

MINUTES OF THE FLORIDA COUNCIL OF BROMELIAD SOCIETIES

1. **OPENING:** Mike Michalski opened the second yearly meeting of the FCBS at 1:10 PM on June 23, 2018 hosted by the Bromeliad Society of Sarasota and held at First Church, 104 S. Pineapple Ave. Sarasota, FL 34236. He welcomed everyone to the meeting. Mike asked representatives and guests that had not signed in to sign the meeting attendee list.

FCBS Member Representatives Present:

Bromeliad Guild of Tampa Bay:

Tom & Carol Wolfe

Bromeliad Society of Central Florida:

Mike Saunders, Betsy McCrory

Bromeliad Society of South Florida:

Mike Michalski and Patty Gonzales

Caloosahatchee Bromeliad Society:

Vicki Chirnside

Florida East Coast Bromeliad Society:

Calandra Thurrott, Jack Dunlop

Florida West Coast Bromeliad Society:

Susan Sousa, Ashley Graham

Gainesville Bromeliad Society:

Tootie Richey and Mary White

Sarasota Bromeliad Society:

Dave Johnson, Marian Kennell

Seminole Bromeliad and Tropical Plant Society:

Sudi Hipsley, Gregory Kolojeski

Treasure Coast Bromeliad Society:

Lynn Marino, Nancy Hart

Committee member:

Jay Thurrott, Weevil Committee

Guests: Barbara Partagas, BSI Secretary

Mark Kennell, SBC

Kathy Dunlop, FECBS

Absent: Pete Diamond, CBS

2. **OFFICERS REPORTS:**

Secretary: Tom Wolfe reported that the minutes for the February 24, 2018 meeting was sent to the representatives and has been approved. The approved minutes were sent to the webmaster for posting on FCBS.org website.

Treasurer: Financial Status - Sudi Hipsley had emailed everyone a copy of the financial report and it was accepted as presented and filed for audit.

3. **COMMITTEE REPORTS:**

FCBS Audit Review: Report - At last meeting, Mike Saunders, Vice Chairman, was appointed to audit the previous year's books. Mike audited the books and said: "The 2017 books were found correct and in order." Susan Sousa made a motion to include Mike's report in the FCBS minutes of the meeting and Mary White seconded the motion, a voice vote was taken and it was passed.

Webmaster: FCBS Website – No Report.

FCBS Newsletter: Carol Wolfe - Thanked everyone for their participation in providing articles and pictures for the FCBS Newsletter. Dr. Terrie Bert will be providing an article for each future issue of the Newsletter. She has provided great articles for the last two editions. Mike Michalski volunteered to send an article and pictures for the August edition. Gregory Kolojeski will be submitting an article on pesticide products and weevil control as some products will no longer be on the market. The deadline for the August edition is July 15, 2018. Carol encouraged the council members to contribute information to the Newsletter which makes it more interesting to all FCBS members. She thanked Calandra Thurrott for her excellent proofing skills and everyone gave Calandra a round of applause.

Weevil Control Status: Dr. Teresa Cooper, Weevil Committee. She was unable to attend the meeting as she is in New Mexico for an extending period of time but sent her written report on the progress of her research on the Mexican weevil. Jay Thurrott, a member of the Weevil Committee, read the report to the council.

Honor to Thurrotts: Mike Michalski presented one of his new hybrids to Jay and Calandra Thurrott to honor them for their work in the Florida Council of Bromeliad Societies and named it Neoregelia Jay and Calandra. It will be registered with the Bromeliad Cultivar Registry.

4. OLD (UNFINISHED) BUSINESS:

Bromeliad Society of Palm Beaches: The Society met all the requirements for membership and requested to join the Florida Council of Bromeliad Societies. The motion to accept them was seconded and unanimously approved. We welcome them to the FCBS. Tom Ramicco and Nick Bethmann, the new representatives for The Bromeliad Society of Palm Beaches, accepted the invitation to the meeting but were unable to attend as planned.

BSI news: Report on World Bromeliad Conference in San Diego. Gregory Kolojeski, BSI Director for Florida, said the BSI thanked the FCBS for the \$500 contribution to the BSI Scholarship Fund and for the ad in their World Conference program. Jay Thurrott reported that we had 27 FCBS members attend the conference from Florida and final registration for the conference was right at 200. Final financial figures are not yet completed. Mike Michalski, a vendor at the conference, reported that sales were good.

FCBS Roster: Mike Michalski thanked Susan Souza for preparing this year's roster and everyone gave her a round of applause for the great job. Susan discussed ways to add husbands and wives names to the roster when their last names are different. After discussion, Susan decided the best method to use would be alphabetical where both names would be included. She said the deadline is March 1, 2019 for next year's roster. Marian Kennell reported that there were several differences in the roster and the website. The roster information is not sent to the webmaster and it is up to the local society to notify the webmaster of any changes. Everyone was encouraged to advise Michael Andreas, FCBS.org webmaster, by email to webmaster@fcbs.org if your Society has any changes in meeting dates or locations.

5. NEW BUSINESS:

Standing Rule 2: Tom Wolfe asked Jay Thurrott to read the letters regarding legal opinions about Standing Rule 2 to the council.

Tom Wolfe made a presentation regarding Standing Rule 2 and its impact on the membership of the FCBS and worldwide users.

Gregory Kolojeski, a tax lawyer and founder and owner of Brentmark Software, Inc., where he has dealt with copyright and intellectual property issues for more than 30 years, made a presentation regarding copyright laws (copy attached).

His motion to rescind Standing Rule 2 was seconded by Jack Dunlop and followed by a lengthy discussion. A motion to Call the Question and end debate was made by Mike Saunders and seconded by Ashley Graham and was passed. Then a vote by hand was taken on the motion to rescind Standing Rule 2 and passed overwhelmingly with two nays.

Gregory Kolojeski then presented suggestions for new wording that would be needed for the website. Mike Saunders made a motion and it was seconded by Susan Sousa. After discussion and adjustments, the final wording was voted by hand and the vote passed overwhelmingly with one nay and accepted as the new Standing Rule 2 as follows:

**The following is to be placed on the FCBS website:
Where usage of a photo is not permitted by copyright law, permission must be obtained from the copyright holder. Commercial use of any photo on this website is strictly prohibited.**

Secretary's Note: Pictures on the FCBS website are copyrighted and are subject to copyright law and its fair use doctrine (see the quoted section below). When anyone uses photographs from the FCBS's website for educational purposes, please give credit to the photographer and the FCBS website.

Section 107 of the copyright law on fair use states: Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies....for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes....

2019 Extravaganza host: After discussion Susan Sousa volunteered to ask the Florida West Coast Society if they were interested in holding the next Extravaganza but Betsy McCrory volunteered to ask the Bromeliad Society of Central Florida to hold it. Betsy will report back to the council.

New study on mosquitoes in Bromeliads needed: Presented by Gregory Kolojeski
The Orlando Sentinel reprinted an article that was published in south Florida on June 15th. It refers to a new study that suggests the dominant mosquito in south Florida bromeliads is the type of mosquito that carries Zika.

Greg suggested that the council authorize its own study on the Zika mosquitoes just in case the new study by the University of Miami could be flawed since there was such widespread bias about bromeliads in Miami. Last year, the government in Miami destroyed many bromeliads on public property. Everyone was in agreement with Greg's suggestion and he will be in touch with Dr. Frank and Dr. Cooper and we will all look forward to more information about what we can do in relationship to a new study.

Robert's Rules of Order: Discussion led by Tom Wolfe and others on the lack of following Robert's Rule of Order at the council meetings; but, at the last meeting, February 24, 2018, Mike Saunders, Vice Chairman, was appointed as parliamentarian. A new standing rule should not be necessary if we adhere and follow correct procedures. Our new parliamentarian will assist us in following proper order.

6. SOCIETIES NEWS:

The representatives gave the highlights of their March, April, May and June meetings transpiring since the last FCBS meeting on February 24, 2018,

7. NEXT FCBS SCHEDULED MEETING:

Saturday, October 27, 2018, and will be hosted by Seminole Bromeliad and Tropical Plant Society.

Mike Michalski thanked the Sarasota Bromeliad Society for the delicious meal and asked Carol Wolfe to send First Church a note of appreciation for the use of the kitchen and meeting room on behalf of the FCBS.

8. ADJOURNMENT: Motion to Adjourn by Susan Sousa and seconded by Tom Wolfe.

MINUTES PREPARED BY TOM WOLFE, SECRETARY, DATED JULY 10, 2018

PROPOSED TIMELINE OF MINUTES FROM DRAFT TO APPROVAL

- June 25, 2018** Draft Minutes emailed to all voting FCBS Representatives
- July 9, 2018** Deadline for notification to Secretary of any corrections or changes in the Draft minutes
- July 10, 2018** Draft Minutes will be corrected and emailed to voting representatives
- July 24, 2018** Voting representatives will have two weeks to vote for approval/disapproval of final minutes and must notify Secretary no later than July 24, 2018.
- July 25, 2018** Final Approved Minutes will be emailed to the FCBS voting representatives

Legal Disclaimer: The Florida Council of Bromeliad Societies is a 501 (c) 3, nonprofit organization and although we go to great lengths to make sure our information is accurate and useful, no information contained in these minutes should be construed as legal advice.

PRESENTATION TO FCBS

By Gregory Kolojeski

Standing Rule 2 as passed at the February 24, 2018 FCBS meeting:

All photographs on the Council website (fcb.org) are copyrighted and may only be used by permission. The copyright of each photograph belongs to the photographer and not to the Florida Council. The name of the copyright holder shall be embedded in each photograph.

Permission to use a photograph for any purpose must be obtained from the photographer; the Council cannot grant permission. If needed, the webmaster will assist in providing contact information to the best of their ability.

For permission to use any materials other than the photographs on the website, contact the webmaster.

Analysis:

The critical language is in paragraph two:

Permission to use a photograph for any purpose must be obtained from the photographer...

This is a much stricter standard than would be the case by just following normal copyright law and is not necessary. Following normal copyright law (which is accomplished merely by displaying a copyright message) is all that is needed. If fair use doctrine allows someone to use a photo for educational purposes, so be it. There is no reason to prevent the normal copyright rules from applying. The photos were submitted for educational uses to begin with and prohibiting them from that use other than on the FCBS site makes little sense. Having a stricter standard than what would normally be provided with a copyright message is actually counter-productive and would prohibit normal desirable uses.

For example, a speaker at a Bromeliad society meeting uses photos from the FCBS site. This would be prohibited by FCBS Standing Rule 2. This restriction makes no sense. The FCBS should not be trying to apply a stricter standard than would be provided by normal copyright law. The FCBS should be promoting Bromeliads in every way possible, not making it harder.

Summary:

Tom and Carol Wolfe’s proposal would remedy some of the weaknesses of the standing rule by including additional language that permits other educational uses. However, an even better solution would be simply to remove the standing rule altogether and let copyright law apply as it normally does. The first and third paragraphs do nothing more than state the obvious—that copyright law applies—which is exactly what a copyright message itself already does. The second paragraph places additional restrictions not required by copyright law and prohibits normal reasonable uses of the photos.

Respectfully submitted by Gregory Kolojeski, FCBS representative from the SBTPS

Greg is the president of the Seminole Bromeliad & Tropical Plant Society and the Sanford Garden Club where he publishes the website and monthly newsletter. He is the Director of the BSI where he serves on the Finance & Audit Committee and the World Bromeliad Conference Committee. Greg, a tax lawyer, is the founder and owner of Brentmark Software, Inc., where he has dealt with copyright and intellectual property issues for more than 30 years.