

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

#1

ALPHA KAPPA ALPHA SOCIETY, INC.

SUMMONS

Plaintiff,

Index No.

2007-10150

-against-

JOY ELAINE DALY,

*Filing date 10/22/07*

Plaintiff designates  
Orange County as the  
place of trial

The basis of venue is  
Defendant's Residence  
in Orange County.

Defendant.

FILED  
ORANGE COUNTY CLERK  
2007 OCT 22 A 10 14

ORIGINAL FILED

To the above named Defendant:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: Chester, New York  
October 15, 2007

Yours, etc.,

Benjamin Ostrer  
OSTRER ROSENWASSER, LLP  
Attorneys for Plaintiff  
111 Main Street  
P.O. Box 509  
Chester, New York 10918  
(845) 469-7577

To: JOY ELAINE DALY  
37 Ramona Road  
Newburgh, New York 12550

# Alpha Kappa Alpha Sorority INCORPORATED

Alpha Kappa Alpha Corporate Office • 5656 South Stony Island Avenue • Chicago, IL 60637-1997 • (773)684-1282



#2

OFFICE OF:

**Evelyn Sample-Oates**

North Atlantic Regional Director

501 Monticello Lane

Plymouth Meeting, PA 19462

Home: (610) 940-2622

Fax: (610) 940-3739

E-mail: [esample-oates@comcast.net](mailto:esample-oates@comcast.net)

November 6, 2007

Soror Joy Elaine Daley

Highland Estates

37 Ramona Road

Newburgh, NY 12250

Dear Soror Daley:

This letter is to advise you, in light of activities over the past year and a half regarding the disregard to produce proper supporting documentation for money that was given to you by the sorority, and the total disregard of a cease and desist letter that was issued to stop using official sorority stationery as evident by the envelopes you used in a recent mailing, you are being placed on Withdrawal of Privileges effective immediately.

In accordance with the Constitution and Bylaws of Alpha Kappa Alpha Sorority, Inc., you are ordered to stop any and all activities; including attending chapter meetings, socials or gatherings, committee meetings, wearing paraphernalia or representing yourself as a member of Alpha Kappa Alpha Sorority, Incorporated until the amount of \$30,603.58 is repaid to the sorority. Failure to comply will result in additional sanctions.

The attached letter sent to you on August 3, 2007 documents the amount of money dispersed and the financial reports and credited receipts turned in by you. Additionally, there have been several attempts over the last 16 months to satisfy the debt including a conference call between you, myself and the Supreme Basileus on January 16, 2007, where I encouraged you to get back statements of bank records and credit card receipts to prove the money was spent on sorority business. You stated during and after this call that you would do your best, and as of this date no attempt has been made to submit appropriate documentation. Copies or original receipts are needed to validate the spending of this money.

In November 2005, the Directorate, which you were a part of, voted to hold all officers accountable for their spending and financial reports. If the officer did not comply, that officer would be issued a 1099 Form and would not be able to run for a leadership position in Alpha Kappa Alpha Sorority, Incorporated. You have violated this decision and you are currently not in good financial standing with the sorority. Therefore your privileges will be withdrawn until such time this debt is satisfied.

Sincerely,

Evelyn Sample-Oates

## Attachments

Cc: Soror Barbara McKinzie, Centennial Supreme Basileus  
Soror Betty James, Executive Director  
Soror Patricia Watkins, Director of Membership  
Soror Regina Williams, Basileus, Eta Omata Omega Chapter

#3

Highland Estates  
37 Ramona Road  
Newburgh, New York 12550

November 17, 2007

Soror Evelyn Sample-Oates  
501 Monticello Lane  
Plymouth Meeting, PA 19462

Dear Soror Sample-Oates:

I am informally challenging your decision to withdraw my privileges as a member of Alpha Kappa Alpha Sorority, Inc. on several grounds:

1. The Directorate voted in November 2005 to issue a Statement of Expense Advances to all officers who have not submitted expense reports for advances they received. The statement is to set forth the total amount not accounted for by the officer along with a reminder that any amount unaccounted for as of ninety days after the end of the term must be repaid to the sorority. If the officer does not pay the amount owed in full 90 days after the end of the term, the officer shall be issued a Form 1099 for the outstanding amount due. Furthermore, directorate members would not be entitled to hold an elected office in the sorority if the amount advanced was not repaid. *The Directorate did not vote to take action which would affect the membership of the subject soror.* This policy was adopted because none of the sorority's governing documents address the treatment of Directorate members cash advances, accounting process and penalty.

Your directive 'to stop any and all activities' would be appropriate if there were grounds to suspend or even expel me. By ordering me, "to stop any and all activities", you are treating me as if you have determined that there are grounds to suspend me. Suspension disqualifies an individual from participation in the sorority and in all sorority activities for the period of suspension.

2. Select members of the incumbent Directorate have decided not to abide by the policy adopted in November 2005. Instead, the sorority has sought court intervention. While this letter is not the appropriate forum to advance my legal arguments, particularly since you may not have been privy to the contents of the Summons and Complaint, I shall reiterate the sum and substance of our telephone conversation held on November 15, 2007 after I received the subject letter dated November 6, 2007: I have fully accounted for the money advanced to me during my tenure.. The judge assigned to the sorority's case will have the opportunity to review the documents that I have previously submitted on several occasions to the sorority and will see that my expenditures *exceed* the money advanced to me.

P. 2 of #3

3. Contrary to your assertions, I have not failed to produce supporting documentation for money given to me by the sorority, I do not owe the sorority money, and I have not wrongfully used official stationery. I have offered proof in response to the sorority's litigation.

In view of the fact that the sorority has asked for a court ruling regarding my expense reports and use of the sorority's logo in order to resolve these ongoing points of contention, and no court order or judgment has been rendered, your decision to withdraw my privileges is premature and devoid of rational deliberation. At this juncture, no determination has been made which supports your decision to withdraw or suspend my membership privileges. Please acquaint yourself with the sorority's *Constitution and Bylaws* and the *Manual of Standard Procedure*.

Your wrongful withdrawal of my privileges is causing me emotional distress and economic loss. You were aware that the sorority commenced legal action against me in October 2007, yet you then decided unilaterally to withdraw my membership privileges without the courtesy of advance notice. Given the pending litigation, I am requesting that you reconsider your decision and restore my privileges immediately so that further litigation involving members of the sorority will not ensue.

Sincerely,



Joy Elaine Daley

# Alpha Kappa Alpha Sorority INCORPORATED

Alpha Kappa Alpha Corporate Office • 5656 South Stony Island Avenue • Chicago, IL 60637-1997 • (773)684-1282



OFFICE OF:  
Evelyn Sample-Oates  
North Atlantic Regional Director  
501 Monticello Lane  
Plymouth Meeting, PA 19462  
Home: (610) 940-2622  
Fax: (610) 940-3739  
E-mail: [esample-oates@comcast.net](mailto:esample-oates@comcast.net)

#4

November 27, 2007

Soror Joy Elaine Daley  
Highland Estates  
37 Ramona Road  
Newburgh, New York 12550

Dear Soror Daley,

I am in receipt of your letter dated November 17<sup>th</sup> regarding reconsideration of your current status of "Withdrawal of Privileges". This matter is currently in litigation and you have been served with papers from the sorority's attorney on two separate matters and therefore the communication must be between you and the lawyer. Once the situation becomes a legal matter which the courts will decide, unless settled out of court, it is no longer under the authority of the Regional Director.

If you have any further questions, please contact Mr. Lester L. Barclay, Esq. at (312) 553-0123.

Sincerely,

  
Evelyn Sample-Oates

Centennial North Atlantic Regional Director

November 17<sup>th</sup> regarding the  
Withdrawal of Privileges. This matter is currently in litigation  
from the sorority's attorney on

#5

SUPREME COURT : STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
ALPHA KAPPA ALPHA SORORITY, INC.,

Plaintiff

-against-

JOY ELAINE DALY,

Defendant(s).  
-----X

HON. JOHN K. McGUIRK, J.S.C.

To commence the statutory time period for appeals as of right (CPLR 5513[a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

SHORT FORM ORDER

Index No: 10150/07

Motion Date: 2/6/09

The following papers numbered 1 to 7 and the exhibits annexed thereto were read on the motion of the defendant for an order, pursuant to CPLR §3212 granting her summary judgment dismissing the plaintiff's complaint against her, for an order pursuant to 22 NYCRR 130-1.1 awarding defendant sanctions against the plaintiff for frivolously continuing this action against the defendant, and for an order pursuant to CPLR §8106 and CPLR §8202 awarding defendant costs in connection with the motion, in this action for injunctive relief and for reimbursement of moneys paid to the defendant:

Notice of Motion - Affidavit - Affirmation	1-3
Affidavit in Opposition - Affirmation in Opposition	4,5
Reply Affidavit - Reply Affirmation	6,7

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COUNTY OF ORANGE  
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Upon the foregoing papers it is hereby ORDERED that the said motion is granted to the extent set forth herein. Defendant may enter judgment against the plaintiff dismissing the complaint herein together with the costs and disbursements of this action.

Plaintiff, Alpha Kappa Alpha Sorority Inc. (hereinafter Sorority or plaintiff), is the first Greek-lettered sorority established by African-American college women in 1908. The Sorority has grown to become a multi-racial organization with a membership of more than 200,000 women with over 975 chapters in the United States and around the world. In the United States, the Sorority is divided into ten geographic regions. The defendant was North Atlantic Regional Director of the Sorority from July 2002 to July 2006. As a Regional

Director, defendant was entitled to reimbursement of expenses incurred in connection with her duties. In order to obtain reimbursement, defendant was required to submit quarterly reports of her expenses.

The Sorority Directorate adopted a policy on November 4, 2005 requiring that the Executive Director issue a Statement of Expense Advances to all officers who did not submit expense reports for advances received from the beginning of the year through December 31st of each year. The Statement of Expense Advances would state the total amount not accounted for and remind the officer that any amount unaccounted for as of 90 days after the end of an officer's term must be repaid to the sorority. The policy further dictates that if the officer does not pay the amount unaccounted for in full within 90 days of the end of the officer's term, the Sorority will issue to the officer a form 1099-MIC for the outstanding amount due. At the same meeting, the Sorority reaffirmed its policy that reimbursement payment will not be made until after quarterly expense reports are submitted.

There is no dispute that during her tenure as a Regional Director the defendant submitted quarterly expense reports to the Sorority. There is no dispute that the defendant's quarterly reports were received by the Sorority without objection and reimbursement was made without any request for further documentation. According to the complaint, the total amount that the Sorority paid to defendant as reimbursement for expenses was \$52,513.84. There is nothing in the record indicating that the Sorority required its officers to submit any documentation of expenses with a quarterly expense report.

The defendant left office in July 2006. Sometime thereafter, plaintiff chose to audit defendant's quarterly expense reports resulting in a request for further documentation of the defendant's expenses. In November 2006 and January 2007 the defendant resubmitted her quarterly reports and further information to the plaintiff regarding her expenses. Plaintiff's audit of the defendant's submissions resulted in a determination that \$30,603.58 of the expenses claimed were not documented to the plaintiff's satisfaction. Based upon this finding, and claiming to be acting in accordance with

the November 4, 2005 policy, plaintiff issued a 1099 MIC form to the defendant indicating that the plaintiff paid the defendant gross income in the sum of \$30,603.58 in the year 2006. The plaintiff demanded reimbursement of this amount from the defendant.

After the defendant left her office, she continued to use Sorority stationary to write letters to other members regarding the Sorority. She did not use the stationary to conduct Sorority business, to mislead others, or for personal gain. The Sorority advised the defendant that as she was no longer an officer, her use of the stationary was improper. By letter dated September 4, 2007 (more than a month prior to the commencement of this action) defendant agreed not to use the Sorority's stationary. Nothing in the record indicates that she has failed to abide by this commitment.

The complaint, filed on October 22, 2007, contains two causes of action. The first cause of action seeks injunctive relief enjoining the defendant from using Sorority stationary. The second cause of action alleges that not all of the expenses claimed by the defendant in her quarterly expense reports were supported by receipts or were otherwise verifiable. Based upon a lack of documentary support for \$30,603.58 of reimbursed expenses, the second cause of action seeks the return of this amount alleging that the defendant has wrongfully retained these funds. The complaint alleges only that the defendant failed to document her expenses. The complaint does not allege that these expenses were not incurred in furtherance of the Sorority's business. Nor does the complaint allege any fraudulent or otherwise improper conduct on the part of the defendant.

Issue was joined and the defendant now moves for summary judgment dismissing the complaint and also seeks sanctions and motion costs against the plaintiff.

The proponent of a summary judgment motion must establish his or her claim or defense sufficient to warrant a court directing judgment in its favor as a matter of law, tendering sufficient evidence to demonstrate the lack of material issues of fact. *Alvarez v. Prospect Hosp.*, 68 NY2d 320 (1986). Once such a showing has been made the burden shifts to the party opposing the motion to produce evidentiary



proof in admissible form demonstrating material questions of fact requiring trial. *Gilbert Frank Corp. v. Federal Ins. Co.*, 70 NY2d 966 (1988). Mere conclusions or unsubstantiated allegations unsupported by competent evidence are insufficient to raise a triable issue. *Id.* On this motion, the defendant has carried her burden and established her entitlement to judgment as a matter of law. In opposition, the plaintiff fails to demonstrate the existence of triable issues of fact.

More than a month prior to the commencement of this action, defendant agreed not to use the Sorority's stationary and she has honored that commitment. As the defendant ceased using Sorority stationary of her own accord prior to the commencement of this action, there is no basis for injunctive relief and the defendant has established her entitlement to judgment as a matter of law on the first cause of action. Plaintiff does not submit any evidence with regard to the first cause of action. Accordingly, the motion is granted as unopposed with regard to the first cause of action.

In support of her motion regarding the second cause of action, the defendant submits the affidavit and quarterly expense reports of the Great Lakes Regional Director (hereinafter former director) who served as a regional director during the same time period as defendant. The former director states that Regional Directors were never advised by the Sorority that quarterly expense reports had to be in any specific format and were not given any specific instructions or guidelines as to the preparation of quarterly expense reports. The former director also states that her quarterly expense reports were accepted as submitted and were not audited by the Sorority. The former director's documentation of expenses includes copies of checks payable to herself for "expenses" without any supporting receipt or other documentation of the expense and, like defendant's quarterly reports, lacked documentation for many other claimed expenses.

Defendant's proof establishes that plaintiff accepted the defendant's quarterly expense reports without objection or reservation and issued payment to defendant. Her proof also establishes that she fully complied with the plaintiff's policy adopted in November 2005.

Defendant submitted quarterly expense reports. The policy does not require documentation, it only requires the submission of quarterly expense reports. Thus, the issuance of a 1009 form to the defendant was not in accordance with the Sorority's policy.

Defendant's proof on the motion also establishes that the Sorority never promulgated a standard for the submission of quarterly expense reports or a requirement for documentation of expenses claimed therein.

Plaintiff's opposition to the motion is insufficient to demonstrate the existence of a triable issue of fact. The plaintiff does not contest defendant's proof that plaintiff has no standard regarding the content of quarterly expense reports. The plaintiff does not contest defendant's proof that plaintiff has no requirement that expenses claimed in quarterly expense reports must be supported by receipts or other documentation.

Plaintiff does not even attempt to explain why the former director's lack of documentation was adequate while the defendant's lack of documentation was inadequate. Plaintiff simply ignores the issue. Rather, in response to this proof, plaintiff advises the court that it has reevaluated its position as to what is a properly documented expense for the purposes of this case and reduces its claim against the defendant to the sum of \$18,418.94.

Plaintiff does not allege, and does not submit any evidence to demonstrate, that any of these remaining disputed expenses were not incurred for the benefit of the Sorority. Rather, the Sorority only claims that the defendant's evidence of these expenses - defendant's check registers and bank statements - is unacceptable. The plaintiff's Director of Finance opines that defendant's check register and bank statements, are "inadequate under any auditing standard" to document expenses<sup>1</sup>. Of course, absent from the record is proof that the Sorority had "any auditing standard" applicable to Regional

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<sup>1</sup>The court notes that ~~the~~ nothing in the record indicates that this witness is qualified to give such an opinion.

Directors' quarterly expense reports<sup>2</sup>.

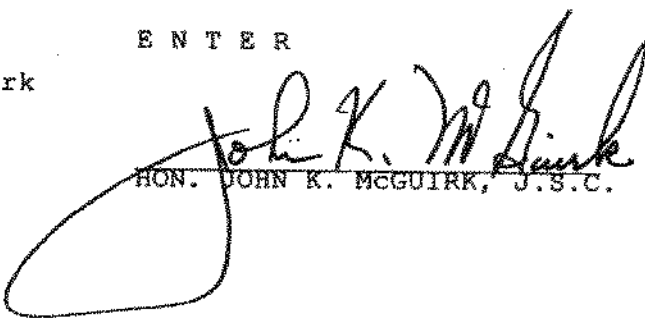
Plaintiff fails to show that defendant did not comply with plaintiff's requirements regarding quarterly expense reports. Plaintiff does not explain why these reports were received and paid on without objection or how the reports do not comply with the policy adopted in November 2005.

Despite plaintiff's failure to promulgate a standard for documentation of expenses and despite never having asserted that the disputed expenses were not authorized or otherwise inappropriate, the plaintiff claims that the lack of adequate documentation creates an issue of fact requiring trial. The court does not agree. The failure of the plaintiff to ever issue a standard for documentation of expenses precludes the plaintiff from recovering from the defendant on the second cause of action of the complaint.

The defendant's request for sanctions and costs is denied. Based upon the record before this court it cannot be said that the plaintiff's claims are frivolous or completely without merit under 22 NYCRR 130-1.1.

E N T E R

Dated: Goshen, New York  
June 19, 2009

  
HON. JOHN K. MCGUIRK, J.S.C.

To:

Ostrer Rosenwasser, LLP  
PO Box 509  
Chester, New York 10918

Elmira J. Jackson, Esq.  
194 Wood Hollow Lane  
New Rochelle, New York 10804

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<sup>2</sup>As to the claim that defendant's evidence is inadequate under "any standard", the court disagrees. IRS Publication 463 is an example of a standard for the documentation of expenses. This publication indicates that, while receipts are the best proof of an expense, other documentation, such as defendant's check register and bank statements, will not be considered inadequate provided there is other proof that the documentation is related to a valid business expense. Defendant attempted to offer further proof and the plaintiff was not interested in further proof. Plaintiff simply declared the documentation inadequate. In any event, the defendant's expense reports were not subject to IRS standards, the reports were not subject to any standard.

MEMORANDUM

#6

TO: Evelyn Sample-Oates  
North Atlantic Regional Director

FROM: Joy Elaine Daley *J. Daley*  
Former North Atlantic Regional Director

DATE: June 25, 2009

RE: Reinstatement of Membership Privileges and  
Alpha Kappa Alpha Sorority, Inc., Plaintiff v. Daley, Defendant

In your letter dated November 6, 2007, you stated that you were withdrawing my membership privileges because you alleged that I have disregarded demands for ***“proper supporting documentation for money that was given”*** to me by the sorority in my capacity as North Atlantic Regional Director, and that I have disregarded demands to obey a cease and desist letter regarding use of sorority stationery. I have attached a copy of your letter for your reference. You were aware that the sorority had already commenced legal action against me in October 2007, alleging these same acts.

I am writing to inform you that on June 19, 2009, the Supreme Court of the State of New York in and for Orange County ***dismissed*** the sorority's case against me. Attached is a copy of the Order.

Contrary to the allegations that you and the sorority asserted, the court stated that I had submitted quarterly expense reports and that the sorority's ***“policy does not require documentation; it only requires the submission of quarterly expense reports.”*** The court held that, ***“Plaintiff fails to show that defendant did not comply with plaintiff's requirements regarding quarterly expense reports.”*** With respect to the use of sorority stationery, the court ruled that I ***“did not use the stationery to conduct Sorority business, to mislead others, or for personal gain.”*** Furthermore, the Supreme Court found that I ***“fully complied with the plaintiff's policy adopted in November 2005”*** and that ***“the issuance of a 1009 [sic] form to the defendant was not in accordance with the Sorority's policy.”*** In light of the Court order dismissing the sorority's case against me, you no longer have a basis for withdrawing my membership privileges therefore; I anticipate that you will forward an unconditional reinstatement letter to me within fourteen (14) days of delivery of this correspondence. Furthermore, I am asking that you apply the same provision that you extended to the following sorors on July 13, 2007 at the Directorate Meeting whose suspension dates are noted below:

**Names redacted at the request of one  
of the individuals listed**

Page 2  
Memorandum to Evelyn Sample-Oates  
June 25, 2009

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You recommended to the Directorate, ***"That each case be overturned; records of sorors listed above be expunged and that these sorors be permitted to re-join their respective chapters immediately with no financial penalties."***

I had recommended that these sorors be suspended because the Anti-Hazing Task Force determined that on or about September 3, 2005, the sorors violated Alpha Kappa Alpha Sorority's anti-hazing policy. As you are aware, two of the sorors involved in the incident commenced legal action arising out of their suspension in federal court against the sorority.

In Jolevare et al. v. Alpha Kappa Alpha Sorority, Inc., the sorority moved to have the case dismissed and the United States District Court for the District of Columbia granted the motion in favor of the sorority. The federal court noted that the sorority had initiated a national effort to eliminate all forms of hazing after two pledgees drowned during initiation activities in California in September 2002. The plaintiffs' memberships were suspended when the sorority's Anti-Hazing Task Force determined that the sorority's guidelines were violated because of the time, place, and conditions under which the rehearsal for the newly initiated sorors' performance occurred. The federal court held that, ***"The Regional Director, Ms. Daley found that the plaintiffs oversaw the hazing of new members and recommended their suspension for being involved in the September 3, 2005 rehearsal" (p. 14 of the memorandum Opinion)*** and that the plaintiffs were suspended ***"for engaging in what the sorority properly concluded amounted to hazing."*** (p. 21 of the Memorandum). You had participated in the case on the sorority's behalf. Upon the evidence presented by and on behalf of the parties, the plaintiffs' case was dismissed. Although the federal court order found in favor of the sorority, thereby affirming that my decision to recommend suspension of the participating sorors, you decided to recommend that the same sorors be fully exonerated.

I am again requesting that in light of (1) your decisions (a) to effectively reverse a federal court adjudication that sorors were justifiably suspended for violation of Alpha Kappa Alpha Sorority's anti-hazing policy and (b) thereafter to allow them to be reinstated without penalty, (2) the fact that Soror Regina Williams, Basileus of Eta Omega Omega Chapter prior to your withdrawal of her membership privileges after she allowed a routine reading of correspondence from me during a chapter meeting, had shown you a copy of my accounting in January 2008 in Washington, DC at the Centennial Founder's Day Celebration, and (3) the court order issued last week by the New York State Supreme Court holding that I had satisfied the sorority's reporting requirements and do not owe the sorority any money, you grant reinstatement of my membership privileges retroactive to November 6, 2007 without penalty within fourteen (14) calendar days of delivery of this memorandum and that no further conditions precedent be imposed upon me.

cc: Directorate Members  
Betty N. James  
Linda Sims Chin

# Alpha Kappa Alpha Sorority INCORPORATED

Alpha Kappa Alpha Corporate Office • 5656 South Stony Island Avenue • Chicago, IL 60637-1997 • (773)684-1282



#7

OFFICE OF:

**Evelyn Sample-Oates**

*North Atlantic Regional Director*

*501 Monticello Lane*

*Plymouth Meeting, PA 19462*

*Home: (610) 940-2622*

*Fax: (610) 940-3739*

*E-mail: esample-oates@comcast.net*

July 9, 2009

Soror Joy Elaine Daley  
Highland Estates  
37 Ramona Road  
Newburgh, New York 12550

Dear Soror Daley,

I am in receipt of your letter dated June 25<sup>th</sup> regarding reinstatement of privileges. Let me remind you that your privileges were withdrawn pending the sorority's investigation into your improper dissemination of information using Alpha Kappa Alpha's letterhead and possible misappropriation of funds.

Furthermore, there is nothing in the June 19, 2009 decision which suggests that you must be reinstated. The decision merely states that the sorority does not have a right to recover damages from you in court.


The withdrawal of privileges was not based upon the litigation, but upon your violation of the sorority's rules. The penalty resulted before the litigation occurred. Furthermore, the withdrawal of privileges will continue until the sorority determines, in accordance with its rules, that a reinstatement is warranted.

Sincerely,

Evelyn Sample-Oates  
North Atlantic Regional Director

CC: Barbara A. McKinzie, Supreme Basileus  
Betty James, Executive Director  
Patricia Watkins, Director Membership  
Linda Simms-Chin, Basileus, Eta Omega Omega  
Lester Barclay, Attorney

#8

TO: Evelyn Sample-Oates, North Atlantic Regional Director  
FROM: Joy Elaine Daley, Former North Atlantic Regional Director   
DATE: July 17, 2009  
RE: Reinstatement of Membership Privileges Denial

After reading your letter dated July 9, 2009, I am flabbergasted and exasperated by your disingenuousness and blatant disregard for the sorority's governing documents.

Your letter dated November 6, 2007 specifically said:

***This letter is to advise you, in light of activities over the past year and a half regarding the disregard to produce proper supporting documentation for money that was given to you by the sorority, and the total disregard of a cease and desist letter that was issued to stop using official sorority stationery as evident by the envelopes you used in a recent mailing, you are being placed on Withdrawal of Privileges effective immediately.***

The letter did not indicate that the sorority was conducting an investigation. When did the investigation commence? Who is conducting the investigation? Why did you fail to inform me that an investigation is being conducted? Is it still pending? If your answer is yes, why? If not, when will you disclose to me the nature and results of the investigation? Any diligent or even cursory investigation will disclose that I never adopted or used the alias "Michelle Ross," that the correspondence bearing the writer's name, "Michelle Ross was not written or circulated by me, that I have not misused sorority letterhead, and that I did not misappropriate sorority funds as you are now alleging in your letter dated, July 9, 2009. I have always used my official name on any and all correspondence that I write.

The sorority sought court intervention in relief of its erroneous claims that I violated the sorority's rules. The New York State Supreme Court in and for Orange County found that based on evidence presented by both parties, I did not inappropriately use the sorority's stationery because although the sorority formally recognizes its former Regional Directors as evidenced in , "A Guide to Alpha Kappa Alpha Protocol Handbook," I ceased using sorority stationery referring to myself as either the 30<sup>th</sup> North Atlantic Regional Director or Former North Atlantic Regional Director as of September 4, 2007 prior to the commencement of the litigation against me. It is appalling to note that the accusation in your correspondence demonstrates a lack of basic understanding of sorority documents and as the leader of a region; more is expected of you for fairness in the treatment of members to occur. You cannot continue to make decisions with such shallow base understanding and pass it off as being out of your hands and, "***it is between her and the Supreme Basileus.***"

Be reminded that the sorority's complaint does not allege, "***Possible misappropriation of funds.***" The court found that based upon the sorority's standard that you articulated in your letter dated November 6, 2007 which was attached to the motion papers and upon the court's review of my detailed expense reports with corroborating documentation of expenses incurred in the furtherance of legitimate sorority business, I satisfied the sorority's expense reporting requirements. In fact my reports met the IRS standards. (So said the judge) The New York state Supreme Court in and for Orange County found that I did not violate the sorority's rules and that I am not liable to the sorority for any amount of money. Re-read the court order and comprehend.

P.2 of #8

My membership status was not addressed in the court order given that: 1. the court found that I complied with the cease and desist letter, 2. that because I never adopted the alias "Michelle Ross" and therefore no evidence could be presented by the sorority to connect me with "Michelle Ross," and 3. The court ruled that I have satisfied the sorority's expense reporting requirements, you must find that because the causes for the withdrawal of membership privileges penalty no longer exist and that the designated period of the penalty (*a period not to exceed twelve (12) months*) has long expired, I am entitled to immediate restoration of my membership privileges. Refer to Article VI Sects. 3 & 4, pages 40 through 42 of the Bylaws of Alpha Kappa Alpha Sorority, Inc.

You are violating the sorority's governing documents by unjustifiably persisting in your refusal to restore my membership privileges. When I appealed your withdrawal of my membership privileges, you said in your response dated November 27, 2009, "*Once the situation becomes a legal matter which the courts will decide, unless settled out of court, it is no longer under the authority of the Regional Director.*" Now that the court has determined that the sorority has no viable cause of action against me, you are stating that even though you have withdrawn my membership privileges for over twelve months which is contrary to sorority's Bylaws, "*the withdrawal of privileges will continue until the sorority determines, in accordance with its rules, that a reinstatement is warranted.*" Do enlighten my darkness on what rules you are talking about. It is quite apparent that your quest is to further damage my reputation and aid in the conspiracy to build a case for my expulsion from Alpha Kappa Alpha. Therefore, given the fact that you have chosen to violate the sorority's governing documents as well as due process procedure, I will seek legal redress. I will not sit back and allow you and an impotent Directorate to malign and railroad my demise. Today, it is me; goodness knows who the victim will be tomorrow.

Cc: Directorate  
Betty James  
Patricia Watkins  
Linda Simms-Chin