

8/1/2005: USBA Constitution adopted by its Members:

The vote on the Constitution was 35 yes, 20 no, thereby passing. This represents approximately 12% of the current members.

USBA Constitution/ByLaws:

ARTICLE I -TITLE, MISSION, LOCATION, DEFINITIONS

Section 1.01 Corporation Name. This organization shall be known as the United States Billiard Association (also hereinafter referred to as the USBA or the Association). The Association at all times shall be operated and conducted as a mutual benefit non-profit cooperative corporation, without stock, in accordance with the laws of the state of Nevada and a non profit business league within the meaning of Section 501(c)(6) of the Internal Revenue Code of 1986 (or the corresponding provisions of any future United States internal revenue law).

Section 1.02 Mission. The mission of the USBA, as stated in its Articles of Incorporation, is:

- 1.) To be an open, non-profit, independent organization that promotes carom billiards in the United States;
- 2.) To encourage the participation of younger players (both male and female) into the game;
- 3.) To serve as the coordinating body for carom billiard activity in the United States with the United States Olympic Committee (USOC), the World Confederation of Billiards Sports (WCBS), the Billiard Congress of America (BCA), the Union Mondiale de Billard (UMB), and all recognized and established international organizations that are involved in carom billiard activities;
- 4.) To be the sole affiliate (Federation) in the United States of the Union Mondiale de Billards (the world organization);
- 5.) To be recognized as the authoritative body that defines the rules and standards of play and regulates carom billiards in the United States;

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- 6.) To provide the venue as well as control the procedures for the designation of the annual United States National Champion (in carom billiards).

Section 1.03. Location. The principal office of the Association for the transaction of business shall be either at the location of the President or the Secretary/Treasurer.

Section 1.04 Definitions.

As used in the Articles of Incorporation and these attached Articles (the USBA Constitution) the term:

- 1.) “*USBA*” means United States Billiard Association, a not-for-profit corporation;
- 2.) “*billiards*” means the reference to any form of “carom billiards”;
- 3.) “*member*” means any person or entity who has met the requirements for membership;
 - a. “*Regular Member*” means an individual member who pays annual dues as set by the Board of Directors;
 - b. “*Entity Member*” means any member that pays annual dues other than an individual, i.e. billiard room, purveyor, etc.;
 - c. “*Life Member*” means a member who has been granted exemption from yearly dues by paying a lump sum amount as determined by the Board of Directors;
 - d. “*Honorary Member*” means a member who has been granted a lifetime membership and exemption from yearly dues based on his or her contribution to the USBA or to billiards in general and as voted as such by a two-thirds majority vote of the Board of Directors;
- 4.) “*member in good standing*” means any member who is current on their dues (if applicable) and is not on suspension or has been dismissed from the organization for violation of the Constitution or other rules that may have been promulgated by the Board of Directors;

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- 5.) “*USBA billiard event*” means any billiard competition that has been recognized by the United States Billiard Association;
- a. “*sanctioned event*” means any billiard event run under the auspices of the USBA;
 - b. “*endorsed event*” means any billiard event that is not sanctioned by the USBA but is recognized by the USBA as not being in competition with or in conflict with the purposes and goals of the USBA;
 - c. “*International billiard event*” means any billiard competition between any billiard player or billiard players representing the United States, either individually or as part of a team, and any billiard player or billiard players representing any foreign country;
- 6.) “*protected competition*” means any billiard competition between any athlete or athletes officially designated by the appropriate United States Billiard Association, Union Mondiale de Billard (UMB), Olympic, Pan American or Paralympic Sports Organization member as representing the United States, either individually or as part of a team, and any athlete or athletes representing any foreign country;
- 7.) “*Region*” means the division of the United States and territories divided into five (5) districts:
- a. Southwestern Region:
 - 1.) California
 - 2.) Hawaii
 - 3.) Nevada
 - 4.) Arizona
 - 5.) New Mexico
 - b. Northwestern Region:
 - 1.) Alaska
 - 2.) Washington
 - 3.) Oregon
 - 4.) Idaho
 - 5.) Montana
 - 6.) Colorado
 - 7.) Wyoming
 - 8.) Utah

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c. Mid-America Region

- 1.) Illinois
- 2.) Michigan
- 3.) Ohio
- 4.) Texas
- 5.) North Dakota
- 6.) South Dakota
- 7.) Kansas
- 8.) Nebraska
- 9.) Minnesota
- 10.) Wisconsin
- 11.) Arkansas
- 12.) Indiana
- 13.) Iowa
- 14.) Missouri
- 15.) Oklahoma

d. Southeastern Region:

- 1.) Louisiana
- 2.) Mississippi
- 3.) Alabama
- 4.) Tennessee
- 5.) Georgia
- 6.) Florida
- 7.) North Carolina
- 8.) South Carolina
- 9.) Virginia
- 10.) Kentucky
- 11.) Puerto Rico

e. Northeastern Region:

- 1.) West Virginia
- 2.) Pennsylvania
- 3.) Maryland
- 4.) New York
- 5.) New Jersey
- 6.) Massachusetts
- 7.) New Hampshire
- 8.) Connecticut
- 9.) Vermont
- 10.) Maine
- 11.) Rhode Island
- 12.) Delaware
- 13.) Washington D.C.

8.) “*Section*” means the division of the five (5) regions into three (3) sections:

EASTERN SECTION

- 1.) Southeastern Region
- 2.) Northeastern Region

MID-AMERICA SECTION

- 1.) Mid-America Region

WESTERN SECTION

- 1.) Southwestern Region
- 2.) Northwestern Region

ARTICLE II – MEMBERSHIP

Section 2.01 Membership requirements. Membership shall be open to any individual or entity that applies for membership in and supports the mission and policies of the association.

Section 2.02 Membership Categories. The general categories of membership shall be Regular, Entity, Life, and Honorary (as defined in Section 1.04). The Board of Directors may adopt from time to time other membership classifications consistent with the mission of the organization.

Section 2.03 Admission to Membership. Admission to membership shall occur upon the submission of a written application and the payment of the appropriate dues.

Section 2.04 Membership rights. All members in good standing, regardless of category, shall be entitled to one vote on each matter submitted to a vote of the members.

Section 2.05 Voting by Mail Ballot. Votes that require a vote by the membership at large shall be conducted via a mail ballot. Unless specified otherwise by this Constitution or by enactment of the Board of Directors on specific issues, a majority of the votes cast will determine the outcome of the vote.

Section 2.06 Transferability of membership. Neither the membership in the Association nor any rights of membership may be transferred to another person or entity.

Section 2.07 Nonliability of Members. A member of the Association shall not solely, because of such membership, be personally

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liable for the debts, obligations, or liabilities of the Association.

Section 2.08 Termination of Membership. A member may be dropped from membership for the following reasons:

- a. Non-payment of dues or other financial obligations to the Association. Non-payment of dues or other significant financial obligations shall result in termination of membership consistent with policies established by the Board of Directors and carried out by the Secretary/Treasurer without further action of the Board.
- b. Conduct which tends to injure the Association or which is contrary to or destructive of its purpose. Allegations of misconduct shall be stated in writing to the member who shall be given full opportunity to respond to those allegations before the Board or a body designated by it. Such termination must be achieved by at least a two-thirds (2/3) vote of the Board of Directors.
- c. Failure to conform to and abide by the Constitution, Code of Ethics, rules and policies of the Association, as well as decisions of duly constituted committees of the Association. Allegations of misconduct shall be stated in writing to the member who shall be given full opportunity to respond to those allegations before the Board or a body designated by it. Such termination must be achieved by at least a two-thirds (2/3) vote of the Board of Directors.

Section 2.09 Dues. The Board, at each annual meeting, shall determine the membership dues for the Association for the ensuing year. Dues are for the calendar year and are payable January 1st and are delinquent after 90 days. Dues for persons joining during the year will be prorated for that year (to the nearest dollar) from the beginning of the next month following their admission.

- a. Initial dues for the ensuing year are:
- b.

- 1.) Regular Members: \$ 36.00 per year
- 2.) Entity Members \$100.00 per year
- 3.) Life Member \$500.00 Donation
- 4.] Corporate Life Member \$10,000 Donation

Article III. – MEETINGS

Section 3.01. Quorum: The presence of fifty percent (50%) or more of the Board of Directors at any meeting shall constitute a quorum for the transaction of business.

Section 3.02. Proxies and Voting by Mail Ballot: Except for the election of Officers and Directors, proxies and mail in ballots shall not be valid or counted unless authorized by the Board of Directors prior to the action to be taken.

Section 3.03. Annual Meeting: There shall be one regular General Membership Meeting to be held each year during the National Championship and at a location at the site of the National Championship as designated by the Board of Directors.

- 1.) A portion of the Annual Meeting shall be given over to business matters pertaining to the membership at large.
- 2.) At any membership meeting, for every action requiring a vote, each member present shall be entitled to one vote.

Section 3.04. Other General Membership Meetings: Other than the Annual Meeting, there shall be no regularly scheduled General Membership Meetings.

Section 3.05. Board of Directors Meetings: Board Meetings shall be at a place and a time as determined by the President. Board Members will be notified at least ten (10) days prior to the meeting as to the exact date, time, and place such meeting will be held.

Section 3.06. Director Called Board Meetings: A Special Board Meeting may be called by any four (4) directors by giving written notice to the Secretary/Treasurer at least 30 days prior to the date when the meeting shall be held. The notice must be signed and dated by at least four directors stating the time, the date, and the business to be conducted. The notice can be delivered by e-mail and all such meetings shall be held through telephonic conferencing.

Section 3.07. Telephonic Meetings: The Board of Directors will conduct most meetings by telephonic communications and all actions taken at such meetings shall be valid.

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Section 3.08. E-Mail Voting: The President, by his own authorization, can request actions from the Board by E-Mail so long as a reasonable period of time is provided for the Board Members to reply.

ARTICLE IV. - POWERS AND JURISDICTION

Section 4.01. The USBA shall have perpetual succession and power to:

- 1.) sue and be sued;
- 2.) make contracts;
- 3.) acquire, hold, and dispose of real and personal property as may be necessary for its corporate purposes;
- 4.) accept gifts, legacies and devices in furtherance of its corporate purposes;
- 5.) borrow money to carry out its corporate purposes, issue notes, bonds, or other evidences of indebtedness therefore and secure the same by mortgage, subject in each case to the laws of the United States or of any individual States;
- 6.) provide financial assistance to any individual, organization or association, other than a corporation organized for profit, in furtherance of the purposes of the USBA so long as it does not violate the regulations as set forth in 501(c)(6) of the Internal Revenue Code;
- 7.) publish a newspaper, magazine, or other publication consistent with its corporate purposes;
- 8.) adopt and alter a corporate seal;
- 9.) establish and maintain offices for the conduct of the affairs of the USBA;
- 10.) comply with all Federal and State laws required to maintain a not-for-profit status as well as all other laws under which the USBA operates.

Section 4.02. The USBA shall be nonpolitical: As an organization, the organization shall not promote the candidacy of any person seeking public office.

Section 4.03 Capital Stock: The USBA shall have no power to issue capital stock or to engage in business activities that would violate it's not-for-profit status.

Section 4.04. Registered Agent: The USBA shall have a designated agent in the State of Nevada to receive service of process for

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the USBA. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the USBA.

Section 4.05. Affiliated Competition: The USBA shall enforce and comply with all rules and regulations of any competition not under the auspices of the USBA but in which a USBA member participates, as a result of such player being a member of the USBA. The USBA shall have exclusive jurisdiction to enter only competitors who meet the eligibility requirements as prescribed by the governing body of such event.

ARTICLE V. - OFFICERS, BOARD OF DIRECTORS, AND DUTIES

Section 5.01. President:

- 1.) The President shall be elected by the general membership.
- 2.) The President shall preside at all meetings of this organization, and conduct them according to this Constitution.
- 3.) He/she shall enforce due observance of this Constitution.
- 4.) He/she shall decide all questions of order under Robert's Rules unless instructed otherwise by these Articles or by a vote of the directors to deviate from such rules.
- 5.) He/she shall sign all official documents adopted by the organization.
- 6.) He/she shall perform any other duties pertaining to the office of President as may be required for the orderly conduct of the organization's business and not expressly defined within these Articles.
- 7.) Other than a Nominating Committee the president shall appoint all committee chairpersons and shall also be an ex-officio member of those committees.

Section 5.02. Secretary/treasurer

- 1.) The Secretary/Treasurer shall be elected by the general membership.
- 2.) It shall be the duty of the Secretary/Treasurer to keep the Articles of the organization and have the same with him/her at every meeting.

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- 3.) The Secretary/Treasurer shall note all amendments, deletions, and additions to the Constitution and shall permit it to be consulted by members upon request.
- 4.) The Secretary/Treasurer shall keep a record of the proceedings of all meetings.
- 5.) The Secretary/Treasurer shall maintain a roll of members.
- 6.) The Secretary/Treasurer shall provide meeting notices to be distributed by the method of information distribution set forth in the Articles.
- 7.) The Secretary shall turn over all items belonging to his/her successor at the expiration of his/her term.
- 8.) The Secretary/Treasurer shall receive and provide receipt for all monies paid to the organization.
- 9.) The Secretary/Treasurer shall keep an accurate account of all monies received and expended.
- 10.) At the end of each quarter The Secretary/Treasurer shall submit an itemized statement of disbursements and receipts.
- 11.) The Secretary/Treasurer, at the end of his/her term, shall turn over all USBA materials in his/her possession to his/her successor.
- 12.) If, for any reason, the President cannot fulfill his/her duties, the Secretary/Treasurer shall act in his/her stead unless determined otherwise by a two-thirds (2/3) vote of the Board.

Section 5.03. Board of Directors

- 1.) The Board of Directors shall be elected by the general membership and shall initially consist of eleven (11) persons: the President, the Secretary/Treasurer, one (1) director from each of the five regions of the United States as defined in Article 1.04(7): Southwestern, Northwestern, Mid-America, Southeastern and Southwestern (Regional Directors); and one (1) additional director from each of the Eastern and Western Sections and two [2] additional directors

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from the Mid-America Section (Sectional Directors) as defined in Article 1.04(8),

- 2.) The Board of Directors shall have ultimate authority over the business, policies, affairs, and activities of the USBA, including, but not limited to, the authority to remove any Officer or Director or terminate any member for cause; and, to enact, amend, or repeal provisions of this Constitution,
- 3.) The Board of Directors may make such rules and regulations covering it's meetings as, in it's discretion, it determines is necessary.

Section 5.03(a). Chairman of the Board The President of the Organization by virtue of his/her office shall be chairman of the Board of Directors.

Section 5.04. Executive Director An Executive Director may be appointed by the Board of Directors. The Executive Director shall serve at the pleasure of the Board of directors and compensation shall be fixed by the Board. However, no employee of this Association shall receive a contract of employment or have the authority to obligate the organization in any manner.

- 1.] The Executive Director shall be responsible for the proper and efficient administration of the Association's office.

Section 5.05. Vacancies and Newly Created Directorships Vacancies of any Directors or newly created Directorships resulting from any increase in the authorized number of Directors may be filled by the Board of Directors. Such appointments will be in effect until the next scheduled election.

Section 5.06. Officer Vacancies The vacancy of either the President or the Secretary/Treasurer due to resignation, death or removal will first be filled by one of the Directors as based on a vote of the Directors. If none of the Directors accept the position, the Board will then make a selection from the general membership.

Section 5.07. Relocation by a Director Any "Regional Director" or "Sectional Director" after being duly elected, but who no

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longer resides in their region or section, must resign their position upon their relocation.

Section 5.08. Director Vacancies The vacancy of a director shall be filled by appointment of the President with the confirmation of a majority vote of the existing Board.

ARTICLE VI. NOMINATIONS, ELECTIONS AND TERM OF OFFICE

Section 6.01. Qualifications for Elected Office All members who are citizens of the United States and who have been members in good standing of the USBA for at least four years immediately preceding the election are eligible for elected office (the four year requirement can be waived by a two-thirds majority of the Board of Directors for Officers and Directors in office upon the adoption of this Constitution).

Section 6.02. Term of Office Elections for all elected offices shall take place every four years with the next election being conducted in the year 2005 for terms to begin on March 1, 2006. The term of office shall expire on the last day of February four years from the beginning of the term.

Section 6.03 Elected Positions The elected positions of the United States Billiard Association shall be:

- 1.) President,
- 2.) Secretary/Treasurer
- 3.) Board of Directors

Section 6.04. Nominations The Secretary/Treasurer prior to August 1 of the year preceding the new term must solicit nominations for office. All nominations must receive a "second" by any member of the Board of Directors in order to be placed on the ballot.

Section 6.05. Voting Voting shall take place by a "mail-in" ballot sent to all members in good standing on or before September 1 of the year preceding the term of office. The ballot shall include the name of each nominee duly seconded by a current Board Member as well as a space for a qualified write in for each office. Only ballots received by the designee of the Board prior to December 1 of that year will be considered valid. The results of the election shall be announced prior to February 1 in the year the term is to begin.

Section 6.05a. President and Secretary/Treasurer Each member shall be allowed to cast one vote for the Office of President and one Vote for the Office of Secretary/Treasurer. The

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nominee for each office receiving the majority of the votes cast shall be declared elected.

Section 6.05b. Sectional and Regional Director Members may only vote for Directors within the “Section” that the member resides. Each member shall be allowed to cast three votes for candidates for the Board who reside in their “Section” (no more than one vote per candidate). The Nominee receiving the most votes in the Eastern Section and the Western Section and the two (2) Nominees in the Mid-America Section will be declared the “Sectional Director(s)” for their respective sections. After the determination of the Sectional Directors the person in each region receiving the most votes shall be declared the “Regional Director” for their respective region.

ARTICLE VII. USBA TOURNAMENTS

Section 7.01. Sanctioned Tournaments All USBA sanctioned tournaments require that players shall be a member in good standing of the United States Billiard Association or if a “foreign player” a member in good standing of an affiliate (Federation or Confederation) organization of the Union Mondiale de Billard.

Section 7.02. Sanction Fee Sanctioned tournaments require that other than the National Championship a fee of \$5.00 per player be remitted to the organization unless waived by a majority vote of the Board of Directors.

Section 7.03. Waiver of Rights Any player competing in a USBA sanctioned tournament agrees to hold harmless the Association for any act the player or agent may deem harmful or injurious. The player also agrees that all receipts from photographic or video images that result from a player competing in a tournament belong to the USBA and that it is up to the discretion of the USBA as to whether such photographs or video recordings may be taken.

Section 7.04. Endorsed Tournaments By definition, an endorsed tournament is: “any billiard event that is not sanctioned by the USBA but is recognized by the USBA as not being in competition with or in conflict with the purposes and goals of the USBA”. Such events that will be endorsed by the USBA shall consist of all amateur tournaments, “house” tournaments with entry fees of one hundred dollars or less, and any charity events. The USBA, its members or its Board shall not endorse, publicize, or promote other billiard events

without the prior approval by a majority vote of the entire Board of directors.

ARTICLE VII(a). NATIONAL CHAMPIONSHIPS

Section 7.01(a). Authority The United States national carom championships shall be conducted under the authority and auspices of the United States Billiard Association and the winner of such competition shall be granted the sole title of National Champion until the next National Championship is held or unless “stripped” of the title by action of the Board.

Section 7.02(a). Residency Requirement Participation in USBA national carom championships (and all qualifying tournaments leading up to the “Nationals”) shall be limited to persons who have been members in good standing of the USBA for a minimum of the prior six (6) months from the tournament date and who are citizens of the United States or who are legal resident aliens that have a valid green card.

Section 7.03(a). Site The Board of Directors shall determine the site and the date of all USBA National Championships. Such site and date shall be published to the membership at least four (4) months prior to the start of the competition. It is the intent of the USBA to provide access for the tournament to all of its members and therefore it shall be conducted in a different region of the Country each year. Those regions are as defined in article 1.04(8)of these by-laws (Northeast, Southeast, Mid-America, Northwest, and Southwest. A committee as assigned by the President shall make their recommendations to the Board based on the following criteria:

- 1.) Region
- 2.) Facility
- 3.) Room prize fund contribution

Section 7.04(a). Room Requirements Requirements of the facility to host the tournament shall be as follows:

- 1.) The Room shall have a minimum of four (4) championship carom tables.
- 2.) The Room will provide the facilities at no charge to the USBA or the players other than practice time by the players before the tournament begins.
- 3.) The Room shall arrange for reasonable and convenient accommodations for the players.

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- 4.) The tables will have new cloth that is not more than one month old and ideally was recovered at least one week before the tournament.
- 5.) New tournament balls will be placed into use for the tournament.
- 6.) The Room agrees that all receipts from raffles, spectator admissions, and all USBA merchandise sales (including programs) shall belong to the USBA.
- 7.) The Room will not allow smoking in or near the tournament area during the tournament.
- 8.) The Room will not allow “play” on any tables adjacent to the tournament tables during the tournament.
- 9.) The Room will provide a comfortable atmosphere for tournament play.
- 10.) The Room shall provide scorekeepers and referees, at a minimum, for the final round.
- 11.) The Room shall provide for the personnel to clean the tables and balls between matches.
- 12.) All television and video recording rights will belong to the USBA, and no televised matches will take place without the authorization of the USBA.

Section 7.05(a). Tournament Authority The Board of Directors, or a committee appointed by the Board of Directors will:

- 1.) Have total authority over all aspects of the tournament which shall include the location, the format, the rules, the dress, the designation as to any prize fund and the overall running of the tournament.
- 2.] Appoint the “Tournament Director”.
- 3.) Define the qualifications not otherwise addressed in the Constitution for competing in the National Championship.
- 4.) Have final determination as to a players qualifications to compete

ARTICLE VIII. AMENDMENTS

Section 8.01. Amendments, Additions, Deletions: New By-Laws may be adopted or these By-Laws may be amended or repealed by a two-thirds (2/3) vote of the entire Board of Directors. Motions made to amend or motions for new By-Laws must be distributed to the Board a minimum of thirty (30) days before a vote can be taken.

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Section 8.02. Defeated Amendments, Additions, Deletions. Any defeated proposed change or addition to these articles may not again be placed on the agenda for a new vote unless approved to do so by a majority of the entire Board.

ARTICLE IX. ADOPTION OF THIS CONSTITUTION Upon adoption of this Constitution by the Membership of the United States Billiard Association, all previous articles and by-laws of the Association shall become null and void.

Section 9.01. Declaration: We, the undersigned, declare that the USBA Constitution as contained herein has been disseminated to the membership through publication in the "USBA Newsletter" and that upon the vote of the members, this Constitution has been adopted on the 10th day of March, 2005.

ARTICLE X. CURRENT OFFICERS AND DIRECTORS The names and addresses of the persons who shall serve as officers and directors until their term expires on February 28, 2006 are as follows:

PRESIDENT:

Jerome W. Karsh
1720 Wynkoop St. #405: Denver, Colorado, 80202

SECRETARY/TREASURER:

Brian Morgan
801 Diane Ct: Springfield, Illinois 62702-3503

DIRECTORS:

Roberto Arana
11613 SW 124th Ct: Miami, Florida 33186-4915

George Aronek
19120 Nordhoff St.: Northridge, California 91324-3654

Sid Banner
21903 Town Place Dr.: Boca Raton, Florida 33433-3714

Joseph DeAmato
219 1ST St.: Melrose, Massachusetts 02176-4107

Ken Higgins
19342 47TH Ave NE.: Seattle, Washington 98155-2954

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Jack Knoerr
110 James St.: Lawrenceville, Illinois 62439-21301

Darrell Paul Martineau
5916 Bar Harbour Ct.: Elk Grove, California 95758-4230

Mazin Shooni
25121 Lois Ln.: Southfield, Michigan 48075-6157

George Theobald
1N260 Prince Crossing Rd.: West Chicago, Illinois 60185-2417
