

include Wade Rathke and his (former?) assistant and successor Helene O'Brien. If ERISA issues are not involved here, matters of fraud and embezzling might be. (It might also be noted that ABA is part of the joint agreement signed by 11 organizations which retained Beth Kingsley of Harmon Curran to investigate the present situation.)

--ACORN Fund. A court has characterized this Fund to be an ERISA fund, and it too seems to have been abused in the Dale "solution." Presumably this abuse would not have occurred had Rathke kept his promise to retain Louis Robein. He did not, and legal issues remain to be resolved with this corporation.

--CHP/CBA. Questions exist concerning the degree to which Wade Rathke may be considered a trustee liable under ERISA for abuses of the health and pension funds which seem to be being uncovered.

--WARN. I know little about this WalMart Mobilization corporation, I am told it might be a bone of contention. The Board members are --Wade Rathke, 3810 Burgundy Street, New Orleans, LA, 70117; --Rick Smith, 1344 W Cass St, Tampa, FL, 33606; --Tamecka Pierce, 6537 Chantry St, Orlando, FL, 32835

--Rathke family. Wade's wife and two children all work for ACORN family organizations. The ACORN Board must determine to what degree if any this is relevant. One problem is that staff conflict is making them relevant. A complaint has been filed against Wade's son for sexual harassment, and against Beth's wife for organizing physical intimidation in retaliation for the complaint. We have tried to begin an investigation. Ironically, while the sexual harassment issue may prove to be relatively minor, threats of retaliatory physical abuse never are. Finally, questions exist as to whether Rathke's son is working for a 501c3, of helping his father maintain control of the New Orleans property by working as a building superintendent with control of keys, access to buildings, and so forth.

I do not claim that the preceding is adequate or exhaustive, and certainly each day has uncovered new information which requires changes in perspective analysis. Again, the purpose of this memo has been to try to sketch out the legal situation as of Friday, June 27, 2008.