



TMS 402/602 COMMITTEE

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MAIN COMMITTEE

<u>CHAIR</u> JOHN CHRYSLER	<u>TMS 402/602 CHAIR</u> JOHN CHRYSLER MASONRY INSTITUTE OF AMERICA 1315 STORM PARKWAY TORRANCE, CA 90501 (310) 257-9000 JC@MASONRY.PRO	<u>TMS 402/602 VICE CHAIR</u> DAVID L. PIERSON ARW ENGINEERS 1594 W. PARK CIRCLE OGDEN, UT 84404 (801) 782-6008 DAVEP@ARWENGINEERS.COM	<u>TMS 402/602 2ND VICE CHAIR</u> RICHARD M. BENNETT UNIVERSITY OF TENNESSEE 103 ESTABROOK HALL KNOXVILLE, TN 37996 (865) 974-7540 RMBENNETT@UTK.EDU	<u>TMS 402/602 SECRETARY</u> GERALD A. DALRYMPLE WDP & ASSOCIATES, INC. 10621 GATEWAY BLVD #200 MANASSAS, VA 20110 (703) 257-9280 MSJC@WDPA.COM
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STAFF CONTACT, TMS PHILLIP J. SAMBLANET, (303) 939-9700, E-MAIL: PSAMBLANET@MASONRYSOCIETY.ORG

SUBCOMMITTEES

CONSTRUCTION REQUIREMENTS
JONATHON MERK

DESIGN
MARK MCGINLEY

FORM & STYLE
JAMES FARNY

EMPIRICAL
JASON THOMPSON

GENERAL REQUIREMENTS
CHARLES CLARK

PARTITION & INFILLS
CHARLES TUCKER

PRESTRESSED MASONRY
ARTURO SCHULTZ

REINFORCEMENT & CONNECTORS
HEATHER SUSTERSIC

SEISMIC & LIMIT DESIGN
JOHN HOCHWALT

STRUCTURAL MEMBERS
FERNANDO FONSECA

VENEER & GLASS BLOCK
BRIAN TRIMBLE

To: 2022 TMS 402/602 Committee

Reference: Main Committee Ballot 2022-19

Issue Date: September 3, 2021

Opening Date: 12:01 am Eastern Time September 4, 2021

Closure Date: 11:59 pm Eastern Time October 3, 2021

Use of the TMS Ballot Portal Website

Main Committee Letter Ballot 2022-19 of the 2022 Code development cycle **opens on September 4, 2021** and will be posted on the TMS Ballot Portal Website. The TMS Ballot Portal Website shall be used as the official means of casting ballots.

The closure date for this ballot is October 3, 2021 at 11:59 pm Eastern Time. The TMS Ballot Portal Website will automatically shut down access to the ballot on **October 3, 2021** at 11:59 pm Eastern Time so do not be late submitting your ballot! No ballot submissions or ballot changes will be accepted after this time.

Please print out copies of your ballot responses for your records using the “MY VOTE SUMMARY” tab on the right-hand side of the Ballot web page.

To access the TMS Ballot Portal Website, use your web browser and go to:

<https://masonrysociety.org/tms-member-area/>

Log in with your User ID and password and select “Ballot Portal” from the “My TMS” drop down menu at the top right of the Member Area Page. Select “My Open Ballots” on the right and then select “2022 TMS 402/602 Main Committee Ballot 19.

Review the ballot material which can be downloaded from the ballot page and submit your official vote using the TMS Ballot Portal interface.

The standard ballot Comment Submittal Form can be downloaded from the Ballot page with other ballot documents.

Please use the Comment Submittal Form for comments which are uploaded for ballot item responses.

You may review and modify your votes and uploaded files at any time up to the ballot closure date and time. After ballot closure, your votes and uploaded files cannot be accessed or changed.

Please feel free to forward comments and suggestions regarding your experience using the TMS Balloting Portal Website to my attention or the attention of John Chrysler (jc@masonryinstitute.org) Chair, or Phil Samblanet (psamblanet@masonrysociety.org) of TMS.

Information and Instructions to Committee Members

Voting members of the TMS 402/602 Main Committee are expected to vote on the ballot. Non-voting members are invited to review the ballot and submit comments.

Please follow the following guidelines when submitting votes:

1. Votes may be cast as follows: Affirmative, Affirmative with Comment, Negative, Abstain, or Abstain with Comment.
2. You may add comments directly on the TMS Balloting Portal Website or you can attach files containing your comments for each ballot item. The Comment Submittal Form should be used to advise the Committee of Affirmative with Comment and Negative votes for comments that are lengthy or contain figures and should be uploaded to the TMS Ballot Portal Website with your vote. Comments entered on the website and Comment Submittal Forms can be modified up to the ballot closure date and time. A Comment Submittal Form can be downloaded from the Ballot page.
3. When naming your Comment Submittal Form files to be uploaded, please follow the following file name format:

Last Name_First Name Initial_Middle Name Initial_Ballot Item Number.file extension

For example, if Andy Dalrymple votes negative on TMS 402/602 2022-07 Ballot Item 07-SM-09 and wishes to upload his Comment Submittal Form in Word file format, the file name he would use should be:

Dalrymple_G_A_07-SM-09.doc

4. Affirmative with Comment votes may be cast for minor editorial changes to the text.
5. Negative votes must be accompanied by a reason. It is requested that the negative vote be accompanied by wording or solution that would satisfy the voter's concern. Main Committee voting members are strongly encouraged to study all items sufficiently to cast informed votes. Abstentions, while the right of every voting member, are essentially irresolvable Negatives and can impede the progress of ballot items.

Ballot Item Numbering System

The ballot item numbers consist of a three-part number system:

Main Committee ballot number – Sponsoring Subcommittee letter designation - Subcommittee item number

Subcommittee letter designations are:

Construction Requirements: CR

Design: DE

Empirical: EM

Form & Style: FS

General Requirements: GR

Partitions & Infills: PI

Prestressed Masonry: PR

Reinforcement and Connectors: RC

Seismic & Limit States: SL

Structural Members: SM

Veneer & Glass Block: VG

Executive: EX

Thus, Ballot Item 07-PR-012 would be read as: Main Committee Ballot Number 07; Sponsoring Subcommittee: Prestressed Masonry; Subcommittee Item number: 12. **Note that Subcommittee item numbers may be nonsequential numbers and may contain letters.** Also, ballot items do not have descriptive titles.

Note to Non-Main Committee Members

Ballots are provided to all members of the Committee. All members of the Committee are encouraged to keep apprised of Committee activities by reviewing ballots. While members of the Committee who are not voting members of the Main Committee may comment on ballot items, negative viewpoints are not counted in the final ballot tally and do not affect the outcome of a ballot item. Comments by non-voting members of the Main Committee will be distributed to the Committee for consideration.

Attachments: Antitrust Statement



TMS Antitrust Statement

The antitrust laws are the rules under which the United States competitive economic system operates. Their primary purpose is to preserve and promote free competition. It is The Masonry Society's policy to strictly comply in all respects with the antitrust laws.

Society meetings, association events and workshops by their very nature bring competitors together. Accordingly, it is absolutely necessary to avoid discussions of legally sensitive topics and especially important to avoid recommendations with respect to these sensitive subjects. Agreements to fix prices, allocate markets or customers, engage in product boycotts and to refuse to deal with third parties are automatically or per se illegal under the antitrust laws. It doesn't matter what the reason for the agreement.

Accordingly, at any Society meeting, discussions of prices, including elements of prices such as allowances and credit terms, quality ratings of suppliers, and discussions which may cause a competitor to cease purchasing from a particular supplier, or selling to a particular customer, must be avoided. Also, there may not be any discussion that might be interpreted as a dividing up of territories or customers.

An antitrust violation does not require proof of a formal agreement. A discussion of a sensitive topic, such as prices, followed by parallel action by those involved in or present at the discussion is enough to show a price fixing conspiracy. As a result, those attending Society-sponsored meetings must remember the importance of avoiding not only unlawful activities, but even the appearance of unlawful activity.

As a practical matter, violations of these rules can have serious consequences for a company and its employees. The Sherman Antitrust Act is both a civil and criminal statute. Violations are felonies punishable by penalties of up to \$10 million for corporations and by imprisonment of up to three years or penalties of up to \$100,000, or both, for individuals. The Justice Department, state attorney general, and any person or company injured by a violation of the antitrust laws may bring civil actions for three times the amount of the damages, plus attorneys' fees and injunctive relief.

Antitrust investigations and litigation are lengthy, complex, disruptive and expensive. Therefore, all companies and their employees must not only comply with the antitrust laws in fact, but must conduct themselves in a manner that avoids even the slightest suspicion that the law is being violated. Associations, because they bring competitors together, are natural targets, along with members alleged to have participated with or through the association.

The following is a list of topics that must never be the subject of any type of agreement among competitors, whether explicit or implicit, formal or informal. Such topics should NEVER be discussed at TMS meetings. This list is not exhaustive of prohibited topics or subjects. Please consult legal counsel in the event of any confusion or question over whether a topic is permissible or appropriate for discussion among Society members:

- a. Prices to be charged to clients, customers or by suppliers;
- b. Specific methods by which prices are determined, with directions as to "how to do it" or even less;
- c. Division or allocation of markets or customers;
- d. Coordination of bids or requests for bids;
- e. Terms and conditions of sales, including credit or discount terms;
- f. Terms for distribution of products;
- g. Targets for production of products or the level of production;
- h. Specific profit levels;
- i. Exchange of price information as to specific customers;
- j. A boycott of or a refusal to deal with a customer or supplier;
- k. Compilation of "approved" lists of customers or suppliers.
- l. "Profit" levels...i.e., "here's what our members need to do to make money."
- m. Whether a company's pricing practices are "unethical," "improper," etc.
- n. Coordination of "bids" or "requests for bids" or requests for proposals ("RFPs").
- o. Standards or codes to eliminate competition.

When in doubt about discussing any topic, consult with your own legal counsel, or with the Society's legal counsel, to be sure you are on safe antitrust ground. When unsure, play it safe and avoid the topic.

Conflict of Interest Considerations:

- placing (or the appearance of placing) one's own self-interest or any third-party interest above that of the Society; while the receipt of incidental personal or third-party benefit may necessarily flow from certain Society activities, such benefit must be merely incidental to the primary benefit to the Society and its purposes;
- abusing their Board membership by improperly using their Board membership or the Society's staff, services, equipment, resources, or property for their personal or third-party gain or pleasure, or representing to third parties that their authority as a Board member extends any further than that which it actually extends;
- engaging in any outside business, professional or other activities that would directly or indirectly materially adversely affect the Society;
- engaging in or facilitate any discriminatory or harassing behavior directed toward Society staff, members, officers, directors, meeting attendees, exhibitors, advertisers, sponsors, suppliers, contractors, or others in the context of activities relating to the Society;
- soliciting or accepting gifts, gratuities, free trips, honoraria, personal property, or any other item of value from any person or entity as a direct or indirect inducement to provide special treatment to such donor with respect to matters pertaining to the Society without fully disclosing such items to the Board of Directors; and
- providing goods or services to the Society as a paid vendor to the Society only after full disclosure to, and advance approval by, the Board, and pursuant to any related procedures adopted by the Board.