

CONSTITUTION OF THE OAKLAND MAGIC CIRCLE

REVISED 1996

Section 1 - Name

This organization shall be known as The Oakland Magic Circle, Inc.

Section 2 - Headquarters

The headquarters shall be in Oakland, County of Alameda, State of California

Section 3 - Meetings

The Oakland Magic Circle, Inc. shall meet once a month, except in the Month of July, in a place, on a date, and at a time directed by the President. The President may, at his own discretion, convoke special meetings of the membership. Every member shall be timely notified, in writing, of every membership meeting convoked by the President.

The Order of Business for the monthly meetings of the Oakland Magic Circle, Inc. shall be as specified by the Standing Rules of Order to be adopted from time to time by the Executive Committee and approved by majority vote of the membership at any regular meeting.

ARTICLE II

Section 1 - Objectives

The objectives of the Oakland Magic Circle, Inc. are to form a social organization for the purpose of bringing together those interested in the art of Magic, to increase public interest in Magic, to discourage exposures of Magic wherever and whenever found, to aid the members in the improvement of their technique, patter and presentation, and at all time to uphold their pledge of membership.

A further objective of the Oakland Magic Circle, Inc. is the encouragement of Junior Magicians.

Section 2 - Emblem

A clear goblet containing a pack of cards with the five (5) of diamonds showing. Three cards bearing large block letters "O", "M" and "C" are arranged about the goblet. The "O" card at the left is tilted slightly to the left. The "M" card appears as though it is rising straight upward from the pack in the goblet. The bottom of the card and the bottom of the "M" are concealed. The "C" card is at the right of the goblet and is tilted slightly to the right. The uppermost corners of the "O" card and the "C" card are in line with the top pips of the five of diamonds in the goblet. A magician's wand is suspended in back of the cards and the goblet, lying in a horizontal position in line with the bottom of the goblet bowl and projecting an equal amount at either side thereof.

Article III

Section 1 - Membership, Initiation, Fees and Dues

There are six (6) classes of membership available in the Oakland Magic Circle, Inc. They are Active; Non-Resident; Associate; Junior; Life and Honorary.

Any person of the age of eighteen (18) years or over who is interested in Magic and/or the kindred arts is eligible for either Active, Non-resident or Associate membership in the Oakland Magic Circle, Inc. Initiation fees and dues for all categories of membership shall be as specified in the Standing Rules of Order then in place.

Section 2 - Active Members

Active members are those desiring full membership.

Section 3 - Non-Resident Members

Non-Resident members are those members residing fifty miles or more from the City of Oakland. They are entitled to all privileges of the Oakland Magic Circle, Inc. with the exception of voting.

Section 4 - Junior Members

It is an objective of the Oakland Magic Circle, Inc. to encourage Junior Magicians under eighteen years of age. Junior Members may attend all open or regular meetings of the Oakland Magic Circle, Inc. but must be accompanied either by a parent who has joined as an Associate member or The Oakland Magic Circle, Inc. member who sponsored the Junior. Juniors are entitled to all the privileges of the Oakland Magic Circle, Inc. with the exception of voting. At age eighteen (18) a Junior Member may be elevated to full active or Non-Resident membership with all privileges without payment of an additional Initiation fee. All Junior Member applicants must supply a letter of parental consent with application.

Section 5 - Honorary Members

Honorary membership may be conferred for a particular service rendered to the Oakland Magic Circle, Inc. after a favorable recommendation by the Executive Committee and upon approval of the membership present and voting. Honorary Membership does not have a vote.

Section 6 - Life Membership

Life membership may be conferred after 20 years of paid up membership in The Oakland Magic Circle, Inc.

Life membership may also be conferred after favorable recommendation by the executive committee and upon majority approval of the membership present and voting for particular

services rendered to The Oakland Magic Circle, Inc. A life member is entitled to all privileges of The Oakland Magic Circle, Inc. No dues are charged.

Section 7 - Associate Members

Member's spouses, children and significant others may join The Oakland Magic Circle, Inc. as Associate Members. They are entitled to all the privileges of the Oakland Magic Circle, Inc. with the exceptions of voting and receiving the monthly newsletter. Associate Members may become either full Active or Non-Resident members without payment of an additional initiation fee.

Section 8 - Application for Membership

Application for membership must be in writing on the form furnished by the Oakland Magic Circle, Inc., containing an endorsement by a member in good standing, and shall be accompanied by the initiation fee. The application will be presented by the presiding officer at a regular meeting that the applicant is in attendance, together with a report of the Executive Committee's recommendation thereon. The application will be voted upon at the next regular meeting that the applicant is in attendance.

If elected to membership, the applicant shall be so notified. Upon payment in advance of one year's dues, pro-rated from the month in which the applicant is initiated until the end of the fiscal year in which the initiation occurs, the applicant shall become a member in good standing.

The initiating oath may be administered the same meeting night that the applicant is elected to membership.

Section 9 - Election to Membership

After favorable recommendation by The Executive Committee, election to membership shall be by a 2/3rd vote by secret ballot of

members present and voting. The initiation fee shall be promptly refunded to a rejected applicant.

Section 10 - Non-eligibility

A person may not re-apply for membership in The Oakland Magic Circle, Inc. whose application has been rejected within the twelve preceding months.

Section 11 - Resignation

A member may resign, by filing a written notice of such intent with the Secretary. A member may take a leave of absence from membership by filing a written notice of such intent.

At the time of a member's resignation or taking leave of absence the member's accrued credit for the number of paid up years towards Life Membership Status halts in place. Credit towards Life Membership Status resumes from the previous point upon the members return from leave taking or from reinstatement after resignation.

Section 12 - Good Standing

A member is in good standing whose account shows that any money owed to The Oakland Magic Circle Inc. is not over three months past due.

Section 13 - Suspension and Expulsion

- a) A member shall automatically be suspended and all privileges cease if, after notification the member's account shows that money owed to the Oakland Magic Circle, Inc. is six months past due. Suspension lasts until the overdue obligation is paid.

- b) A member shall automatically be expelled when the member's account shows money owed The Oakland Magic Circle, Inc. is over eighteen months past due.
- c) In the event a member has a complaint against another member and wishes to institute disciplinary proceedings, the complaining member must file formal charges in writing with the Executive Committee. If, after investigating the charges the Executive Committee determines that there is merit to the charges, disciplinary proceedings shall ensue in the following manner. First, the member being charged shall be informed in writing, at the member's most recent address of record, of the nature of the charges and of the date of a full membership hearing to vote on the matter; Second, such hearing shall be set between 2 and 3 weeks from the date of the notice; next, at the hearing the member being charged shall have the right to respond to the charges, which shall include an opportunity to confront his accusers as well as to present witnesses and evidence in his own behalf. At the conclusion of the hearing the membership present and voting shall vote by secret written ballot. It shall take a 2/3rd vote of the membership present and voting to determine whether discipline is to be imposed, and, if any, the nature and extent of the discipline, which may include censure or suspension for a given period of time, or expulsion from the Oakland Magic Circle, Inc.
- d) An officer of the Oakland Magic Circle, Inc. may be removed from office for dereliction of duty or for other good cause upon a 2/3rd vote of the membership present and voting for such removal; provided that, the same procedures are followed as for discipline of a member that are set forth in subsection (c) above; including formal charges filed with the Executive Committee, notice of hearing, opportunity to respond to the charges and secret ballot.
- e) A member suspended under Section 12 (*sic*) automatically becomes reinstated at the expiration of the suspension period.

- f) A member dropped under Section 13(a) may be reinstated as a member of the Oakland Magic Circle, Inc. by fulfilling the requirements of Section 8, Article III, "Application for Membership" except that an initiation fee is not required, nor is the oath of membership required. Further, in lieu of endorsement by a member in good standing the statement "Request for Reinstatement" shall be written.

The reinstatement may be accomplished by favorable vote as in Article III, Section 9, Election to Membership and that the dues requirement has been met. With regard thereto where, in Section 8, Article III, the words "initiated" and "Initiation" appear, the words "reinstated" and "Reinstatement" shall be substituted to apply to this subsection (f).

ARTICLE IV

Section 1 - Officers

The officers of the Oakland Magic Circle, Inc. shall be President, Vice-President, Secretary, Treasurer, Sergeant-At-Arms, a Historian and a Librarian. Such Officers shall be elected at the annual meeting in December to serve for the following year or until their successors are elected and installed.

Section 2 - Executive Committee

The Executive Committee shall be composed of the President, the Vice President, the Secretary, the Treasurer and two other members at large of the Oakland Magic Circle, Inc., to be elected by the membership.

Its duties shall be to handle any affairs of the organization that may arise, and to report its actions to the membership at the following regular meeting.

It shall from time to time promulgate Standing Rules of Order

It shall act as a Committee on Admissions, investigate each application and report its findings to the membership.

The Executive Committee has the power to remit the dues of any member when its investigation shows such action to be desirable. Such action shall be accomplished without publicity. It shall be the responsibility of the Executive Committee to take all necessary actions to comply with the requirements for filing tax returns, reports and such other documentation as may be required by governmental agencies, including but not limited to,

- a) California Franchise Tax Board
- b) United State Internal Revenue Service.

Section 3 - Duties of Officers

President: The President shall be the chief administrative officer of the organization. The President shall preside at all meetings, appoint all committees, and preside at all meetings of the Executive Committee.

The President may at any time appoint a chairman pro-tem to handle specific items of club business.

Vice President: The duties of the Vice President shall be to preside over meetings in the absence of the President and assume the President's duties when necessary.

Secretary: It shall be the duty of the Secretary to keep a record of all meetings, to keep a list of the members and incidental data concerning them. The Secretary shall turn over all archives of the organization to the Historian.

Treasurer: It shall be the duty of the Treasurer to be custodian of all money and securities of the Oakland Magic Circle, Inc. Checks, withdrawal slips and/or fund transfer requests shall bear the approved signatures of two of the following listed officers: President Secretary, Treasurer.

The Treasurer shall, at each quarterly meeting of the Executive Committee, submit a report in full of the financial condition of the Oakland Magic Circle, Inc. A copy of such report, the contents of which shall be considered confidential, shall be provided to any member upon written or oral request.

Sergeant at Arms: The Sergeant at Arms shall maintain order at meetings, attend to the door, and admit only eligible persons. He shall perform other duties when instructed to do so by the President.

Historian: The duty of the Historian shall be to maintain, help create and be the custodian of the archives of the organization which shall be housed in the Club Library.

Librarian: It shall be the duty of the Librarian to maintain and be the custodian of all books, magazines, papers and pamphlets relating to magic and magic equipment belonging to the Oakland Magic Circle, Inc.

Section 4 - Election of Officers

Election of Officers shall be by secret ballot. The Secretary shall mail each active member in good standing and each Life Member a ballot at least two weeks preceding the regular meeting in December. This ballot shall be marked and returned to the Secretary either by mail or personally at the regular meeting in December, at which time they will be tallied. A majority, and not a simple plurality, of the votes cast will be necessary for election to each office.

If a majority vote is not achieved by a candidate for an office, then the two candidates having the largest number of votes for that office will

immediately be entered in a run-off election in which the Active and Life members present and voting at the meeting can vote until one candidate achieves a majority vote. A member cannot be elected to more than one office.

Votes will be counted first for the President, then for Vice President, then for Secretary, then for Treasurer, then for Sergeant-at-Arms, then for Historian, then for Librarian and then for two members at large for the Executive Committee.

Members may be nominated for more than one office, but if elected to any office the name of that member will be removed from all subsequent ballots.

Section 5 - Vacancies

A Vacancy in elected office shall be filled by an appointment by the President. Should the office of the President become vacant, the Vice-President shall automatically become President.

ARTICLE V

Section 1 - Initiation

The ritual for the oath of induction to membership in The Oakland Magic Circle, Inc., shall be as follows:

The officer administering the oath of membership shall first ask a representation of the membership to please rise and join hands in a circle around the inductee(s). The administering officer then reads the following preamble.

“The Oakland Magic Circle is a social organization formed for the purpose of bringing together those whose common bond is a love of the art of Magic. As a group, our objectives are no different than those of the world wide magic fraternity. We are pledged to increase public interest in Magic and to discourage exposure of Magic

whenever and wherever found. We are organized for fellowship and mutual aid in the improvement of our craft. A further objective of the Circle is the encouragement of Junior Magicians.

The inductee is ask to repeat the oath of membership, inserting his own name, as follows:

“I _____, do hereby promise that I will uphold the principles and ideals of the Oakland Magic Circle as stated. I realize that as a member of this club or any other Magic club that I am to be, at all times, an ambassador of the Art observing the common courtesies, ethics and protocol of the world wide Magic community.”

The inductee is then asked, “Do you so swear?” and after an affirmative answer the inductee is asked to please join our circle and is welcomed as a new member.

Section 2 - Amendments

This Constitution shall not be amended unless;

- a) The proposed change or changes be submitted in writing at a regular meeting.
- b) A written notice explaining each such proposed change is mailed to each member stating the proposed changes.
- c) A 2/3rd favorable vote approving the change or changes is obtained at the meeting following.

Section 3 - Effective Date

The Revised Constitution and any subsequent amendments hereto shall take effect immediately upon being adopted in accordance with Section 2.

Section 4 - Fiscal Year

The fiscal year shall be from January first through December thirty-first.

Section 5 - Rules of Order

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Society in all cases to which they are applicable and in which they are not inconsistent with this constitution or any any special rules of order the Society may adopt.