

This Week's Program

Frank Cunningham Gives His Craft Talk

Program Host: Tom McCurry

This week Frank Cunningham – one of our newer members – will be giving his Craft Talk.

Cunningham is happily married, has three grown children and eight grandchildren. During the second part of his life he has discovered he has a passion for helping seniors and feels he acts as a kind of real estate broker, therapist and spiritual director in helping them find safe and secure facilities in which to live.

He is very active in the community, supporting various causes supporting seniors and is on the board of directors of two non-profits and an active Rotarian. His current company is CarePatrol, and prior to CarePatrol, he had a career as a COO of a Credit Union for more than 42 years.



Dialing In

By Steve Kerekes,
 President



Is it Fair, or is it Beneficial, to All Concerned?

Past articles have dealt with two different aspects of the Four-Way Test – does it build *Good Will* and *Better Friendships* and is it *The Truth*. This week's article is about whether it is *Fair to All Concerned*. Whether some proposed course of action is fair often conflicts with another Rotary tenet – is it *Beneficial to All Concerned*. They are not the same thing in many instances. In cases that I see go to trial, justice (i.e., what is *fair*) is not usually dispensed in a manner which is beneficial to both sides of the case (all concerned). There is usually a winner and a loser.

When a contract dispute goes to court, it is usually about enforcing the terms of the contract, but not always. Sometimes it is about breaking the contract because it is not fair for some reason. One of the reasons it might be unfair is that it is extremely unjust, or overwhelmingly one-sided in favor of the party who has vastly superior bargaining power, and that to enforce it would be contrary to good conscience. This is called the unconscionability doctrine. The courts will look at the relative bargaining strength of the parties, and how one-sided the terms are. Sometimes the courts also employ the

standard that the disputed contract term has to “shock the conscience” of the average reasonable man, a mythological creature who only lives in law textbooks. Cases like this would include the famous case of *Williams v. Walker-Thomas Furniture Co.*, 350 F.2d 445 (D.C. Cir. 1965). The case involved a furniture store, Walker-Thomas, in Washington, D.C., extending credit from 1957 to 1962 to a Mr. Williams for a series of furniture purchases. The contract was written in such a way that no furniture could be paid off until all of it was. When Mr. Williams defaulted on the contract in 1962, Walker-Thomas tried to repossess all the furniture sold since 1957. The District of Columbia Court of Appeals remanded the case to the lower court to rule, but provided a list of guidelines that left no doubt that

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Greeter of the Week

March 22

Steve Cunningham

March 29

Frank Cunningham

April 05

Roger Fennell

Program Review

Help for Our Veterans



That's the goal of our two speakers last week, Camille Levee and Randy Vuchsas. Le-

vee is Vice President of the Board of Directors of an organization called Wellness Works, which was founded in Glendale in 1986 by three women whose goal was to treat the whole person who was ill. In 2005, they saw that thousands of military veterans



were having great difficulty adjusting to civilian life after their tours of duty were over. At that point, they changed their mission to devote themselves exclusively to veterans who were in distress about the transition. They discovered that employment assistance or housing help won't matter if the veteran was still undergoing great mental and emotional stress. Their treatments include psychotherapy, acupuncture, art therapy, service animals, and other methods. They discovered that most veterans don't want to talk about their experiences. Wellness works concentrates on Post Traumatic Stress Disorder (PTSD) and brain trauma. They also

treat female veterans, half of whom have been affected by domestic violence.

The organization holds a monthly barbecue, which is considered part of the therapy. It's a family event that allows the veterans to relax in a calm environment. Levee noted the fact: that every day 22 veterans commit suicide. The organization began to combat this terrible statistic by starting a program called *Not On Our Watch*. The organization serves veterans from all conflicts with four full-time staff and hundreds of volunteers.

Levee then turned the program over to Randy Vuchsas who has an emergency medical services background. He literally went from high school to working on an ambulance. He was an Emergency Medical Technician for Los Angeles County. One time another fireman gave him a challenge. As a result, he enlisted in the Air Force. He received several injuries, and had difficulty transitioning back to civilian life.

He made the point that *transition* is not really the appropriate word. The real issue being dealt with is *integration* back into civilian life. Vuchsas described how the Veteran's Administration essentially gave up on him. When a fellow veteran committed

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March

Water & Sanitation

Program Chair, Tom McCurry

March 22 - Frank Cunningham - Craft Talk

March 29 - Dan Stover Music Contst - Club-

-Level Competition **Craig Cox**

April

Mom & Child Health

Program Chair, David Smith

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Congratulations



Birthdays



03/08 - Jeri Cunningham

03/14 - Steve Cunningham

03/15 - Trish Robinson

03/15 - David P. Smith



Anniversaries

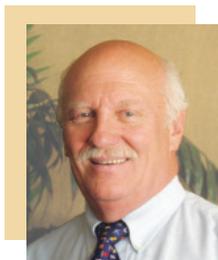


03/01 - Tim & Etta McCurry

03/13 - Steve Kerekes & Sunny Wu

03/30 Dennis Mehringer & Noriko Suzuki

Re-emergence of the Cold War?



Despite Secretary Clinton's infamous *Reset* button on relations with our arch nemesis, Russia, we find ourselves talking with daily assiduity about Russian interference in our elections, Russian hacking of our energy software controls, Russian penetration into Democratic National Committee computers, Russian invasions in the Ukraine and Crimea, Russian weapons buildup and backing of Assad in Syria, Russian uses of nerve agents to murder former SVR operatives in the UK... The list is a long one.

The question remains: Is Russia merely a scapegoat for our failures in foreign policy? Or must we look at our inability to control our own borders or budget, energy grid or electronic infrastructure, internet as our source of public frustration with a political system fraught with discord?

Interestingly, Nigeria struggles with its own internal conflicts between four legal systems [Common Law • English • Sharia • Traditional (Customary), Magistrate & Agency laws]. Obos, Emirs, Sultans and Kings compete in spheres of *moral and ethical* leadership with elected Governors and Assemblymen for the hearts of the people, along side Boko Haram, the resident terrorists. You think we have problems?

Britain of course still has a queen – the longest serving monarch in history – who provides some continuity between rising and falling governments in the un-winding

of a once great world empire.

And Islam is hopeful of entry into the world of the 12th Imam, the great Mahdi to re-establish the great Caliphate to save the world, even as Sunnis and Shia cut each other's throats with great regularity.

The picture of the world in turmoil and another *Cold War* is ominous. Trust, always fragile, is breaking down between peoples of the world and at home in our backyard and across the nation.

Perhaps the most unifying tribute to peace in our time that I have seen was in the recently televised funeral service of Billy Graham who is simply moving his address to a better world. Catholics, Jews, Protestants and Muslims in attendance all payed homage to the *Man of God* who talked about *Sin* and the need for *Salvation* by all men and women by turning from lies, theft, greed, pride, covetousness and idol worship by simply believing in and trusting in Jesus Christ and His message that "God is Love." And people were listening to the promises of a *Prince of Peace*.

The alternatives of course, believing in the *Isms* of this world: Capitalism, Communism, Socialism, Globalism, Environmentalism, Progressivism, Nihilism and Anarchism. Each has its own prophets who have left a swath of death in their wake, perhaps 100 Million dead in the 20th Century alone: Hitler 50 million, Stalin 20 million, Mao Zedong 45 million and on and on (Pol Pot, Dar Fur, Rawandan genocide, Armenian

genocide, et al). "...now I am become Death [Shiva], the destroyer of worlds..."

Feinstein, Clapper, Schiff, Comey, Susan Rice, Andrew McCabe would all have you believe Donald Trump is just another demigod in league with the Russians now and that collusion, coordination, conspiracy is at the heart of the all of our problems.

Still, no evidence has been forthcoming of any collusion with Russia or of Russia's ability to effect the outcome our elections as pointed out by President Obama when he discussed the safeguards of the Electoral College and decentralization of our electoral process, which make our electoral system almost impossible to steal or even influence by external sources.

So, after 14 months of exhaustive investigations and review of 300,000+ documents, the House Intelligence Committee has shut down its investigation even as Special Council Robert Mueller continues on in an indeterminate quest for what? We know not.

And Russia becomes the Scapegoat! No one can say that Russia – with its history of a failed Communist state – FSB and subjugation of its peoples is a model we would wish to emulate, but neither is any Socialist state dependent as it must be upon *Force* to gain compliance and allegiance to the state.

Sydney Powell's *License to Lie*, unveiling of Weismann, the Steele Dossier, the FISA court scandal, the un-masking of US citizens

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Dialing

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such a contract was unconscionable.

Other theories used to set aside a contract and which involve the concept of fairness are duress and undue influence. Duress and undue influence are closely related but different doctrines.

- **Duress** is a situation in which a person enters into the contract as a result of some physical or economic pressure that is exerted against one of the parties by the other party, either directly or indirectly. A classic example is as follows: A general contractor was awarded a six million dollar contract by the Navy for the production of radar sets. The general contractor then made a contract with a subcontractor to supply components. Soon after the subcontractor began delivery, however, it threatened to stop delivery unless the general contractor agreed to a substantial price increase in the price of the subcontract. The subcontractor then stopped delivery, and the general contractor was unable to find a substitute source on short notice to complete the radar sets on time, so it agreed to the subcontractor's demand. After the

subcontractor had completed deliver of the goods, the general contractor sued the subcontractor to cancel the amendment to the contract and recover the money paid on the price increase. The court ruled in the general contractor's favor. *Austin Instrument v. Loral Corp.* 29 N.Y.2d 124, 272 N.E.2d 533 (1971).

- **Undue Influence** is taking advantage of another person, through a position of trust, in the formation of a contract. The test is whether there is an absence of free agency, i.e., whether the individual's will has been overpowered or pressured in such a way as to cause the person to contract against his or her own desires or interests. An undue influence claim usually involves an allegation that someone is physically, mentally, or emotionally weak or disadvantaged. One early example of an undue influence case that involves both a contract and a will comes from the early English cases. In a case decided in 1617, a woman of the quaint name of Mrs. Death was found to have used undue influence to obtain a deed to land and a will leaving her personal

property of considerable value, from a Mr. Lydiatt. As the court wrote [Lydiatt was] an old man about the age of eighty years and being weak of body and understanding and having a great estate of goods and lands ... was drawn by the practices and indirect means of ... [Mrs. Death] to give his house here in London and to come to sojourn with her at her house in the country ... [although she was married to Mr. Death], and that she having him there did so work upon his simplicity and weakness and by her dalliance and pretence of love unto him and of intention after the death of her then husband to marry him, and by sundry adulterous courses with him and by sorcery and by drawing of his affections from ... his kindred, telling him sometimes that they would poison him and sometimes that they would rob him."

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Joy v. Bannister (Chan. 1617), in *Bacon's Reports* 33, 34 (Ritchie ed. 1932).

That's all for this week. More on the subject of fairness, in a non-legal context, next week. ○

Program

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suicide, he reached out to a friend who happened to be President of the Board of Wellness Works. They helped him overcome issues associated with his military service. Vuchsas stated that veterans will fight to the end, and rather than be captured by the enemy, they will end it themselves.

The organization is now planning to hold a memorial for the victims of the 9/11 attack, as well as a job fair for veterans.

Levee came back to address the question of how we can help. They have begun to set up a sliding fee scale, but will not turn away any veteran who cannot pay. They are looking for volunteers to serve on the



Board of Directors. Their budget is currently \$300,000 per year, and they are able to serve 300 veterans per month, who are referred by local veterans organizations. Another program they have involves getting pets from the Pasadena Humane Society and using them as service animals to calm the veterans. They also have started an intern program with USC. Clearly, Wellness Works is an organization whose work is vitally needed to help those wonderful men and women who have served so valiantly in defense of our country. Thank you, Camille Levee and Randy Vuchsas, for the work you are doing. Ed Jasnow ○

David Smith celebrates His Birthday at the Altadena Ale House

Photo courtesy of Sarah O'Brien

At our March 15 meeting, David Smith announced that he would be celebrating his birthday that evening at the Ale House in Altadena, and invited the members to join him.

If you are wondering about his head gear, Smith created the lampshade – and it is a real lampshade – he’s modeling for just such an occasion as this. Perhaps the main drawback to wearing it is its weight.

What our newer members don’t know is that Smith created its twin for Immediate Past President, Charlie Wilson and presented it to him with great fanfare at Wilson’s demotion party last June.

You’ll want to attend President Steve’s demotion party on Thursday, June 21, if only to see if Smith will present one of these outstanding creations to him. It’s ob-



vious that the Kerekes sense of humor is a perfect fit for such a gift, and he would come up with a splendid response. ○

Chairmen

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for political advantage and the establishment of a *Deep State* which weaponized the DOJ, DOS, IRS, FBI and CIA – as we find out from almost daily disclosures – is not reason enough to set aside our Constitution, our guns or our freedom of speech, which are being challenged daily under the cloud of political correctness.

Rotary thrives and survives in an atmosphere of freedom of thought and speech, not in more regulation, cold war or name calling and programs meant to restrict what we do and say. Violence and Safe Spaces are not the answer in our schools or on our streets. And neither is blaming Russia for our own moral decay and splintering society. The answer in California to moral turpitude in the early 20th Century was the Azusa Street Revival in Los Angeles, turning thousands to repent of their sins and turn to God. It is time for another revival. ○

Second Saturdays

January 13	Kai Clark with special guests John York & Carla Olson	April 14	Kenny Sara and the Sounds of New Orleans
February 10	Gerry Rothschild Band	May 12	The Podunk Poets
March 10	DeRumba	June 9	Crown City Bombers

Ring in the New Year with **music** and **community!**

EVENT DETAILS ONLINE →

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