

PNB REPORT OUT  
1/31/2010  
RECALL ELECTION PETITIONS

**MITCHEL COHEN**

The PNB having received the legal opinion from counsel regarding the recall petition seeking the recall of Mitchel Cohen from the LSB of WBAI, and the PNB having considered said opinion in closed session it does report out as follows:

That the recall petition lodged against Mitchel Cohen seeking his recall from the WBAI LSB be DENIED, more specifically the PNB reports out that;

1. Allegation number one (1) does not meet the requirements in the by-laws for the calling of a recall election because it does not allege that the conduct complained of caused harm to Pacifica, or caused any employee the loss of employment or of any legally protected interest;
2. Allegation number two (2) does not meet the requirements of the by-laws for the calling of a recall election because it complains of alleged defamation which is not legally attributable to the Foundation or WBAI;
3. Allegation number three (3) does not meet the requirements of the by-laws because the mere act of filing a lawsuit is not necessarily adverse to the interest of the defendant, in this case Pacifica, and it is a matter of speculation about matters not spelled out in the petition as to whether the best interest of the Foundation or the radio station are implicated;
4. Allegation number four (4) does not meet the requirements of the by-laws because said allegation, while against the best interests of the affected individuals, do not contain allegations which show such action is adverse to the interests of the Foundation or radio station.

**BRIAN EDWARDS-TIEKERT**

The PNB having received a legal opinion from counsel regarding the recall petition seeking the recall of Brian Edwards-Tiekert from the LSB of KPFA, and the PNB having considered said opinion does hereby report out.

1. That a recall election be held as provided by the by-laws to determine the recall of Brian Edwards-Tiekert from the KPFA local station board, based on allegation number one (1) of the recall petition.
2. The PNB finds that allegations numbered 2, 3 and 4, do not constitute accusations of conduct contrary to the best interest of KPFA or the Foundation, and does DENY the calling of a recall election based on said allegations.
  - A. With regards to allegation number two (2), the PNB finds that an LSB member expressing his views in opposition to a board motion one honestly opposes is not against the best interest of the station or the Foundation, and neither is passive resistance to the LSB's expressed desires on an issue. On that basis allegation number two (2) is stricken, and the PNB reports out that said allegation is removed as a basis for the recall of Brian Edwards-Tiekert;
  - B. The PNB further finds that allegation number three (3) be stricken and removed as a basis for the recall of Brian Edwards-Tiekert in that there are no allegations of harm suffered as a result of the alleged conduct complained of in the petition.
  - C. The PNB further finds that allegation number four (4) be stricken and removed as a basis for the recall of Brian Edwards-Tiekert in that there is no conflict in Brian Edwards-Tiekert's role as an LSB member and a staff member of KPFA, and there is no specification in the allegation of how the alleged misrepresentation of staff opinion is contrary to the best interest of the Foundation or KPFA.