



MICROLIGHT ASSOCIATION OF NAMIBIA

CONSTITUTION VOLUME 1

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This constitution shall form the basis of operation for MICAN from the moment it has been approved and accepted by the majority of its members

1. NAME

1.1 The name of the Association shall be “MICROLIGHT ASSOCIATION OF NAMIBIA” and shall be abbreviated “MICAN”.

2. INTRODUCTORY PROVISIONS

In this CONSTITUTION, unless the context indicates otherwise:

- 2.1. “casting vote” shall be the final additional vote required in the case of a deadlock.
- 2.2. “the Association” shall mean MICROLIGHT ASSOCIATION OF NAMIBIA.
- 2.3. “financial year” shall mean from 1st January of the year to 31st December of the same year.
- 2.4. “member” shall mean a person who has been accepted as a member of the association and has paid his/her full membership fee to date.
- 2.5. “a member in good standing” shall mean any member who did not ever infringe any MICAN rules, regulations or the Namibian Aviation Law in any way, or any other related misconduct and was found guilty thereof by an appointed investigation team or the MICAN EC, or who are under an pending investigation which is not concluded on the date of an EC portfolio election.
- 2.6. “person” shall refer to a prospective applicant of the club regardless of gender, race, color, status or creed.
- 2.7. The singular shall include the plural and vice versa.
- 2.8. Reference to the masculine gender shall include the female gender and vice versa.
- 2.9. “AGM” shall mean the Annual General Meeting”.
- 2.10. “SGM” shall mean Special General Meeting”.
- 2.11. “DCA” shall refer to the Directorate of Civil Aviation
- 2.12. “NNAC” shall refer to the Namibian National Aero Club
- 2.13. “Namibia” shall refer to the Republic of Namibia
- 2.14. “EC” shall refer to the MICAN Executive Committee

3. HEADQUARTERS

3.1 The headquarters of the Association shall be where the Chairman resides.

4. AIMS AND OBJECTIVES

The aims and objectives of MICAN shall be:

- 4.1 to encourage, develop and promote private, sporting and commercial microlight aviation throughout the Republic of Namibia.

- 4.2 To negotiate and co-operate with the Government of Namibia through the Ministry of Works, Transport and Communication and the DCA in particular, Municipal Authorities and other bodies to further the above objective
- 4.3 To co-ordinate and control all forms of microlight aviation by compiling, maintaining and modifying from time to time as required a Manual of Procedures in accordance to which all forms of microlight aviation in Namibia shall be conducted.
- 4.4 To regulate microlighting by providing members with facilities for obtaining all such licenses and ratings as are or may be hereinafter granted by any duly constituted authority and to provide and/or maintain such facilities for all such operations thereafter
- 4.5 To present or arrange aviation meetings, competitions and other gatherings or like nature, and to offer and grant or contribute towards to provision of prizes, awards and distinctions
- 4.6 to promote airman-ship and safety of the air amongst members and others by hosting lectures, demonstration and exhibitions
- 4.7 to co-operate, associate, affiliate or amalgamate with any other body at similar nature fulfilling the objectives of the Association as mentioned in paragraph 4 of this constitution as maybe considered advisable from time to time
- 4.8 to control the award of national colors and awards
- 4.9 to provide members with the advantage of collective representation and control in all matters of importance in the furtherance of the objectives of the Association
- 4.10 that MICAN shall be non-political and shall not exercise any sexual, racial or any other discrimination

5. MEMBERSHIP

5.1 Application for membership of the Association

- 5.1.1 Any person regardless of gender, race, color, status of creed may apply for membership of MICAN
- 5.1.2 A person applying for membership has to complete the official application form of the Association (Annexure A), which will be prescribed by the EC and submit a copy of his/her passport or identity document together with two passport size photographs
- 5.1.3 A person applying for membership shall sign without condition or objection the indemnity included in the application form
- 5.1.4 A person applying for membership shall pay the respective membership, and other fees, levies and/or subscriptions as prescribed in the AGM to the Association
- 5.1.5 Every application shall be considered by the EC and either rejected or approved. The outcome shall be communicated to the applicant in writing.
- 5.1.6 Membership commences at the time that the application is accepted by the EC and when all fees, levies and or subscriptions have been paid to MICAN and have been accounted for.
- 5.1.7 No person shall be accorded membership unless he/she has complied with all conditions pertaining to such membership as stipulated in paragraph 5.1
- 5.1.8 Upon approval of membership the person:
 - 5.1.8.1 shall be a member of MICAN
 - 5.1.8.2 shall submit himself/herself unconditionally to this constitution

- 5.1.8.3 shall have his/her name placed on the membership list of MICAN
- 5.1.8.4 shall receive a membership token.

5.2 Rights and privileges of members

In addition to any other rights and privileges provided for in this constitution:

- 5.2.1 All members shall have the right to nominate any other eligible member in good standing as a member of the MICAN EC at any AGM or SGM.
- 5.2.2 All members shall have the right to be notified of and attend every AGM and SGM
- 5.2.3 All members shall have the right to take part in and accompany the association on any gathering, competition and excursion organized by MICAN provided that the Exec may bar any member from microlight flying in accordance with aviation and safety regulations.
- 5.2.4 All members shall have one vote each on every point and/or issue which is put to vote during an AGM or SGM
- 5.2.5 Members may vote by proxy under conditions stipulated in paragraph 8.6.

5.3 Termination of membership

- 5.3.1 A member wishing to resign may do so upon written notification to the Secretary of MICAN. The Secretary shall acknowledge the resignation in writing, provided that the resigning member's liability has been fulfilled in total
- 5.3.2 Membership will automatically be terminated should a member fail to pay the required annual membership fees, levies and/or subscriptions as determined at every AGM to the Association within 1 (one) month after which such fees became due and payable, meaning the last day of January each year, on the condition that the member has been reminded in person by post or electronic.
- 5.3.3 The EC shall have the power to terminate the membership of any member of MICAN If :
 - 5.3.3.1 the member is convicted of any offence which, in the opinion of the EC, makes it undesirable for the association to continue such member's membership.
 - 5.3.3.2 the member is engaged in any profession but on account of misconduct is prohibited to practice such profession by the governing body of such profession.
 - 5.3.3.3 the member is convicted of a crime in any court of law.
- 5.3.4 The EC shall have the power to enquire into any allegation of misconduct against a member of any act of omission which, in the opinion of the EC, is prejudicial to the interests of the Association or any of its aims and objectives referred to in paragraph 4. For the purpose of such inquiry the EC may call before it any member against whom the allegation is made, as well as any other members or people to testify. The EC shall have the right to suspend any member pending investigation of allegations against such member. If, upon inquiry by the EC, an allegation of misconduct against a member has been authenticated, the EC may caution and/or suspend or expel such member from the Association, or request him/her to resign from the Association.

- 5.3.5 On termination of membership according to paragraphs 5.3.2; 5.3.3 and 5.3.4, a member shall be declared by the EC to have ceased to be a member of the MICAN, and shall forfeit all right in and claims upon the MICAN and its property, and shall not be entitled to reclaim any expired portion of any fee, subscription or levy.
- 5.3.6 A person whose membership had been terminated previously by the MICAN Exec as stipulated under paragraphs 5.3.2; 5.3.3 and 5.3.4 may be re-admitted to the MICAN and restored to his/her former rights by the EC at its absolute discretion.

5.4 Membership fees

Annual membership fees for the forthcoming financial year shall be determined and proposed by the EC to the AGM together with the financial statements and estimates.

5.5 Income

All income generated by the Association shall be appropriately applied as mandated by the AGM to the EC in particular to meet aims and objectives as per paragraph 4.

6. MANAGEMENT

The affairs of MICAN shall be managed, administrated and controlled by the MICAN Executive Committee.

6.1 Composition of the MICAN Exec

- 6.1.1 The EC shall consist of not more than seven (7) committee members with voting rights in terms of paragraph 6.1.10.
- 6.1.2 EC members shall be elected every second year at the AGM or at a SGM
No more than four (4) Alternate Members may be up for re-election. Any member of MICAN shall be eligible for election as committee member provided that:
all his/her fees have been paid in accordance with paragraph 5.4, he/she is a member in good standing and is not an EC member of any other related recreational flying association or organization during his/her term as MICAN EC member.
- 6.1.2.1 Nominations for candidates to the MICAN Exec shall be received in writing by the secretary of MICAN prior to commencement of the AGM. Nominations shall be signed by two members and the nominee.
- 6.1.2.2 Nominations for candidates to the MICAN EC shall be received three (3) hours prior to commencement of the AGM. Nominations shall be signed by two members and the nominee
- 6.1.2.3 should there be more than one nominee for any portfolio on the MICAN Exec, an election will take place at the AGM according to paragraph 7 to determine the candidate by means of a simple majority vote
- 6.1.3 Each member of the outgoing MICAN Exec shall automatically retire and be nominated for re-election unless he/she notifies the secretary of the MICAN Exec beforehand that he/she will not be eligible for re-election

- 6.1.4 Any MICAN Exec member not attending three consecutive MICAN Exec meetings shall be deemed to have resigned his/her seat, unless an apology, prior to such meeting, has been made and accepted by the MICAN Exec as a valid and reasonable excuse
- 6.1.5 A vacancy for a portfolio, for whatever reason, may be filled by the MICAN Exec for the remainder of the term by co-opting a member.
- 6.1.6 A MICAN Exec member may terminate his membership by written resignation addressed to the MICAN Exec and delivered either to the chairperson or secretary.
- 6.1.7 The Chairperson or secretary shall place the resignation of an EC member on the agenda of an MICAN Exec meeting as soon as possible, and such resignation shall be effective from the moment it is accepted by MICAN Exec
- 6.1.8 The MICAN Exec may terminate the appointment of an MICAN Exec member by a two thirds majority only on grounds of disorderly or incompetent conduct
- 6.1.9 EC members with a commercial interest in microlighting shall have no vote on the EC.

6.2 Executive Committee Portfolios

The EC shall have the following portfolios with attached duties:

6.2.1 The Chairperson

- 6.2.1.1 chairs or designates the chair at EC meetings, the AGM or SGM
- 6.2.1.2 oversees and assumes responsibility regarding all aspects of the Association
- 6.2.1.3 is responsible for co-ordinating all activities of the Association and its members
- 6.2.1.4 or a designated person by himself ,shall be the liaison officer between the Association and DCA
- 6.2.1.5 has the casting vote at all meetings or instances where the EC takes a decision
- 6.2.1.6 shall have no commercial involvement in microlighting

6.2.2 The Secretary

- 6.2.2.1 is the executive administrative officer of the Association
- 6.2.2.2 is responsible for the mailing of all newsletters, minutes of meetings and other correspondence
- 6.2.2.3 is the main representative and liaison with DCA with regards to all administrative matters
- 6.2.2.4 Is responsible for keeping statistics/database of all registered microlights and all microlight pilots of the Association, which must be updated and forwarded to DCA on a regular or as needed basis.
- 6.2.2.5 Ensures that all documentation with regards to membership, training, licensing and other legal and/or administrative matters of all members, are complete and all fees payable are collected.

6.2.3 The Treasurer

- 6.2.3.1 as accounting officer he/she is responsible for the bookkeeping of the Association, the paying of accounts as well as the controlling of all moneys to the Association.
- 6.2.3.2 is responsible for compiling and drafting of all financial statements of the Association and to present such statements at the AGM, audited.

6.2.4 The Training Officer

- 6.2.4.1 is responsible for the proper introduction of any prospective member to the Association with reference to the rules and regulation applicable to all training, licensing and other legal and/or administrative matters
- 6.2.4.2 ensures that all documentation with regards to membership, training, licensing and other legal and/or administrative matters of a new member are complete and all fees payable are collected, before forwarding such documents to the Chairperson and the Secretary.
- 6.2.4.3 shall act as the only liaison between microlight instructors and the EC
- 6.2.4.4 must ensure that all microlight instructors are properly inform of any decision/rules/regulations or any matter pertaining the instructors is communicated to the instructors
- 6.2.4.5 must arrange for the inspection of all training facilities, training microlights and any other aspects pertaining training and/or instruction to the satisfaction of the Air Law
- 6.2.4.6 will assist and accompany the chairperson, DCA or any other authority with any investigation regarding training related matters
- 6.2.4.7 must compile statistics with regard to all training activities for presentation at the AGM and record keeping purposes

6.2.5 The Safety Officer

- 6.2.5.1 is responsible for all record keeping of all matters regarding air safety, including prove of annual inspections done on microlights and validity of pilot licenses of individual members
- 6.2.5.2 is responsible for all other safety aspects of the Association, including any flying excursions
- 6.2.5.3 must assist the chairperson, DCA or any other authority in the investigation of all incidents and accidents pertaining to microlights
- 6.2.5.4 compiles statistics with regards to all such incidents and accidents for presentation at the AGM and record keeping purposes

6.2.6 The Public Relations Officer

- 6.2.6.1 will act as the only liaison between the Executive Committee and the various microlight clubs and other Organisations in and outside off Namibia
- 6.2.6.2 will ensure that all activities of the various clubs are done in accordance of the Air Law and within the rules and regulations of the Association
- 6.2.6.3 must ensure that all relevant information distributed from the Executive Committee be forwarded to the various clubs
- 6.2.6.4 Can attend all AGM's of the various clubs as representative of the Association

6.2.7 Additional Members

- 6.2.7.1 Any MICAN members elected can serve as additional members and must attend EC meetings when invited by the chairperson, in an advisory capacity.

6.3 Executive Committee Meetings

- 6.3.1 There shall be at least three MICAN Exec meetings during each financial year. The chairperson can, however, call additional MICAN Exec meetings if so required.
- 6.3.2 The MICAN Exec may only take decisions and act if a quorum of 50% of MICAN Exec members plus one is present and if the chairperson is present.
- 6.3.3 Decisions of the MICAN Exec shall be decided by a simple majority vote of MICAN Exec members with voting rights as per paragraph 5.2.4. and with adherence to the conditions mentioned under paragraph 6.3.2
- 6.3.4 In case of a deadlock the person chairing the meeting shall have the casting vote.
- 6.3.5 A provisional agenda shall be made available to all EC members at least three days prior to the EC meeting and shall include an Additional Agenda to which points of discussion maybe added to before the agenda is adopted at the start of the meeting.
- 6.3.6 The provisional agenda shall be determent by the Secretary in consultation with the Chairperson
- 6.3.7 If the EC is required to consider a proposal or request by a person who is not a member of the Association, such proposal shall be addressed in the writing to the Chairperson at least seven days prior to the meeting
- 6.3.8 Minutes of all MICAN Exec meetings shall be kept by the secretary and be confirmed, with or without amendment, at the following MICAN Exec meeting. These minutes shall be made available by the Secretary to any member on request.
- 6.3.9 The EC may allow any person to sit in at EC meetings on condition that such person may not vote and may only speak with permission of the Chairperson.
- 6.3.10 Any inquiries, of whatever nature, from members must be addressed to the EC through any EC member and must be placed on the agenda for discussion at the next EC meeting.

6.4 Functions and Duties

Subject to the provisions of this constitution, the EC has the following functions and duties:

- 6.4.1 Open and operate a bank account at any Namibian bank in the Association's name and do whatever is necessary to control and manage the Association's funds.
- 6.4.2 Raise, receive, control and administer the funds as it deems necessary for the benefit of the Association and its members.
- 6.4.3 Obtain and administer loans as it deems necessary and expedient for the benefit of the Association and its members.
- 6.4.4 Invest any funds as it deems necessary for the benefit of the Association and its members.
- 6.4.5 Purchase, lease, sell or occupy any premises for the use of the Association.
- 6.4.6 Appoint trustees, or any person(s) to hold or to remove any property in trust for the Association and its members.

- 6.4.7 Institute or defend any legal action in any court of law and to dispense funds of the Association in the execution thereof.
- 6.4.8 Retain power of Attorney for the signature of all documents or deeds.
- 6.4.9 Arrange terms of reciprocity with other aviation-related organizations.
- 6.4.10 Affiliate the association to an appropriate federation, union, association or club inside or outside Namibia, and to promote the training of microlight pilots according to relevant standards.
- 6.4.11 To determine, set and control microlight flying standards and rules appropriate to and/or applicable in Namibia on condition that no rule may inferior to Namibian aviation regulations and legislation.
- 6.4.12 To manage the Association's affairs through decision during and at EC meetings.
- 6.4.13 The EC shall be responsible for issuing the Association's newsletter.
- 6.4.14 The EC shall prepare reports for each financial year in accordance to paragraph 7.

7. SPECIAL COMMITTEES

7.1 Safety Committee:

- 7.1.1 This committee will consist of the EC safety officer and 2 additional MICAN members.
- 7.1.2 It is the responsibility of this committee to investigate and report on all safety issues regarding Microlighting.

7.2 Technical / Training Committee:

- 7.2.1 This committee will consist of the EC training officer and 2 additional MICAN members.
- 7.2.2 It is the responsibility of this committee to report, control and investigate training and technical issues regarding Microlighting.

7.3 Disciplinary committee:

- 7.3.1 This committee will consist of the EC Chairperson and 2 additional MICAN members.
- 7.3.2 It is the responsibility of this committee to investigate issues and discipline MICAN members not adhering to rules and regulations.

8. ANNUAL GENERAL MEETING

- 8.1 An annual general meeting shall be held during the month of March of every year or as determined/confirmed by the AGM.
- 8.2 A quorum shall be, whichever is the least, either half of the voting members or at least 15 (fifteen) voting members
- 8.3 If no quorum is present within 30 (thirty) minutes of the specified starting time of the AGM, the meeting shall be postponed to a later date, provided that notice of such later date shall be given via fax, e-mail, post or personal delivery
- 8.4 If no quorum of the members is present at such postponed AGM, the members present shall be the quorum

- 8.5 Written notice of the AGM specifying place, date, hour together with the agenda shall either be:
 - 8.5.1 delivered in person to each member at least 14 days prior to the AGM or.
 - 8.5.2 delivered via prepaid post or electronic mail to the address of each member at least one month prior to the date of the AGM.
 - 8.5.3 Published in the newsletter of the association, provided that the newsletter is posted on one month prior to the date of the AGM.
 - 8.5.4 Inadvertent omission to give the notice referred to in 8.5 hereof to any person entitled to such notice or the none reception of such notice by such person shall not invalidate any proceedings at such any meeting.
- 8.6 Decisions shall be decided by one-half plus one votes cast by the quorum, provided that the voting member may not have more than three votes by proxy above his/her own vote. Proxies shall be in writing and signed by the member giving the proxy and identifying the voting member who must cast the vote. The proxies shall be handed to the secretary at or before the AGM.
- 8.7 In case of a deadlock, the Chairperson shall have the final casting vote
- 8.8 Prior to decision, the relevant issue may be debated as directed by the Chairman.
- 8.9 Election of MICAN Exec members shall take place according to stipulations referred to in paragraph 6.1.3 of this Constitution.
- 8.10 Minutes of the AGM shall be kept by the secretary or designated MICAN Member and shall be confirmed with or without amendments at the next AGM
- 8.11 The AGM shall be conducted as follows:
 - 8.11.1 Welcome
 - 8.11.2 Determination of quorum
 - 8.11.3 Additions to agenda
 - 8.11.4 Adoption of agenda
 - 8.11.5 Reading of, if not circulated prior to the AGM, and confirmation of the minutes of the previous AGM.
 - 8.11.6 Reading of, if not circulated prior to the AGM, and confirmation of the minutes of any SGM held since the previous AGM.
 - 8.11.7 Reading of and confirmation of the chairperson's report.
 - 8.11.8 Reading of and confirmation of the financial statements.
 - 8.11.9 Amendments to the Constitution, if any.
 - 8.11.10 Election of new EC.
 - 8.11.11 General issues added under 8.11.3.
 - 8.11.12 Adjourn AGM.

9. SPECIAL GENERAL MEETING

- 9.1 A Special General Meeting may be called on
 - 9.1.1 resolution of the EC or
 - 9.1.2 application delivered to the Chairperson provided that such application is signed by the lesser of the following:
 - 30% of the voting members or
 - If the EC fails to call a meeting so requested within 1 (one) month of the request, the members concerned shall be entitled themselves to call the meeting.
- 9.1 A quorum shall be whichever is the least, either half of the voting members or at least ten (10) voting members.
- 9.2 If no quorum is present within 30 (thirty) minutes of the specified starting time of the SGM, the meeting shall be postponed to a later date, provided that notice of such later date shall be given via fax, e-mail, post or personal delivery.
- 9.3 If no quorum of the members is present at such postponed SGM, the members present shall be the quorum.
- 9.4 Written notice of the SGM together with the agenda shall either be:
 - 9.5.1 delivered in person to each member at least 14 days prior to the SGM or
 - 9.5.2 delivered via prepaid post sent to the postal address of each member at least one month prior to the date of the SGM or
 - 9.5.3 published in the Newsletter of the Association, provided that the Newsletter is posted on month prior to the date of the SGM
- 9.6 Decisions shall be made by one-half plus one votes cast by the quorum, provided that a voting member may not have more than three votes by proxy above his/her own vote. Proxies shall be in writing and signed by the member giving the proxy and identifying the voting member who must cast the vote; the proxies shall be handed to the Secretary at or before the SGM.
- 9.7 In case of a deadlock, the Chairperson shall have the final casting vote.
- 9.8 Only points on the agenda as circulated according to paragraph 8.5 may be discussed.
- 9.9 Prior to a decision, the relevant issue may be debated.
- 9.10 Minutes of the SGM shall be kept by the Secretary and shall be confirmed with or without amendments at the next AGM.

10 MICROLIGHT TRAINING

- 10.1 All microlight training shall be conducted in accordance with Part 149, Part 61 of the aviation law and the approved MOP of MICAN by the DCA.
- 10.2 Before commencement of any practical and/or theoretical microlight training a person will have to:
 - 10.2.1 obtain membership of the Association in accordance with stipulations referred to in paragraph 5.1

- 10.2.2 be in possession of a legal student's pilot license as per NAM CARS Part 61 obtain a Restricted Radio Operators license before flying solo,
- 10.2.3 training fees is payable to the flying school/instructor directly, upon proof of payment from the flying school/instructor
- 10.3 The instructor's/examiner's decision on practical and theoretical examination results is final and no correspondence shall be entered into pertaining to such results.

11 INDEMNIFICATION

- 11.1 MICAN shall not be held responsible for any incidents, accidents, injuries or death whatsoever to members or other persons during any microlighting activities.
- 11.2 MICAN EC members shall be indemnified from and against all actions, costs, charges, losses, damages and expenses which they individually or collectively may incur or sustain by reason of any act done, concurred or omitted, in or about the execution of their respective duties or supposed duties, except if such are incurred or sustained through willful neglect or default.
- 11.3 No MICAN Exec member shall be answerable for the acts, receipts, neglects or default of any other member which may result in any loss, misfortune or damage to the MICAN or its members.

12 DISCIPLINARY PROCEDURES

- 12.1 The MICAN Disciplinary Committee in conjunction with DCA if deemed necessary will discipline any MICAN member that does not adhere to the rules and regulations as set out in this constitution. The decisions of the Disciplinary Committee and DCA will be final.

13 DISSOLUTION OF THE ASSOCIATION

- 13.1 MICAN shall remain in existence as long as there is an MICAN Exec plus one voting member.
- 13.2 The existence of the MICAN may be terminated by a resolution of an AGM or SGM called for this reason by an 80% majority of the voting members present at such meeting.
- 13.3 On an authentic resolution for liquidation of MICAN all assets and all liabilities shall be assessed in total and shall be certified by an independent auditor.
- 13.4 In the event that the liabilities exceed the assets in value, the members shall not be liable for any outstanding amount. The MICAN Exec shall in such case endeavor to recover the outstanding amount for payment to the creditors.
- 13.5 In the event that the assets exceed the liabilities in value, the surplus (monetary or movable assets) shall, at the discretion of the MICAN Exec, be given or transferred to another institution having objectives similar to the objectives of MICAN at the time of dissolution.

14 AMENDMENTS

This constitution may only be amended, changed or repealed in full or part at an AGM or SGM

SIGNED IN _____ ON THIS _____ DAY OF _____ 20____

CHAIRPERSON
Name:

SECRETARY
Name:

Treasurer
Name:

Training Officer
Name:

Safety Officer
Name:

Additional Member
Name:

Additional Member
Name:

Additional Member
Name: