

Petition to Recall Stephanie Rhoades

In accordance with Section 12 of the Retired Public Employees of Alaska (RPEA) By-Laws, we the undersigned Members of RPEA in good standing request a RECALL BY THE MEMBERSHIP of Stephanie Rhoades, RPEA Executive Board Secretary, effective immediately. We further request the permanent removal of Ms. Rhoades from any Executive Board seat, standing committee position, or any further participation in RPEA.

Ms. Rhoades knowingly, willfully, and deceitfully (a) acted in violation of RPEA Bylaws and Policies and Procedures; (b) violated provisions of the APEA-AFL Constitution under which RPEA is chartered as Local 4900R; (c) failed to acknowledge her conflict of interest and refrain from voting or participating in Executive Board decisions regarding a recall petition in which Ms. Rhoades was a subject of recall; (d) violated federal and state laws and RPEA Policies and Procedures relating to Age Discrimination; and (e) engaged in disruptive, negative, vindictive behavior toward other Executive Board members and RPEA staff thereby creating a toxic, hostile working environment that prevented RPEA from conducting business in an orderly manner. Her actions led to the mass resignation of three Executive Board members and RPEA's administrative staff. Ms. Rhoades' actions significantly weakened RPEA during current ongoing litigation with the State of Alaska to preserve member benefits.

A detailed accounting with supporting documentation of Ms. Rhoades' violations and egregious behavior is included in Ms. Sharon Hoffbeck's September 20, 2021, *Member Misconduct Complaint* and is incorporated by reference in this petition.

Ms. Rhoades' specific violations include:

- (1) Ms. Rhoades knowingly, willfully, and deceitfully acted in violation of RPEA Bylaws and Alaska law on multiple occasions as she coordinated and participated in the ouster of RPEA leadership and administrative staff. Her covert activities include illegally assuming the "mantle" of leadership granted solely to the President and the Executive Vice-President; conducting "secret" meetings without notification to all Executive Board members and the membership at large; calendaring RPEA Executive Board meetings and setting meeting agendas without legal authority; failing to provide legal notice of such meetings to the membership in a timely manner as required by law and RPEA Bylaws, thereby depriving both general RPEA members and some Executive Board members the opportunity to participate; and executing final personnel and financial actions during such illegal meetings. Specific actions include:
 - (a) Prior to July 27, 2021, Ms. Rhoades instigated and led a "secret" meeting of six Executive Board members (Stephanie Rhoades, Randall Burns, Judi Slajer, Wendy Woolf, Brenda Knapp, and Cindy Spanyers). The purpose of the "secret" meeting was to plan the immediate removal of President Sharon Hoffbeck, the ouster of administrative staff and other future actions. Notice of the "secret" meeting was not provided to President Hoffbeck, Executive Vice President Brad Owens, nor Communications Membership Director Bob Grove. The "secret" meeting was conducted for RPEA business and required proper notice to all Executive Board and RPEA general membership as required by RPEA Bylaws Article VII, Section 5.
 - (b) Ms. Rhoades subsequently planned, orchestrated, and set the agenda for a Special Executive Board meeting. These actions were taken without authority under RPEA Bylaws or under the applicable procedures outlined in Robert's Rules of Order, as specified for small boards, which control actions not specifically addressed in RPEA's Bylaws. The Special Executive Board meeting apparently was originally planned for July 20, 2021, but for unknown reasons was postponed until July 27, 2021.

Executive Vice President Owens upon learning that Ms. Rhoades intended to call an illegal Special Meeting emailed her on July 21, 2021, stating:

"Stephanie and other requesting E Board members;

"... Stephanie has not just requested a special meeting but has decided she will now exercise the powers assigned to the President by setting the date and agenda, determining the topics for discussion, dictating how the special meeting will be publicized and performed...Stephanie seems intent on seizing control of the E Board by unilaterally assuming these powers and responsibilities that are assigned by our Bylaws to the President, not the Secretary."

- (c) Late in the evening on July 26, 2021, President Hoffbeck and Vice-President Owens were emailed notice and an agenda for a Special Executive Board Meeting illegally called for early morning on July 27, 2021. Since the emails were sent long after normal working hours, neither President Hoffbeck nor Executive Vice President Owens received and read these notifications until the day of the illegal meeting.

President Hoffbeck emailed Ms. Rhoades on July 27, 2021, stating:

"Stephanie,

Any other meeting must be held with the knowledge of the full E-Board, scheduled in accordance with the RPEA bylaws and state laws, and noticed per the RPEA bylaws and state law.

Your proposed meeting – to have begun 15 minutes ago – is 100% illegal."

On July 27, 2021, Executive Vice President Owens again emailed Ms. Rhoades, stating:

Stephanie,

It is my understanding that you and five other E Board members met today, despite my objection, and transacted business on behalf of RPEA...Please provide to me immediately any resolutions adopted or motions passed by the six E Bd members who attended the meeting today and the votes cast by each member on each resolution or motion...I believe this conduct by the six E Board members may constitute a serious violation of RPEA Bylaws and Alaska law..."

RPEA Bylaws specify that special meetings may be called upon **written request** to the President by one-third of the Executive Board members; such request was not presented to President Hoffbeck. Only the President or his/her designee has the authority to calendar and set the agenda for such meetings (Article V, Section 5(e) and Article VII, Section 5). Ms. Rhoades was aware of the requirements of the By-Laws and ignored the warnings of the President and Executive Vice President. Knowing that the meeting as proposed violated the By-Laws, she proceeded to lead the illegal July 27th meeting. The meeting was not publicly noticed or opened to membership as required by the Bylaws Article VII, Section 4.

On July 27, 2021, Ms. Rhoades illegally assumed the authority reserved to then President Hoffbeck, and in concert with the five other attending board members (Randall Burns, Judi Slajer, Wendy Woolf, Brenda Knapp, and Cindy Spanyers) scheduled and approved actions to illegally (1) accelerate the resignation date of President Hoffbeck to be effective immediately, (2) strip Executive Vice-President Owens of his legal authority under the Bylaws to act as interim President and select and appoint a qualified individual to fill the President's remaining term, (3) appoint Randall Burns as president for the duration of the term, and (4) authorize the

expenditure of \$5,000 of membership dues to hire outside legal counsel, fearing legal action for violating RPEA Bylaws and/or creating a hostile work environment for the administrative staff.

RPEA Bylaws specifically grant the Executive Vice President authority to:

b. Act in the absence of the President,

c. Assume the duties of the President for the remainder of the current term in the event that the President resigns or is unable to continue to fulfill the duties of office...

Similarly, Robert's Rules of Order (as amended for small boards), govern in the absence of specific guidance in the Bylaws. Robert's Rules of Order 56.32 states:

"If the bylaws are silent as to the method of filling a vacancy in the specific case of the presidency, the vice president ... becomes president for the remainder of the term."

Notwithstanding RPEA Bylaws Article III, Section 2(c) prohibition of associate members standing for election and holding the office of elected President, a correct reading of this provision along with RPEA Bylaws Article V, Section 6(b) and (c) in conjunction with the above stated Robert's Rules of Order 56.32, holds that in the case of a resignation of the President, the Executive Vice President assumes the duties of President on an interim basis until (a) the remainder of the term, (b) appointment by the interim President of another interim President for the remainder of the term, or (c) the Executive Board properly calls and public notices a special election to replace the President.

Action taken by the Executive Board during the July 27th meeting to strip the Executive Vice President of his authority under RPEA Bylaws, Article V, Section 6 (b) and (c) are an illegal Bylaws amendment taken without RPEA membership vote or approval. The mere fact that the Executive Board deemed it necessary, and Ms. Rhoades voted to approve, to strip the Executive Vice President of these authorities confirms that the Executive Board was aware of the legal succession of authority under the Bylaws and found it necessary to limit this authority to achieve Ms. Rhoades objectives. Ms. Rhoades' subsequent vote to install Randall Burns as President in lieu of the proper succession of the Executive Vice President similarly was an illegal action under the Bylaws.

- (d) On August 17, 2021, the illegally, newly constituted Executive Board met to consider a recall petition submitted for Ms. Rhoades and the five other Executive Board members who participated in the original illegal "secret" meeting and the July 27th illegal Special Executive Board Meeting. The board recessed into executive session to discuss the recall petition and reconvened on August 20, 2021. On August 20th, Ms. Rhoades voted to deny the recall petition against the five Executive Board members and her. She cited outside legal advice that they could not be recalled since the Executive Board members themselves deemed their actions "legal" and because more than a single individual was named in the original recall petition. RPEA Bylaws are silent on whether multiple parties can be recalled in a single petition but do not expressly prohibit it. Alaska law generally assumes singular includes plural unless context dictates otherwise. Ms. Rhoades' and the Executive Board's actions declared their own illegal activities legal.

Under normal procedures, the Bylaws stipulate that the Executive Board renders final decisions on recall petitions. The issue may be taken to membership for a vote only if the member subject to recall so requests. However, since a quorum of the Executive Board were objects of the recall petition, the Executive Board rendering a decision on itself was inappropriate and a conflict of interest. The Executive Board members acted as their own judge and jury – an action incompatible with RPEA Bylaw's Section 11 – Conflict of Interest and RPEA Officials Code of Conduct. Further, Ms. Rhoades advanced and the Executive Board approved three motions at

the August 20th Executive Board meeting: (1) establishing a Bylaws Review Committee to change RPEA's bylaws, (2) stipulating that only the Executive Board could interpret RPEA's Bylaws, and (3) stipulating that the Executive Board has determined it had no conflict of interest, although six members of the Executive Board (a quorum) were named in the recall petition. The latter two motions clearly stripped RPEA's membership of an active voice in RPEA's governance. The second motion also presumed that the Executive Board could limit Alaska's courts from interpreting RPEA's Bylaws.

The appropriate course of action would have been for the parties subject to recall to have recused themselves from the deliberation and submitted the merits of the recall petition to the full membership who elected them.

Beginning six days following her election as RPEA Secretary in 2020, Ms. Rhoades repeatedly and consistently conducted herself at Executive Board meetings in a negative manner: disruptive, accusatory, abusive, vindictive, and intolerant of other Executive Board members and RPEA support staff. Her conduct created a poisoned, hostile work environment that ultimately led to the resignation of President Sharon Hoffbeck, Medical Information Committee (MIC) Director Gene Furman, Membership Director Robert Grove, and Office Manager Cynthia Shackelford.

Email correspondence from Office Manager Cynthia Shackelford to President Hoffbeck dated July 15, 2021, underscores this environment:

"I am officially notifying you that I am not comfortable being in the same room with a board member, the Secretary – who creates such a hostile working environment; without at least one of my supervisors being physically present. Her email demanding that I attend is very threatening and makes me feel extremely uncomfortable."

In her resignation email dated July 15, 2021, Ms. Shackelford stated:

"In the last year, I have witnessed ongoing erratic behavior from the Secretary at Executive Board meetings. Specifically, she frequently verbally abuses other board members. These attacks have been very upsetting, and I continually have to relive them, when typing up the meeting minutes...I am officially notifying you that I am not comfortable in the same room with a board member, the Secretary – who creates such a hostile working environment..."

Similarly, former Communication Director Bob Grove provided an email dated September 17, 2021, stating in part the following reasons for his August 22, 2021, resignation:

"... I have been proud to have worked with such a dedicated group of volunteers representing a political and intellectual cross section of Alaskans. That is until one current Executive Board member, Ms. Stephanie Rhoades joined the RPEA Executive Board.

Almost immediately after being elected to the Executive Board Ms. Rhoades began attacking the then RPEA Executive President Ms. Sharon Hoffbeck in public RPEA scheduled meetings. I was witness to Ms. Rhoades' demeaning and condescending remarks ... to the then part-time Office Manager, Ms. Cynthia Shackelford who later resigned because of her treatment by Ms. Rhoades. It was quite obvious to many of the other E-Board members that Ms Rhoades had an agenda of her own. In my opinion she wanted to change the RPEA By-laws to reflect her not so hidden agenda to take over the E-Board and force the then President, Ms. Sharon Hoffbeck and the Executive Vice President, Mr. Brad Owens to resign. At numerous Zoom meetings she became obsessed with making motion after motion to change the By-law language to the point that it became impossible to conduct normal E-Board business. On one particular meeting the vitriol towards Ms. Hoffbeck was so intense that I signed off from the Zoom meeting.

... While Ms. Rhoades claims to be acting in the best interests of RPEA members, her disruptive and unacceptable behavior has been an impediment to the RPEA mission."

- (2) In a July 15, 2021, email to President Hoffbeck and Executive Vice-President Owens, Ms. Rhoades viciously and mockingly criticized the Medical Information Director Gene Furman's ability to manage the Medical Information Committee (MIC) and attacked his mental acuity with clear reference to his age. Ms. Rhoades used this criticism to request the MIC Director's removal and replacement. Ms. Rhoades' accusations were unsubstantiated, constituted unlawful age discrimination under federal and state laws, and further violated RPEA's Code of Conduct that prohibits all forms of discrimination and harassment and makes such actions grounds for removal from an Executive Board position. Under an Alaska Supreme Court decision [McAdd v Diaz, 884 P.2d 1385 (1994)], volunteers such as MIC Director Furman have standing to sue a nonprofit for defamation.

Mr. Furman served on the RPEA Board with distinction for 12 years, serving in numerous positions, including treasurer, secretary, and most recently medical information director. Mr. Furman's July 20, 2021, resignation letter captures the hostile environment created by Ms. Rhoades:

"I no longer desire to experience the unprofessional and indeed odious and vile behavior of a fellow director whose behavior has placed serious obstacle in front of the Executive Board making my contributions to the welfare of the RPEA membership unnecessarily difficult..."

Ms. Rhoades' deliberately willful, incendiary, and deceitful misconduct is unprofessional, harmful, and contrary to RPEA and its membership. Her behavior has significantly weakened RPEA and renders all actions stemming from the initial illegal meeting and, therefore, all subsequent illegal meetings, and the ouster of RPEA leadership vulnerable to legal challenge. Ms. Rhoades has illegally inserted herself into a leadership role within the Executive Board. Her disregard for RPEA's Bylaws places at risk and undermines RPEA's charter as a local chapter under the APEA-AFT Constitution. RPEA's ability to advocate for retired member benefits during this active phase of RPEA/State of Alaska litigation is significantly impacted, potentially harming all State of Alaska retirees.

To initiate a recall, RPEA Bylaws require the signature of at least 30 members in good standing. Membership in good standing is defined as any member whose membership dues are current and remain current. In addition, that member must support and advance the aims and objectives of RPEA and not engage in conduct that is harmful or contrary to RPEA and its members. Upon receipt of a recall petition, the Executive Board shall address the matter within 15 days, shall allow the officer subject to recall to respond in writing within 15 days, and shall take final action within 45 days of receipt of the officer's response (RPEA Bylaws Section 12).

If you are uncertain of your membership status, you may contact RPEA at (907) 274-1703 to confirm. If there is no response at that number, because the Office Manager resigned, contact Randall Burns at rpea.ak.president@gmail.com.

Please send your signed Signature Page for this recall petition to Carrie D. Longoria, RPEA retiree in good standing. You also may ask her questions regarding this Recall Petition and/or how to best return your signed Signature Page. Call her at (907) 830-1593 for answers to your questions.

To send your signature:

Email – Scan or take a digital picture of your Signature Page, and attach to an email that will go to Carrie D. Longoria, longoriacd@gmail.com; or

Mail – Please contact Carrie D. Longoria by phone (907-830-1593) or email (longoriacd@gmail.com) if you prefer to mail your signature page.

SIGNATURE PAGE

In accordance with Section 12 of the Retired Public Employees of Alaska (RPEA) By-Laws, I request a RECALL BY THE MEMBERSHIP of Stephanie Rhoades, Secretary, of the RPEA Executive Board effective immediately. I further request the permanent removal of Ms. Rhoades from any Executive Board Seat, Standing Committee Position, or further participation in the organization.

This request is based on Ms. Rhoades knowing, willful, and deceitful

- (a) violation of RPEA Bylaws and Policies and Procedures,
- (b) violation of provisions of the APEA-AFL Constitution under which RPEA is chartered as Local 4900R,
- (c) failure to acknowledge her conflict of interest and refrain from voting or participating in Executive Board decisions regarding a recall petition in which Ms. Rhoades was a subject of recall,
- (d) violating federal and state laws and RPEA Policies and Procedures relating to Age Discrimination, and
- (e) engaging in disruptive, negative, vindictive behavior creating a toxic, hostile working environment that prevented RPEA from conducting business in an orderly manner.

Ms. Rhoades' actions led to the mass resignation of three Executive Board members and RPEA's administrative staff. Ms. Rhoades' actions significantly weakened RPEA during current ongoing litigation with the State of Alaska to preserve member benefits.

Signature of Member

Date Signed

Printed Name of Member

Street Address

City

State

Zip

Optional Telephone

Optional E-Mail