

DEPARTMENT ORDER #9

- 1.) In regards to Department Order #4 part 2, dated November 24, 2013 and pursuant to the National Constitution and Regulations, specifically Chapter V, Article VI, Section 8, a Hearing Council has been appointed and consist of the following Brothers:

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- 2.) The charges that the Hearing Council will consider are attached at the end of this Order.
- 3.) The Hearing Council will perform their duties as outlined in The National Constitution and Regulations, specifically Chapter V, Article VI, Sections 9-10, 12-13.
- 4.) The Hearing Council in compliance with Chapter V, Article VI, Section 10 has elected PDC Earl Allen as the Hearing Council Chairman.
- 5.) Anyone who may have evidence may submit it in accordance to Chapter V, Article VI, Section 13 (a)
- 6.) The Hearing Council shall convene the hearing within 90 days and give 10 day notice to both parties.
- 7.) Per Chapter V, Article VI, Section 9 both parties have the right to request removal of any member of the Hearing Council.

So Ordered this Day,
January 2, 2014

Robert Pugsley, PCC
Department of NY,
SUVCW

Commander Pugsley,

As Department Councilor I recommend that Department Commander Robert Pugsley under Article 6 section 15 suspend Michael S. Bennett from the position Secretary/Treasurer for the following reasons.

Charge 1 Section 1 Second: Disobedience of the Constitution, By-Laws etc.

Specification: Not providing Proceedings of our Department Encampment for the past three years contrary to the provisions of the Bylaws of the Department of New York. Failing to properly perform his duties as Department Secretary in repeatedly failing to provide the Department's Annual report to the National Executive Director in accordance with the National Regulations for 2010, 2011, 2012 and 2013 with the last failure resulting in suspension of the Department of New York: failing to properly perform his duties as Department Secretary between 2010 and 2013 In that he failed to keep a true and correct account of all receipts and expenditures; in presenting a misleading and false accounting of the Department Finances to the New York Department Council in 2010, 2011, 2012, and 2013; in presenting a misleading and false accounting of the Department Finances and budget to the New York Department Encampment in 2010, 2011, 2012, and 2013.

Charge 2 Section 1 Third: Commission of serious misdemeanor or any Felony Crime against the laws of the United States or any State.

Specification: Misuse of Department funds. In that between February 2010 and the present he repeatedly used Department funds for his only use or the use of others and without Department authority or consent in violation of the larceny provisions of the Penal Law of the State of New York, in presenting false business records concerning the accounts and finances of the Department of New York in violation of the Penal law of the State of New York: In 2011 and 2012 presenting a check or checks to the National Order SUVCW with insufficient Funds to cover said checks in violation of the Penal Law of the State of New York and the Criminal Laws of the Commonwealth of Pennsylvania.

Charge 3 Section 1 Fourth: Conduct unbecoming a Brother

Specification: Making false statements to the Department Commander, in that on or about June and/or July 2013 he falsely represented to the Department Commander of the State of New York that he forwarded a Department Check to the National Organization for per capita dues; that on or about August and September 2013 he falsely represented to the Department of New York Commander that he opened a \$1,000.00 Checking bank Account in the Wells Fargo Bank, that between 2010 and 2013 he repeatedly used Department Funds for his use or the use of others and without Department Authority and/or consent and contrary to the budgets approved by the Department Encampments.

Charge 4 Section 1 Fifth: Conduct prejudicial to good of order

Specification: That between the February 2010 and the present Denying Brothers of the assets of the Department, in breaching his fiduciary duty as Department Treasurer is misusing Department Funds, in misleading Department Officers and delegates to the Department Encampments concerning the finances and accounts of the Department, in failing to disclose accounts, in misusing his office as Department Secretary in failing to file reports in a timely manner. In breaching his duty of trust as a Department Officer and loyalty to the Order.

Yours in Fraternity, Charity, and Loyalty,

Danny L. Wheeler
Department of New York Councilor

CHARGES AGAINST BROTHER MICHAEL BENNETT AS SECRETARY/ TREASURER
OF THE AUGUSTUS VAN HORNE ELLIS CAMP # 124, DEPARTMENT OF NEW YORK,
SUVCW

Charge 1 Section 1: Disobedience of the Constitution, By-laws etc

Specification: Failing to Properly perform his duties as Camp Treasurer in accordance with Order's Constitution and Regulations in that in between January 2007 and December 7, 2013 he failed to keep a true and correct account of all camp receipts and expenditures; that he presented a misleading and false accounting of the Camp Finances including failing to disclose all the deposits and expenditures into and from the Colonel Ellis Camp 124's bank account at Wells Fargo Bank; that during the same period he repeatedly gave false camp financial reports at Colonel Ellis Camp 124 meetings, in addition during this period he failed to keep all the requisite financial records as required by the National C & R, further that he incurred unauthorized bank charges, and overdraft fees on the Colonel Ellis Wells Fargo Bank account causing the bank to close the account and failed to disclose that fact to the Camp, in failing to turn over all financial records and materials to the Camp as required by the C & R of the Order and in between November 24, 2013 and the present he failed, despite requests by the Ellis Camp 124 Counselor and the Ellis Camp Commander, to disclose the name of the bank and the accounts number or numbers in which the Ellis Camp funds were deposited and kept even after a Camp Order (Camp Order #1) was issued demanding such information.

Charge 2 Section 1 Third: Commission of serious misdemeanor or any Felony crime against the laws of the of the United States or any State

Specification: Misuse of Camp funds in that between January 1, 2007 and December 7, 2013 he repeatedly and/or on more than one occasion used Camp funds for his own use or the use of others and without Camp authority or consent in violation of the larceny provisions of the Penal Law of the State of New York; and during the same period he created and repeatedly presented falsified business records concerning the accounts and finances of the Colonel Ellis Camp 124 at the Colonel Ellis' Camp 124 meetings in violation of the Penal law of the State of New York.

Charge 3 Section 1 Fourth Conduct unbecoming a Brother

Specification: That in between January 1, 2007 and December 7, 2013 he made false and/or misleading statements to the members of Colonel Ellis Camp 124 at their meetings regarding the finances of the camp in that he failed to disclose the true nature and source of the actual deposits into the Camp's Wells Fargo Camp Account, in that he failed to disclose the actual expenditures made from the Camp's Wells Fargo Camp account, that he comingled the Camps funds with his or the funds of others, that he misused the account in that he used such camp account funds for his or others personal use, including but not limited to the purchase of fuel, food, restaurant meals, supplies, groceries, utility bills, car rentals, without Camp authority and/or consent, and that he repeated overdrafted the Camp's account and incurred bank fees and charges resulting the Camp's account having a negative balance and being charged off and closed by the bank, and that on December 7, 2013 he sent a disrespectful email to the members of the Colonel Ellis Camp and in particular the Camp Commander contrary to the SUVCW tenets of Fraternity, Charity & Loyalty.

Charge 4 Section 1 Fifth: Conduct prejudicial to good of order

Specification: That between January 1, 2007 and the present he breached his fiduciary duty as Colonel Ellis Camp Treasurer in misusing Camp Funds, in misleading Camp Officers and members concerning the finances and accounts of the Camp, in failing to disclose unauthorized expenditures and deposits into the Colonel Ellis Camp 124 Wells Fargo Bank Account, in breaching his duty of trust as a Camp Officer and loyalty to the Order; in acting in a manner that brings disgrace upon himself as a SUVCW Camp Officer and member and upon the SUVCW.