



**NZ PROFESSIONAL HUNTING GUIDES
ASSOCIATION INCORPORATED**

CONSTITUTION

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1. NAME:

The name of the Association shall be the "New Zealand Professional Hunting Guides Association Incorporated".

2. OBJECTS:

The objects of the association shall be:

- 2.1 To promote and enhance professionalism within the guided hunting industry of New Zealand.
- 2.2 To promote and encourage professionally guided hunting in New Zealand.
- 2.3 To promote the management and protection of our game resources and sport hunting as an honourable, ethical and acceptable method of harvest.
- 2.4 To monitor the guided hunting industry.
- 2.5 To run, from time to time and as the need arises, workshop seminars, training sessions etc. relating to the needs and requirements of Members.
- 2.6 To lobby on matters of importance to the Association and betterment of the industry.
- 2.7 To promote goodwill within the hunting industry and to encourage a sense of fellowship and trust

3. CODE OF ETHICS:

All Members are expected to abide by the following Code of Ethics:

- 3.1 To conduct themselves in the field in a professional manner and to abide by the Laws of the Land.
- 3.2 Always hold the safety and welfare of the client paramount.
- 3.3 Always to do the best for the client's success.
- 3.4 Always to respect wildlife before and after it is shot, to take only the quantity of game that is fair and reasonable.
- 3.5 Always to respect the rights of the recreational hunter, sportsperson and landowner.
- 3.6 Never to publish misleading advertising or literature.
- 3.7 Never to publicly belittle or denigrate any other person or organisation associated with the industry.

4. REGISTERED OFFICE:

The Registered Office of the Association shall be the current President's address or at such address as the Association shall decide.

5. MEMBERSHIP

5.1

Application for Membership

- a. **Prospective Members must make a written application on the prescribed form and submit to the Membership Officer together with the required attachments.**
- b. **Membership applications can only be submitted by New Zealand residents.**
- c. **Membership applications are subject to approval by the Executive Committee. The Executive Committee have the power to refuse a Membership application if in the opinion of the majority of the Executive Committee such refusal is considered to be in the best interests of the Association. The grounds for such refusal are not required to be provided to the applicant.**
- d. **Once a Membership application has been approved in principle by the Executive Committee, the Membership Officer will advise the prospective Member that his/her application has been approved in principle and that he/she will be placed on the next available PH Academy course.**

5.2

PH Academy

- a. **Once a Membership application has been approved in principle by the Executive Committee, the prospective Member must attend the next available PH Academy course within twelve (12) months of the Membership application being approved.**
- b. **If the prospective Member does not attend the PH Academy within twelve (12) months of the Membership application being approved in principle the prospective Member will have to apply in writing to the Membership Officer for an extension of time to complete the PH Academy requirements, provided that satisfactory completion of the PH Academy is achieved within twenty-four (24) months of the application being approved in principle.**
- c. **Failure to complete the PH Academy within the twenty-four (24) month period will result in the prospective Member being offered Associate Member status only or if the opinion of the majority of the Executive Committee the application can be declined.**
- d. **On the satisfactory completion of the PH Academy the prospective Member can make application for guide or outfitter Membership.**
- e. **The fee for the PH Academy will be set from time to time and the prospective Member is required to pay the prescribed deposit on registration for the course and pay the balance of the fee in full before the commencement of the course.**
- f. **Attendance on the PH Academy course is restricted to prospective Members and current Members only, and to any other person as the Executive Committee may extend an invitation to attend from time to time.**

5. MEMBERSHIP continued

5.3 Membership Class

- a. **OUTFITTER MEMBER** – fully qualified Guide who operates their own outfitting businesses on public or private lands usually with one or more employees or contract guides, offering guided hunts to clients. Only an outfitter Member may apply to the Department of Conservation for a guiding concession under the Association’s guiding permit, and is entitled once approved by the Department of Conservation, to retain that concession provided the Outfitter Member is a financial Member of the Association at all times.
- b. **GUIDED MEMBER** – fully qualified Guide who operates as a self-employed guide, contract guide or as an employee of an Outfitter Member.
- c. **ASSOCIATE MEMBER** – any person associated with or having an interest in the guided hunting industry, or those prospective Members yet to complete the PH Academy. Associate Members may not act as guides and are not covered by the Department of Conservation concession or the NZ Professional Hunting Guides Association Inc Safety Management System.
- d. **LIFE MEMBERS** – Members who have been awarded Life Membership of the Association. A Life Member will be a Guide or Outfitter Member who has contributed greatly to the Association, its aim and objectives, and has retired from active guiding. Nomination of a Member for Life Membership must be unanimously agreed by the Executive Committee. The nomination proposed and seconded by two Members of the Executive Committee must be received in writing by the Secretary as a Notice of Motion 14 days prior to an Annual General Meeting. The Notice of Motion will then be put to the Annual General Meeting.

5.4 Cessation of Membership

- a. **Membership will cease when a Member advises the Secretary in writing (by letter or email) that they wish to resign their Membership.**
- b. **Membership will cease when a Member fails to pay their Membership dues by the due date.**
- c. **Membership will cease immediately in accordance with clause 21.4 when the Executive Committee impose penalty of expulsion.**
- d. **If for any reason whatsoever, the Executive Committee is of the view that a Member is breaching the rules or acting in a manner inconsistent with the purposes of the Association, the Executive Committee may give written notice of this to the Member. (“the Executive Committee’s Notice”). The Executive Committee’s Notice must:**
 - i) **Explain how the Member is breaching the Rules or acting in a manner inconsistent with the purposes of the Association;**
 - ii) **State what the Member must do in order to remedy the situation; or state that the Member must write to the Executive Committee giving reasons why the Executive Committee should not terminate the Member’s Membership.**
 - iii) **State that if, within 14 days of the Member receiving the Executive Committee’s Notice, the Committee is not satisfied, the Committee may in its absolute discretion immediately terminate the Member’s Membership.**
 - iv) **State that if the Executive Committee terminates the Member’s Membership, the Member may appeal to the Association.**

5. MEMBERSHIP continued

- v) Fourteen days after the Member received the Executive Committee's Notice, the Executive Committee may in its absolute discretion by majority vote terminate the Member's Membership by giving the Member written notice ("Termination Notice"), which takes immediate effect. The Termination Notice must state that the Member may appeal to the Association at the next Meeting by giving written notice to the Secretary ("Member's Notice") within 14 days of the Member's receipt of the Termination Notice.
- vi) If the Member gives the Member's Notice to the Secretary, the Member will have the right to be fairly heard at an Association Meeting held within the following 28 days. If the Member chooses, the Member may provide the Secretary with a written explanation of the events as the Member sees them ("the Member's Explanation"), and the Member may require the Secretary to give the Member's Explanation to every other Member within 7 days of the Secretary receiving the Member's Explanation. If the Member is not satisfied that the other Association Members have had sufficient time to consider the Member's Explanation, the Member may defer his or her right to be heard until the following Association Meeting.
- vii) When the Member is heard at an Association Meeting, the Association may question the Member and the Committee Members.
- viii) The Association shall then by majority vote decide whether to let the termination stand, or whether to reinstate the Member.
- viii) The Association's decision will be final.
- e. On cessation of Membership the Member is required to return to the Secretary any Department of Conservation concession cards held, and remove from their website, brochures or other collateral the NZ Professional Hunting Guides Association Inc logo's. Similarly, the Member's name will be removed from Association's website and other printed materials and distribution lists.

5.5 Stand Down of Membership

A Member may make a request in writing to the Executive Committee to stand down their membership for a period of time due to ill health or some other relevant reason. The written request must set out the reasons and provide confirmation that the Member is no longer active in the industry or employed as a guide. The Executive have the sole discretion to grant the leave of membership or not.

5.6 Obligations of Members

- a. All Members shall promote the purposes of the Association and shall do nothing to bring the Association into disrepute.
- b. In addition to the information required in the Membership Application form, each Member shall provide such other details as the Executive Committee may reasonably require.
- c. Each Member is responsible for ensuring the details displayed on the Association's website are current and correct and must advise the Secretary in writing or by email of any changes within 10 days of the change.

6. ALTERATION OF RULES:

The rules of the Association may be altered, added to, or rescinded by a resolution at a Special General Meeting or an Annual General Meeting, but nothing in the clause shall prohibit an amendment by the said meeting of any proposal that was specified in the notice. A majority or three-quarters (3/4) of those Members present at the meeting is required to alter the rules.

7. SUBSCRIPTIONS:

7.1 The subscriptions shall be determined from time to time at the Annual General Meeting and shall be due for payment within 60 days of the subscription invoice being issued.

7.2 On payment of the annual subscription the Outfitter and Guide Member will be entitled to receive any updates the Association's Safety Management System.

8. EXECUTIVE COMMITTEE:

8.1 The Executive Committee of the Association shall manage the affairs of the Association in accordance with the Rules and shall comprise of not more than nine (9) Financial Members, Namely:

- a) The President**
- b) The Vice President**
- c) The Immediate Past President (if applicable)**
- d) Member Representatives, six (6)**

8.2 The Executive Committee shall have the power to co-opt on to the Executive Committee any Member or Members of the Association if, for any special reason, additional Members of the Executive Committee are required. However, such co-opted Members of the Executive Committee shall cease to be Members thereof at the next Annual General Meeting or so soon as the special reason shall cease to exist whichever shall be less.

8.3 The Executive Committee shall have the power to at any time invite to a meeting or meetings of the Executive Committee such people whether Members of the Association or not, as for some reason their expertise or whose advice is desirable to the Executive Committee.

8.4 The Executive Committee shall have the power to appoint a Secretary and Treasurer upon such terms and under such conditions as they think fit and any Secretary and Treasurer to be appointed may be removed by them.

9. APPOINTMENT OF OFFICERS:

The appointment of Officers to the Executive Committee shall be as follows –

- 9.1 The PRESIDENT of the Association will be elected at each Annual General Meeting. **The nominations for Office of President must be proposed and seconded from the outgoing Executive**
- 9.2 The President of the Association be for a maximum consecutive term of three (3) years.
- 9.3 The VICE PRESIDENT will be elected at each Annual General Meeting. **The nominations for Office of Vice President must be proposed and seconded from the outgoing Executive.**
- 9.4 In the event of either the President or the Vice President being unable to fulfil his responsibility then the longest serving Executive Member shall act as Interim Officer until the next Annual General Meeting.
- 9.5 The EXECUTIVE COMMITTEE will be elected at each Annual General Meeting from the Full Financial Members of the Association.
- 9.6 Nominations for Office
- a. Nominations for office are to be received by the Secretary on a prescribed nomination form no less than fourteen (14) days prior to the Annual General Meeting and these nominations are to be circulated to all Members.
 - b. Only nominations from financial Full Members will be accepted.
 - c. Every nomination must be proposed and seconded by financial Full Members.
 - d. Nominations will not be accepted from the floor of the meeting during the Annual General Meeting.

10. ROLE OF THE EXECUTIVE COMMITTEE

10.1 Subject to the rules of the Association, the role of the Executive Committee is to:

- a. Administer, manage and control the Association;
- b. Carry out the purposes of the Association, and use money or other assets to do that;
- c. Manage the Association's bank accounts;
- d. Ensure that all Members follow the Rules and Code of Ethics;
- e. Decide how a person becomes a Member, and how a person stops being a Member;
- f. Decide the times and dates for meetings, and set the agenda for meetings;
- g. Decide the procedures for dealing with complaints;
- h. Make regulations;

10.2 The Executive Committee has all the powers of the Association, unless the Executive Committee's power is limited by these Rules, or by a majority decision of the Association.

10.3 Decisions of the Executive Committee bind the Association, unless the Executive Committee's power is limited by these Rules, or by a majority decision of the Association.

10.4 Officers of the Executive Committee cease to be officers when:

- a. They resign by giving written notice to the Executive Committee;
- b. They are removed by majority vote of the Association at a duly convened meeting;
- c. Their term expires.

10. ROLE OF THE EXECUTIVE COMMITTEE continued

10.5 If a person ceases to be Officer of the Executive Committee that person must within one month give to the Executive all Association documents and property held.

11. DUTIES OF OFFICERS:

11.1 The PRESIDENT shall;

- a. Convene and preside at all meetings of the Members and the Executive Committee;
- b. Oversee the operation of the Association;
- c. Perform all duties incident to the office of President and other duties assigned to him by the Executive Committee;
- d. Authorize public commentary on behalf the Association;
- e. Give a report on the operation of the Association at each Annual General Meeting;
- f. Have a casting vote.

11.2 The SECRETARY shall;

- a. Keep the Minutes of the meetings of the Executive and Association in a book provided for this purpose;
- b. See that all notices of the meetings of the Executive and Association are given in accordance with the provisions of these Rules or as required by Law;
- c. **Keep a register of each Member of the Association; which shall contain:**
 - **Name**
 - **Postal address**
 - **Email/website**
 - **Telephone numbers**
 - **Class of Membership**
 - **Date on which they became a Member****These details, except for the date on which they became a Member, shall be displayed on the Associations' website and other printed material, unless the Member provides a written request that their details not be displayed.**
- d. Conduct correspondence;
- e. Prepare agendas for all meetings of the Executive;
- f. Keep all books and records of the Association in his/her custody other than those kept by the Treasurer for accounting and other financial purposes, and retain the common seal of the Association;
- g. Perform such other duties as the majority of the Executive Committee shall specify;
- h. Forward the annual financial statements for the Association to the Registrar of Incorporated Societies upon approval by the Members at an Annual General Meeting;
- i. Be a Non-voting Member of the Executive.

11. DUTIES OF OFFICERS: continued

- 11.3 The TREASURER shall;
- a. Be responsible for all funds and securities of the Association from all sources and depositors.
 - b. May designate with the approval of the Executive such person or persons to assist him/her as his/her agent in carrying out the duties of his/her office.
 - c. Review all records of Association income and expenditure.
 - d. Report to the Members the financial condition of the Association as instructed by the Executive Committee.
 - e. Perform such other duties as may be assigned to him/her by the majority of the Executive.
 - f. Keep appropriate double entry books of account of the Association.
 - g. Deposit as soon as practical and without deduction to the credit of the Association's Bank Account all monies received.
 - i. **Issue subscription invoices and other invoices as required for all monies due to the Association.**
 - i. Together with not less than one other Member of the Executive Committee sign all cheques, **internet banking bill payments or transfers**, promissory notes, drafts, bills of exchange and other negotiable instruments issued by the Association.
 - i. Be a Non-voting Member of the Executive.

12. AUDITOR:

The Association will not undertake an Annual Audit, but the Executive Committee is authorised to obtain an independent review of the Annual Accounts, from time to time, or whenever a circumstance arises where the Executive Committee, in the best interests of the Members, feels such an independent review of Annual Accounts is justified.

13. ANNUAL GENERAL MEETING:

- 13.1 The Annual General Meeting of the Association will be held within three (3) months of balance date, with not less than one month's notice of the date to be advised to each financial Member.
- 13.2 Any such notice may be incorporated in any Association Newsletter or other document published by the Association for distribution to every Member by displaying such notice therein prominently **or by email.**
- 13.3 The accidental omission to give notice to or the nonreceipt of any notice by any Member or any other person entitled to such notice shall not invalidate the proceedings of any General Meeting to which such notice relates.
- 13.4 Notices of Motion including nominations for Office shall be lodged with the Secretary not less than fourteen (14) days prior to the Annual General Meeting.
- 13.5 The Business of the Annual General Meeting shall be:
- a. Approve minutes of the previous meeting;
 - b. The report of the outgoing President on the business of the Association;
 - c. The Treasurer's report on the finances of the Association and Statement of Accounts;
 - d. Election of the Executive Committee as set out in rule eight (8) and appoint an Auditor and Scrutineer if appropriate.
 - e. Motions to be considered of which notice of motion has been given to the Association not less than fourteen (14) days prior to the Annual General Meeting.
 - f. General Business
- 13.6 **The Annual General Meeting shall be chaired by the President. If the President is absent the Association shall elect another Executive Committee Member to chair the meeting. Any person chairing the meeting has the casting vote.**

14. SPECIAL OR EXTRAORDINARY MEETINGS:

- 14.1 The Executive Committee may convene an Extraordinary or Special General Meeting of the Association at any time, or so do so forthwith when any question of urgent importance shall arise and shall do so on receiving a requisition signed by not less than Fifteen (15) Financial Members of the Association stating the purpose of which the meeting shall be given in similar manner to the Annual General Meeting.
- 14.2 Clauses 13.6 above will apply to Extraordinary or Special General Meetings.

15. QUORUM:

(as amended by Notice of Motion adopted at the AGM 26 October 2012)

- 15.1 At all Special and Extraordinary General Meetings of the Association, a quorum will be twenty five percent (25%) of the Financial Members.
- 15.2 At all General meetings of the Association a quorum will be ten percent (10%) of the Financial Members or 9 financial Members present at the meeting, whichever is the lessor.

16. VOTING:

- 16.1 **Definition of a Full Financial Member**
Members being Outfitter or Guide, as specified in the Constitution, that have paid the required subscription for the financial year ended prior to the Annual General Meeting, or are financial in the year in which a Special Meeting is convened, and Life Members will be deemed to be Full Financial Members and eligible to vote
- 16.2 **Number of Votes:**
Every eligible qualified Member shall have one (1) vote.
- 16.3 **Proxy Votes:**
Proxy votes shall be permitted if authorized in writing by a Full Financial Full Member. Written Proxy votes must be advised to the Executive Committee and qualified prior to the commencement of the meeting.
- 16.4 **Methods of Voting:**
Voting shall when demanded be recorded and shall be decided on the voices, show of hands or by poll. Any election for Office shall be by secret ballot.
- 16.5 **Equality in Voting**
In the case of equality, the President or Chairman of the meeting shall have a second or casting vote. The method of voting shall be at the discretion of the President or Chairman of the Meeting.

17. EXECUTIVE COMMITTEE MEETING:

- 17.1 The Executive Committee shall meet as required but not less than twice per year. The first meeting after the Annual General Meeting shall be held within six (6) months of the Annual General Meeting, and from time to time as determined by the President and/or the Executive Committee. The Executive Committee may co-opt any Association Member to assist in any way it deems necessary.
- 17.2 The contemporaneous linking of Executive Committee Members by telephone shall constitute a meeting of the Executive Committee, provided that the following conditions are met:
- a) **Hearing:** Each of the Executive Committee Members taking part in the meeting by telephone must be able to hear each of the other Members taking part during the whole of the meeting;
 - b) **Acknowledge Presence:** at the commencement and conclusion of such meeting each Members must acknowledge his or her presence;
 - c) **Withdrawal:** An Executive Committee Member may not withdraw from such meeting unless that Member has previously obtained the express consent of the Chairperson of the meeting to do so.
- 17.3 **If within half an hour after the time appointed for a meeting a quorum is not present the meeting shall stand adjourned to a day, time and place as determined by the President. No business shall be transacted at any adjourned meeting.**

17. EXECUTIVE COMMITTEE MEETING: continued

- 17.3 The quorum for Executive Committee meetings shall be five (5) Executive Committee Members.
- 17.4 A resolution in writing signed by all the Executive Committee Members shall be as valid and effectual as if it has been passed at a meeting of the Executive Committee duly convened and constituted. Any such resolution may consist of several like documents each signed by one or more Executive Committee Members.

18. TERMS OF APPOINTMENT:

The term of appointment for all Executive Committee Members is one (1) financial year. At the Annual General Meeting all Executive Committee Members are eligible for re-election. Any Member of the Executive Committee who shall be absent without leave from two consecutive meetings of the Executive Committee shall ipso facto cease to be a Member of the Executive Committee.

19. CONTROL AND INVESTMENT OF FUNDS:

- 19.1 All funds shall be dealt with through bank accounts, approved by the Executive Committee.
- 19.2 All payments are to be made by cheque **or via internet banking**, drawn on the Association bank account, signed **or authorised** by any two nominated officers.
- 19.3 The Executive Committee may:
- a) Invest the funds of the Association in such a manner as is permitted by Law of the Investment of Trust Funds in New Zealand or otherwise in such a manner as a General meeting shall decide.
 - b) From time to time borrow or raise money either by bank overdraft advances or in any other mode whatsoever for the purposes of the Association. Either with or without security and when necessary to secure the repayment thereof by mortgage charge lien or other security over any real or personal property of the Association or by the subscription of Members or over revenue of the Association or by the issue of debentures charge or secured upon the property or revenue of the Association or in any other manner whatsoever which may seem to the Association advisable or expedient.
- 19.4 The Financial year of the Association shall be from the 1st day of October until the 30th day of September next succeeding.
- 19.5 Reasonable out-of-pocket expenses incurred by Members of the Association on approved Association business may, with the approval of the Executive Committee be reimbursed on application by the Member, which application shall be supported by vouchers.

20. COMMON SEAL:

A common seal shall be provided as approved by the Executive Committee and held securely by the Secretary. When directed by the Executive Committee by resolution it shall be signed by both the President and Vice President.

21. COMPLAINTS PROCEDURE:

- 21.1 The Complaints Committee to consist of the entire Executive Committee with one Member to act as Complaints Officer. All matters applicable to complaints are to be acted upon at a formally constituted meeting of the Executive Committee. All complaints must be in writing and received by the Complaints Officer in the first instance who will table the complaint, if necessary, at a meeting of the Executive Committee.
- 21.2 No complaint to be taken by the Complaints Officer to the Executive Committee until such time as all parties have provided the Complaints Officer with full written comment. Such comment to be provided within twenty-eight (28) days of request.
- 21.3 Where a **Member** is considered by the Executive Committee to have placed his Membership in jeopardy that **Member** must have a minimum of thirty (30) days' notice in which to prepare any explanation required before appearing at a duly constituted Executive Committee Meeting.
- 21.4 If in the opinion of the Executive Committee a Member is found guilty of an offence the Executive Committee may impose such penalties whether by way of fine, or expulsion or otherwise as the Executive Committee shall deem it fit.

22. MEMBERSHIP LIABILITY

- 22.1 The Members of the Executive Committee, Auditor, Secretary, Treasurer and other officers shall be indemnified by the Association against any liability incurred in defending any proceedings arising out of the position with the Association, whether civil or criminal, and for all losses and expenses incurred by them in or about the discharge of their respective duties except such as shall result from their own respective default.
- 22.2 No Member of the Executive Committee, Auditor, Secretary, Treasurer or other officers shall be liable for the acts or defaults of any other Member of the Association or for any loss or expense happening to the Association, unless the same happened from his/her own wilful default.
- 22.3 The liability of a Member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges, and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the Member in respect of Membership of the Association.

23. GENERAL:

- 23.1 All Members of the Association shall be bound by, and shall conform to the rules and by-laws and regulations of the Association
- 23.2 The Executive Committee shall be the sole authority as to the interpretation of such rules, by-laws and regulations of the Association.

24. WINDING UP:

The Association may be wound up on a resolution to that effect being carried by the majority of Members personally present at a Special General Meeting of the Association called for that purpose provided always such a resolution to wind up shall be confirmed at a subsequent Special General Meeting of the Association called for that purpose and held not earlier than thirty (30) days after the date on which the resolution to be confirmed was passed. In the event of such resolution to be carried (and subsequently confirmed) the assets and funds of the Association shall be disposed of in accordance with the directions of the meeting except that the funds may not be returned to the Members.

Signed on behalf of the New Zealand Professional Hunting Guides Association Inc

John Scurr
Presidents Name

J. M. Scurr
Signature

Simon Guild
Vice Presidents Name

Simon Guild
Signature

Roger Dorfield
Executive Members Name

Roger Dorfield
Signature