

**Minutes of the Executive Session of the 802 LMSC Executive Committee
Monday, July 21, 2003 – Hyatt Regency, San Francisco**

5 The meeting was called to order at 10:01pm by Paul Nikolich.

Attending the meeting were the following persons:

Paul Nikolich	- Chair, IEEE 802 LAN / MAN Standards Committee
10 Geoff Thompson	- Vice Chair, IEEE 802 LAN / MAN Standards Committee
Mat Sherman	- Vice Chair, IEEE 802 LAN / MAN Standards Committee
Buzz Rigsbee	- Executive Secretary, IEEE 802 LAN / MAN Standards Committee
Bob O'Hara	- Recording Secretary, IEEE 802 LAN / MAN Standards Committee
Bill Quackenbush	- Treasurer, IEEE 802 LAN/MAN Standards Committee
15 Tony Jeffree	- Chair, IEEE 802.1 - HILI Working Group
Bob Grow	- Chair, IEEE 802.3 - CSMA/CD Working Group
Stuart Kerry	- Chair, IEEE 802.11 - Wireless LANs Working Group
Bob Heile	- Chair, IEEE 802.15 – Wireless PAN Working Group
Roger Marks	- Chair, IEEE 802.16 – Broadband Wireless Access Working Group
20 Mike Takefman	- Chair, IEEE 802.17 – Resilient Packet Ring Working Group
Carl Stevenson	- Chair, IEEE 802.18 – Regulatory TAG
Jim Lansford	- Chair, IEEE 802.19 – Coexistence TAG
Jim Carlo	- IEEE-SA President Elect
Karen Rupp	- IEEE Staff

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WHEREAS, alleged financial irregularities have come to the attention of the Executive Committee (EC) of the LAN/MAN Standards Committee (LMSC); and these alleged irregularities have been studied by an investigative committee appointed by the LMSC Chair; and that investigative committee reports:

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1. Mr. Kerry and Mr. Heile have respectively operated the 802.11 and 802.15 Working Groups with treasury;
 2. Mr. Kerry and Mr. Heile have failed to conform to IEEE financial management procedures;
 3. Mr. Kerry and Mr. Heile have failed to comply with IEEE policies for budgeting and audits;
 4. Mr. Kerry and Mr. Heile have operated their Working Groups in violation of LMSC P&P financial reporting requirements;
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5. Mr. Kerry and Mr. Heile have operated their Working Groups in violation of their Working Group rules on financial operations;
 6. Mr. Kerry and Mr. Heile have jeopardized LMSC's relationship with superior bodies by not reporting the treasury to the LMSC Treasurer as required;
 7. Mr. Kerry's and Mr. Heile's failure to provide financial reports has caused that significant financial matters were not properly reported to the Computer Society or IEEE-SA within the LMSC's annual financial report; and
 8. Mr. Kerry and Mr. Heile have exceeded their authority as WG Chairs by entering into a software development agreement with an outside vendor with a minimum amount of \$75,000 that spans three sessions, and have done this without authorization of the Executive Committee.
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WHEREAS, there is no allegation or evidence of misappropriation or malfeasance, Mr. Kerry and Mr. Heile have fully reported financial operations to their Working Groups, the actions taken by Mr. Kerry and Mr. Heile were with the consensus of their Working Groups, and Mr. Kerry and Mr. Heile have committed to do everything necessary to bring the operation of their Working Groups into compliance in a timely way, including but not limited to:

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1. open a checking account compliant with IEEE title and signatory policies and transfer all funds into that account;
2. file financial reports with the LMSC Treasurer for each interim session beginning with calendar year 2002;
- 55 3. have calendar year 2002 operations audited by IEEE Audit Operations;
4. seek modification of Working Group rules as necessary to be consistent with operation with treasury;
5. to fully report on the software development agreement to the EC and their Working Groups;
6. and to seek ratification of the software development agreement by the EC.

5 THEREFORE BE IT RESOLVED, the Executive Committee of the LAN/MAN Standards Committee does hereby formally reprimand Mr. Stuart Kerry, Chair of the IEEE 802.11 Working Group and Mr. Robert Heile, Chair of the IEEE 802.15 Working Group for breach of their fiduciary duties.

FURTHER RESOLVED, that Mr. Kerry and Mr. Heile are directed to bring their Working Groups into full compliance with LMSC P&P and with the requirements of all superior IEEE bodies by 31 August 2003.

10 FURTHER RESOLVED, that the LMSC Treasurer provide appropriate guidance for specific tasks required to meet the 31 August 2003 compliance date, and that the LMSC Treasurer report to the EC on the success or failure of Mr. Kerry and Mr. Heile to bring their Working Group operations into compliance.

15 FURTHER RESOLVED, that the LMSC EC reserves the right to take appropriate additional actions as justified by any additional irregularities discovered, any insufficiency in mitigating the current situation or in bringing 802.11 and 802.15 operations into compliance.

Moved: Bob Grow

Seconded: Geoff Thompson

20 **Passes: 10/0/0**

Action item: Bill Quackenbush to update his plan of action memo for submission to the IEEE-SA BoG.

Action item: Bill Quackenbush to describe the status of each of the Working Groups (802.11, 802.15, and 802.17) in their process of complying with the action plan

25 Action item: Bill Quackenbush to propose P&P changes to address Working Group financial operations

Meeting was adjourned at 12:31am, July 22, 2003.