



## THE LAREDO LICENSED U.S. CUSTOMS BROKERS ASSOCIATION, INC.

1 West End Washington Street, P3

Laredo, Texas 78040-4300

Tel: (956) 307-3400 Fax: (956) 722-8785

<https://www.lluscba.org/> / [admin@lluscba.org](mailto:admin@lluscba.org)

---

### President's Statement

Dear LLUSCBA Member:

Our association is stronger than ever with 128 regular members like you. The current LLUSCBA officers and board of directors work for you on an almost daily basis. It is now time to elect officers and board of directors for the 2020-2021 term.

In response to a recent allegation about an unfair nomination process for the 2020-2021 LLUSCBA officers and board of directors, I am putting forth this statement in which I explain our nominations process.

#### 1. Why are elections being held in October?

The LLUSCBA [bylaws](#) outline the process for elections. There shall be an annual meeting of the association at such time and place as the President shall designate (Article VI, Section 1). Historically, elections have been held during our association meeting for October<sup>1</sup>. I, Raul Villarreal, as President, have designated October 30, 2019 as the annual meeting. Officers shall be elected prior to the annual meeting or any adjournment thereof (Article VIII, Section 1).

One allegation is that the annual meeting and election must take place in December. Respectfully, I find no merit and no support for requiring a December election.

#### 2. What is the LLUSCBA nomination process?

The LLUSCBA nomination process is outlined in our bylaws. Bylaws are the most important rules that govern our association. Bylaws can't be changed unless you, our members, get previous notice of any proposed change and a large majority is required to enact any proposed change. Bylaws are so important that they can't be suspended even by a unanimous vote. The process for nominations detailed in our bylaws cannot be amended, replaced, or circumvented.

The LLUSCBA bylaws require that the nominating committee shall file its report of nominations for the officers of the association to the Secretary. Since the members must receive the notification from the Secretary by September 30,

---

<sup>1</sup> Four of the last five LLUSCBA elections were held in October.

November 29, 2017 for 2018-2019 due to Southern Border Conference being hosted in Laredo October 25-28.

October 28, 2015 for 2016-2017.

October 30, 2013 for 2014-2015.

October 26, 2011 for 2012-2013.

October 28, 2009 for 2010-2011.

Affiliated to:





## THE LAREDO LICENSED U.S. CUSTOMS BROKERS ASSOCIATION, INC.

1 West End Washington Street, P3

Laredo, Texas 78040-4300

Tel: (956) 307-3400 Fax: (956) 722-8785

<https://www.lluscba.org/> / [admin@lluscba.org](mailto:admin@lluscba.org)

---

2019 (30 days prior to the annual meeting of October 30, 2019), the nominating committee must act sooner (Article VIII, Section 2).

The nominating committee as a matter of policy has sole discretion in the nominations process. This process and discretion end upon submitting nominations to the Secretary. After consultation with the board and committees at a monthly board meeting, the nominating committee chose to solicit nominations from all members via email. An email went out to all members requesting nominations at the LLUSCBA office by COB on August 30, 2019. Nobody challenged the wording of the email prior to the deadline.

One nomination for each position was timely received (Thursday August 29, 9:40 am in person at LLUSCBA office) and one nomination for each position was received after the deadline (Friday August 30, 9:46pm via email). Rodolfo Delgado, Nominating Committee chair, submitted nominations to the Secretary. He included only the nominations received before the deadline. Upon learning that the deadline had passed, and some nominations were untimely, the entire nominations process went under attack as a violation of the bylaws.

The allegation was not elaborated in any detail. Simply a blanket accusation of a "violation of bylaws." As President, I prepared and presented these facts to three professionals experienced in association elections and bylaws. The identities of the nominations were not disclosed as they were not relevant to the analysis. Unanimously, Ed Greenburg (Legal Counsel for National Customs Brokers and Forwarders Association of America "NCBFAA"), Amy Slavko (Nominations Chairperson for NCBFAA) and Miguel Conchas (President of the Laredo Chamber of Commerce) each concluded that the nomination process that was followed did not violate LLUSCBA Bylaws.

Our bylaws require that the Secretary deliver the ballot with a proxy form to each regular member not later than 30 days prior to the annual meeting (Article 8, Section 2). LLUSCBA Secretary Brenda Medina timely emailed the ballot with a proxy form to each regular member on September 27, 2019.

The nomination process that we followed is consistent with prior years and it complied with our bylaws. Despite the unfounded allegations of an unfair process, we must move forward with the election as scheduled.

### 3. Why does the ballot include a write-in space?

The board previously voted to use the same format as the prior ballot from 2017. Prior LLUSCBA election ballots include a write-in option. We are currently reviewing whether the write-in option is consistent with our bylaws.

### 4. Can the ballot with a proxy form be submitted to LLUSCBA via email?

Affiliated to:





## THE LAREDO LICENSED U.S. CUSTOMS BROKERS ASSOCIATION, INC.

1 West End Washington Street, P3

Laredo, Texas 78040-4300

Tel: (956) 307-3400 Fax: (956) 722-8785

<https://www.lluscba.org/> / [admin@lluscba.org](mailto:admin@lluscba.org)

---

Our bylaws state that elections shall be by majority vote; eligible members may vote by written proxy (Article VIII, Section 3). Our bylaws do not address paper versus electronic communications. As technology has advanced, our association has transitioned from paper or fax communications to email for just about everything (notices of meetings, electronic registration for events and seminars, and even for new member registrations). In fact, the late nominations came in via email.

Furthermore, for at least the last four elections, members have been given the option to submit their ballot with a proxy form to the association office prior to the day of the election. In the last three elections, the email soliciting votes specifically offered the option of submitting the form via email.

There is an allegation that LLUSCBA cannot receive ballots early or by email. I do not believe there is any legitimate reason to prevent early voting by email.

I will leave this to each member's discretion on how to submit their vote. If you choose to submit your vote by email, please send it directly to [admin@lluscba.org](mailto:admin@lluscba.org). All ballots received by email will receive a reply confirming receipt.

You may also choose to submit your ballot in person at the LLUSCBA office no later than Tuesday 29th of October, 2019 at 5:00 pm.

Thank you for being an active member of our association. United, we are all working on common goals of education and advocacy in the customs broker industry. As the 2018-2019 LLUSCBA officers and board of directors wind down their term in office, I humbly ask that you exercise your right to vote.

I look forward to seeing each of you at our annual meeting on October 30, 2019.

Sincerely,

Raul S. Villarreal

LLUSCBA President 2018-2019

October 3, 2019

Affiliated to:

