

NEW YORK STATE ASSOCIATION OF  
CRIMINAL DEFENSE LAWYERS

## 2010 ANNUAL DINNER

JANUARY 28, 2010

Marriott Downtown Hotel  
New York City

### GUESTS OF HONOR

**Honorable David N. Hurd**

*United States District Judge, Northern District of New York  
Recipient of the Hon. William Brennan Award  
for Outstanding Jurist*

**Raymond A. Kelly, Jr., Esq.**

*Recipient of the Clarence Darrow Award  
for Outstanding Achievement*

**Peter Macdonald, Esq., John Hintz, Esq.,  
Ross E. Firsenbaum, Esq., Shauna K. Friedman, Esq.,  
Alyshea Austern, Esq.,  
and Michael Benvie, Private Investigator**

*Recipients of the Gideon Champion of Justice Award*

**Susan Brune, Esq.**

*Recipient of the Hon. Thurgood Marshall Award  
for Outstanding Practitioner*

**Hon. Robert M. Morgenthau**

*Recipient of the Lifetime Achievement Award  
for Outstanding Public Service*

*In Memoriam*

*Jack T. Litman*

*1943 - 2010*

**NEW YORK STATE ASSOCIATION OF  
CRIMINAL DEFENSE LAWYERS**

PRESENTS THE  
WILLIAM BRENNAN AWARD  
TO  
**Honorable David N. Hurd**  
OUTSTANDING JURIST

PRESENTS THE  
CLARENCE DARROW AWARD  
TO  
**Raymond A. Kelly, Esq.**

PRESENTS THE GIDEON CHAMPION OF JUSTICE AWARD  
TO  
**Peter Macdonald, Esq., John Hintz, Esq.,  
Ross E. Firsenbaum, Esq., Shauna K. Friedman, Esq.,  
Alyshea Austern, Esq.,  
and Michael Benvie, Private Investigator**

PRESENTS THE  
THURGOOD MARSHALL AWARD  
TO  
**Susan Brune, Esq.**  
OUTSTANDING PRACTITIONER

PRESENTS THE  
LIFETIME ACHIEVEMENT AWARD  
TO  
**Robert M. Morgenthau**  
OUTSTANDING PUBLIC SERVICE

MARRIOTT DOWNTOWN HOTEL  
JANUARY 28, 2010

**NEW YORK STATE ASSOCIATION OF  
CRIMINAL DEFENSE LAWYERS**

**2010 ANNUAL DINNER  
JANUARY 28, 2010**

**GUESTS OF HONOR**

Hon. David N. Hurd • Raymond A. Kelly, Esq. • Peter Macdonald, Esq.,  
John Hintz, Esq., • Ross E. Firsenbaum, Esq.,  
Shauna K. Friedman, Esq., • Alyshea Austern, Esq.,  
and Michael Benvie, Private Investigator  
Susan Brune, Esq. • Hon. Robert M. Morgenthau

WELCOME ..... President Craig P. Schlanger

OATH OF OFFICE ADMINISTERED

TO PRESIDENT GEORGE R. GOLTZER ..... President Craig P. Schlanger

REMARKS..... President George R. Goltzer

PRESENTATION OF AWARD TO

CRAIG P. SCHLANGER, ESQ. .... President George R. Goltzer

PRESENTATION OF THE WILLIAM BRENNAN AWARD

TO HON. DAVID N. HURD ..... Craig P. Schlanger, Esq.

REMARKS..... Hon. David N. Hurd

PRESENTATION OF LIFETIME ACHIEVEMENT AWARD

TO HON. ROBERT M. MORGENTHAU ..... Kevin D. O'Connell, Esq.

REMARKS..... Hon. Robert M. Morgenthau

PRESENTATION OF THE *GIDEON* CHAMPION OF JUSTICE AWARD

TO PETER MACDONALD, ESQ., JOHN HINTZ, ESQ.,

ROSS E. FIRSENBAUM, ESQ., SHAUNA K. FRIEDMAN, ESQ.,

ALYSHEA AUSTERN, ESQ., and MICHAEL BENVIE ..... David Steinberg, Esq.

REMARKS..... Ross E. Firsenbaum, Esq.

PRESENTATION OF THE THURGOOD MARSHALL AWARD

TO SUSAN BRUNE, ESQ..... Donna Newman, Esq.

REMARKS..... Susan Brune, Esq.

PRESENTATION OF THE CLARENCE DARROW AWARD

TO RAYMOND A. KELLY, ESQ..... President George R. Goltzer, Esq.

REMARKS..... Raymond A. Kelly, Esq.

CLOSING REMARKS..... President George R. Goltzer

**NEW YORK STATE ASSOCIATION OF  
CRIMINAL DEFENSE LAWYERS**

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George R. Goltzer, Esq.

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Margaret E. Alverson

## *Message from the President*

“Good night, good night! Parting is such sweet sorrow”.

- Shakespeare, *Romeo and Juliet*, Act II, Scene 2

January is named for Janus, the Roman god of doorways, who is depicted as having two faces. At the beginning of the new year, we look two ways: to the past and to the future. As it happens, the NYSACDL also begins its new year at its annual dinner in January, so it's a perfect time to reflect on the past and the future for this Association, its members, and the people we serve.

I looked at my message from January 2009 to review our goals for the coming year, and as I look back at what the Association has done during that year, I am pleased. To give a few examples:

- Our *Amicus* Committee has been involved in numerous cases of state and national import.

- Our Legislative Committee has been at the forefront of Rockefeller drug law reform and other major issues. Moreover, we have a presence in Albany: legislators know who we are and want to hear what we have to say.

- Our website has been revamped and made more accessible and useful to our members; we established an e-newsletter to send important news to our members in a timely fashion. This is a work in progress, to be sure, with the emphasis on *work*. But we're no longer roadkill on the information highway.

- We hired a new Executive Director, Margaret Alverson, who is everything we expected her to be and more.

- We continue to provide quality continuing legal education throughout the state.

- We have a large and active statewide membership representing the full spectrum of practice state and federal, public and private, white collar and blue collar which is reflected by a similar diversity in our board of directors. We are aware, at the grass roots level and at the leadership level, of the problems and issues that our members and our clients face every day.

- And whether by networking or through the listserv, no member goes to court alone. If a lawyer in Queens has a question about the new DWI laws, there's a lawyer whom she's never met, 250 miles away in Syracuse, who will take the time to answer her question. And the list goes on.

None of this, of course, happens by itself. I cannot give enough thanks to our hard-working Board of Directors, to the committee members, to the Past Presidents who have been generous with their experience and assistance, to the CLE lecturers who donate their time and knowledge to the cause, to Pat Marcus for her many years of service, to Meg Alverson for picking up the ball and running with it (not unlike Reggie Bush!), and, of course, to our members who do the impossible every day.

The time has come to pass the torch. This is a good thing, because two things happen when you hold a torch for too long: It gets hot and your arm gets really, really tired. That being said, I'm pleased to be passing the torch to George Goltzer, in whose capable hands, I'm sure, the torch will burn brighter than ever before.

Craig P. Schlanger

***Message from George Goltzer***  
***2010 NYSACDL President***

On behalf of the New York State Association of Criminal Defense Lawyers, it is a pleasure to welcome all of you, friends, colleagues and guests, to our annual dinner.

Congratulations to this evening's honorees, the Hon. David N. Hurd of the United States District Court for the Northern District of New York, the Hon. Robert M. Morgenthau, retired New York County District Attorney and long time opponent of the death penalty, Raymond Kelly, one of our past presidents and a fabulous trial lawyer, WilmerHale attorneys Peter Macdonald, John Hintz, Ross E. Firsenbaum, Shauna Friedman and Alysha Austern, and private investigator Michael Benvie, who obtained freedom for the wrongfully convicted Dewey Bozella, and Susan Brune, a brilliant practitioner who just won a great victory in an important and complex federal case. We are honored to have them join us for this annual celebration of excellence in every quarter of our criminal justice community.

I look forward to working with a talented and dedicated Board of Directors to further the goals of our organization. We extend a special welcome to our new Executive Director, Margaret Alverson, a veteran defense lawyer who practiced for several years in New York and New Orleans. To our outgoing Executive Director, Patricia Marcus, thank you for your years of service. We wish you well in your new position and endeavors. To Craig Schlanger, thank you for your fine tenure; well done and thank you for your past support and future guidance.

This year the NYSACDL will continue its mission to mentor young lawyers, provide the best CLE available, lobby our legislature for fair and humane enactments, submit amicus briefs in significant litigation, support members during legal and professional emergencies and, most critically as far as I am concerned, provide our members with the confidence that none of them practices alone in what is often a contentious, unpopular, challenging, and difficult profession. We are here for each of you and you are here for each of us. In our camaraderie lies our strength. Let us take pride in our calling and move forward with unity and purpose to uphold the great tradition of our predecessors, men and women who took on unpopular causes and clients to preserve the rights to counsel and fundamental due process.

Sincerely,

George R. Goltzer

**WILLIAM BRENNAN AWARD  
FOR OUTSTANDING JURIST**

**HONORABLE DAVID N. HURD  
United States District Judge**

Judge Hurd was appointed United States District Judge for the Northern District of New York on September 22, 1999, and entered duty on September 24, 1999. He previously entered duty as a United States Magistrate Judge for the Northern District of New York on January 18, 1991. He received a B.S. degree from Cornell University in 1959 and a J.D. cum laude from Syracuse University School of Law in 1963.

Following graduation from Syracuse University, Judge Hurd was an associate with various law firms in Binghamton and Utica, New York. From 1966 to 1967, he served as Oneida County Assistant District Attorney on a part-time basis until he became an associate in the law firm of O'Shea, Griffin, Jones & McLaughlin, becoming a partner in the law firm of O'Shea, McDonald, Hurd & Stevens in Rome, New York from 1970 to 1991.

Judge Hurd is currently a member of the Rome Bar Association, the Oneida County Bar Association, the Albany County Bar Association, and the New York State Bar Association. He has been a member of the Federal Judges Association since 2000; prior to that, he was a member of the Federal Magistrate Judges Association. Judge Hurd has served on the House of Delegates, New York State Bar Association. In addition, Judge Hurd has served on the St. Paul's Parish Council in Rome, New York and on the Board of Directors of the Rome Hospital. He was on the Ava Dorfman Senior Citizen's Advisory Council in Rome and the College Council - SUNY Institute of Technology at Utica/Rome, serving as Chairman from 1979 to 1994.

Judge Hurd is also a member of the Order of the Coif and is a Fellow in the American College of Trial Lawyers.

He has acted as a trial judge for moot court competition at Albany Law School, Syracuse Law School, and Cornell Law School; and he has annually acted as finalist trial judge for high school moot court competitions with the Oneida County Bar Association.

Judge Hurd and his wife Connie reside in Rome, New York. They have four children and two grandchildren.

**GIDEON CHAMPION OF JUSTICE AWARD**

**PETER MACDONALD, ESQ.,  
JOHN HINTZ, ESQ., ROSS E. FIRSENBAUM, ESQ.,  
SHAUNA FRIEDMAN, ESQ.,  
AND ALYSHEA AUSTERN, ESQ.**

WilmerHale's commitment to pro bono representation has been a hallmark of the Firm since the early 20th century, when WilmerHale partner Reginald Heber Smith—considered the father of legal aid in the United States—authored the seminal book *Justice and the Poor* and galvanized the organized bar nationally to secure equal justice for those unable to afford counsel. More than seven decades later, in 1992, partner John Pickering led the effort to establish the Pro Bono Institute's Law Firm Pro Bono Challenge. Today, as measured by *The American Lawyer* in 2009, WilmerHale's pro bono program ranks in the top ten in the country.

WilmerHale lawyers have been involved in many of the influential legal cases and social developments that have shaped the nation. In 1954, Joseph Welch, assisted by James St. Clair, represented the United States Army on a pro bono basis in the nationally televised Army-McCarthy hearings. In 1963, Lloyd Cutler and others served as a leading force in creating the Lawyers' Committee for Civil Rights Under Law, at the behest of President John F. Kennedy. More recently, WilmerHale lawyers dedicated more than 35,000 hours over a four-year period in *Boumediene v. Bush*, in which the United States Supreme Court issued a historic decision striking down the part of the Military Commissions Act of 2006 that sought to strip federal habeas corpus jurisdiction over petitioners imprisoned at the United States Naval Station at Guantanamo Bay. WilmerHale partner Seth Waxman, former U.S. Solicitor General, argued for the petitioners.

The Firm's pro bono efforts have also influenced historic developments around the globe. Through the Southern Africa Legal Support and Education Project, WilmerHale joined with others to fight apartheid and establish the rule of law in South Africa. WilmerHale lawyers also helped write the constitutions of several central European countries after the fall of the Soviet Union.

WilmerHale has also focused pro bono efforts within the state of New York. Partner Jennifer M. O'Connor was the recipient of the

NYSACDL's *Gideon* Champion of Justice Award in 2008 for her nine-year-long pro bono effort in securing a reversal of client Martin Tankleff's wrongful conviction for the murders of his parents in 1988. Associate Violetta Watson was honored at the 2008 Above & Beyond Pro Bono Achievement Awards and Benefit in New York City, for her extraordinary pro bono legal contributions on behalf of Sanctuary for Families' Center for Battered Women's Legal Services.

The team of WilmerHale attorneys who worked on Dewey Bozella's case included partners Peter Macdonald and John Hintz and senior associates Ross Firszenbaum, Shauna Friedman, and Alyshea Austern.

## ***GIDEON CHAMPION OF JUSTICE AWARD***

### **MICHAEL BENVIE, PRIVATE INVESTIGATOR**

Michael G. Benvie has been a licensed private investigator since 1979. He began his work in the criminal justice system in 1968, serving in law enforcement as a patrolman and a detective. Mike joined the Dutchess County Public Defenders Office where he served for seven years as an investigator and as Chief Investigator.

Mike has been in private practice since 1987 and started The Benvie Group in 1990. A major portion of the firm's time and focus is dedicated to criminal trial preparation. The Benvie Group has assisted counsel in the investigation of over forty homicide cases. Many have been fully litigated from hearing to verdict. As in the Bozella case, Mike has assisted defense counsel in post-conviction matters.

In 1996, Mike Benvie was Death Penalty Qualified by the Appellate Division of the New York Supreme Court. In 1999, he completed the New York Capital Defense Training for attorneys. The Benvie Group assisted in the investigation of several capital murder cases at the behest of the Capital Defender.

The Benvie Group serves the criminal bar in New York's local, county, appellate and federal courts.

**LIFETIME ACHIEVEMENT AWARD**  
**HONORABLE ROBERT M. MORGENTHAU**

Robert M. Morgenthau was born in 1919 in New York City. In June 1940, while still an undergraduate at Amherst College, he enlisted in the United States Navy's V-7 program. Upon his graduation in 1941, Mr. Morgenthau joined the Navy and on December 7, 1941, he was an ensign on a destroyer in the Boston Harbor. He served throughout World War II aboard destroyers, in the North Atlantic, the South Atlantic, the Mediterranean, and the Pacific Theater, rising to the rank of Lieutenant Commander. Mr. Morgenthau was the Executive Officer and Navigator aboard the USS Lansdale when that ship was torpedoed and sunk by German aircraft while protecting a convoy. He was then the Executive Officer and Navigator on a new destroyer assigned to support the Iwo Jima and Okinawa invasions. That ship, the USS Harry F. Bauer, was torpedoed and was hit by a Kamikaze carrying a 550 pound bomb that failed to explode. The ship's crew received a Presidential Unit Citation for its conduct during the Okinawa campaign.

After the war Mr. Morgenthau attended Yale Law School. He entered private practice in Manhattan, working for Robert P. Patterson, a former Judge of the Second Circuit Court of Appeals. In 1961 he was appointed by President Kennedy to the position of United States Attorney for the Southern District of New York and continued in that role until 1970. Mr. Morgenthau successfully ran for District Attorney of New York County in November 1974.

Mr. Morgenthau has been the District Attorney since 1975, and is the longest serving incumbent of that position. In his nine terms in office, his staff has conducted about 3.5 million criminal prosecutions. During that period, homicides in Manhattan have been reduced by over 90%. Mr. Morgenthau has vigorously prosecuted white collar criminals as well, becoming the nation's leading proponent of the enforcement of state law to combat "crime in the suites."

Mr. Morgenthau serves as the Chairman of New York City's Police Athletic League and as Chairman of the Museum of Jewish Heritage -- A Living Memorial to the Holocaust. He lives in Manhattan and on a farm in Dutchess County with two of his seven children and with his wife, the Pulitzer Prize-winning journalist Lucinda Franks.

**HONORABLE THURGOOD MARSHALL AWARD  
FOR OUTSTANDING PRACTITIONER**

**SUSAN E. BRUNE, ESQ.**

Susan E. Brune, the recipient of the Honorable Thurgood Marshall Award for Outstanding Practitioner, is a partner in the law firm of Brune & Richard LLP. She founded the firm with law school classmate Hillary Richard in 1998. The firm has grown to 20 lawyers, and has offices in New York and San Francisco.

From 1990 to 1997, Ms. Brune served as an Assistant United States Attorney in the Southern District of New York. From 1988 to 1990, she clerked for the Honorable Whitman Knapp, United States District Judge in the Southern District of New York.

Ms. Brune has a Masters of Arts degree from Columbia University in American History and graduated with honors from Harvard Law School.

Ms. Brune's practice focuses on white-collar defense, including criminal matters and matters before the SEC and other regulatory agencies. Most recently, she and a team of lawyers from her firm, including Nina Beattie, MaryAnn Sung, Theresa Trzaskoma and Laurie Edelstein, obtained the acquittal of a former Bear Stearns hedge fund manager in a federal jury trial before the Honorable Frederic Block in the United States District Court for the Eastern District of New York. The case, the first and, to date, the highest profile prosecution arising out of the financial crisis, ended after jury deliberations of only about 8 hours.

Ms. Brune regularly speaks on topics relating to criminal defense.

**CLARENCE DARROW AWARD**  
**RAYMOND A. KELLY ESQ.**



Ray Kelly, an attorney in private practice in Albany, New York, has been defending fellow human beings for almost his entire professional career.

As a result of his involvement in over 60 murder trials, Ray keeps current in forensics as a member of the Forensic Science Society and the American Academy of Forensic Sciences. Ray has been awarded the New York State Bar Association's Denison Ray Indigent Defender of the Year Award for 1998, the Criminal Justice Section of the New York State Bar Association's Charles F. Crimi Outstanding Practitioner Award for the Year 2000, and NYSACDL's Hon. Thurgood Marshall Distinguished Practitioner Award for the Year 2002. In 2005, Ray was awarded the New York State Bar Association's Distinguished Service Award in Law-Related Education for his work with high school students and the state-wide high school moot court camp, and in 2007 he received the Wilfred R. O'Connor Lifetime Client-Centered Representation Award from the New York State Defenders Association.

Ray's criminal trial notebook entitled *Preparation, Persuasion and Self: Defending Fellow Human Beings* has been published by the New York State Association of Criminal Defense Lawyers. Ray served as president of New York State Association of Criminal Defense Lawyers in 2006 and is a life member of both the National Association of Criminal Defense Lawyers and NYSACDL.

**NEW YORK STATE ASSOCIATION OF  
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FOR THEIR COMMITMENT  
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Murray Richman, Esq.

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Lisa Schreibersdorf, Esq.

**NEW YORK STATE ASSOCIATION OF CRIMINAL  
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**THANKS ITS *AMICUS* AUTHORS  
FOR THEIR TIME, EFFORT AND ENERGY**

Richard D. Willstatter - *Amicus* Chair

*2009 Amicus Curiae authors:*

Lawrence S. Bader, Esq.

Ivan J. Dominguez, Esq.

Marc Fernich, Esq.

Daniel A. McLaughlin, Esq.

Claudio Ochoa, Esq.

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Maurice H. Sercarz, Esq.

Murray E. Singer, Esq.

Susan J. Walsh, Esq.

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CRIMINAL DEFENSE LAWYERS**

**THANKS ITS SPEAKERS  
WHOSE EXCELLENT PRESENTATIONS  
HELPED TO MAKE OUR  
CONTINUING LEGAL EDUCATION PROGRAMS  
SUCCESSFUL in 2009**

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Ellen C. Brotman, Esq.  
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# The National Association of Criminal Defense Lawyers

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**HONORABLE DAVID N. HURD**

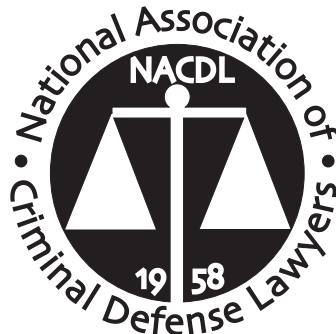
Clarence Darrow Award recipient  
**RAYMOND A. KELLY, JR., ESQ.**

Gideon Champion of Justice Award recipient  
**PETER MACDONALD, JOHN HINTZ,  
ROSS E. FIRSENBAUM, SHAUNA FRIEDMAN,  
ALYSHEA AUSTERN, ATTORNEYS, WILMERHALE,  
AND MICHAEL BENVIE, PRIVATE INVESTIGATOR**

Honorable Thurgood S. Marshall Award recipient  
**SUSAN BRUNE, ESQ.**

Lifetime Achievement Award recipient  
**HONORABLE ROBERT M. MORGENTHAU**

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to all of our Honorees  
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Brian Berkowitz, Daniel E. Bertolino,  
Gerard M. Damiani, John Edwards,  
William Frank and David I. Goldstein.

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Congratulations to

### ***Susan Brune***

on her acquittal in *US v. Tanin* and her receipt of the  
Outstanding Criminal Practitioner award. We salute  
all the other award recipients.

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### **MAURICE H. SERCARZ AND ROLAND G. RIOPELLE**

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Many thanks to

#### **Craig P. Schlanger, Esq.**

for his service as President of the NYSACDL

*and*

Congratulations to incoming President

#### **George R. Golzer**

*and Honorees*

**Hon. David N. Hurd, Raymond A. Kelly, Jr. Esq., and the Dewey  
Bozella Team, Susan Brune, Esq. and Hon. Robert M. Morgenthau**

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*Salutes*

**The Defense Bar**

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Congratulations to incoming President  
**GEORGE GOLTZER**  
and all of this year's deserving Honorees



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**CONGRATULATIONS TO  
OUR GOOD FRIEND  
MIKE BENVIE  
AND TO ALL OF NYSACDL'S HONOREES**



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Chester, New York  
845/ 469-7577

Congratulations to  
**Robert M. Morgenthau**  
for his lifetime commitment to  
excellence, dedication to fairness, respect for law  
and charitable pursuits.

*Barbara Gertel, Assistant District Attorney 1975-1985*

**NEW YORK STATE DEFENDERS  
ASSOCIATION**



Congratulations to outgoing NYSACDL  
president Craig Schlanger and to  
incoming president George Goltzer.  
We look forward to our continued  
collaboration with NYSACDL to  
protect the rights of clients and  
preserve the Constitution.

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Thank you,  
Craig Schlanger, for your service  
as President this past year!

Congratulations and best wishes,  
George Goltzer, for the coming year  
as President!

**Kevin O'Connell**

CONGRATULATIONS  
TO THIS YEAR'S HONOREES;  
MANY THANKS TO  
NYSACDL'S OFFICERS & DIRECTORS FOR  
THEIR COMMITMENT & DEDICATION  
TO AN OFTEN THANKLESS JOB!



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