



Monthly Leadership Roundtable: General Counsel Issues

June 26, 2025



Agenda

- Program Updates
- Upcoming Training Opportunities
- General Counsel Issues
 - Liability Insurance
 - Chapter Incorporation 501 (c)3 v. (c)19
 - Copyright Infringement Memorandum
 - MOAA Data Privacy Policy
 - General Counsel Support of Councils and Chapters
- Discussion
- Closing

Program Updates

- Committee Module (CM)
 - CM, Near Real Time Report, and Do Not Contact List all up and running. Chapters advised to contact chapters@moaa.org with any issues.
- Chapter Dues Portal (Cheddar Up)
 - Highly regarded program – hosted by MOAA
 - 54 chapters are live and 30 are in process of integration
 - Requests to chapters@moaa.org

Program Updates

- MOAA Data Privacy Policy Roll-Out Mid-July
 - Will provide increased chapter prospective member data
 - Clears the way for virtual pilot programs
- Liability Insurance
- Copyright Infringement
- In-Person Workshop Revision
 - Addition of workshop breakout sessions on important topics
- Victoria back in the office!

Volunteer Leader Training

2025 Leader Training Workshops



Leadership Seminar
Orlando, FL
January 16-18
FL, Other C&C by
invitation

Virtual Workshop
New Leaders
March 5
Focused on New
Chapter Leaders

Central Workshop
Oklahoma City, OK
May 2-3
AR, CO, IA, KS, LA,
MN, MO, ND, NE,
NM, OK, SD, TX

Virtual Workshop
Experienced Leaders
August 13
Focused on Experienced
Leaders

East Workshop
Hershey, PA
November 14-15
CT, DE, IL, IN, MA, MD,
ME, MI, NH, NJ, NY, OH,
PA, RI, VT, VA, WI, WV



2025 Roundtable Schedule

January 23 Advocacy in Action	February 27 Committee Module/NRT	March 27 Advocacy in Action Logistics	April 24 Chapter Dues Pay Portal
May 29* Chapter Visit and Awards Programs	June 26 General Counsel Issues	July 24 Recruiting and Retention	August 28 MOAA Virtual Chapters
September 25 Council and Chapter Mentorship	Oct 23 MOAA Foundation	November 20* MOAA Annual Awards	December 18* Year in Review/2026 Outlook

7:00 pm EST

*Adjusted from 4th Thursday to Avoid Conflict



General Counsel Issues

Liability Insurance

- Legal exposure/risks
 - Community facing events/interaction with the public
 - Rented space or “special events”
 - May be required to receive MOAA grant funding
- Advantage of establishing legal entity
- Insurance – general liability, property, rental, Hired/Non-Owned Auto
 - AMBA (through Philadelphia Insurance Companies)
 - Lockton (through Hanover Insurance)
 - Local/call for quotes


Chapter Incorporation

	501(c)(3)	501(c)(4)	501(c)(19)
Purpose	Charitable, Scientific, Educational, Religious, Literary, etc.	Civic and Social Welfare Organizations (PACs)	Veterans & Their Families (List)
Membership Requirements	No	No	<ul style="list-style-type: none"> - 75% past or present service members - 97.5% past or present service members, cadets, or spouses, widows/ers, ancestors, or lineal descendants thereof
Lobbying	No: limited exception for “insubstantial” activity (% of \$ spent)	Yes: generally unrestricted unless receives federal funding and cannot be organization’s primary activity (general welfare)	Yes: non-partisan and only as relates to its purpose
Offer Insurance to Membership	No	No	Yes
Donations Tax Deductible	Yes, if used for purpose and only that amount > FMV of goods and services received	No	<i>*Yes, if used for purpose and only that amount > FMV of goods and services received</i>
Miscellaneous			<i>*Congressionally Chartered “Veterans Service Organization”</i>

Non-profit does not mean tax-exempt

Copyright Infringement

- Copyright – Protects original works of authorship
 - Literary, dramatic, musical, artistic expressions, poetry, novels, movies, songs, computer software, architecture – articles you want to reprint
 - Owned by creator of the work
 - Lasts for 70 years after death of creator
- Infringement
 - Unauthorized use of the work
 - Reproducing, publishing, performing, filming, broadcasting – making an adaptation
 - Authorized use – written permission or a license
 - Exceptions – fair use, educational use, parody/satire, news reporting, fair dealing, preservation purposes
 - Legal tests, case-by-case application of facts: commercial interest, amount copied, etc.
 - Not a bar to being sued, a defense you must prove in court
 - Webmasters – put it in a contract and require insurance
- Enforcement
 - Production companies and groups of artists use hired web crawlers and AI search engines
 - Cost to consult an attorney is more than paying the settlement demand
- DoD and Service Marks and Seals
 - Trademark protected
 - Strict enforcement of unauthorized use per DoDI 5535.12, *DoD Branding and Trademark Licensing Program*
 - You must obtain permission from each Component to use a mark or seal – it's never given
 - Precedent and preferential treatment
 - Risk of losing protections
 - See my [Guidance Memo](#), dated May 19, 2025, to Council & Chapter Leadership

Attribution  Permission

MOAA Data Privacy Policy

- In absence of Federal law, states are filling the void
- International (EU) requirements (GDPR)
- Retained outside counsel with data and privacy expertise
 - Delivery
 - Refinement
 - Implementation Phase I
 - Publication/Issuance
 - Implementation Phase II

Crafting Messages to Different Cohorts: July 14th

- Honor the decision of those who have opted out via an affirmative action.
 - Inform of Policy & offer **resubscribe**
- Those who have only been opted out by default (not by any affirmative action) will default to opted in
 - Inform of Policy & offer **unsubscribe**

General Counsel Support of Councils & Chapters

- Separate, independent affiliates *by design*
 - MOAA Bylaws, Article II – Affiliates, Section 1:
Affiliation “does not authorize either organization to participate in the organizational or managerial concerns of the other”
 - Liability and administration would be untenable
 - C/C need freedom of maneuver within their AORs
- General Counsel Employment Agreement Restriction
- Virginia Corporate Counsel Bar License Restriction

Questions and Discussion

