



AMERICAN LEGION NEWPORT HARBOR POST 291
215 15th Street, Newport Beach, CA 92663
GENERAL MEETING MINUTES
Wednesday, 13 November 2024

Meeting called to order at approximately **1902 hrs.**

The Colors were advanced.

Invocation: Chaplain Barry Butzloff

Pledge of Allegiance: Commander Brian Fleming Jr.

POW/MIA Ceremony: Walter Roberts, Member at Large

Recited the Preamble of the Constitution of The American Legion: lead by Commander Brian Fleming Jr.

ROLL CALL:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Brian Fleming Jr., Commander | <input type="checkbox"/> Vacant, Judge Advocate | <input checked="" type="checkbox"/> Jon Reynolds, M.a.L. |
| <input checked="" type="checkbox"/> Ernest Alonso., 1 st Vice Cmdr. | <input checked="" type="checkbox"/> Bob Wine, Finance Officer | <input checked="" type="checkbox"/> Walter Roberts, M.a.L. |
| <input checked="" type="checkbox"/> Ray Ricard, 2 nd Vice Cmdr. | <input checked="" type="checkbox"/> Mike Mailman, Sgt-at-Arms | <input checked="" type="checkbox"/> Mike Berdine, M.a.L. |
| <input checked="" type="checkbox"/> David Heinle, 3 rd Vice Cmdr. | <input checked="" type="checkbox"/> Cory Vigil, Service Officer | <input checked="" type="checkbox"/> Mike Schubert, M.a.L. |
| <input checked="" type="checkbox"/> Evin Planto, Jr. Past Cmdr. | <input checked="" type="checkbox"/> Barry Butzloff, Chaplain | <input checked="" type="checkbox"/> Nick Giordano, M.a.L. |
| <input checked="" type="checkbox"/> David Zamudio, Adjutant | <input checked="" type="checkbox"/> Johnny Arganda Historian | <input checked="" type="checkbox"/> David Zamudio, M.a.L. |

Excused:

Unexcused:





QUORUM held.

Honored Guests:

- Amy Phan West- Westminster City Councilwoman
- Jess Lawson- Post 291 Past Commander
- Doug Nye- Post 291 Past Commander


Reports from Legion Family Members & Other Guests:

Auxiliary- President – Mary Beth Martin

	American Legion Auxiliary Unit 291		American Legion Auxiliary Unit 291
<p>Front Door Access</p> <p>Tuesdays 3 pm – 7 pm</p> <p>Sundays 10 am – 3 pm</p>		<p>Blood Drive</p> <p>39 Units</p> <p>Helps 102</p>	


Auxiliary (Cont.)

American Legion Auxiliary Unit 291




Kids Halloween Party

American Legion Auxiliary Unit 291




Annual Fundraiser
Raffle Tickets
Coming to your Mailboxes

American Legion Auxiliary Unit 291




VA Bingo
18 Veterans

American Legion Auxiliary Unit 291



Notice for Photography
Department of CA


American Legion Auxiliary Unit 291



District 29 Meeting
Saturday, Nov 9 9:30AM
Newport Harbor

DISTRICT 29, AREA 5,
DEPARTMENT OF CALIFORNIA


American Legion Auxiliary Unit 291



Support 4 Food Banks


- Long Beach VA Food Pantry
- US Vets Food Pantry
- Orange Coast College Veterans Resource Center
- Coastline Community College Veterans Resource Center
- Newport Beach Campus

American Legion Auxiliary Unit 291




Holiday Boutique
Thur, Nov. 21
3:30 – 7:30pm
Main Hall/Fireside Room

American Legion Auxiliary Unit 291




WINTER COAT DRIVE
PLEASE DONATE NEW OR GENTLY USED COATS
Due End of November – Drop Off in Troop Boxes

American Legion Auxiliary Unit 291




Troop Shipping
Sat, Nov. 23
10am – 12pm
Main Hall

American Legion Auxiliary Unit 291




Kids Christmas Party
Sun, Dec. 8th
11am – 1pm
Main Hall

American Legion Auxiliary Unit 291



Auxiliary Holiday Party
Mon, Dec. 9th
6pm – 8pm
Main Hall


American Legion Auxiliary Unit 291



100th Anniversary
Year-long activities starting in 2025

- Angel's Baseball
- Board Walk
- High Tea – Fashions from the Decades
- Gala - October

American Legion Auxiliary Unit 291



Renewals
- Online or 800#

New Members
- Closed

2025 Membership =1194

Sons of the American Legion – Benny Hallock, Historian

- Veteran's Day- Fed 177 Vets.
- Main focus on the Boat Parade.
 - 800 tickets already sold.
- Membership at 110%

American Legion Yacht Club – Mickey Bennett, Vice Commodore

American Legion Yacht Club

Welcome New Legionnaires

- ⇒ Only American Legion Post in U.S. with a Yacht Club
- ⇒ No boating experience necessary
- ⇒ Do not need to own a boat

American Legion Yacht Club Assets

1. Sailboat-free use after certification
2. Race Committee Boat—Valor—harbor cruises
3. Whaler—shuttle
4. (3) 1 meter Model Yachts
5. Duffy Electric Boat.



American Legion Yacht Club

Activities

1. Youth Sailing Classes
2. Assistance with Adult Sailing Classes
3. Regattas and Ocean Series Racing
4. Summer Race Series (Sundowners) & (Model Yachts)
5. Cruise outs—Dana Point, Emerald Bay, Long Beach
6. Duffy Rally
7. Opening Day Ceremony
8. Sailing for the Visually Impaired
9. Paddleboard Race
10. Old Glory Boat Parade
11. Christmas Boat parade
12. Dive and Snorkel Club
13. Harbor Raft Ups
14. Monthly Social Events
15. Other yacht club reciprocity



SOCIAL MEDIA

Follow us on Facebook and our website www.ALYC.com

Honor Guard – Vice Commander- Mike Mailman



Post 291 Honor Guard / Color Guard

- 64 events completed in 2024
- 1 additional pending for the month
- 20 active members
- 0 New Recruit

General Membership Meeting Minutes:

- Commander Fleming requests for a motion to be put on the table to waive the reading of the 09 October 2024 General Membership Meeting Minutes.
- A motion was made to waive the reading of the minutes of the 09 October 2024 General Meeting.
 - M/S/No D/ MC- Motion Carries Unanimously
- Commander Fleming requests for a motion to be put on the table to approve the 09 October 2024 General Membership Meeting Minutes.
- A motion was made to approved the minutes of the 09 October 2024 General Meeting.
 - M/S/No D/ MC- Motion Carries Unanimously

Correspondence

NONE

Officer Reports (cont. on next page)

Officer Reports:


Commander Brian Fleming Jr.



Commander Brian Fleming Jr.
Roof Repair – Monday Nov 18th –Nov 24th

Commander Brian Fleming Jr.

- **Amendment No. 1 To the Lease Between Post 291 a and City of Newport Beach**
 - Approved at Newport Beach City Council Meeting last night (11/12/24)



Commander Brian Fleming Jr.

1. Eliminates the \$223,796 said by City to be owed by Post, and states that this elimination will not be considered forgiveness of debt.
2. Eliminates all percentage rent. Further, will not challenge Post's payments of rent for periods prior to 2024 beyond what has already been paid.
3. Establishes new base rent of \$18,000 per month, with increases based on the same terms and schedule as the old base rent.
4. Does not eliminate Paragraphs 4.2, 4.4 and 4.5 of the Lease, but amends them to eliminate percentage rent.

- Discussion on Veteran Day Recap
 - Meals were discounted to \$5 for Veterans, and SALs paid the remaining \$15 as part of honoring the Veterans.

Adjutant David Zamudio

- No Report

1st Vice Cmdr. Ernest Alonso

- Approximately 2562 Active memberships paid.
- 1700+ pending
- 333 memberships have expired.

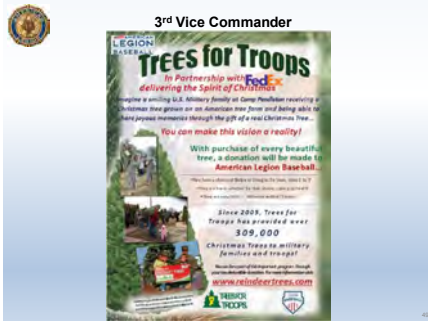
2nd Vice Cmdr. Ray Ricard-

- Spoke about duties as 2nd Vice Cmdr.
- Informed membership about eblast and need to update email.
- Discussed the weekly entertainment schedule at the Post.

Officer Reports (cont)

3rd Vice Cmdr. David Heinle-

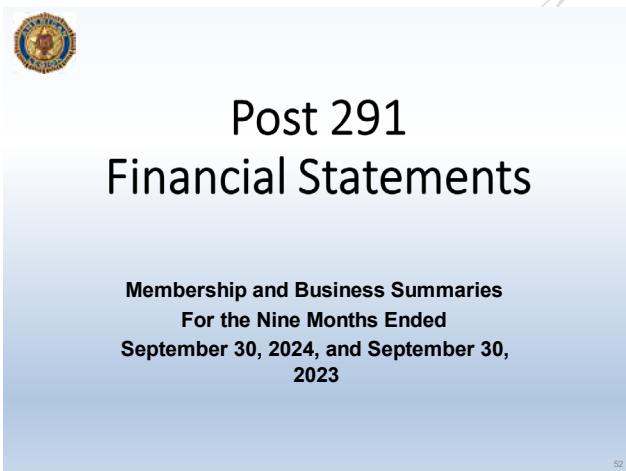
- Discussed Boys / Girls State 2024-2025
- Guest Speaker:
 - Brad McDermott AL
291 Baseball



Jr. Past Cmdr. Evin Planto –

- Informed Membership of National initiative concerning veterans in Medicare who can receive up to \$80.00 annually just for signing up.
 - Gave instructions on receiving funds.

Finance Officer Bob Wine – Post Financial Operations.




Finance Officer Bob Wine (cont.)

Newport Harbor Post 291			
Condensed Business Revenue & Expenditures			
Nine Months Ended 9/30/24 and 9/30/23			
	9/30/2024	9/30/2023	Difference
Revenue:			
Restaurant Food & Beverage Sales	\$ 2,126,137.00	\$ 1,816,500.00	\$ 309,637.00
Banquet Revenue	517,867.00	482,482.00	35,385.00
Total Restaurant & Banquet Revenue	2,644,004.00	2,298,982.00	345,022.00
Cost of Goods Sold:			
Food & Beverage Costs	937,984.00	876,357.00	61,627.00
Direct Labor, Including Employee Benefits	1,097,191.00	999,254.00	97,937.00
Total COGS	2,035,175.00	1,875,611.00	159,564.00
Gross Profit	608,829.00	423,371.00	185,458.00
Other Revenue & Expenditures:			
Marina Revenue	252,760.00	214,039.00	38,721.00
Other Income Including Interest	72,500.00	49,412.00	23,088.00
General & Administrative Expenses	(961,089.00)	(897,765.00)	(63,324.00)
Net of Revenue and Expenditures	\$ (27,000.00)	\$ (210,943.00)	\$ 183,943.00

Newport Harbor Post 291			
Condensed Membership Revenue & Expenditures			
Nine Months Ended 9/30/24 and 9/30/23			
	9/30/2024	9/30/2023	Difference
Revenue:			
Membership Fees	\$ 364,837.00	\$ 374,489.00	\$ (9,652.00)
Donated Revenue	160,505.00	61,030.00	99,475.00
Event Revenue	136,242.00	91,602.00	44,640.00
Merchandise Sales and Other Revenue	22,510.00	23,315.00	(805.00)
Total Revenue	684,094.00	550,436.00	133,658.00
Expenditures:			
Payroll	34,632.00	32,261.00	2,371.00
Department & National Fees	92,597.00	83,596.00	9,001.00
Donations & Service Officer Expenditures	148,004.00	248,542.00	(100,538.00)
Event Expenses	192,197.00	70,989.00	121,208.00
Convention Expenses	33,794.00	37,715.00	(3,921.00)
All Other Expenditures	283,670.00	266,054.00	17,616.00
Total Expenditures	784,894.00	739,157.00	45,737.00
Net of Revenue and Expenditures	\$ (100,800.00)	\$ (188,721.00)	\$ 87,921.00

Finance Officer Bob Wine (cont.)



Newport Harbor Post 291			
Condensed Business & Membership Revenue & Expenditures			
Nine Months Ended 9/30/24 and 9/30/23			
	9/30/2024	9/30/2023	Difference
Business:			
Revenue	\$ 2,969,264.00	\$ 2,562,433.00	\$ 406,831.00
Expenditures	2,996,264.00	2,773,376.00	222,888.00
Net of Revenue and Expenditures	(27,000.00)	(210,943.00)	183,943.00
Membership:			
Revenue	684,094.00	550,436.00	133,658.00
Expenditures	784,894.00	739,157.00	45,737.00
Net of Revenue and Expenditures	(100,800.00)	(188,721.00)	87,921.00
Combined Totals	(127,800.00)	(399,664.00)	271,864.00
Facility Fees	227,533.00	269,945.00	(42,412.00)
Net Revenue and Expenditures	\$ 99,733.00	\$ (129,719.00)	\$ 229,452.00

Historian Johnny Arganda

- No Report


Sergeant at Arms Mike Mailman-

- Discussion reminding membership that it is required to have an ID and current Membership card to access the post.

Chaplin Barry Butzloff

- Discussion on the Vet Buddy Check program.
 - Requested for more volunteers.
- Read to membership the story of Thanksgiving tradition of small (Samuel 1:17)

Service Officer Cory Vigil



Service Officer- Donations Committee

AL291 E-Committee Minutes
Thursday, November 7th, 2024

Purpose Statement: The Service Officer will approve grants and financial aid to veterans & military families.
Donation Committee: Cory Vigil, Ray Ricard and Barry Butzloff.

Veterans Served in September 2024: VEAF

1. ARMY requested assistance with utility bill for \$302.26
2. ARMY requested assistance with cellular phone reinstatement for \$390.00.
3. ARMY requested assistance with baby items and food for \$341.34.
4. ARMY requested a battery from my Triple AAA for \$278.58.
5. ARMY requested assistance with air mattress, hygiene, clothing and food for \$306.31.
6. ARMY requested assistance with cellular phone reinstatement for \$408.59.
7. ARMY requested assistance with a deposit of \$500.00.
8. USMC requested assistance with DMV registration for \$313.00.

\$2,840.08

Service Officer Cory Vigil (cont.)



Service Officer - Donations Comm (cont.)

Service Officer Account-

\$2500.00 Veterans Legal Institute – Lawyers for Warriors
 \$1000.00 Battalion 22
 \$500.00 Marine Corps League October 12th Fundraiser
 \$391.13 Coffee Talk Burritos
 \$1000.00 Noble Viking Charities Veteran Food Box Program
 \$210.00 Cadet Fundraiser Mission Viejo
 \$1000.00 SoCal Grantmakers Battle Boutique
 \$900.00 Halloween Party (Veterans)
 \$500.00 Project Hero Event Food & Drink
 \$500.00 Gas
 \$500.00 Grocery
 \$500.00 Power of One's 5th Annual Trunk or Treat

 \$9,001.13

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Service Officer June Report

Monthly Update for Service Officer		for the Nov 7, 2024 E-Board		
	2023 Actuals	2024 Budget	2024 Actual thru Oct 31	% of 2024 Budget thru Dec 31
6510 Donations				
6519 Honor Guard	7,478.36	2,500.00	1,701.47	68%
6521 Unrestricted Service Officer Expense	114,718.13	78,000.00	46,857.93	60%
6523- SO Discretionary		2,000.00	10,656.18	533%
6522 Restricted VEAF expense	129,645.07	65,000.00	87,409.85	134%
6515 Oratorical	-	-	-	0%
6510 Donations other	60,978.76	50,000.00	13,750.00	28%
Total 6510 expenses	312,820.32	197,500.00	160,375.43	81%
4520 VEAF current balance			53,569.09	
Oct Donations Out			8530.93	
Oct VEAF Donations Out			3840.08	

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Judge Advocate- VACANT

- No Report

Officer Reports (cont)

Members at Large –

Jon Reynolds- No Report

Walter Roberts- No Report

Mike Berdine- No Report

Mike Schubert- Informed Membership that American Legion will be sponsoring the Army / Navy Football game.
2025 will mark 50 Years of the Vietnam War.

Nick Giordano- No Report

David Zamudio- No Report

NOTE: Commander Brian Fleming turns over the Gavel to Past Commander Jon Reynolds, also current Member at Large. (2017 hrs.)

Unfinished Business

- Jon Reynolds (current Chair) recognizes Commander Brian Fleming Jr.
 - Commander Fleming speaks to membership and explains for his reason of joining the membership floor so that he is able to speak freely.
 - Explains the conflict with the Executive Committee.
 - Reminds member of the vote of no confidence that was put forward against Jr. Past Cmdr. Evin Planto at the October 2024 General Membership Meeting.
 - It was voted and passed by a majority vote by the Executive Committee.
 - In accordance to our Bylaws, there is a recall petition that required a minimum of 2/3rds signatures of the voting hands of the board. 10 out of 15 was needed to pass.
 - 11 signatures were obtained on the petition.
 - That petition was brought to the membership in October General Membership meeting, and it was also announced that there would be a recall vote to remove Jr. Past Cmdr. Evin Planto from the Executive Board.
 - **MOTION:** Commander Fleming Jr.
 - "I move that Post 291 recalls Jr. Past Commander Evin Planto from the Executive Committee as prescribed by Article 5.8.2 of the Post 291 Bylaws."
 - Chair request a second to the motion:
 - Seconded: Rich Frauenzimmer (Member in Good Standing)
 - Chair states "those that made the motion do you have any other comments that you would like to add at this time".
 - Commander Fleming discusses an officer's responsibility to the post and there are clearly defined the Bylaws.
 - Officers also should be following the Professional Code of Conduct.
 - "All that I speak of will be from the time of July 1st until now, while he [Evin Planto] has been in the position of the Jr. Past Commander."
 - "Evin Planto tried to discredit myself and the award winning Color Guard team out at the National Convention."
 - After the competition was done, and Post 291 won, Evin asked people who won, and stated that the team should have been disqualified because Commander Fleming was currently under suspension.
 - "I have never been suspended."
 - This action of trying to discredit us, was not just a "hit on me", it was a "hit on my team that was out there". This action was taken to trying to get us to return our trophies.
 - This is an embarrassment the Post, the District, and to the entire Department of California.
 - In accordance to the Bylaws, Evin is supposed to be helping and assisting, not trying to discredit.

Unfinished Business (cont. on next page)

Unfinished Business (cont.)

- Commander Fleming explains that two weeks before he took over commander from Evin, a letter was sent to the City of Newport Beach to stop our Lease Negotiating Team.
 - That action prolonged the finalization for the Lease Negotiating by a couple of months.
- **Chair Request any discussion to the Motion.**
- Chair Recognizes Jr. Past Cmdr. Evin Planto
 - State to membership that “Brian Fleming, Jon Reynolds, Mike Berdine, and Bob Wine. We had a trial. We followed Department Hearing Manuals for the State of California, and those four individuals were suspended.”
 - Explains that the information was sent up to Department and sent to National.
 - Makes allegation that they are suspended.
 - Speaks about fiduciary responsibility to the post, to the membership and not to ourselves.
 - Discussed accomplishments.
 - States that membership runs the Post not the Board.
 - States that the Lease Negotiating Team will cost the Post 1.5 Million Dollars for the rest of the lease.
 - States that membership is not “getting the true story”.
 - States this isn’t a Fraternity, but a California Corporation.
 - States that the board does not like him because he is trying to uphold a fiduciary responsibility.
 - Gives grim outlook to membership if he is voted off the board.
- **Chair Request any discussion to the Motion.**
 - Mike Schubert (Member at Large);
 - States that Evin Planto is the only Commander that has obtained outside money to assist the Post.
 - Able to get a \$200k grant from Katrina Foley’s Office.
 - Ken Windell (Member in Good Standing)
 - “If 11 out of 15 guys say it’s just unbearable, I would back them”.
 - Member in Good Standing
 - “ The one person that have come and greeted me and my family, my grandchildren and my friends was Evin Planto. I see him greeting people and no one else on the Executive Committee has greeted me and said welcome to the post.”
 - Member in Good Standing, Al Gusson
 - [Directed to Evin Planto] “Why would you go and behind the back of everybody and start saying negative things. Even if it is true why would you go behind everybody’s back?”
 - Mike Berdine (Member at Large)
 - States that in September of last year [2023] over frustration of not getting any action, the Negotiating Team was created.
 - Stated that he made three (3) motion to get that team made.
 - In March of 2024, Evin Planto filed charges against him [Mike Berdine] for making those three (3) motions at the Executive Board Meeting.
 - The entire board voted in favor of those motions.
 - States “he [Evin Planto] is not a person we want on the board”.
 - Doug Nye (Past Commander- Post 291)
 - States to membership, that the claim losing 1.5 million is not a correct statement as he [Doug Nye] is on the Lease Negotiating Team.
 - Compliments Evin as Commander but states he is not sure what happened.
 - Stated the way it was done was not according to policy.
 - Stated that he supports Commander Brian Fleming and his motion.
 - Corrects Evin’s statement that he brought A/C to the hall as Commander, which was actually approved in 2019 as he [Doug Nye] was the Commander.
 - Hector Storman (Member at Large)
 - States his opinion on the issue.
 - States that he “supports both Evin Planto and Brian Fleming.”

Unfinished Business (cont. on next page)

Unfinished Business (cont.)

- **CALL TO QUESTION**, by Member in Good Standing.
 - Chair explains that it limits discussion and requires a 2/3rds vote.
 - Chair presents motion to Call to Question.
 - Seconded by Mike Mailman (Sgt. At Arms)
- **Chair Request any discussion to the Motion.**
 - Member request explanation and understanding from the Chair.
 - Chair answers and gives explanation.
 - This is only to close the discussion on the original motion.
 - John Chomin (Member in Good Standing)-
 - Reads Bylaws § 5.6.4.9- Jr. Past Commander Duties and Responsibilities.
 - States that Evin Planto has overstepped his job as Jr. Past Commander.
 - Chair correct Member stating that comment does not pertain to this motion.
- **Move to Vote to close discussion and proceed with vote of original motion.** (M/S/D/MC) motion carries.
 - **Aye:** Majority.
 - **Nay:** 3
- **Chair proceeds to vote on MOTION:** Commander Fleming Jr. restate the motion.
 - “I move that Post 291 recalls Jr. Past Commander Evin Planto from the Executive Committee as prescribed by Article 5.8.2 of the Post 291 Bylaws..”
 - Seconded: Rich Frauenzimmer (Member in Good Standing)
 - **MOVE TO VOTE:**
 - Aye- 56
 - Nay- 10
 - Abstentions- 0
 - **MOTION CARRIES BY 2/3rds Vote**
 - Jr. Past Commander position is vacated from Executive Committee.

NOTE: Temporary Chair Jon Reynolds relinquished the Gavel to Commander Brian Fleming Jr. (2038 hrs.)

Induction of New Members (total number: 38)

- Inductees Names read to membership by 1st Vice Commander Ernest Alonso,
- Inductees were brought to the front of the stage.
- Motion presents to accept inductees.
 - M/S/No D/ MC- Motion Carries Unanimously
- Commander Fleming reads rules and expectations to all new legionnaires.

New Business



New Business (cont.)

Approval of Post 291 Committee Appointments

- **House Committee Chair Replacement**
 - **Replace:** David Zamudio with **Mike Berdine**
- **House Committee Member Replacement**
 - **Replace:** Kevin Van Otterloo with **Ernie Gorrill**
- **New House Committee**
 - **Chair:** **Mike Berdine**
 - **Members:** Bob Wine, Tommy Wheeler, Nick Giordano, Ernie Gorrill, David Zamudio

- Motion made by David Zamudio, Adjutant and Member at Large.
 - “I move that the membership accept the new composition of the House Committee.”
- Seconded by John Chomin (Member in Good Standing)
- No Discussion
- Move to Vote: (M/S/NoD/ MC)

- Motion Carries Unanimously



New Business (cont.)
Judge Advocate Vacancy

Approval of Appointment for Judge Advocate

Member in Good Standing - **Cindy Baker**

- Motion presented Jon Reynolds, Member at Large
 - “ I move that we accept Cindy Baker as Judge Advocate
- Seconded by Joh Chomin
- No Discussion
- MOVE TO VOTE: (M/S/NoD/ MC): Motion carries Unanimously
 - Commander Fleming invite Judge Advocate, Cindy Baker to take a seat on the stage.

Good of the Legion

- Evin Planto, Member in Good Standing
 - States to Members that he is here to support the Post.
- 1st Vice Cmdr., Ernest Alonso
 - Reminds membership of next Veteran's Coffee Talk
 - December 7th (9:00- 11:00 am)

Chaplain Barry Butzloff gives closing prayer.

The Meeting was adjourned at 2108 hours.