

METRO FIRE/ARSON INVESTIGATORS ASSOCIATION, INC.

PO BOX 520336
Winthrop MA 02152-0006

www.MetroArson.ORG



BYLAWS OF METRO FIRE/ARSON INVESTIGATORS ASSOCIATION



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TABLE OF CONTENTS

<u>ARTICLE</u>	<u>TOPIC</u>	<u>PAGE</u>
I	NAME	1
II	MISSION STATEMENT	1
III	OBJECTIVE	1
IV	MEMBERSHIP	2
V	DUTIES OF THE LEADERSHIP	7
VI	MEETINGS	9
VII	PARLIAMENTARY AUTHORITY	9
VIII	DISSOLUTION	9
IX	INDEMINIFICATION	10
X	AMENDMENT TO BYLAWS	10
XI	ORDER OF BUSINESS	11
XII	CONFIDENTIALITY	12



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ARTICLE I - NAME

The organization shall be known as The Metro Fire/Arson Investigators Association, Inc (hereinafter "the Association"), a not-for-profit membership corporation. The name of the Association shall not be used publicly by any member without the express permission of the Leadership.

The Association is not a successor to another organization nor is it affiliated with any governmental unit. All members agree to be subjected to the bylaws of the Association to remain a member in good-standing.

ARTICLE II - MISSION STATEMENT

To further the causes of public safety investigation and enforcement in the areas of fire, arson, and explosion at all levels of government through collaboration, networking, information sharing, training, and education.

ARTICLE III - OBJECTIVE

The objective and purpose of The Metro Fire/Arson Investigators Association shall be:

To unite for the mutual benefit of the membership engaged in the investigation of fire, arson, and explosion incidents within the Commonwealth of Massachusetts;

To provide a trusted forum allowing for the exchange of information pertaining to current trends, recent fires/explosions, investigations, technical information, investigative resources, and other related developments;

To promote professionalism, integrity, collaboration, competence, networking, and efficiency among public safety investigators with fire, arson and explosion investigative responsibilities;

To identify and promote training opportunities for expanding the investigative knowledge of members through, but not limited to, seminars, professional speakers, origin & cause determinations, live burn demonstrations, investigative methods and techniques, investigative resources, criminal procedure, and other topics related to the professional development of the membership;

The Association is not intended as a profit-making organization, nor is it founded with the expectation of making a profit. This Association shall use its funds only for objects and purposes specified in these Bylaws and Articles of Incorporation. No part of the money or other property of the Association shall be used for the benefit of any officer, director or other member of the Association or private individual or be used or distributed otherwise than for the purposes herein provided. Should there be any monies, equipment, property of the Association otherwise remaining if and whenever the business functions or activities of the Association cease, they shall be donated to a charity selected by the Leadership.

ARTICLE IV - MEMBERSHIP

Active members are defined as duly authorized Fire and Police investigators who deal with the investigation of fires, arson, and/or explosions on a Municipal, State and Federal level. A member shall be a full-time employee of one of these agencies within the Commonwealth of Massachusetts. The membership period for all members shall be for twelve (12) months beginning in January. Membership shall be subject to the approval of the Leadership. New members shall be published in the monthly newsletter.

At the time of the application for regular membership, an applicant shall be a full-time employee of a Public Safety agency in the Commonwealth of Massachusetts and must be designated as a fire, arson, and/or explosion investigator. This requirement shall be necessary to hold elective office.

Associate Memberships shall be limited to full-time county, state, or federal prosecutors who deal with the prosecution of crimes involving fire and/or explosions in the Commonwealth of Massachusetts. Associate Memberships shall include employees assisting or associated with an established law enforcement or public safety agency with fire/arson/explosion investigative or prosecutive responsibilities, including persons not specifically designated as a fire/arson/explosion investigator or prosecutor. Associate members shall have full voting privileges provided they are a member in good-standing and may only be eligible for election to a single position on the Board of Directors.

Honorary Memberships shall be limited to members who are honorably retired from an established law enforcement or public safety agency and who had prior fire/arson/explosion investigative responsibilities. Honorary members shall

not vote or hold office. Honorary Memberships shall be subject to approval by the Leadership.

The Leadership may recommend additional classifications of membership and shall present such classifications to the organization for vote of approval. Members' contact information to include but not limited to home addresses, telephone numbers, e-mail, etc., shall not be sold or otherwise made public except by vote of the Leadership.

A member shall be considered to be in good standing, for all purposes including voting, if at the time of determination such member's application shall have been approved by the Leadership, such Member shall have paid all required dues, such member shall not have resigned and such member shall not be under suspension as dictated in these bylaws.

All members shall observe and abide by all of the provisions of the Constitution of the United States, the laws of the Commonwealth of Massachusetts, and all applicable local laws and ordinances. All members shall conduct themselves with integrity in all of their professional relationships including those whom they serve, their colleagues and within this Association.

Allegations of member misconduct shall be reviewed by the Leadership. Members may thereafter be recommended to the membership for suspension and/or removal from this association subject to a two-thirds vote of the members entitled to vote in an election.

Any member, who gains secondary employment with a private entity or other organization whose investigative purpose may be adversarial or opposite to the mission statement described above, shall forthwith notify the Leadership in writing. Such information shall include the name and address of the prospective employer and possible adversarial affiliations. After review and discussion by the Leadership, the member may be required to appear in person and/or provide other documentation as may be requested. Based upon the foregoing, the Leadership may vote to suspend that member's involvement with this association. This shall in no way prohibit professional collaboration with the insurance industry or other contact as required by law or court order.

APPLICATION FOR MEMBERSHIP

Membership applications may be downloaded from the Association's web site. The completed application shall be returned to the mailing address for review. Upon approval by the Leadership, the applicant's name and department/agency shall be added to the member list.

Annual membership renewal applications shall be sent via postal mail to all members in good standing no later than the 15th of December by the Secretary/Treasurer.

USE OF @METROARSON.ORG E-MAIL ACCOUNTS

Members alone are responsible for the contents of their messages, and the consequences of any such messages. Members shall not use @MetroArson.org for chain letters, junk mail, "spamming", solicitations (commercial or non-commercial) or any use of distribution lists to any person who has not given specific permission to be included in such a process. Members shall not use @MetroArson.org to send any messages or material that is unlawful, harassing, libelous, abusive, threatening, harmful, vulgar, obscene or otherwise objectionable or illegal material of any kind or nature. The Leadership reserves the right to terminate any membership account if it becomes aware and determines, in its sole discretion, that such member is violating any of the foregoing guidelines. Use of @MetroArson.org does not create a reasonable expectation of privacy in the context of a member's email communications. Members are responsible for maintaining the confidentiality of their e-mail account number and password and are responsible for all uses of their account, whether or not authorized by User. Members shall immediately notify the Leadership of any unauthorized use of any e-mail account.

HONORARY MEMBERS and SEPARATION FROM PUBLIC SAFETY SERVICE

Honorary members shall not be allowed to hold elected positions in the Leadership of the Association.

Any member of the Leadership who retires from public service during his/her term of office shall be allowed to complete said term of office.

Any active member or associate member in good standing with the Association who separates from their employment as a fire/explosion investigator or prosecutor must notify the Leadership no later than the next meeting.

DUES

Annual dues for the Association shall be thirty dollars (\$30.00). Dues are payable by January 31st of each year. Changes in dues shall be subject to recommendation by the Leadership and by approval of the membership and shall only be entertained at the June meeting.

A late fee of \$20.00 shall be assessed to any current member who is delinquent for more than thirty (30) days. Changes in late fees shall be subject to recommendation by the Leadership and by approval of the membership and shall only be entertained at the June meeting.

Whenever any member fails to pay their dues on or before January 31st for the current year, notification shall be made by the Secretary/Treasurer of his indebtedness to the Association, and if it is not paid within thirty (30) days of said notice, the Secretary/Treasurer shall so report to the Leadership. The Leadership may vote to suspend that member from this association. Any member so suspended can be reinstated only by payment of his indebtedness and by a similar vote of reinstatement by the Leadership.

LEADERSHIP

The Leadership of the Association shall be comprised of the President, the Vice President, the Secretary/Treasurer (the "officers") and seven (7) members who form the Board of Directors ("the Board") to include if elected, the Federal Advisor to the Board of Directors.

The Leadership shall serve without salary or other financial arrangements. Expenses incurred in conjunction with the performance of their official duties shall be reimbursed upon approval of the Board of Directors.

The Leadership shall not be comprised of more than three (3) members from any single public safety agency or immediate family. The positions of President and Vice-President shall not be comprised of more than one (1) member from any single public safety agency or immediate family. The Board of Directors shall not be comprised of more than two (2) members from any single public safety agency or immediate family (subject to the Leadership maximum of no more than three (3) members from a single public safety agency or immediate family).

The Leadership shall handle all matters in the best interest of the Association's mission and strive to ensure fairness and impartiality in all decisions.

Any member of the Leadership may be removed from office with cause by a two-thirds vote of the Leadership. Such removal shall occur only after that person has been afforded an opportunity to be heard before the Leadership. Notice of that opportunity to be heard shall be given by the officers/directors to the affected Leadership member not less than thirty days prior to the date of the hearing. This removal determination can be overturned by a two-thirds vote of the membership.

Code of Ethics: The Leadership and any candidate for election shall be committed to the mission and objectives of the bylaws, work cooperatively with the Leadership, and avoid conflicts of interest.

NOMINATIONS and ELECTIONS

Nominations for election of the Leadership will be accepted from the floor at the October meeting. A member cannot be nominated for more than one (1) Leadership position. Nominations will be accepted in the following order: Vice President, Secretary/Treasurer, and Board of Directors. No member can be nominated for election to the office of Vice President if the Vice President at the time of the election is from the same public safety agency or immediate family. Should there only be one candidate for an elected position and said candidate withdraws his/her name from consideration after the required submission date, the Board shall be allowed to draft a candidate.

Members of the Leadership shall be elected by the entire membership with the exception of the President. After serving a one (1) year term, the Vice President is automatically elevated as President of this Association.

Except as otherwise provided by law or these Bylaws, at all meetings, a Member in good standing shall have one (1) vote. Any Member may vote in person or by absentee ballot. To request an Absentee Ballot, eligible members must contact the Secretary prior to the start of the elections. The member must then complete the ballot and return it to the Secretary no later than 5 P.M. on the date of elections by mail, fax, or in person. Elections shall be finalized by the Secretary at 5 P.M. on the date of elections.

The President shall appoint an "elections coordinator" who is a member in good-standing, of high moral character, and not seeking elective office. The elections coordinator shall gather, maintain, verify, and tabulate all ballots. Any member may request, prior to the official tabulation of the ballots, that an unaffected member be present during such official tabulation. The election shall be tabulated in the following order: Vice President, Secretary/Treasurer, and Board of Directors. The results will be announced and published in the next newsletter. The ballots, tally sheets and voter lists shall be sealed and stored by the Association Secretary until the January meeting. If a request for a recount is made by any of the prospective candidates, the ballots shall be opened and recounted in the presence of the current Leadership. If the results are not contested, the sealed ballots shall be destroyed after the January meeting.

BALLOT ELECTIONS and TERM of OFFICE

All members of the Leadership, except President, will be elected at the November meeting by paper ballot for a term of one (1) year or until their

successors are elected.

Newly elected Officers and members of the Board of Directors shall take office beginning with the January meeting following their election.

VACANCIES

Should any current member of the Board of Directors become incapable of performing his/her duties, they shall be replaced by another member who shall be appointed by the President with a simple majority approval of the Leadership.

Should a member of the Leadership wish to withdraw from office to which he has been elected, he/she shall notify the Leadership of this intent prior to the next meeting. Any vacancy involving the office of President shall be replaced by the Vice President. Any vacancy involving the office of Vice President and/or Secretary/Treasury shall be replaced by a current member of the Board who will be appointed by the President and shall require a simple majority approval of the remaining Board of Directors.

ARTICLE V - DUTIES OF THE LEADERSHIP

PRESIDENT

The President shall manage the affairs of the Association subject to direction by the vote of the Association or Leadership. The President shall preside, at all meetings of the Association or of the Leadership, preserve decorum and decide questions of order (subject to Roberts Rules).

Following each election and upon the assumption of power, the President shall appoint one member of the organization to serve as the Sergeant-at-Arms. It shall be the duty of the Sergeant-at-Arms to maintain order in the meetings under the direction of the President. Such appointee shall be a member in good-standing and of high moral character with a commitment to the organization. The Sergeant-at-Arms, thereafter, at all meetings or other functions of the association shall ensure that all attendee's sign the attendance sheets provided and when necessary require the production of credentials. The Sergeant-at-Arms shall escort or remove persons from meetings and gatherings upon the direction of the President. The Sergeant-at-Arms shall perform other functions designated to them, from time to time, by the President. The term of the Sergeant-at-arms shall be the same as that of the President and may be removed by a two-thirds vote of the Board of Directors.

The President may, at his discretion, call meetings of the Association, the Leadership or of committees. The President shall perform other duties as prescribed by the Association. The President shall be a member ex-officio of all committees. The President shall appoint and dissolve special committees as the occasion arises. Each standing committee shall consist of at least two members appointed by the President. The President shall have the authority to remove all non-public safety personnel or Honorary Members from a meeting or function that in the opinion of the President or Leadership is deemed to be sensitive material and may conflict with Article XII.

VICE PRESIDENT

The Vice-President shall perform the duties of the President in his absence. The Vice-President shall assist the President in conducting the business of the Association and perform other duties as prescribed by the association or Leadership.

SECRETARY/TREASURER

The Secretary/Treasurer shall keep a record of the proceedings of the Association, maintain the books and correspondence, and in general perform all administrative duties incumbent upon such Officer. The Secretary/Treasurer shall, at least ten (10) days before any meeting notify the membership of the date, time and location of the next meeting. The Secretary/Treasurer shall keep and maintain in a safe place, the charter, By-Laws, Organizational Documents, and the seal of the Association and shall provide this information in a timely manner to the President or Leadership when so requested.

BOARD of DIRECTORS

The Board of Directors shall be authorized to appoint or hire such clerical, accounting, or support persons to carry out duties as necessary with the approval of the membership. All alterations, amendments or repeal of these By-Laws will be submitted for review to the Board of Directors and then presented to a Leadership meeting per Article X, for their recommendation.

FEDERAL ADVISOR TO THE BOARD OF DIRECTORS

The Association recognizes that certain Federal employees (or other members) may be restricted by law, rule, policy or regulation, such as Title 18, USC 205/208, from fully engaging in the Association's decision making and voting process regarding financial and/or personnel matters or exercising similar fiduciary duties. Such employees shall only be eligible for election to a "Federal Advisor

to the Board of Directors" position. Persons holding this position shall be deemed a Director without voting powers and shall not be counted as part of a quorum.

ARTICLE VI - MEETINGS

Regular meeting of the Association shall be held the first Tuesday of the month. Locations for meetings shall be rotated and hosted by member departments and open to all members. In special circumstances, the President may, (subject to approval from the Leadership), change the date and time of a meeting.

A monthly Newsletter shall be posted on the Association's website with notification sent via e-mail to all members. Any changes to the method of distributing the newsletter shall be approved by the Leadership.

There will be no meetings during the months of July and August.

The fiscal year of the Association shall be January 1 to December 31.

QUORUM & VOTING

For all regular, annual, or special meetings: a quorum shall mean representation by at least twenty (20) active voting members.

For all Leadership or committee meetings, a quorum shall mean a majority of members thereof. Members who are not part of the Leadership shall not be permitted to attend meetings of the Leadership unless specifically invited or required to do so by the Leadership.

At any meeting, a quorum may transact business and a simple majority of those in attendance, entitled to vote, shall decide all questions unless otherwise noted in these bylaws.

ARTICLE VII - PARLIAMENTARY AUTHORITY

The rules contained in "Robert's Rules of Order: Simplified and Applied" (Current Edition) shall govern all meetings when not in conflict with the bylaws of this Association.

ARTICLE VIII - DISSOLUTION

With previous notice and a two-thirds vote of the membership, this association may be dissolved. All outstanding bills will be paid, and the remaining money will be donated to a charitable organization recommended by the Leadership and voted upon by the membership.

ARTICLE IX – INDEMINIFICATION OF OFFICERS AND DIRECTORS

All Directors and Officers of the Association now and hereafter in office and their heirs, executors, and administrators, shall be indemnified by the Association against all liabilities, costs, expenses and amounts, including counsel fees, reasonably incurred by or imposed upon them in connection with or resulting from any action, suit, proceeding or claim to which they may be made a party, or in which they may be or become involved by reason of their acts of omission or commission, or alleged acts or omissions as such Director or Officer, or subject to the provisions hereof, any settlement thereof, whether or not they continue to be such Director or Officer at the time of incurring such liabilities, costs, expenses or amounts; provided that such indemnification shall not apply to liabilities incurred with respect to any matter to which such Director or Officer shall be finally adjudged in such action, suit or proceeding to have been individually guilty of either willful malfeasance or misfeasance in the performance of any duty as such Director or Officer, and provided, further, that the indemnification herein provided shall, with respect to any settlement of any such suit, action, proceeding or claim, include reimbursement of any amounts paid and expenses reasonably incurred in settling any such suit, action, proceeding or claim, when, in the judgment of the Leadership of the Association, such settlement and reimbursement appear to be for the best interests of the Association. Indemnification pursuant to this Article shall be reduced by the amount of any other indemnification or reimbursement of such Officer or Director of the liability and expense to which indemnification is claimed. The foregoing right of indemnification shall be in addition to and not exclusive of any and all other rights as to which any such Director or Officer may be entitled under any statute, agreement, or otherwise. Expenses incurred with respect to any claim, action, suit or other proceeding of the character described in this Article may be advanced by the Association prior to the final disposition thereof upon receipt of any undertaking by or on behalf of the recipient to repay such amount unless it shall ultimately be determined that the recipient is entitled to indemnification under this Article.

ARTICLE X -AMENDMENT TO BYLAWS

These By-Laws may be altered, amended or repealed only at a Leadership meeting of this Association provided written notice by the Secretary to active members has been given of the proposed alteration, amendment or repeal at least ten (10) days prior to such meeting and then only by a vote of not less than 2/3 of those present and eligible to vote. Notice may be sent by postal mail or e-mail.

Twelve (12) voting Members of the Association may petition for an amendment of these bylaws under the provisions specified above.

ARTICLE XI - ORDER OF BUSINESS

The order of business for conducting monthly meetings shall be as follows:

1. Call to order
2. Secretary/Treasurer's Report
3. Old Business
4. New Business (recent fires, arrests, convictions)
5. Guest speaker(s) or program
6. Adjournment

The President may modify the order of business, from time to time. When in question, "Robert's Rules of Order" shall prevail in determining the business of the Association.

NONDISCRIMINATION CLAUSE

It shall be the policy of the members of the Association to maintain a nondiscriminatory policy with respect to sex, race, color, national or ethnic origin, and creed or religion in the furtherance of the purpose for which the Association is formed.

EARNINGS AND TAX EXEMPT STATUS

No part of the net earnings of the Association shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for the services rendered and to make payments and distributions in furtherance of the purposes set forth in Article II hereof.

No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. This shall in no way interfere with supporting or opposing legislation or a position on a specific issue that affects the Associations' mission or the welfare of its members. This shall not in any way prohibit the Leadership and members from expressing their personal views—as long as organizational stationery, forums, or other resources are not used. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code or any future United States Internal Revenue Law.

No monies, in excess of \$100.00 for any single item, shall be expended from the general fund of the Association for any reason without prior approval of the

Board of Directors. However, the general membership of the Association, may override the decision of the Board of Directors by a majority vote, providing the Secretary/Treasurer has sufficient funds in the Treasury to cover the expense. Changes in the single item amount are subject to approval by the Board.

ARTICLE XII – CONFIDENTIALITY

Although recognized that the sharing of information dealing with specific investigative information with members can be beneficial, the integrity of ongoing criminal/civil investigations shall be protected as it could adversely affect pending or prospective law enforcement operations and the privacy of individuals. All members of this association agree to fully comply with all pertinent state/federal statutes concerning the confidential and sensitive nature of investigative information to include Chapters 148 and 277 of the Massachusetts General laws, and any other applicable laws/regulations governing the release of information to include requests from a prosecutor to preclude the furnishing of information which may reasonably be expected to influence the outcome of a pending or future criminal proceeding.

No Association member may share or further disseminate any information pertaining to investigations (either active or inactive) obtained during an Association event to a "third-party" without the express consent from the source(s) of that information. The "source" shall be considered the Lead Investigator. A violation of this article shall be cause for immediate suspension and/or removal by the Leadership.

* * *

These bylaws were put to the membership for a vote and unanimously approved on May 2, 2006.

*Insp. Salvatore Mazzola Jr., President
Revere Fire Dept.*

*Deputy Chief James Coughlin, Board of Directors
Peabody Fire Dept.*

*Insp. Paul B. Nicholas, Jr., Vice-President
Weston Fire Dept.*

*Trooper Peter Cummings, Board of Directors
Mass State Fire Marshal's Office*

*Lt. Vincent P. Zappulla P.P., Secretary/Treasurer
Winthrop Fire Dept.*

*Insp. Joseph DiFranco, Board of Directors
Peabody Fire Dept.*

*S/A K.Dino Balos, Board of Directors
Bureau of ATF*

*Insp. Rick McClellan, Board of Directors
Wilmington Fire Dept.*

*Trooper Donald Bossi, Board of Directors
Mass State Fire Marshal's Office*