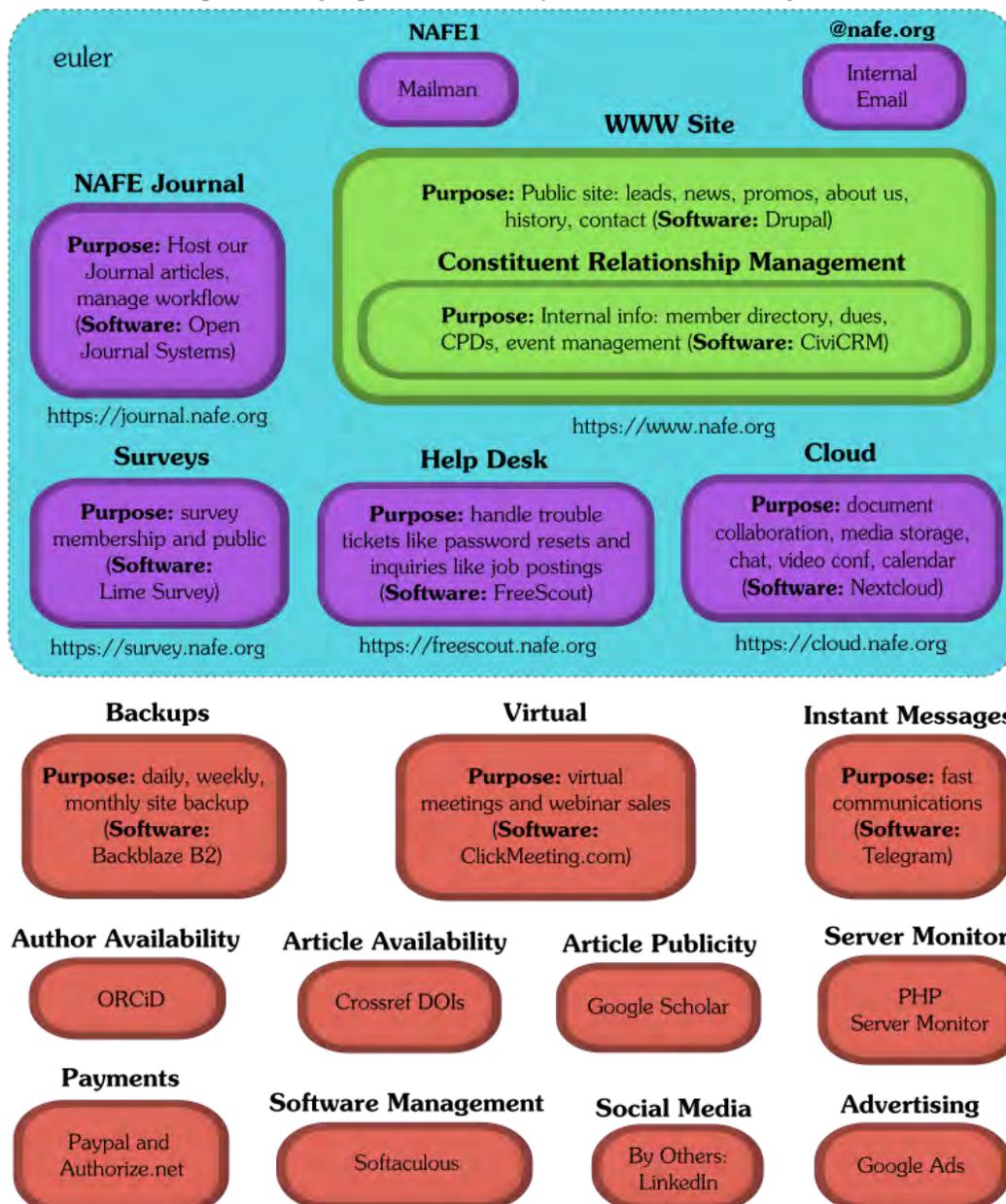
Mitch Maifeld, PE

Rune Storesund, PE

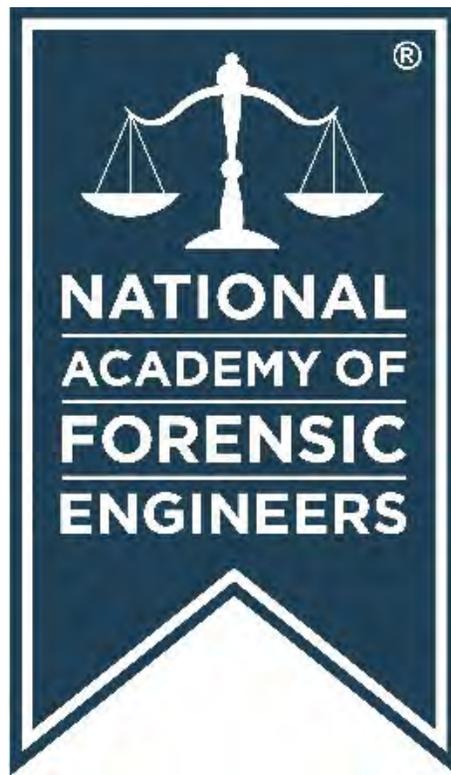
Liberty Janson, PE

# Virtual Private Server "euler"

The server is blue and each box is a function where: purple is substantially complete, green is in-progress and red is by others/outside of scope.



# NOMINATING





1420 King Street  
Alexandria, VA 22314-2794  
Tel: 813.948.8010  
Dir: 813.279.2153  
[WWW.NAFE.ORG](http://WWW.NAFE.ORG)

November 24, 2021

To: Liberty Janson, P.E. (President)

From: James Petersen, P.E., Chair Nominating Committee  
John Certuse, P.E.  
Paul Swanson, P.E.

Re: Nominating Committee Report, November 24, 2021

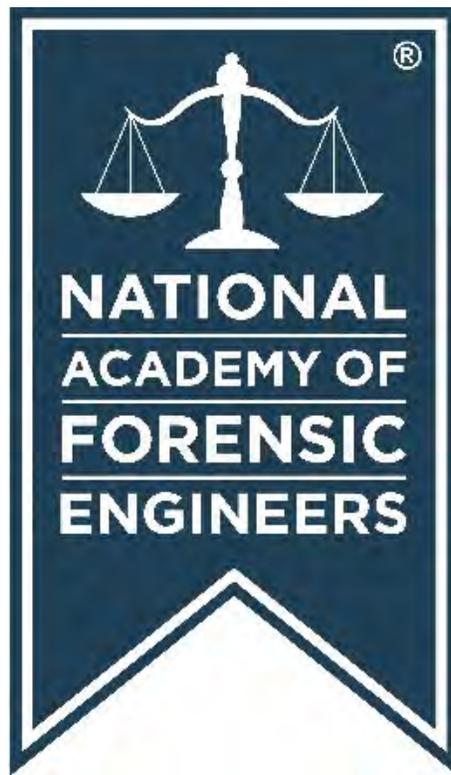
Dear President Janson,

The Nominating Committee has not met since the summer conference and has nothing to report.

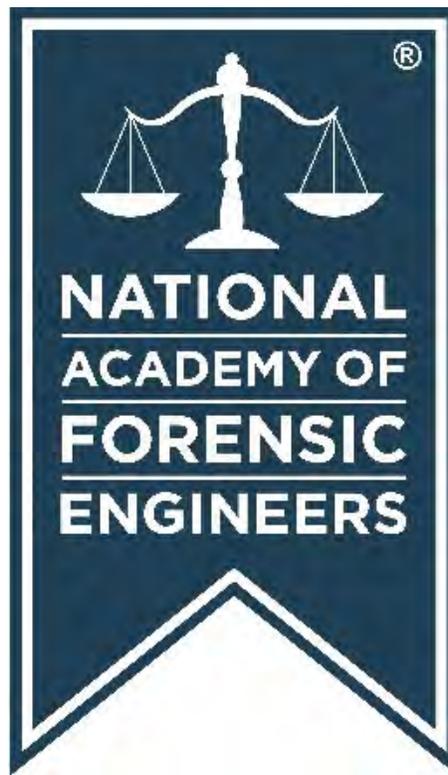
James Petersen, P.E.

CC: Rebecca Bowman, Esq., P.E., Executive Director  
John Certuse, P.E.  
Paul Swanson, P.E.

# LEGISLATIVE



# ETHICS





1420 King Street  
Alexandria, VA 22314-2794

Tel: 703-684-2845  
Fax: 703-836-4875

[WWW.NAFE.ORG](http://WWW.NAFE.ORG)

January 3, 2022

To: To NAFE Board of Directors  
From: Sam Sudler, PE  
Re: Ethics Committee Report

The Ethics Committee did not meet in the second half of 2021. No matters have been brought to the committee for consideration.

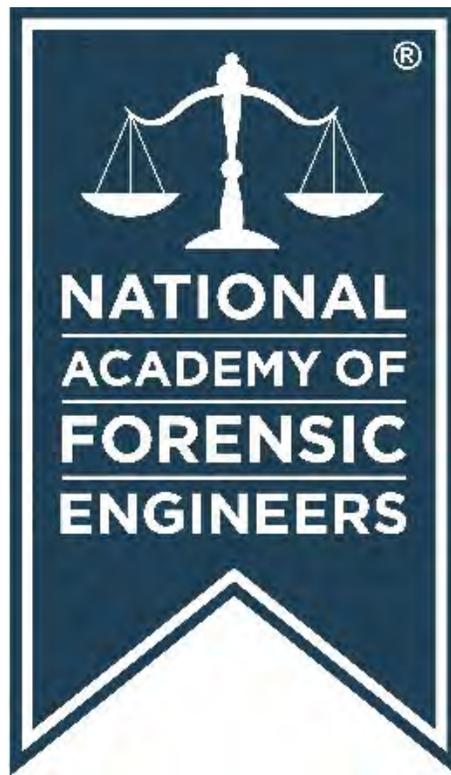
The committee worked with Rebecca Bowman and Steve Pietropaolo to provide Ethics content for the Sunday portion our 2022 Winter Conference in Tucson, AZ.

Sincerely,

**NATIONAL ACADEMY OF FORENSIC ENGINEERS**

Samuel Sudler, PE  
Ethic Committee Chair

# CONTRACT DOCUMENTS





1420 King Street  
Alexandria, VA 22314-2794

Tel: 703-684-2845  
Fax: 703-836-4875

[WWW.NAFE.ORG](http://WWW.NAFE.ORG)

December 26, 2021

### Memorandum

To: NAFE Board of Directors

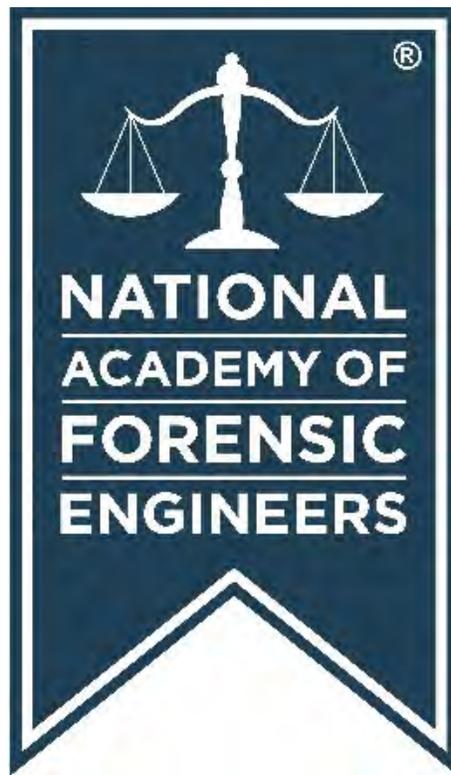
From: Daniel Couture and Joseph Leane, Contract Documents Committee

Re: Contract Documents Committee Interim Report

The Contract Documents Committee does work only when an issue arises. There has been no activity this year to date, and there is nothing planned at this time

Please contact us with any comments or questions. Thank you.

# INSURANCE





1420 King Street  
Alexandria, VA 22314-2794

Tel: 703-684-2845  
Fax: 703-836-4875

[WWW.NAFE.ORG](http://WWW.NAFE.ORG)

December 26, 2021

### Memorandum

To: NAFE Board of Directors

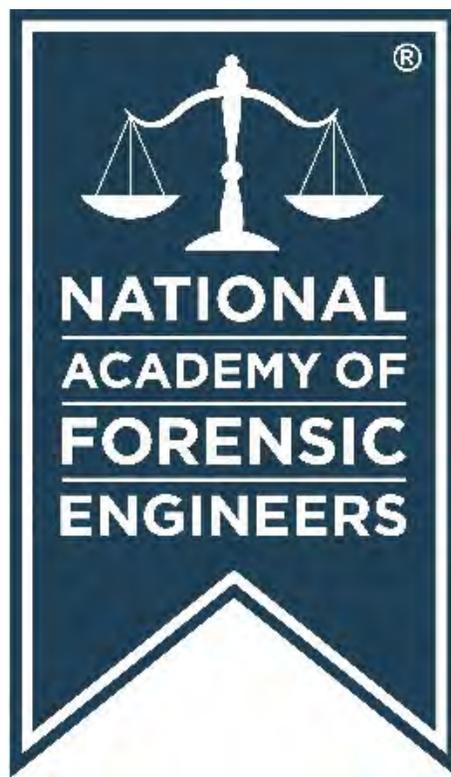
From: Joseph Leane, DFE, Insurance Committee Chair

Re: Insurance Committee Interim Report

The Insurance Committee does work only when an issue arises. There has been no activity this year to date, and there is nothing planned at this time

Please contact me with any comments or questions. Thank you.

# DISTANCE LEARNING





1420 King Street  
Alexandria, VA 22314-2794

Tel: 703-684-2845  
Fax: 703-836-4875

[WWW.NAFE.ORG](http://WWW.NAFE.ORG)

30 December 2021

**To:** Liberty Janson, P.E. (President)

**From:** John Certuse P.E. Co Chair Distance Learning Committee  
Daniel Couture P.E. Co Chair Distance Learning Committee  
Tonja Koob Marking, PhD, PE Co Chair Distance Learning Committee

**Re:** Distance Learning Committee Report 30 December 2021

President Janson.

Since July, the members of the Distance Learning and Website Committees have met virtually on 25 October and 28 September 2021.

The Distance Learning Committee's focus is to continue on with the development of educational and technical programs as was used in the past 2 years during the COVID 19 pandemic.

The benefits of a readily available "as needed" forensic educational forum and forensic engineering library will benefit the Academy in so many ways. These include:

- Acting as an introduction to the mission of NAFE for potential new members
- Provide a service to members who cannot travel or attend biannual meetings
- Providing Members with additional and continuous source of PDH Educational Material and Programs
- Establishing a permanent Resource depository of digital presentations of topics focused on Forensic Engineering and Litigation
- Provide lasting recognition to contributing members of Forensic educational and technical material
- Increased Revenue to the Academy as a collateral benefit



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## Going Forward

In time, educational and technical material will be generated and accrued on a number of investigative, educational and legal maneuvering areas.

To begin however, a focused introductory “101” Curriculum will be established.

### **1) Draft 101 Forensic Curriculum**

#### Proposed NAFE 101 Syllabus

##### Introduction to Forensic Engineering

- What is forensic engineering?
- What is the difference between forensic engineering and expert witness testimony?
- How is it different from traditional / “regular” engineering?
- Can any engineering become forensic engineering?
- What circumstances require forensic engineering vs traditional engineering?
- Who can be a forensic engineer?
- What requirements are needed to be a forensic engineer?
- Do I have to be a member of this Academy to be a forensic engineer?
- Do I need to be a licensed Professional Engineer (PE or P.Eng.)?
- Where can I get more information?

##### Benefits of NAFE Membership

- I understand this is on the website, but testimonials would be helpful.
- Membership requirements
- NAFE benefits - tangible and intangible

##### The Legal Environment

- Why are forensic engineers needed?
- The role of professions, including engineers, to support the court system
- Protecting the public, and our oaths of service to the public
- Forums for providing expertise
- Role of forensic engineer
- Relationship of forensic engineer to parties (covered nicely in ASTM E58 Guideline E2713)
  - Plaintiff
  - Defendant
  - Judge
  - Jury

##### The Forensic Engineer

- CV format
- Licensure
- Education
- Professionalism



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- Expertise/Daubert
- Credibility
- Demeanor

#### Forensic Engineering Contract

- What should be in the contract
- Who is the client?
- Terms

#### Testimony

- Evidence
- Forensic engineering report
- Deposition/Video deposition
- Daubert
- Trial
- Demeanor
- Professionalism
- Dress code

#### Forensic Engineering Report (see our great new E58 E3176!)

- What it includes
- What it does not include
- Standards
- Opinions
- CV

#### Ethics

- Conflict of interest
- Licensure
- Knowledge base
- Confidentiality
- Professionalism

## 2) Distant Learning Website Platform Prototype

Following the establishment of a course direction, production of the course content will undertake.

Much in the way that Educational Committee and Technical Review Presentations were produced during the past 24 months of the pandemic, likewise a PowerPoint to Video author narrated program can be used by authors and educators to produce their content.

Working in conjunction with Zohaib A. Alvi and Mike Leshner of the NAFE Website Committee, a Prototype online portal of previously material has been established for review. PLEASE NOTE: This is not being used in the public.

<https://education.nafe.org/>



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### **Revenue Generation**

Other engineering professional organizations as well as online educational forums provide online seminar and video course programs to engineers however none are of a forensic engineering specific category.

To continue to establish NAFE as the premiere organization regarding forensic engineering training and reference material, NAFE is uniquely positioned to provide this content to forensic engineering.

Once material is established, access can be automated and NAFE compensated through our website.

An interactive website page much in the way membership and conference fees are collected can be established to allow access to content for members and nonmembers on pay as you need basis.

Although this is off in the distance for the time being, for reference following are fees similar organizations are providing for similar content.

#### **ASCE**

0.2 CEU, 90 minute on-demand webinar Member \$99.00, Non-Member \$159.00

0.1 CEU, 60 minute on-demand webinar Member \$99.00, Non-Member \$129.00

#### **APWA**

0.1 CEU, 60 minute pre-registered for specific time webinar Members FREE, Non-Members \$99.00

#### **PDH Pro**

5 pdh, hours on demand webinar \$75.00

#### **CED Engineering.com**

4 pdh hours on demand webinar \$112.00



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### **PECON 2023 and Beyond**

On another front and in the arena of Distant Learning is a request to NAFE BoD Leadership specifically those planning on ascending to the level of President, to consider, presenting to the NSPE's Annual PE CON events.

To do so, material will have to be prepared fitting to PECON content needs and your presence either online throughout the year, in person (or both) will be required.

Attending events like this will allow future leaders the opportunity to meet other engineering organizational leaders firsthand, represent the academy as a future president and meet aspiring forensic engineers some of whom, with encouragement may become future NAFE Members.

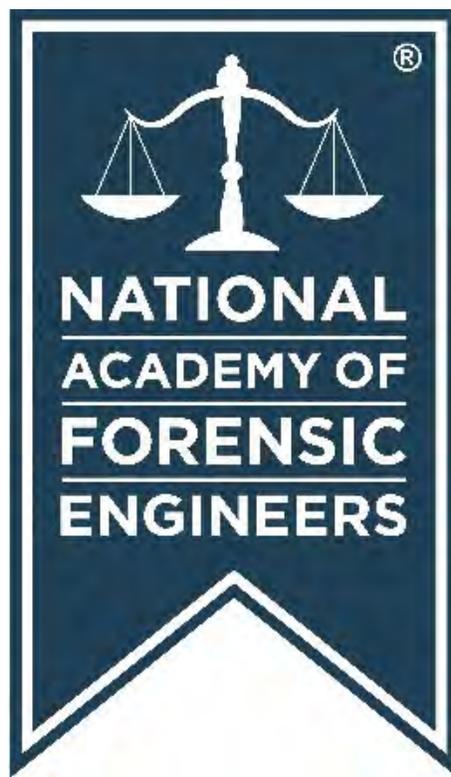
Thank You

John Certuse, P.E. DFE  
Past President NAFE 708F

Dan Couture P. Eng. DFE  
Director at Large, 951S

Tonja Koob Marking, PhD, PE

# CAI EMERGENCY RESPONSE TASK FORCE





1420 King Street  
Alexandria, VA 22314-2794

Tel: 703-684-2845  
Fax: 703-836-4875

[WWW.NAFE.ORG](http://WWW.NAFE.ORG)

January 3, 2022

To: To NAFE Board of Directors  
From: Liberty L. Janson, PE  
Re: CAI Emergency Response Task Force Report

The CAI Response Task Force did not hold its inaugural meeting as scheduled this fall. Invited Task Force Members submitted suggested agenda topics and provided initial feedback on proposed task force goals.

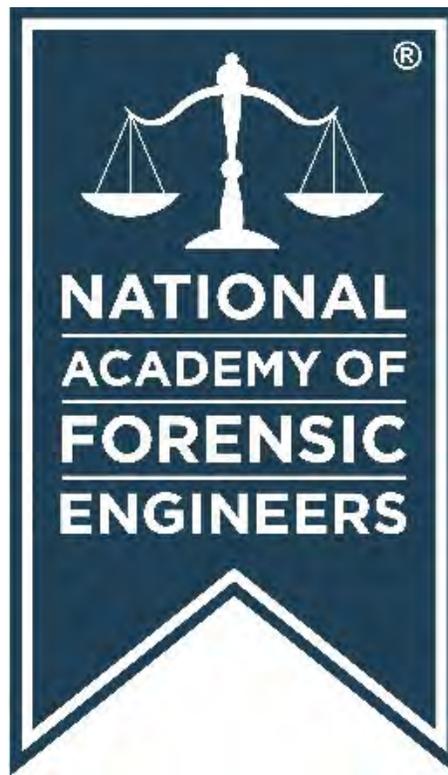
Once the Task Force is formally formed, Sam Sudler will appoint a NAFE representative to serve the appropriate term on the task force.

Sincerely,

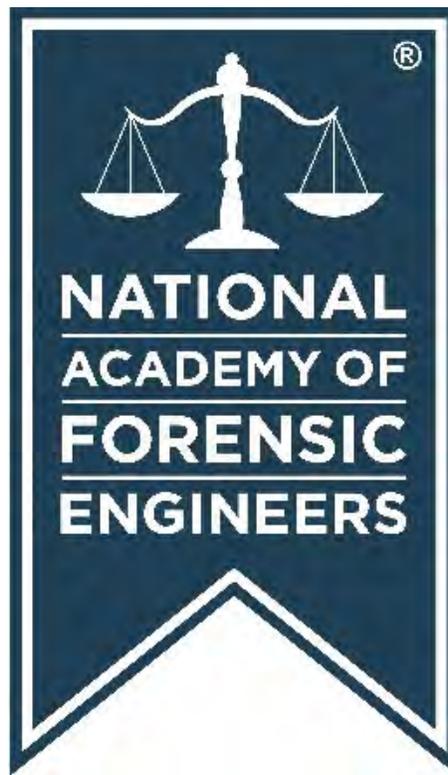
**NATIONAL ACADEMY OF FORENSIC ENGINEERS**

Liberty L. Janson, PE  
2021 NAFE President  
Interim Task Force Member

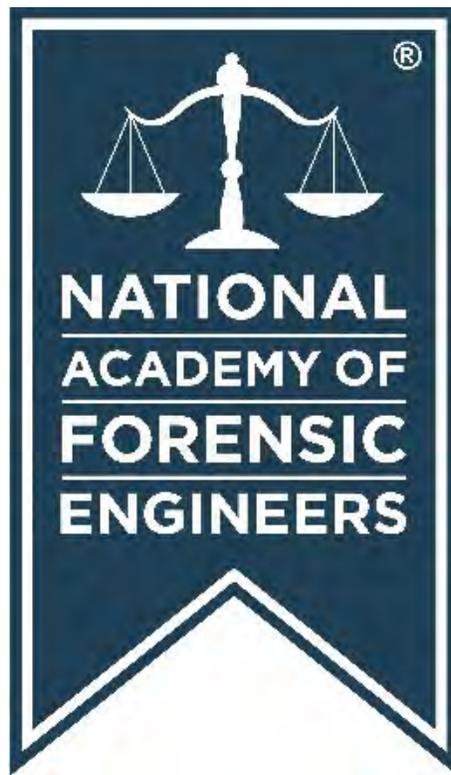
# EXECUTIVE DIRECTOR'S REPORT



# SECRETARY'S REPORT



# TRESURER'S REPORT



# Management Report

National Academy of Forensic Engineers  
For the period ended December 31, 2021

Prepared on  
**January 4, 2022**

## **Table of Contents:**

- 1. Balance Sheet Comparison from 2021 to 2020**
- 2. Profit Loss Comparison from 2021 to 2020**
- 3. Sales by Product Detail 2021**
- 4. Expenses by Vendor Summary 2021**
- 5. 5 year Profit/Loss Summary**

# National Academy of Forensic Engineers

## Balance Sheet

As of December 31, 2021

	TOTAL	
	AS OF DEC 31, 2021	AS OF DEC 31, 2020 (PY)
<b>ASSETS</b>		
Current Assets		
Bank Accounts		
1st Bank Checking	0.00	0.00
Chase Checking	57,708.48	64,115.61
Chase Savings	100,033.36	50,000.90
PayPal	32,718.64	23,311.53
<b>Total Bank Accounts</b>	<b>\$190,460.48</b>	<b>\$137,428.04</b>
Accounts Receivable		
Accounts Receivable	0.00	0.00
<b>Total Accounts Receivable</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Current Assets		
Undeposited Funds	0.00	0.00
<b>Total Other Current Assets</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Total Current Assets</b>	<b>\$190,460.48</b>	<b>\$137,428.04</b>
Fixed Assets		
Property & Equipment, Computers	0.00	0.00
<b>Total Fixed Assets</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TOTAL ASSETS</b>	<b>\$190,460.48</b>	<b>\$137,428.04</b>
<b>LIABILITIES AND EQUITY</b>		
Liabilities		
<b>Total Liabilities</b>		
Equity		
Opening Bal Equity	0.00	0.00
Unrestricted Net Assets	137,428.04	183,203.01
Net Income	53,032.44	-45,774.97
<b>Total Equity</b>	<b>\$190,460.48</b>	<b>\$137,428.04</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$190,460.48</b>	<b>\$137,428.04</b>

# National Academy of Forensic Engineers

## Profit and Loss

January - December 2021

	TOTAL	
	JAN - DEC 2021	JAN - DEC 2020 (PY)
<b>Income</b>		
Application Fees	2,325.00	5,693.75
Interest Income (Dividends)	32.46	53.73
Membership Dues	74,621.66	92,975.00
Miscellaneous Income		
Seminar Income #	90,368.13	56,400.00
<b>Total Miscellaneous Income</b>	<b>90,368.13</b>	<b>56,400.00</b>
Publication Sales	593.82	1,161.53
Sales		0.00
<b>Total Income</b>	<b>\$167,941.07</b>	<b>\$156,284.01</b>
<b>GROSS PROFIT</b>	<b>\$167,941.07</b>	<b>\$156,284.01</b>
<b>Expenses</b>		
Board of Directors		
Travel, BOD Mtgs, to/from (BOD)	584.22	
<b>Total Board of Directors</b>	<b>584.22</b>	
Dues and Subscriptions		360.00
Executive Director		
Contract Fee	43,600.00	85,400.00
Miscellaneous Expense	1,289.60	350.16
Travel (ExecDir)		10,681.22
<b>Total Executive Director</b>	<b>44,889.60</b>	<b>96,431.38</b>
Headquarters Exp		
Office Exp (H/Q)		
Computer & Internet (H/Q)	286.99	
Postage & Shipping (H/Q)	225.07	1,925.82
<b>Total Office Exp (H/Q)</b>	<b>512.06</b>	<b>1,925.82</b>
<b>Total Headquarters Exp</b>	<b>512.06</b>	<b>1,925.82</b>
Journals	25.00	
Editing (Journals)	30,420.40	30,000.00
<b>Total Journals</b>	<b>30,445.40</b>	<b>30,000.00</b>
Other Expenses		
Advertising	2,996.49	5,394.47
Bank Charge	9,036.69	8,043.03
CESB, Annual Dues	200.00	5,300.00
Computer Software, Maint	516.01	619.75
Insurance	1,916.00	1,915.00
Miscellaneous Exp	25.00	148.00
NAFE.org Web Site	3,664.51	5,174.75

# National Academy of Forensic Engineers

## Profit and Loss

January - December 2021

	TOTAL	
	JAN - DEC 2021	JAN - DEC 2020 (PY)
Plaques, Awards & Gifts		318.53
<b>Total Other Expenses</b>	<b>18,354.70</b>	<b>26,913.53</b>
Seminar Exp #		
Meals		
Meals, Bkfst, Exp	2,798.92	10,072.86
Meals, BLun, Exp	3,682.80	13,829.98
Meals, Din, Exp #		8,510.96
<b>Total Meals</b>	<b>6,481.72</b>	<b>32,413.80</b>
Meeting Room, AV Equip	9,189.47	7,259.19
Print Handout Mtls, Handbooks	90.05	1,676.49
Refreshments, AM & PM	4,361.41	4,692.38
<b>Total Seminar Exp #</b>	<b>20,122.65</b>	<b>46,041.86</b>
Treasurer, Office Exp		240.00
Office Supplies (Treas)		146.39
<b>Total Treasurer, Office Exp</b>		<b>386.39</b>
<b>Total Expenses</b>	<b>\$114,908.63</b>	<b>\$202,058.98</b>
NET OPERATING INCOME	<b>\$53,032.44</b>	<b>\$ -45,774.97</b>
NET INCOME	<b>\$53,032.44</b>	<b>\$ -45,774.97</b>

# National Academy of Forensic Engineers

## Sales by Product/Service Detail

January - December 2021

DATE	TRANSACTION TYPE	NUM	CUSTOMER	MEMO/DESCRIPTION	QTY	SALES PRICE	AMOUNT	BALANCE
	Affiliate				44.00		\$6,487.50	
	Application Fee				10.00		\$2,275.00	
	Associate Member				17.00		\$3,825.00	
	Fellow				44.00		\$15,400.00	
	Journal Sales				30.00		\$718.00	
	Life Member				13.00		\$1,300.00	
	Member				75.00		\$18,700.00	
	NAFE Summer Seminar				64.00		\$46,500.00	
	NAFE Winter Seminar				104.00		\$44,530.00	
	Senior				85.00		\$25,450.00	
	Upgrade Application				1.00		\$50.00	
	<b>TOTAL</b>				<b>487.00</b>		<b>\$165,235.50</b>	

# National Academy of Forensic Engineers

## Expenses by Vendor Summary

January - December 2021

	TOTAL
Authnet Gateway	305.60
CESB	200.00
CNA Insurance	0.00
Ellen Parson	30,479.76
InterCity Agency, Inc.	1,916.00
Member Clicks	1,504.90
Merchant Service	8,731.09
Mitch Maifeld	2,047.09
Mohanna Sales Representatives	2,324.00
Nederveld	955.15
NSPE	64,036.70
PayPal	1,360.89
Randi Fischer	30.00
Samuel G Sudler III	584.22
Zenzic Research	1,794.12
<b>TOTAL</b>	<b>\$116,269.52</b>

**National Academy of Forensic Engineers**  
**Profit and Loss**  
2017-2021

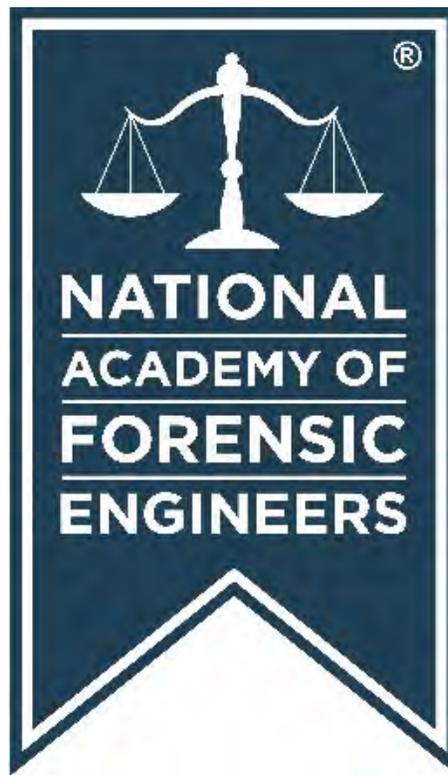
	Total				
	Jan - Dec 2021	Jan - Dec 2020	Jan - Dec 2019	Jan - Dec 2018	Jan - Dec 2017
<b>Income</b>					
Application Fees	2,325.00	5,693.75	6,100.00	5,850.00	2,200.00
Initiation & Upgrade Fees				200.00	
Interest Income (Dividends)	32.46	53.73	361.70	230.88	54.94
Membership Dues	74,621.66	92,975.00	89,575.00	89,013.00	56,175.00
<b>Miscellaneous Income</b>					
# AV Rental			829.60	750.00	
Late Fees, Income #				50.00	
Seminar Income #	90,368.13	56,400.00	155,855.53	147,000.00	196,275.00
<b>Total Miscellaneous Income</b>	<b>\$ 90,368.13</b>	<b>\$ 56,400.00</b>	<b>\$ 156,685.13</b>	<b>\$ 147,800.00</b>	<b>\$ 196,275.00</b>
Publication Sales	593.82	1,161.53	3,810.00	1,725.00	2,405.00
<b>Total Income</b>	<b>\$ 167,941.07</b>	<b>\$ 156,284.01</b>	<b>\$ 256,531.83</b>	<b>\$ 244,818.88</b>	<b>\$ 257,109.94</b>
<b>Gross Profit</b>			<b>\$ 256,531.83</b>	<b>\$ 244,818.88</b>	<b>\$ 257,109.94</b>
<b>Expenses</b>					
<b>Board of Directors</b>					
President, Expenses			3,490.56		
Travel, BOD Mtgs, to/from (BOD)	584.22		1,074.50	3,920.27	3,304.51
<b>Total Board of Directors</b>	<b>\$ 584.22</b>	<b>\$ 0.00</b>	<b>\$ 4,565.06</b>	<b>\$ 3,920.27</b>	<b>\$ 3,304.51</b>
Dues and Subscriptions		360.00	971.76	795.50	
<b>Education/Seminars</b>					
Office Supplies (EdChm)				617.95	921.92
Postage & Shipping (EdChm)				628.65	9.35
Travel Exp			4,269.43		
<b>Total Education/Seminars</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 4,269.43</b>	<b>\$ 1,246.60</b>	<b>\$ 931.27</b>
<b>Executive Director</b>					
Contract Fee	43,600.00	85,400.00	80,000.00	80,000.00	78,325.00
Lodging & Meals (ExecDir)			209.32	914.60	43.00
Miscellaneous Expense	1,289.60	350.16	2,152.34		
Stipend (ExecDir)				79.96	
Travel (ExecDir)		10,681.22	13,231.49	12,712.55	1,738.39
<b>Total Executive Director</b>	<b>\$ 44,889.60</b>	<b>\$ 96,431.38</b>	<b>\$ 95,593.15</b>	<b>\$ 93,707.11</b>	<b>\$ 80,106.39</b>
<b>Executive Director Emeritus</b>					
Expenses				178.50	
Lodging				61.11	388.36
				1,238.92	1,340.98

Travel						785.85		2,973.69		
<b>Total Executive Director Emeritus</b>	<b>\$</b>	<b>0.00</b>	<b>\$</b>	<b>0.00</b>	<b>\$</b>	<b>0.00</b>	<b>\$</b>	<b>2,264.38</b>	<b>\$</b>	<b>4,703.03</b>
Headquarters Exp										
Office Exp (H/Q)										
Computer & Internet (H/Q)		286.99				1,958.50		903.75		1,236.52
Office Supplies (H/Q)						45.05		701.48		
Postage & Shipping (H/Q)		225.07		1,925.82		1,518.23		1,004.58		478.79
<b>Total Office Exp (H/Q)</b>	<b>\$</b>	<b>512.06</b>	<b>\$</b>	<b>1,925.82</b>	<b>\$</b>	<b>3,521.78</b>	<b>\$</b>	<b>2,609.81</b>	<b>\$</b>	<b>1,715.31</b>
<b>Total Headquarters Exp</b>	<b>\$</b>	<b>512.06</b>	<b>\$</b>	<b>1,925.82</b>	<b>\$</b>	<b>3,521.78</b>	<b>\$</b>	<b>2,609.81</b>	<b>\$</b>	<b>1,715.31</b>
Journals		25.00								
Editing (Journals)		30,420.40		30,000.00		30,706.60		30,000.00		30,667.07
Printing & Mailing (Journals)										18,451.21
<b>Total Journals</b>	<b>\$</b>	<b>30,445.40</b>	<b>\$</b>	<b>30,000.00</b>	<b>\$</b>	<b>30,706.60</b>	<b>\$</b>	<b>30,000.00</b>	<b>\$</b>	<b>49,118.28</b>
Newsletters										
Editing (Newsltrs)						-5,000.00				3,000.00
<b>Total Newsletters</b>	<b>\$</b>	<b>0.00</b>	<b>\$</b>	<b>0.00</b>	<b>-\$</b>	<b>5,000.00</b>	<b>\$</b>	<b>0.00</b>	<b>\$</b>	<b>3,000.00</b>
Other Expenses										
Advertising		2,996.49		5,394.47		6,527.30		4,003.41		813.68
Bank Charge		9,036.69		8,043.03		10,198.20		9,813.50		7,866.67
CESB, Annual Dues		200.00		5,300.00		10,600.00				5,300.00
Computer Software, Maint		516.01		619.75		589.75		479.76		
Insurance		1,916.00		1,915.00		1,915.00		2,326.00		2,106.00
Membership Audit						7,108.10				
Miscellaneous Exp		25.00		148.00		25.00		4,626.40		3,695.00
NAFE.org Web Site		3,664.51		5,174.75		6,088.75				
Plaques, Awards & Gifts				318.53		1,290.44		469.76		206.05
Prof Services, Accout & Legal						8,967.00		4,574.50		4,748.50
<b>Total Other Expenses</b>	<b>\$</b>	<b>18,354.70</b>	<b>\$</b>	<b>26,913.53</b>	<b>\$</b>	<b>53,309.54</b>	<b>\$</b>	<b>26,293.33</b>	<b>\$</b>	<b>24,735.90</b>
Public Relations										
Travel Exp (PR - Sem Asst)										1,160.24
<b>Total Public Relations</b>	<b>\$</b>	<b>0.00</b>	<b>\$</b>	<b>0.00</b>	<b>\$</b>	<b>0.00</b>	<b>\$</b>	<b>0.00</b>	<b>\$</b>	<b>1,160.24</b>
Seminar Exp #										
Meals										2,090.78
Meals, Bkfst, Exp		2,798.92		10,072.86		19,952.21		19,109.83		11,602.04
Meals, BLun, Exp		3,682.80		13,829.98		22,456.06		19,850.63		17,381.80
Meals, Din, Exp #				8,510.96		22,188.26		14,073.47		14,350.55
<b>Total Meals</b>	<b>\$</b>	<b>6,481.72</b>	<b>\$</b>	<b>32,413.80</b>	<b>\$</b>	<b>64,596.53</b>	<b>\$</b>	<b>53,033.93</b>	<b>\$</b>	<b>45,425.17</b>
Meeting Room, AV Equip		9,189.47		7,259.19		19,220.23		8,812.76		11,789.03
Print Handout Mtls, Handbooks		90.05		1,676.49		1,220.45		349.30		
Refreshments, AM & PM		4,361.41		4,692.38		7,230.39		5,829.79		3,071.52
Registration Refunds								190.05		

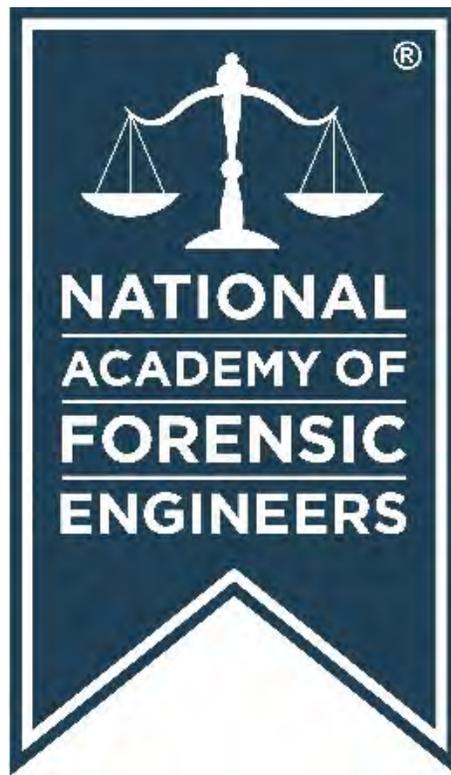
<b>Total Seminar Exp #</b>	<b>\$</b>	<b>20,122.65</b>	<b>\$</b>	<b>46,041.86</b>	<b>\$</b>	<b>92,267.60</b>	<b>\$</b>	<b>68,215.83</b>	<b>\$</b>	<b>60,285.72</b>
<b>Treasurer, Office Exp</b>				240.00		60.00				
<b>Office Supplies (Treas)</b>				146.39		610.00		70.34		46.08
<b>Total Treasurer, Office Exp</b>	<b>\$</b>	<b>0.00</b>	<b>\$</b>	<b>386.39</b>	<b>\$</b>	<b>670.00</b>	<b>\$</b>	<b>70.34</b>	<b>\$</b>	<b>46.08</b>
<b>Unapplied Cash Bill Payment Expense</b>		0.00		0.00		0.00		0.00		0.00
<b>Total Expenses</b>	<b>\$</b>	<b>114,908.63</b>	<b>\$</b>	<b>202,058.98</b>	<b>\$</b>	<b>280,874.92</b>	<b>\$</b>	<b>229,123.17</b>	<b>\$</b>	<b>229,106.73</b>
<b>Net Operating Income</b>	<b>\$</b>	<b>53,032.44</b>	<b>-\$</b>	<b>45,774.97</b>	<b>-\$</b>	<b>24,343.09</b>	<b>\$</b>	<b>15,695.71</b>	<b>\$</b>	<b>28,003.21</b>
<b>Net Income</b>	<b>\$</b>	<b>53,032.44</b>	<b>-\$</b>	<b>45,774.97</b>	<b>-\$</b>	<b>24,343.09</b>	<b>\$</b>	<b>15,695.71</b>	<b>\$</b>	<b>28,003.21</b>

Tuesday, Jan 04, 2022 07:24:15 AM GMT-8 - Cash Basis

# PRESIDENT'S REPORT



# OLD BUSINESS



**Hyatt Regency Toronto  
370 King Street West  
Toronto, Ontario M5V 1J9**

**GROUP SALES CONTRACT**

Date Prepared: Wednesday, May 6, 2020

Official Event Dates: Wednesday, July 20, 2022 – Monday, July 25, 2022

GROUP INFORMATION		HOTEL INFORMATION	
Group Name	National Academy of Forensic Engineers	Hotel Contact:	Steven Barclay
Contact Name	Arthur Schwartz, CAE	Contact Phone	416-595-2587
Contact Title	NAFE Executive Director	Email Address	<a href="mailto:Steven.barclay@hyatt.com">Steven.barclay@hyatt.com</a>
Mailing Address	1420 King Street Alexandria, VA 22314		
Email Address	<a href="mailto:Aschwartz@nspe.org">Aschwartz@nspe.org</a>	Main Phone	416-343-1234
Phone Number	703-684-2845	Guest Fax	416-599-7394
Event Name	NAFE 2022 Summer Meeting		

**Hyatt Corporation as agent of KING STREET ENTERPRISES LIMITED d/b/a HYATT REGENCY TORONTO("Hotel"),** hereinafter referred to as "Hotel" or "we," and **National Academy of Forensic Engineers,** hereinafter referred to as "NAFE," "Group," "you," or "your," agree to this contract, hereinafter referred to as "Contract," as follows:

**DATE AVAILABILITY**

The Hotel agrees to hold the space listed below on a tentative basis until **Friday, May 29, 2020**. If the Hotel does not have a signed Contract on **Friday, May 29, 2020**, the Hotel will release the space for sale to the public. If another party receives a request more than 72 hours in advance of this date, the Hotel will notify Group and Group will have 72 hours from the time of notification by the Hotel to confirm by signature of this Contract or release the space.

**ROOM BLOCK**

Day	WED	THU	FRI	SAT	SUN		TOTAL
<b>Date- 2022</b>	07/20	07/21	07/22	07/23	07/24		
<b>ROH: Single/Double</b>	0	9	64	64	19		<b>156</b>
<b>Upgraded View Rooms</b>	0	10	10	10	10		<b>40</b>
<b>Corner Rooms</b>	1	2	2	2	2		<b>9</b>
<b>One Bedroom Suites</b>	2	2	2	2	2		<b>10</b>
<b>Staff</b>	2	2	2	2	2		<b>10</b>
<b>Total Rooms</b>	<b>5</b>	<b>25</b>	<b>80</b>	<b>80</b>	<b>35</b>		<b>225</b>

**Total Room Nights**

The Hotel and the Group agree that the above room block shall be held for the Group at the guest room rates agreed to by the parties in this Contract subject to the terms and conditions of this Contract.

## **GUEST ROOM RATES**

The Hotel confirms the following guest room rates for **2022**:

Single Occupancy:	CAD \$255.00
Double Occupancy:	CAD \$255.00
Triple Occupancy:	CAD \$280.00
Quadruple Occupancy:	CAD \$305.00
Upgraded View Rooms :	CAD \$255.00
Corner Rooms:	CAD \$255.00
One Bedroom Suites:	CAD \$127.50
Staff:	CAD \$127.50

## **RATE INFORMATION**

All suite prices are quoted with one bedroom. These rates are subject to the applicable state, local and any occupancy taxes in effect at the time of the Group's meeting. These taxes are currently 13% HST and 4% MAT room night occupied.

Hotel agrees that the Group will be guaranteed the lowest rate in-house over the meeting dates. Exceptions include negotiated volume corporate business and/or government accounts, airline crew rooms and other similar agreements. This guarantee applies to rates made available to the general public, either through the Hotel reservation department, 800 reservation service, or any online distribution channel, other than online channels where a customer cannot choose the hotel or brand, i.e. Priceline. Should a lower rate be discovered before cut-off, the Hotel agrees to either 1) offer that lower rate to any of the Group's attendees who meet the booking restrictions of the lower rate or 2) remove the lower rate from all distribution channels within 48 business hours.

## **COMMISSION**

Room revenue is commissionable at ten percent (10%) to Experient Inc., a Maritz Global Events Company (hereinafter "Experient"). Hotel agrees that the commission paid by Hotel to Experient for booking this meeting, as authorized agent of record, will not be reflected or passed on to the Group in the form of higher room rates charged. Hotel and Group further agree that commissionability for the booking of this meeting is noncancelable and nontransferable to another party. Commission payments shall be payable to "Experient" and sent to Experient, Inc., P.O. Box 74008578, Chicago, IL 60674-8578, USA. Commissions will not be paid, on Staff Room Block, rooms that are already commissionable to another 3rd party, corporate negotiated and government rates.

## **ECONOMIC RATE REVIEW**

Hotel represents that the Group Room Rates applicable to Group's Event Participants will be kept competitive in order to provide an incentive for Event Participants to stay at Hotel and allow Group to meet its performance obligations. Hotel will review rates prior to Group publishing them or opening housing (at least six months prior to meeting date) to determine if rates are aligned with the then current economic conditions factoring in the market rate for comparable hotel sleeping rooms at the time of the scheduled conference. If economic conditions deem necessary, Hotel will reduce the rate. Any change to the rate will be mutually agreed upon by Hotel and Group, and will not exceed the prevailing rate offered to the public or other like groups either by the Hotel directly or through any of their reservation methods including any online reservation companies. Any existing reservations that may have been reserved at the previous higher rate will be adjusted to the new lower rate and communicated by the Hotel to the Event Participant.

**GUEST ROOM MINIMUM**

**Attrition**

Should the Group not use and pay for at least **80%** of the final adjusted room block (“Minimum Commitment”) that has been mutually agreed upon in writing at **180** days prior to arrival, the Group shall pay the Hotel an attrition charge as liquidated damages, not a penalty, calculated as follows:

1. Determine the **Minimum Commitment** by multiplying the number of rooms blocked per night by **80%**, then subtract actual Group pickup including miscoded and relocated rooms.
2. Determine the number of **Unsold Rooms Available for Sale** in the Hotel by subtracting out of order rooms from total inventory, then subtract total occupancy, including Group rooms.
3. For each night, Group will pay the sum of the amount equal to the lost profit on the rooms revenue: **75%** of Group's single rate times either the **Minimum Commitment** or **Unsold Rooms Available for Sale** for the night, whichever is lower.

If Group exceeds the room block on any night, those room nights will be credited to night(s) where the minimum commitment is not met. Prior to the billing for the attrition charge, Hotel must submit to Group a copy of the city ledger or daily occupancy report documenting that the rooms were not resold and were available for sale. Hotel agrees that after receipt of this attrition charge it will not seek additional performance damages.

**RESERVATION METHOD AND INFORMATION**

Rooming List <input type="checkbox"/>	Individual Call-in* <input checked="" type="checkbox"/>	Experient Housing <input type="checkbox"/>	Own Form* <input type="checkbox"/>	Housing Bureau <input type="checkbox"/>	Passkey by Hotel <input checked="" type="checkbox"/>
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\*Individuals may make reservations directly with the Hotel by call-ins, reservation card or form, via the Internet, or other channels available to groups.

Hotel agrees to send, at no charge, confirmation of reservations and/or reservation changes to the registered guests within seven days of receipt of such information.

The room block and reservation procedures will be available through all of Hyatt’s normal distribution channels.

Requests for room assignments may also be made by calling either 888-421-1442 toll free or 416-343-1234.

If the Group uses its own form, the Hotel must review the reservation form prior to mailing to Group’s members. This will allow us the opportunity to review for completeness and accuracy.

At the Group’s request, Hotel’s in-house guest list will be compared with Group’s registration list. Any guest room occupied by an individual on Group’s registration list, but not coded to Group within Hotel’s system, will be credited to Group’s pickup. Furthermore, these rooms will be commissionable to Experient as long as the reservation was made through the Group’s official housing service, Hyatt.com or other standard Hyatt distribution channels, i.e., 800#. Hotel will not commission rooms already commissionable to another third party or through another third-party merchant model such as Expedia, Hotels.com, etc. Hotel may either compare lists along with a representative of the Group or permit an Experient and/or Group representative to do so independently. The Group and Experient agree to maintain the confidentiality of such list.

## CHECK-IN/CHECK-OUT

Individual check-in prior to Hotel's published check-in times is subject to availability.

Check-in Time: 4:00 PM.

Check-out Time: 12:00 Noon.

## DISHONORED RESERVATIONS

If the Hotel is unable to provide a room to a Group attendee holding a confirmed reservation, Hotel will, at its own expense, provide comparable accommodations and transportation to and from the substitute hotel for each day during which Hotel cannot provide the room. Additionally, the Hotel will provide two complimentary five minute phone calls. Upon return to the Hotel, Hotel will provide a note of apology and every attempt will be made to place the guest in an upgraded accommodation. The Hotel will credit the Group for all room nights and room revenue from Dishonored Reservations for purposes of calculating any material term of this Contract such as room block performance or earned concessions.

## CUTOFF DATE

All individual reservations and/or rooming lists must be received at the Hotel on or before the cutoff date of **Thursday, June 30, 2022**. Any reservations which are not received on or before the cutoff date will be accepted by the Hotel on a space available basis at the best available rate at the time of reservation and will be credited to the Group's guest room pickup.

Hotel will extend the group rate three days before and three days after Group's room block dates, on a space availability basis. Any rooms booked 3 days pre/post will be credited to the group on a cumulative basis for the purposes of rooms pickup, commission, concessions and any attrition calculations.

## COMPLIMENTARY ROOMS

The Hotel agrees to provide the Group with one complimentary room per every 40 revenue producing units occupied on a cumulative basis. This shall be computed by adding together the total paid room usage and dividing by 40. These credits for units may be applied as follows:

Room Type	Units Applied
ROH (Run of House)	1 Unit per day

## CONCESSIONS

Hotel will provide the following additional concessions:

- Two (2) Discounted One Bedroom Suites at 50% off Group Rate for duration of program (**Savings: CAD \$2,245.00**)
- Two (2) upgrades for VIPs to Corner Rooms at Group Rate for duration of Program (**Savings: CAD \$1,000.00**)
- Ten (10) Upgrades to High-Level View Rooms at Group Rate for duration of Program (**Savings: CAD \$5,000.00**)
- Two (2) Discounted Staff Rooms at 50% off Group Rate for duration of event (**Savings: \$1,245**)
- Two (2) complimentary amenities for VIPs (Chef's Choice) (**Savings: CAD \$100.00**)
- Complimentary internet in all guest rooms
- Complimentary basic internet in all meeting space for all NAFE attendees each day (**Savings: CAD \$750.00 per day**)
- Hotel agrees to provide 2 complimentary room nights of hotel accommodations for pre-planning meetings, based on availability (**Savings: \$498**)
- Hotel agrees to provide an additional 2 room nights of hotel accommodations for pre-planning meetings at 50% off Group Rate, based on availability (**Savings: \$249**)

- Waived Meeting Room Rental (**Savings: CAD \$6,000.00**).
- Hotel will provide stage risers on a complimentary basis.
- Hotel agrees to provide complimentary access to their 24-hour fitness center to all attendees.
- Hotel will provide Group with use of their digital display signage on a complimentary basis.
- There will be no surcharges for bringing in an outside audio visual contractor (**Savings: CAD \$400.00 per day**). If, however, Group requires assistance from Hotel's AV provider while onsite then standard labor charges will apply.
- Hotel will provide a 50% discount off of prevailing speaker phone rates, including a direct dial phone line (Current cost is \$100 per day). Long Distance will require an additional fee.
- Double Hyatt Gold Passport Points (up to 100,000 points) awarded to Arthur Schwartz (Hyatt #: **536287949E**)
- Facilities to provide access and use of existing wall outlets in breakout rooms for the purpose of plugging in AV and computer equipment at no charge to the group.
- Hotel will provide one active complimentary house phone that has outside call capability. Group will pay for all outgoing calls at prevailing Hotel rates.
- There will be no charge for pencils, pads, and pens provided by Hotel in function rooms that are not set theater style.
- Hotel will provide complimentary easels outside of function room and in hallways or foyers for signage placement, not to exceed Hotel's inventory.
- There will be no charge for receiving and handling of the Group's registration and meeting materials.
- Hotel will provide one complimentary microphone and hotel sound system in each function room set for 60 or more people for each day requested, provided the function room has a built-in sound system.

**GUARANTEE**

All reservation requests will require a credit card guarantee, a one night's deposit, or a guarantee to the Master Account. Deposits will be refunded for rooms canceled more than 48 hours prior to arrival. Name changes to room reservations may be made prior to arrival at no charge. Name changes to room reservations may be made prior to arrival at no charge.

**PAYMENT PROCEDURE**

<b>Master includes</b>	<b>Account</b>	Room and Tax <input checked="" type="checkbox"/> <b>VIP/Staff as indicated</b>	Incidentals <input type="checkbox"/>	Group Functions <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
<b>Individuals pay</b>		Room and Tax <input checked="" type="checkbox"/>	Incidentals <input checked="" type="checkbox"/>		

**CREDIT ARRANGEMENTS**

In the event that the Group wishes to set up direct billing for the Master Account, a credit application must be completed and returned no later than three months prior to arrival in order to be processed for approval. Credit procedures will be provided by the Hotel upon the request of the Group for a credit application.

In the event that credit is not requested or is not approved, payment of 50% of the Group's total estimated Master Account will be due to the Hotel 30 days prior to arrival with the balance due upon departure. If such a deposit is required, it is considered to be a material term of this Contract.

If credit is approved, undisputed amounts invoiced but not paid within thirty days of the date of receipt of invoice will be assessed an interest charge equal to 1.5% per month or the maximum allowed by state law.

**PROGRAM OF EVENTS**

The Hotel is currently holding function space based on the following Program of Events:

Day	Date	Time	Event	Set-up	#	Room Assignment
Wed	July 20, 2022	6:00 AM – 24 Hour	Storage	Storage		Executive Boardroom
Thurs	July 21, 2022	24 Hour Hold	Storage	Storage		Executive Boardroom
Fri	July 22, 2022	24 Hour Hold	Storage	Storage		Executive Boardroom
Fri	July 22, 2022	7:00 am – 5:00 pm	Board Meeting	Hollow Square for 20 with 20 perimeter seats	40	King I
Fri	July 22, 2022	6:00 pm – 9:00 pm	Reception & Dinner	Rounds of 8	85	King II
Sat	July 23, 2022	24 Hour Hold	Storage	Storage		Executive Boardroom
Sat	July 23, 2022	7:00 am – 1:00 pm	Meal Room	Rounds of 8	85	King II
Sat	July 23, 2022	7:00 am – 24 Hour	Session 1	Classroom (2 per 6')	85	King 1
Sat	July 23, 2022	1:00 pm – 24 Hour	Breakout 1	Classroom (2 per 6')	40	Regency A
Sat	July 23, 2022	1:00 pm – 24 Hour	Breakout 2	Classroom (2 per 6')	40	Regency B
Sat	July 23, 2022	6:00 pm – 7:00 pm	Cash Bar Reception	Reception	85	King II
Sat	July 23, 2022	7:00 pm – 9:00 pm	Dinner	Rounds of 8	85	King II
Sun	July 24, 2022	24 Hour Hold	Storage	Storage		Executive Boardroom
Sun	July 24, 2022	24 Hour – 1:00 pm	Meal Room	Rounds of 8	85	King II
Sun	July 24, 2022	24 Hour – 5:00 pm	Session 1	Classroom (2 per 6')	85	King 1
Sun	July 24, 2022	24 Hour – 5:00 pm	Breakout 1	Classroom (2 per 6')	40	Regency A
Sun	July 24, 2022	24 Hour – 5:00 pm	Breakout 2	Classroom (2 per 6')	40	Regency B

**FUNCTION SPACE ARRANGEMENTS**

Meeting room rental for this program is Complimentary.

There will be no meeting room rental, set-up or labor charges other than those, if any, specified herein.

The Group agrees to promptly notify the Hotel of any changes in its function or meeting space requirements. All fees for meeting and function space are subject to applicable taxes.

This booking by Group is based upon Hotel’s agreement to provide the specific function space assignments and/or minimum square footage and ceiling height requirements specified in this Contract. No changes will be made to function space assignments without the written consent of both parties.

**National Academy of Forensic Engineers** is the only name having to do with this meeting that is permitted to appear on Hotel reader board, marquee, portfolio, and any invoices. Experient is not the client and its name cannot appear on any of these documents or displays.

A complete line of audiovisual equipment is available through the Hotel. To ensure availability of equipment, all orders must be received three days prior to each function. Estimated costs will be provided by the Hotel’s on site audio/visual company at the time the equipment needs are submitted. Arrangements will be made with third parties for items that the Hotel cannot supply.

**USE OF OUTSIDE SUPPLIERS**

Group reserves the right to utilize the supplier of its choice for services or rentals except in the areas of catering. There will be no surcharges added to bring in an outside supplier.

If Group chooses, and Hotel allows Group to use an outside supplier, Group will require that the outside supplier indemnify Hotel from any liability arising out of that supplier's use of the Hotel facility and provide proof of insurance to the Hotel.

**CATERING**

All Food and Beverage arrangements must be made through the Hotel. Licensing restrictions require that only Hyatt purchased food and beverage can be served on Hotel property. The Hotel reserves the right to cease service of alcoholic beverages in the event that persons under the state mandated age limit are present at the function and attempt to receive service of alcoholic beverages. Hotel further reserves the right to deny alcoholic beverage service to guests who appear to be intoxicated.

Menu pricing will be guaranteed six months prior to Group's arrival. Where food and beverage functions have been scheduled, the number of people indicated to attend will be considered the final guarantee, not subject to reduction and charges will be made accordingly, unless the Hotel is notified no later than two working days in advance. The Hotel will set and be prepared to serve 5% over this guarantee.

Waitstaff at all meal functions: there will be at least one wait person for every:

**Sit-Down or Plated Meal**

25 guests at breakfast  
20 guests at lunch/dinner

**Buffet Meal**

40 guests at breakfast  
30 guests at lunch/dinner

There will be no extra service or labor charges for these service ratios.

At all functions catered by Hotel where alcohol is served, there will be no less than one bartender for every 75 people for hosted bars and one bartender for every 100 people for cash bars, and there will be no bartender or server fees. Hotel shall adhere to all federal and state laws regulating the sale and service of alcoholic beverages.

Service fees for minimum number of meals purchased for sit-down meal functions will be waived. There will be no other special labor or service fee(s) for any Group food and/or beverage functions.

If the Hotel offers a full service off-premises catering operation to service events held at major locations, the Group agrees to provide the Hotel with an option to bid on catering services at any off-premise event sponsored by the Group during or in conjunction with the Group's meeting.

**Food and Beverage Performance**

Hotel is relying on, and Group agrees to provide, a minimum of **CAD \$18,000** (80% of the total anticipated banquet food and beverage revenue) in food and beverage revenue, exclusive of tax and service charges. If Group's total actual food and beverage revenue slips below this amount, Group agrees to pay the lost profit on the food and beverage revenue: 35% of the difference between the agreed minimum and the actual total food and beverage revenue. The Hotel and Group agree (a) that the above formula is a reasonable estimate of the Hotel's damage in the event the minimum set forth in this section is not met and (b) that the liquidated damages set forth in this section do not constitute a penalty.

## CANCELLATION

Group agrees that it has no right to cancel this Contract for the purpose of changing its meeting site to another city or location. However, if Group cancels this Contract anytime after confirmation for reasons other than those specified herein, the Group shall pay a cancellation charge to the Hotel based upon the following scale:

<i>Date of Cancellation</i>	<i>Cancellation Charge: % of Total Room Profit</i>
Date of signature to May 30, 2021	20% *
From May 31, 2021 to Nov. 30, 2021	40% *
From Dec. 1, 2021 to April 19, 2022	60% *
On or after April 20, 2022	80% *

\*European Plan (EP) room profit: 75% of Group's single room rate, less rooms resold and less rooms unavailable for sale

The cancellation charge will be calculated by using the specified number of days from the time the Group cancels prior to the major arrival date, according to the following formula:

1. Determine the **Maximum Cancellation Charge** by multiplying the number of rooms blocked per night by the applicable percentage in the scale.
2. Determine the number of **Unsold Rooms Available for Sale** in the Hotel by subtracting out of order rooms and total occupancy from Hotel's total inventory.
3. For each night, Group will pay the sum of the amount equal to the lost profit on the rooms revenue: 75% of Group's single rate times either the **Maximum Cancellation Charge** or **Unsold Rooms Available for Sale** for the night, whichever is lower.

The cancellation charge will be considered liquidated damages, not a penalty, and Group will only be charged for rooms that are not resold and remain available for sale. Prior to the billing for the cancellation charge, Hotel must submit to Group a copy of the city ledger or daily occupancy report documenting that the rooms were not resold and were available for sale. Hotel agrees that after receipt of the cancellation charge it will not seek additional cancellation damages.

## RIGHTS OF TERMINATION FOR CAUSE

Except as otherwise provided in the Contract, neither party shall have the right to terminate its obligations under this Contract. This Contract is, however, subject to termination for cause without liability to the terminating party, under any of the following conditions:

- a. In the event of a Force Majeure (as defined below), each party's obligations and the time period for the performance of such obligations shall be adjusted to the extent and for the amount of time such party is prevented, hindered, or delayed in its ability to conduct the event or perform the services during the period of such Force Majeure. "**Force Majeure**" shall mean one or more of the following having a material and adverse effect on the Hotel: (i) a travel restriction issued by a governmental agency (ii) acts of God, war, government regulations, disaster, acts of terrorism, strikes or threat of strikes (exception: Hotel may not terminate this Agreement for situations involving the Hotel's employees), civil disorder, or curtailment, (iii) disruption to local, national or international transportation preventing at least 25% of the contracted participants from attending, (iv) epidemics or pandemics such that the U.S. Centers for Disease Control, the comparable health authorities in Hotel's jurisdiction and/or the World Health Organization issue travel alerts or warnings recommending against non-essential travel to Hotel's location, or (v) any other emergency beyond the control of either party making it inadvisable, illegal, or impossible to provide the facilities or to hold the meeting or creates a significant risk to the health and safety of participants. Due to Force Majeure, this Agreement may be terminated

without a cancellation charge, or partially performed without a performance or attrition charge, for any of the above reasons by written notice from one party to the other. Upon Group's written request, any Event (a) may be rescheduled until such time as the Force Majeure event has been reasonably determined to have ended without a performance or attrition charge, or (b) may be canceled, without a cancellation charge and Hotel will promptly (i) refund to the Group all amounts previously paid by Group to the Hotel in connection with such Program and (ii) compensate Group for direct and indirect costs incurred by it in relocating its meeting.

b. Hotel shall promptly notify Group of any material nonemergency construction or remodeling to be performed in the Hotel immediately prior to or over the meeting dates and Hotel agrees that any such occurrence shall not interfere in any way with Group's use of the Hotel. Should construction or remodeling be mutually determined to interfere with Group's meeting, Group will be considered to have cause to terminate this Contract without liability with written notice to Hotel as long as such notice is taken within 30 days of Group's receipt of notice of unacceptable construction or remodeling.

c. In the event that either party shall make a voluntary or involuntary assignment for the benefit of creditors or enter into bankruptcy proceedings prior to the date of the Group's meeting, the other party shall have the right to terminate this Contract without liability upon written notice to the other.

d. The Hotel shall promptly notify the Group if there is a change in the management company, which operates the Hotel prior to the meeting, and Group shall have the right to terminate this Contract without liability upon written notice to the Hotel.

e. Hotel agrees that it will not book any groups that are in direct competition with Group during the same or overlapping period of time. Hotel will be given enough information to understand the needs and objectives of Group, and will be responsible for communicating to Group the existence of a booking which is in direct conflict with the activities, products, or objectives of Group. The Hotel also agrees to discuss with Group any potential bookings that are similar in nature to Group, to ensure the utmost confidentiality of its meeting. Hotel guarantees that should such a conflicting booking occur, Group has the right to terminate this Contract without liability as long as such notice is taken within 30 days of Group's receipt of notice of a conflicting booking.

The phrase "without liability" wherever used in this Contract shall be deemed to include a refund by the Hotel of all deposits and prepayments. Such refund shall be made within ten days of the notice of termination.

#### **INDEMNIFICATION AND HOLD HARMLESS**

Hotel agrees to defend, indemnify and hold harmless Group from and against all claims, actions, causes of action, or liabilities, including reasonable attorneys' fees, arising out of or resulting from the negligence or misconduct of Hotel pursuant to the performance of its obligations under this Agreement. Hotel also agrees to defend, indemnify and hold harmless Group from any liability resulting from any claim, action or cause of action, which may be asserted by third parties arising out of the negligence or misconduct of Hotel pursuant to the performance of this Agreement.

Group agrees to defend, indemnify, and hold harmless Hotel from and against all claims, actions, causes of action, or liabilities, including reasonable attorneys' fees, arising out of or resulting from the negligence or misconduct of Group or any outside suppliers hired or engaged by the Group in connection with the performance of Group's obligations under this Agreement. Group also agrees to defend, indemnify, and hold harmless Hotel from any liability resulting from any claim, action or cause of action, which may be asserted by third parties arising out of the negligence or misconduct of Group pursuant to the performance of this Agreement.

#### **ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)**

Hotel facilities, including but not limited to, meeting space, restrooms, other common areas, sufficient guest rooms and any transportation services shall be reasonably accessible and usable by persons with disabilities. We shall attempt to identify in advance any special needs of registrants, faculty and guests with a disability requiring accommodation at the Hotel. You will notify us of such needs as soon as they are identified to your group. We shall notify you of every request for accommodation which we may receive otherwise than through your group to facilitate identification by you of its own accommodation obligations. You will provide us with the specific number of sleeping rooms requiring accessibility for persons with disabilities and shall notify us if any member of your group has a special need at least one month prior to the meeting date. We will provide any aids or services that we have available or will attempt to provide such aids as required. You will be responsible for making all auxiliary aids and services available to participants who indicate they have a special need for those aids in connection with their participation in your group's function.

#### **HUMAN RIGHTS/COMBATING HUMAN TRAFFICKING**

Hyatt has taken an aggressive stance on identifying and working to prevent human trafficking, including sex and labor trafficking of adults and children, within our sphere of influence. Hyatt's statement relating to Human Rights and Combating Human Trafficking is available at <https://about.hyatt.com/en/hyatt-thrive/human-rights.html>.

**Mutual Cooperation in Identifying Special Needs** - The Group shall identify in advance any special needs of disabled registrants, faculty and guests requiring accommodation by the Hotel and will notify the Hotel of such needs for accommodation in writing as soon as they are identified to the Group. Whenever possible, the Group shall copy the Hotel on correspondence with attendees who indicate special needs as covered by ADA. The Hotel shall notify the Group of requests for accommodation which it may receive otherwise than through the Group to facilitate identification by the Group of its own accommodation obligations or needs as required by ADA. Hotel and Group will each indemnify and hold the other harmless from any liability arising from ADA violations by the indemnifying party.

#### **INSURANCE**

Group and Hotel are required to insure their obligations set forth in the section entitled "Indemnification and Hold Harmless" above, and to provide evidence of such insurance upon request. For any activity introduced onto the premises by an outside contractor hired by Group, Group will be fully responsible for the actions of such outside contractor. Upon request, Group will provide a certificate of insurance covering the actions of such outside contractor, naming the Hotel and Hyatt Corporation as additional insureds with regard to the activities of such outside contractor.

#### **CHARGES ADDED AFTER CONTRACT EXECUTION**

Group and/or the individual Group attendees will not be liable for any additional charges such as energy surcharges, resort fees, or any other charges that are added to the individual or Group guest room folio ("charges") other than those specified in this Contract unless Group agrees to such charges in writing or unless such charges are in the form of an additional tax, city ordinance or state or federal law.

## **HYATT PRIVACY POLICY**

Hotel complies with the Global Privacy Policy for Guests which is available at <http://privacy.hyatt.com> (the "Privacy Policy"). Group acknowledges that it has read the Hyatt privacy policy at <http://privacy.hyatt.com> and that Group shall obtain the consent of its event attendees to disclose attendee personal information to Hotel for purposes as set forth in this Contract. Further, Hotel will protect and use personal data about Guests that Hotel receives in connection with its performance of this Agreement and as set forth in the Privacy Policy.

## **ARBITRATION**

The parties agree that any and all claims, controversies or disputes between the parties which arise out of or relate in any way to this Contract or a breach thereof and which the parties are unable to resolve informally shall be submitted to binding arbitration in a neutral state (to be decided) that has a Hyatt hotel. Arbitration will be conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association, or such other dispute resolution provider as otherwise agreed to by the parties. The parties expressly agree that this arbitration shall be final and binding on the parties and judgment may be entered upon the award and may be enforced by appropriate judicial action in any state or federal court having jurisdiction thereof. The parties agree that the arbitrator shall award to the prevailing party in arbitration the reasonable attorney's fees and costs expended in connection with any arbitration conducted under this provision.

## **ENTIRE AGREEMENT**

This Contract plus any attachments contains all of the terms, conditions, benefits and liabilities agreed upon by the parties with respect to the subject matter of this Contract and supersedes any previous communications between the parties, whether written or oral.

## **NOTICE; CHANGES.**

Any changes to these terms must be made in writing and signed by both parties to be effective. Any modifications, additions or corrective lining out made on this Contract will not be binding unless such modifications have been signed or initialed by both parties. Any notice hereunder shall be given to the individuals listed on the first page of this Contract at the addresses set forth herein. Notice must be given through certified or registered mail, return receipt requested, overnight delivery, with a signature signifying receipt, or by facsimile in order to be effective under this Contract and shall be deemed delivered upon receipt.

## **ENFORCEABILITY**

If any provision of the Contract is unenforceable under applicable law, the remaining provisions shall continue in full force and effect.

## **WAIVER**

If one party agrees to waive its right to enforce any term of this Contract, that party does not waive its right to enforce such term at any other time or to enforce any or all other terms of this Contract.

## **GOVERNING LAW**

This Contract shall be governed by and construed under the laws of the State of Washington, DC. If any provision of the Contract is unenforceable under applicable law, the remaining provisions shall continue in full force and effect.

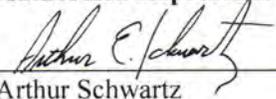
**BINDING AGREEMENT**

When signed by representatives of both parties, this Contract constitutes a binding agreement between the Group and the Hotel.

The Hotel may require ancillary terms under this Contract, such as Hotel Information Sheet, Policy and Procedures and Banquet Event Orders. If there is any conflict between such terms and the terms of this Contract, the terms of this Contract shall prevail, unless an addendum to this Contract stating otherwise is signed by both parties.

This Contract may be signed by the parties and sent by electronic transmission (facsimile) and shall be acceptable to the Hotel to hold the space for 72 hours provided that the Hotel receives the signed Contract with the original signature by mail without any further changes postmarked within 72 hours of the date shown on the facsimile signature page.

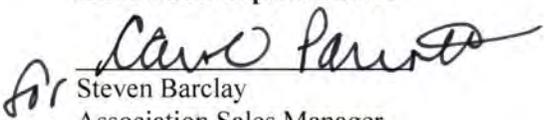
**By the Group's  
Authorized Representative**

  
\_\_\_\_\_  
Arthur Schwartz  
Executive Director  
National Academy of Forensic Engineers

5/18/2020  
Date

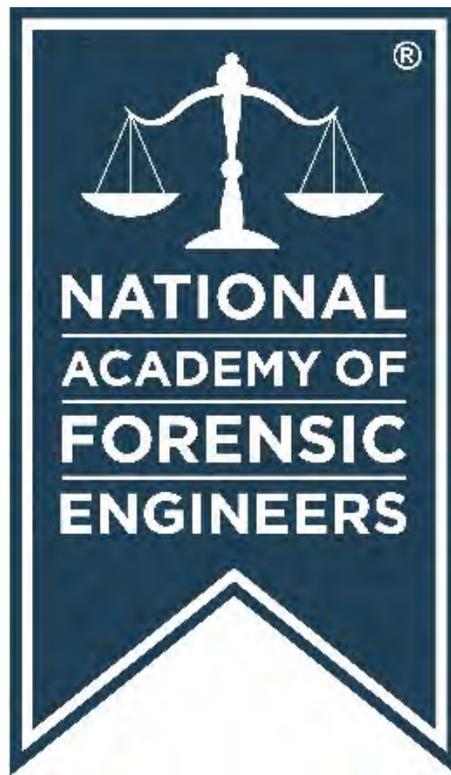
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**By the Hotel's  
Authorized Representative**

  
\_\_\_\_\_  
Mr Steven Barclay  
Association Sales Manager  
Hyatt Regency Toronto

May 19, 2020  
Date

# **NEW BUSINESS**



INITIAL PROPOSED LANGUAGE (2019):

**NAFE Policy on Conference Refunds**

*It is the policy of the National Academy of Forensic Engineers (NAFE) to provide a full conference refund to individuals making a refund request at least ten (10) days prior to the first day of the NAFE conference in which they are registered. Refunds do not apply to special events, dinners, tours or other events in which NAFE is required to provide attendance, food, beverage*

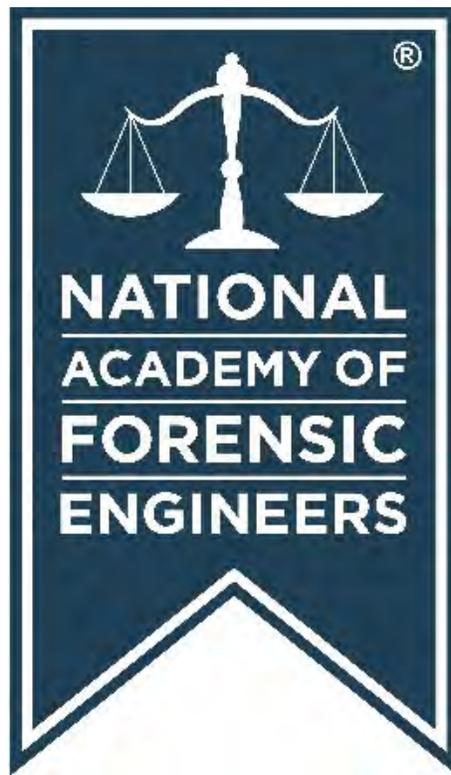
CURRENT PROPOSED LANGUAGE (2021):

**NAFE Refund Policy:**

*National Academy of Forensic Engineers (NAFE) does not provide refunds on dues or other non-event-based fees.*

*Partial conference fees may be refunded to individuals making a refund request at least ten (10) days prior to the first day of the NAFE conference in which they are registered. Refunds do not apply to special events, tours, meals, or other events in which NAFE is required to provide minimum attendance or registration head counts related to food, beverage, and/or facility access..*

# ANNOUNCEMENTS



# ADJOURN

