

# THE LAW OFFICE OF JOHN C. ORCUTT, III

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March 27, 2017

Thomas Wrobel  
T.S Wrobel & Associates  
870 Market Street, Suite 645  
San Francisco, CA 94102

RE: Breach of Fiduciary Duty of Dinu Leonte, Oana Leonte, et. al. to American  
Romanian Academy of Arts and Sciences

Dear Mr. Wrobel:

I have been retained by the governing body of the American Romanian Academy of Arts and Sciences (hereinafter, "ARA") to assist them in undoing the usurping of control of the organization by certain members, which I understand was made upon your advice. I have reviewed your letter to the membership dated July 20, 2016, and I have also reviewed your letter of November 10, 2016, as well as the purported "Written Affirmation of Resolutions Adopted by the Majority of the Board of Directors of American Romanian Academy of Arts and Sciences" dated September 29, 2016. I have also reviewed the Bylaws of the ARA effective as of July of 2016. I completely disagree with your interpretation of the current state of affairs. The purpose of this letter is to convince your clients to voluntarily surrender control of the organization, as well as the misappropriated funds, back to the legitimate governing body, without the need to resort to court action.

Attached as an addendum to this letter is a statement of the true and correct statement of facts regarding the relationship of the Leontes with the governing body of the ARA. I will not dilute the legal implications of the arguments contained in this letter with those details, but they are available for the membership of the ARA to review and come to their own decision as to who has the best interests of the ARA at heart in this matter.

The current state of affairs seems to stem from an argument by your clients that 1) there was never a bylaws change and that 2) they have authority to perform the acts that you have advised.

As you are undoubtedly aware, Corporations Code Section 5047 states that simply because someone has the title of "director" does not mean that they have the power of a director under the Corporations Code. Conversely, that Section also provides that just because someone

does not have the title of “director” does not mean they are not entitled to the rights and powers of a director under the Corporations Code. Instead, the test is one who is elected to act as a part of the “governing body” of the corporation. A plain reading of the Bylaws of the ARA, effective as of July 2016, makes it clear that the rights and powers of the governing body of the ARA resides in the Executive Committee, and the body called “Board of Directors” is merely an advisory and strategic planning body, without any governance authority. Your clients have placed the entire justification for their acts in the technicality that their body happens to share the name of the governing body of a Corporation as identified in the Corporations Code, but without the power to act in that manner under the Bylaws. Every action your clients have taken with regard to the governance of the ARA has been illegitimate and an attempt to exercise power that does not belong to them.

Your clients’ claim that the new bylaws were never passed is disposed of with equal simplicity by referring to the bylaws, and the timeline of events. Article 21 of the bylaws of the ARA that were in effect in July of 2016 permitted amendment of the bylaws by the General Assembly upon 30 days notice. Notice was properly disseminated to all ARA members on June 29, 2016. At the General Assembly meeting on July 29, 2016, it was agreed to propose the amendment via email to the membership, pursuant to subsection (a) of Article 21. It is important to note that Article 21 requires 2/3 of the members present or voting by proxy, not 2/3 of the entire membership of the ARA. The emailed ballot returned a total of 53 votes, of which 37 were in favor of the amendment, and 15 were not. However the 2/3 majority of votes required by the old bylaws was met, and the bylaws were amended, and the various “governing bodies” under the old bylaws were renamed, with the previous Executive Committee renamed the Board of Directors for ease of reference with California law.

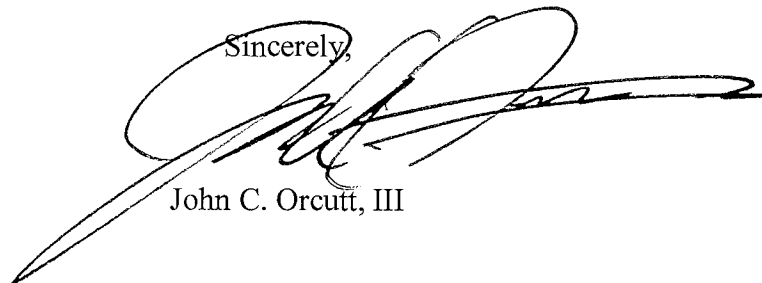
I am aware that there are a series of allegations being made between your clients and mine, and it is not the purpose of this letter to parse out the long history. Instead, I have asked my clients to prepare the enclosed statement of facts to outline their position on the matter. While not relevant to the matter at hand, it does have the benefit of informing those who wish to be informed of the true account of the history of the parties. No other member of the executive committee remembers the facts the way Dr. Leonte presents them. It is certainly possible that the statements made were not due to a malicious plan on the part of Dr. Leonte, but instead could be attributed to the effect the inexorable march of time has upon the human mind, and memory in particular. It was due to the observation of decreased cognitive abilities of Dr. Leonte, as well as the lack of clear and accurate financial reports, refusal on the part of Dr. Leonte to disclose and share the financial records and archives of the ARA, and misplaced ARA funds that the Executive Committee of the ARA took actions to relieve Dr. Leonte of his duties, and to regain control of the ARA assets in his possession. Whatever the history is between the Leontes and the Board, nothing justifies the actions of the Leontes. It is very rare to see such bad faith in a naked attempt to usurp authority.

My client is willing to resolve this matter simply: First, the return of all funds removed by your clients from the ARA bank account, any amounts received through the ARA PayPal account managed by Dr. Leonte, as well as any funds received by your clients while acting under the color of the name of the ARA, and a full accounting for that sum. Second, a statement from all the signatories of the September 29, 2016 "Written Affirmation" document that they completely renounce their actions. Third, your clients must immediately cease and desist acting as though they have any authority to act on behalf of the ARA. Fourth, all websites and any social media accounts your clients have maintained that bear the ARA name or information obtained by the Leontes from their association with ARA must be relinquished, deleted, disbanded, or otherwise removed.

The Board members I represent are equally confident that should your clients fail to comply with the terms outlined above, even in the absence of any court action, they would easily be re-elected to their previous positions at the upcoming Congress. Instead of prolonging the discord and delaying the inevitable, not to mention the humiliation to your clients with the result of such a vote, the Board requests your clients' acquiescence and cooperation. It should also be made clear that any conference or congress that the Leontes and their associates attempt to organize in the name of the ARA is illegal, illegitimate, and without any binding effect, and continues to perpetrate the fraud the Leontes and their associates have committed.

The foregoing must be completed within two weeks of the date of this letter. If I do not receive your response in writing by the above referenced time, my client will be forced to pursue all available remedies to cure the injuries outlined above, including referrals to the Attorney General's office and the District Attorney.

Sincerely,

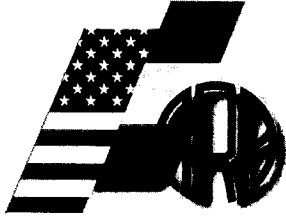
A handwritten signature in black ink, appearing to read "John C. Orcutt, III", with a long horizontal flourish extending to the right.

John C. Orcutt, III

CC: Client

Membership of the American Romanian Academy of Arts and Sciences via electronic Mail

Wells Fargo



**AMERICAN ROMANIAN ACADEMY OF ARTS AND SCIENCES (ARA)**  
Academy Headquarters: University of California, Davis, One Shields  
Avenue, Davis, CA 95616  
Mailing Address: PO BOX 2761, Citrus Heights, CA 95611-2761  
E-mail: info@americanromanianacademy.org

March 24, 2017

## **Complains on D.Leonte performance as ARA Treasurer**

### **1. Performance of Duties:**

In the past, ARA office and documents were traditionally held by the ARA treasurer due to the fact that the president was either not a US citizen or they didn't want to deal with documents. In 2013, the elected ARA President established the ARA headquarters in Davis and asked for all of the ARA documents. After 2 years of continuous request for documents, he sent me a copy of what he thought is important to have in the office.

D.Leonte never understood the filing obligations a nonprofit corporation has in California, the deadline for filling reports for nonprofit, but he wanted to have (and he still has) all the official, original, ARA documents and control the organization. He wanted to have complete control of the documents. He constantly misinformed the Executive Committee (EC) about the documents he filed (see the ARA delinquent status as of November 2015). Some examples are as follows:

- EC didn't know that he named himself an agent for ARA in 2013 when he was elected treasurer. We found out when he got very upset that ARA President changed the Statement of Information with CA Secretary of State and blamed ARA President that she doesn't have the right to remove him as the agent for the corporation. He wanted to be the agent dealing with all ARA matters: state, taxes, federal and bank (recently we found out why: the only way to close/open a bank account for nonprofit is to be named one of the officers on the Statement of Information; that is why he got upset in the beginning, and that is why he changed the SOI in October of 2016 and he transferred the ownership, because he knew the bank requirements and planned very carefully everything from the beginning);

- D.Leonte did not file the requested annual RRF-1; consequently, the ARA registration status was delinquent in November of 2015 when EC voted him out. During monthly meeting, the EC asked him several times during the year to show us the document he filed, but he didn't (whenever we asked him something, his motto was: "we are out of town; I will send it to you by email when we get back". We never received anything back, because it was long forgotten... and we had to keep track and ask him again and again).

### **2. Membership List**

Since 2013, D.Leonte sent to the EC a series of 12 Membership Lists. These lists contained unacceptable financial records for ARA, which jeopardized the membership status (we revoked membership when members do not pay dues in two consecutive years). The membership lists he sent us show records of either 233 members (2/11/2014), or 118 members (8/13/2014) or 264 members (1/24/2015). Last list presented in Oct 2015 has only 92 members, indicating either D.Leonte's incapacity to keep ARA records or fraud. We found other problems with the membership list as follows:

- membership list included people who are not members;
- membership list did not include ARA members;
- membership lists did not include all the payments made by members.

### 3. ARA Financial Reports

In the past 2 years, internal Auditor Dr. John Starway could not complete the audit because D.Leonte did not submit the supporting documents required by the Auditor: credit card statement or receipts to correlate them with the bank statements. Many questions remained unanswered:

ARA records (ledgers, cash books, etc.): were posted and up-to-date?

ARA transactions: were properly recorded?

Are the records neat and orderly?

Are records maintained in detail to support control account balances?

D.Leonte does not know how to use accounts: he reported a petty cash account of >\$5,000 in both income and expenses, without any explanation.

He made payments in the name of ARA without the knowledge of the EC (see H&R Block)

In 2016 we asked for the help of an auditor: D.Leonte didn't cooperate nor provide the requested receipts or documents (see Auditor report for further details).

### 4. Use ARA credit card for personal expenses.

ARA Treasurer does not have a budget to spend and he never requested one. D.Leonte used ARA Credit Card to buy items for which he never presented receipts when he was asked to. There is no EC approval for these expenses. EC did not have any knowledge of these expenses.

There is no supporting documentation in D. Leonte' Reports on these financial expenses or use of ARA credit card at Costco, for instance. He purchased HRBlock tax services without discussing with EC the need for their services. Actually we did not have a need for tax services since the ARA's income is under \$65,000, so there is no need for these services as we file online 990-N (e-Postcard) for nonprofit. He never shared with the EC the documents he filed. The implication is that D. Leonte used the ARA credit card to purchase personal tax preparation services.

### 5. ARA Resolutions

D.Leonte did not comply with any of the EC Resolutions. The following resolutions can be accessed from the ARA Website: <http://www.americanromanianacademy.org/decisions>

- 20131109 EC Resolution
- 20140623 Resolution
- 20150504 Resolution

D.Leonte did not comply with any of the notarized letters that the EC sent him. See the letter sent out D.Leonte on February 8, 2016, and March 17, 2015.

### 6. Miscellaneous:

- ARA members complained that D.Leonte did not send them receipts:
- Late payments and response: members complained about late payments and responses

- Late payment for Boris, the ARA webmaster
- Late invoice for Marius: we could lose the support of the people who were not able to get reimbursed by their university for attending the ARA Congress
- D.Leonte ignored or made late payments to the printing company (ARA Publisher / we were about to get into collection);
- D.Leonte ignored the membership invoice with CrossRef, which resulted in ARA account to be disabled;
- D.Leonte did not share the account information with EC (for instance, he sent the wrong ARA bank account information to EC that resulted in a few months delay in establishing direct agreement and compensation received from the printing company);
- Delayed in launching the ARA website and Congresses (PayPal code didn't work for weeks; once established, the Paypal account was not visible to EC);
- Delayed in scheduling monthly EC meetings: D.Leonte and wife were constantly out of town and unavailable for Skype meetings);
- ARA lost the 40-years old archive (40 years of documents and books) because of Leontes, who took upon themselves, without the EC knowledge, to recover the ARA documents from a previous Treasurer, Miron Bonca; after a short visit to Miron's house, Leontes took a few boxes with documents/books and promised to return in 3-6 months to move the remaining documents/books from Miron's garage. Leontes never went back to recover the rest of the ARA archive and Miron's wife cleaned up the garage. So, the 40-years old ARA archive is gone because of Leontes;
- D.Leonte opposed having a second signer in the bank for ARA accounts, actually he opposed to everything that would dilute his control over ARA.
- D.Leonte opened a PayPal account that was not visible to EC, in which he continued to receive ARA dues from members after he was no longer the ARA Treasurer. The account is still open and he is cashing in!
- D.Leonte refused to reimburse the ARA President for the ARA Office expenses. For the past 3.5 years, ARA runs and operates on the funds provided by the President, as she was never reimbursed for the ARA office expenses. The president has a budget of \$300/month, but D.Leonte continuously complained about her reports and refused to reimburse her, amassing a large amount of money in ARA account that he seems to own)

Next pages contain a few slides that were presented at the General Assembly in Montreal, 2016, in regards to D.Leonte performance as ARA Treasurer, and which demonstrate some of the problems we had with D.Leonte.



# PRESIDENT REPORT ARA Income from Membership

Member Name	Country of Origin	Membership Type	2014 Paid Member ship	2014 Membership Payment	2014 Membership Payment	2015 Paid Member ship	2015 Mbr
108 Lawson Laura							
109 Samachisa George & Dana							
110 Radu Radulescu Felicia							
111 Budac Abigaila							
112 G&F Painting							
113							
114 EXPENSES							
115 ARA-39 Advance							
116 Zaraza Banquet							
117 Mircea Sabau Award							
118 TOTAL			\$4,062.84	\$4,104.44			
119			54+1 membership	57+1 membership			
120			31 Full+(4+1) Emeriti+18 CM	24 Full+6 Emeriti+23 CM			
121							
122							

Page "2014-2015"

Page "2014 Summary"

2015 data source from file:  
2015 ARA\_Membership\_Registration\_Donation\_092115  
sent to EC on 20151014

	ARA-39 (2015)	ARA-38 (2014) CalTech/Pasadena
Congress Income	\$4,773.12	\$10,576.72
Membership	\$4,396.12	\$4,192.84
Donations	\$2,136.61	\$2,833.62
TOTAL Income	\$11,365.85	\$17,603.18
Total	\$6,967.73	\$13,410.34
Congress+Donations	\$3,763.45	\$12,642.54
Total ARA-39 Expense	\$3,204.28	\$767.80
Congress Net Income		

40th Annual ARA Congress - General Assembly

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# PRESIDENT REPORT ARA Income from Membership

Member Name	Country of Origin	Membership Type	2014 Paid Member ship	2014 Membership Payment	2014 Membership Payment	2015 Paid Member ship	2015 Membership Payment	2015 Membership Payment	2015 Membership Payment
1 Adomiroae Virgil	USA	Full							
2 Bataban Alexandru	USA	Full							
3 Balan, Cristian Petru	USA	Full							
4 Baractari Anatolie	Romania	Full							
5 Baractari Anatolie	Romania	Full							
6 Barbu, Adrian	USA	Full							
7 Bocu, Sergiu	USA	Full							
8 Bertolotto, Cristina	USA	Full							
9 Bleyberg, Maria	USA	Full							
10 Botor, Andrea	USA	Full							
11 Bopor, Ondu	USA	Full							
12 Botez, Ruxandra	USA	Full							
13 Bulecea Constantin	USA	Full							
14 Casian, Anatolie	USA	Full							
15 Calamescu, Florina	USA	Full							
16 Cepoi Stela & Jon	USA	Full							
17 Cetnikaya, Sevil	USA	Full							
18 Chelaru Ana	USA	Full							
19 Chistuga, Boris	USA	Full							
20 Chiu, Eugen	USA	Full							
21 Ciobanu, Marian	USA	Full							
22 Corda, Reana	USA	Full							
23 Crnicova, Diana	USA	Full							
24 Croitoru, Victor	USA	Full							
25 Damian, Theodor	USA	Full							
26 Dancu, Dan	USA	Full							
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Re: Refund of payment/ARA dues

Farooq Saeed <aero\_0@hotmail.com>

07/19/16 at 6:00 PM

To: Dinu Leonte, r\_vidu@yahoo.com

Dear Mr. Leonte

I would like to request a refund of my ARA dues. The amount was deducted automatically as I had set up earlier. In spite of what you are claiming, I believe that matters must be decided according to the Bye laws and the ARA executive body. For the time being, I would like to request a refund of my payment since you are not rightfully officially an ARA Treasurer. Your claims must be resolved first with the ARA to be officially considered as Treasurer.

Thank you  
regards  
Farooq Saeed

From: Dinu Leonte <dileonte@comcast.net>  
Sent: July 14, 2016 4:30 PM  
To: r\_vidu@yahoo.com  
Subject: Open Letter before ARA-40 Congress

Please see attached an Open Letter for informing all ARA FULL Membership about the current ARA status, before the ARA-40 General Assembly. Thank you.

Regards,  
Dinu Leonte



**You sent an automatic payment**

Transaction ID: 9D6175

Hello Dan Marghitu,

You sent an automatic payment to ARA. Here are the details:

Amount: \$103.20 USD

To: ARA

For: Membership using PayPal

Customer service URL: <http://www.AmericanRomanianAcademy.org>

**Automatic payment details**

Automatic payment number: I-YA0S8UXM0JSK

Amount to be paid each time: \$103.20 USD

Billing cycle: Yearly

Payments start: Jul 17, 2014

Number	From	To	Amount	Method	Start	End	Category
130	Marcu, Vasile	Romania CORR	07.07.2011	Cash			
131	Marculescu, Sorin	Germany FULL					
132	Marghitu, Dan	USA FULL					
133	Marin, Gabriel	Canada FULL					
134	Masalar, Liviu	Belgium FULL					

**Source:**

File: ARA\_Membership\_2008-2014\_022114\_062915 sent to EC on 20151217 did not contain 2015 membership





## PRESIDENT REPORT

# Complaint/Membership

dinu.leonte@yahoo.com Jul 5 at 5:00 AM  
 To: Ruxandra Vidu, Marius Enachescu, Catalina Curceanu, Isabelle Sabau, Petre Serban, Ioan Optis, CCAdriana Nastase, Carmen Sabau, Ileana Costea, Ileana Costea, Vasile Staicu, and 5 more...

Account Statement | April 2015

PayPal

Account Statement

Balance Statement

Account Activity

Date	Description	Category	Amount	From	To
4/15/2015	Transfer from American Romanians Academy of Arts and Sciences	Transfer	999.91	999.91	0.00
4/15/2015	Transfer from American Romanians Academy of Arts and Sciences	Transfer	999.91	999.91	0.00
4/15/2015	Transfer from American Romanians Academy of Arts and Sciences	Transfer	999.91	999.91	0.00

Dr. Vidu,  
 Attached is the ARA 2015 PayPal deposits list showing the transfers to ARA bank accounts.  
 Dr. Chelariu deposits were made on Apr 2015 and July 17, 2015.  
 Dr. Massoud paid his 2015 dues by PayPal and requested to be refunded. You told me that you will talk to him to maintain his payment, but never confirmed. This is the reason for the \$99.91 EOY 2015 PayPal Balance.  
 Please take a note for all the other ARA members 2015 PayPal deposits. Also from the voting members Dr. Cristian Petru Balan, Prof. Theodor Damian, Acad. C. Bulucea, A. DaŃida, Prof. Vasile Staicu, Alexandra Stoescu, Stefan Stoescu, paid their 2015 dues by check.  
 Dr. Dinu Ioan Leonte  
 ARA Treasurer  
 Senior Systems Consultant  
 dinu.leonte@yahoo.com  
 Home Phone : 510-537-9413  
 Cell Phone : 510-331-4061

**Notes:**  
 Message sent on May 19  
 Reply received on July 5  
 Money received on 6/20



## PRESIDENT REPORT

# Complaints

Below is the detailed data for the registrant you selected.  
 You may CLOSE this window to return to the Search Results and choose another registrant.

**Registrant Information**

Full Name: AMERICAN ROMANIAN ACADEMY OF ARTS AND SCIENCES		FEIN: 953107919	
Type: Public Benefit		Corporate or Organization Number: 0746212	
Registration Number:	021202	Registration Type:	Charity Registration
Record Type:	Charity	Renewal Due Date:	5/15/2017
Issue Date:	12/31/1990	Date This Status:	12/15/2015
Registration Status:	Disputed		
Date of Last Renewal:	5/3/2015		

**Address Information**

Address Line 1:	7131 RAIN TREE DRIVE	Phone:	
Address Line 2:			
Address Line 3:			
Address Line 4:			

**Annual Renewal Information**



## PRESIDENT REPORT

# Complaints

**From:** Amy Bosworth [mailto:[abosworth@crossref.org](mailto:abosworth@crossref.org)]  
**Sent:** Thursday, May 05, 2016 2:38 PM  
**To:** 'dinu.leonte@yahoo.com' <[dinu.leonte@yahoo.com](mailto:dinu.leonte@yahoo.com)>  
**Subject:** Crossrefinvoices-ARAA

Dear Member,  
Your Crossref account will be disabled on May 31st due to non payment of your annual membership invoice(s) and deposit invoice(s).

Please find attached the outstanding invoices associated with your account along with a copy of our payment instructions. If you have any questions, please contact us at [billing@crossref.org](mailto:billing@crossref.org).

Your prompt attention to this matter is greatly appreciated.  
Sincerely,  
Crossref Billing Department

----- Forwarded Message -----

**From:** Amy Bosworth <[abosworth@crossref.org](mailto:abosworth@crossref.org)>  
**To:** r\_vidu@yahoo.com; dinu.leonte@yahoo.com; vasile@ua.pt  
**Sent:** Wednesday, June 29, 2016 5:26 AM  
**Subject:** FW: Crossrefinvoices-ARAA

Dear Member,  
Your Crossref account has been disabled due to non payment of invoices.

Attached are copies of your outstanding invoices along with our payment instructions.

We are happy to enable your account once payment has been received.

If you have any questions, please contact us at [billing@crossref.org](mailto:billing@crossref.org).

Thank you for your prompt attention to this matter.  
Sincerely,  
Crossref Billing Department

40<sup>th</sup> Annual ARA Congress - General Assembly

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Sincerely,

Prof. Ruxandra Vidu, PhD, ARA President, on behalf of the Board of Directors

CC: ARA Board of Directors  
Prof. Dr. Ruxandra Vidu, President (USA)  
Prof. Dr. rer. nat. Marius Enachescu, Vice President (Romania)  
Dr. Catalina Curceanu, Secretary General (Italy)  
Prof. Vitorio Stana, Treasurer (Canada)  
Prof. Dr. Isabelle Sabau, Counselor (USA)  
Dr. Petre Serban, Counselor (Germany)  
Prof. Dr. Ioan Opris, Counselor (USA)