



SEVENTH-DAY
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Potomac
Conference

Fact Sheet: Trademark Infringement Lawsuit

Updated: April 17, 2013

Q: What is the history of the TA Alumni Association?

The official Takoma Academy Alumni Association (our “Association”) was formed in the 1970’s when J. P. “Prof” Laurence was principal. The faculty representative who worked with Prof and spearheaded the formation of the Association was Dr. Richard Osborn, who later became principal.

Our Association has a shared governance model. Representatives from both the alumni and the school serve on its 19-member alumni board. All alumni are permitted to vote in Association elections.

Our Association is organized to have a close relationship with the school. In fact, its constitution and bylaws provide that all alumni records are kept by a school representative and that the school receive and record all alumni donations. Our Association is not an independent 501(c)(3) charity; rather, it is under the school’s tax-exempt umbrella. Accordingly, donors who contribute at the request of our Association receive a gift receipt from Takoma Academy.

Our Association is not broken and has functioned as intended for many decades. Although Mr. Pittman was elected president of our Association April, 2011, he did not hold an election of new officers during the April, 2012 alumni weekend, as has traditionally been done.

Q: What is the history of the Takoma Academy Alumni Association, Inc.?

When was it formed?

In April 2012, Messrs. Pittman and Montero formed their new corporation and called it Takoma Academy Alumni Association, Inc. It is totally independent of our Association. This was done without approval from the TA Board or the TA administration.

TAAA, Inc. is completely independent from Takoma Academy. Its original board had only five members which included Henry Pittman, his brother, Ray Pittman, and Mr. Montero.

After TAAA, Inc. adopted bylaws, its board increased to a maximum of nine members. Rather than a large board with multiple school representatives, TAAA, Inc. only requires one person from the school administration on its board. Significantly, only dues-paying alumni are considered to be “active members” permitted to vote in elections. This is a far cry from the inclusive, shared governance model established by the Association which was formed under Prof. Unlike our Association, TAAA, Inc. is not in any way associated with or sponsored by Takoma Academy.

Q: How is it that an independent corporation is using the TA name?

The Potomac Conference has historic and legal rights in the names “Takoma Academy” and “TA.” In the minds of TA’s extended family and the general public, these names refer to the school, which is part of the Potomac Conference of Seventh-day Adventists. TA has existed for over 100 years. The school enjoys a good reputation which is well-deserved. One way TA continues to enjoy a good reputation is by preventing unauthorized persons, such as TAAA, Inc., from using its name.

It is appropriate that the Potomac Conference guard against others using these names, especially an independent corporation not part of the TA family. The Potomac Conference simply cannot permit an independent group, not affiliated with the school or sponsored by the school, to use these names.

TAAA, Inc. has caused confusion among alumni and others by not only using the Takoma Academy and TA names, but also in portraying itself as the “official” TA alumni association. Furthermore, it has organized alumni events which compete with school-sponsored events, which causes even more confusion. Its use of the TA name in fundraising only adds to the confusion.

We want to end this confusion.

Q: Does the mission of TAAA, Inc. conflict with TA’s vision for its Alumni Association?

TAAA, Inc. has a mission that is not compatible with the historic role of TA’s alumni Association. TAAA, Inc. has as its mission that, in addition to helping the school, it will also serve as a mutual benefit society for alumni. So if you make a contribution to TAAA, Inc., it is possible that it may not benefit the school or its students. It may go to an individual who is an alum. How such monies are allocated is unknown to us and not subject to any input by the school.

Helping alumni in need is a noble goal. But it is not a proper goal for a school alumni association whose mission should be to support the school and its students, as well as plan alumni activities. That is the mission of our Association.

Questions Regarding TAAA, Inc. Fundraising

TAAA, Inc. is not authorized to raise money on behalf of Takoma Academy. Takoma Academy will not provide a gift receipt for any gift that one might make to TAAA, Inc.

We do not know whether TAAA, Inc. is an official 501(c)(3) organization and able to issue gift receipts for tax-deductible contributions. You will note that in one of TAAA, Inc.’s appeal for funds they asked that payments be sent care of Mr. Montero’s office, rather than to the school.

The books and records of TAAA, Inc. are not reviewed by TA’s auditors.

We are *not* suggesting that anyone at TAAA, Inc. has acted with financial impropriety. We *are* saying that a gift to TAAA, Inc. is not a gift to Takoma Academy and that there is no guaranty that your gift to TAAA, Inc. will directly benefit the school or its students.

TA Is Not Seizing the Alumni Association.

Our position is straightforward. We do not want any independent group using the good name of Takoma Academy when in fact it is not affiliated with or sponsored by the school. You do not want this either – it causes confusion and concern.

In fact, the TA Board recently clarified its position. Although the TA Board voted to disassociate itself from TAAA, Inc. and the officers behind it, the Board *does* support TA’s alumni. It wants an alumni association whose governance includes significant representation from alumni as well

as the school and/or the TA Board, whose goals mesh with those of the school, and which is connected with the school.

It is entirely appropriate that any school's alumni association be an integral part of the institution and not an autonomous organization controlled by a small number of persons.

Q: Can you please identify any misleading and incorrect information that is being shared by TAAA, Inc.?

Undoubtedly, many of you have received letters and other announcements from TAAA, Inc. and Mr. Pittman. They contain incorrect and misleading information too numerous to itemize in one fact sheet. However, allow us to outline a few items:

1. Their July 9, 2012 letter states that the alumni board “voted to recommend that the governance of your Alumni Association remain with alumni, *per the existing bylaws*, and not under the control of the Takoma Academy Board of Trustees/Potomac conference of the SDA Church...” This is not accurate – TAAA, Inc. did *not* continue the governance of the alumni association under the then existing bylaws or the existing structure. As outlined above, TAAA, Inc.’s governance is completely *different* from our Association which was established during Prof’s tenure.
2. In TAAA, Inc.’s August 10, 2012 missive it falsely states that the new corporate bylaws “will allow your association to continue to transform into a more *inclusive* organization...” In fact, TAAA, Inc. is a far *less* inclusive organization that has existed historically. Not only does one need to be a dues-paying member in order to vote, its board is far *less* inclusive that has existed historically.
3. Recently, communications from TAAA, Inc. contain the following tag line: “Your Takoma Academy Alumni Association, Inc., ...circa 1977.” Obviously, a corporation that was not formed until 2012 cannot claim to have been founded “circa 1977.” TAAA, Inc. is not our Association and cannot claim to have been formed circa 1977.

Q: Can you please share upcoming events that will benefit the School, the Students, and the Alumni?

As stewards of Takoma Academy, we must act in the best interest of the school and its students, alumni, and constituents who have a vested interest in this vital educational ministry, its legacy and future. Your alumni Association helps to ensure that legacy and future remain strong.

Alumni Weekend 2013

TA’s principal, Mrs. Carla Thrower, her assistant for fundraising and alumni, Mr. Ron Mills, along with other TA faculty, staff and members of our alumni Association, have planned a wonderful alumni weekend, April 26-28. We invite you to show your support by attending and participating in the activities.

Alumni Elections

Our official TA Alumni Association (the one formed while Prof was principal) will hold elections at 10:00 a.m. on Sunday, April 28 at the business meeting held at the conclusion of alumni weekend. We urge concerned alumni to attend the meeting and vote.

Mr. Pittman's new entity and its organizers is also planning some sort of electronic voting for TAAA, Inc. We urge you to *abstain* from participating in TAAA, Inc. and its governance. It is *not*, as it claims, the "official" TA alumni association.

Q: Are there any other areas of dispute that we need to be aware of?

There are other areas of dispute between Takoma Academy and TAAA, Inc. The purpose of this letter is not to articulate each and every item in controversy between us. Rather, it is to provide general information to our TA family and to encourage the TAAA, Inc. group to reconcile with us. Nothing in this letter should be construed to limit any rights or claims of the Potomac Conference or Takoma Academy.

We solicit your prayers in this matter. We will keep you informed through www.pcsda.org/trademark. Further inquiries may be referred to Keith Hallam, Vice President for Education, at keithh@pcsda.org or (540) 886-0771.

We sincerely appreciate your understanding and support.

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