

July, 2009

# Celebrating our 28th Year Chartered Sept. 10th, 1980



SMRO is an acronym for State Motorcycle Rights Association. They are organizations comprised of individuals who are dedicated to insuring personal liberties in our legislature. They are dedicated to maintaining the lifestyle of motorcycling by working legislatively to promote motorcycle awareness & road safety and regaining lost liberties.

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## Temporary Change

Rob's health is improving, but he isn't quite ready to resume the challenges of our monthly newsletter.

In the meantime, I am helping by putting together this temporary replacement until

we get our Editor back behind his desk.

We ask that you keep Rob and Lynn in your thoughts and prayers.

ATM



*Rob Assenzio, our Editor-in-Chief*

## Next Southwest Chapter Meeting is being held on July 19th!

## From the desk of the Chief

Hi everyone, as always I hope this newsletter finds all well.

The weather has been ok this past month I know I got wet a few times but one thing is for sure there certainly is no lack of events out there. Just this past weekend starting at Victory Lane Café at 1000 in the morning all the way to Sun-sports Cycle till 1000 at night I attended 5 of the 6 scheduled events that day including a 5 Star meeting at noon at Harley then came Sunday and after a fun breakfast with the troops we headed over to Victory Lane for our meeting afterwards traveling south to attend Estero River Chapters Red White and Blue celebration

welcoming the new board and thanking the old board for their service. While at that event I learned of all the new boards at all the surrounding chapters and I must say I am quite impressed with all the new faces and some old ones we will be looking forward to a great year with these new people in place as for the Southwest chapter we had 2 year terms so this is the off year for our chapter but next June will be here before you know it so if there is a position you think you could be helpful at or something you would like to know more about please don't hesitate to let someone know we are always looking for new

people to step up and participate.

On a more somber note Rob our newsletter editor is still in the hospital Lyn is home and trying to recover her days have been filled with many trips back and forth to the ICU to see the love of her life not to mention the worry, fear and uncertainty surrounding Rob's health please remember to keep these dear people in your thoughts and prayers. On a side note Rob's mom Judy had her 90<sup>th</sup> birthday this past weekend Bless her she is a wonderful lady.

We had a special guest speaker at this months meeting Mr.



*Mayorial Candidate John Sullivan speaking with concerned voters.*

*continued from page 1*

John Sullivan he is a candidate for Cape Mayor he sounds like our kind of guy we will have opportunity to follow his progress through the campaign and learn more about him. I have had long conversation with him on a number of occasions and he seems to be very receptive to our needs as motorcyclists he is a safety advocate of sorts himself I was impressed with his background and some of his ideas he seems to be a fine man. He also loved the idea of letting us provide our MSAP to all the city employees there's something I would love to see happen.

I was out of town for a few weeks first I flew up to New York my hometown to attend a very dear Aunts funeral service, flew back home just in time to unpack one bag pack another take my son out to dinner bring him home throw money at him send him to the grocery store grab my bag jump on the old Indian and head up to the state meeting in Clermont returning home on Sunday only to unpack, pack again load up the boys both Cody and Frankie and head up to Atlanta or as the boys call it Hotlanta for a road trip after spending some time in the city so the boys could look around, we dropped Frankie at his moms visited with Tabitha, Doug and Baby Zane for a few days then me and Cody headed back to Florida but on the way home decided to meet Teresa at Sea world on Saturday then Cody went home and Teresa and I went on to Aquatica it was a blast by the way Teresa screams like a girl on the water slides. It was a terrific time for all of us.

Deland seminars are coming and we got the list of participants we will book the rooms and hopefully come back with an armload of information.

Next up is the 5 star the plans are coming together and it looks like its shaping up to be a great event there will be something new this year a trophy will go to the chapter with the highest attendance and guys I really want that trophy please help me get it I need your support on this one folks so come out and support this event if you don't attend any other event all year make this one the one that you do you wont be sorry.

Associates and Bruce L. Scheiner came through again this year with their support of the 5 Star Event they are and have been on board with the Southwest chapter for many years, they have made many great things happen with their support over the years not only to our chapter but to all the chapters in the surrounding areas my hats off to them both Bruce and Sheryl for their commitment to motorcycle safety and awareness they truly are heroes to our cause.

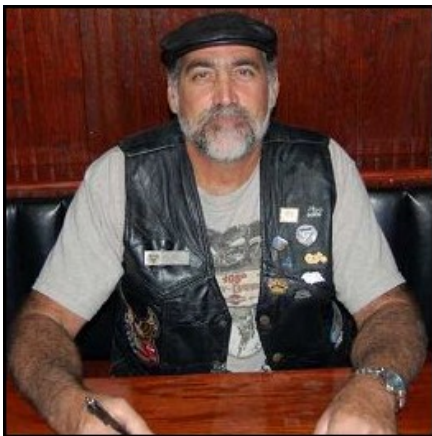
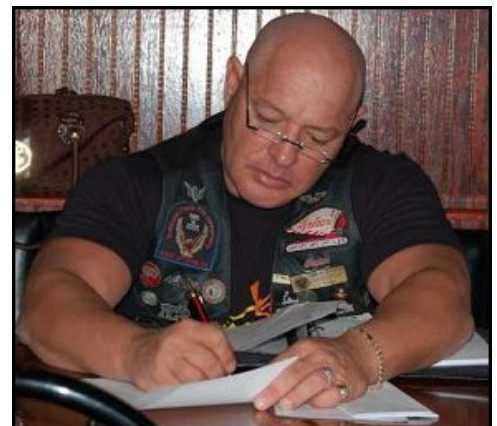
The next state meeting will be hosted by the Caloosahatchee Chapter along with their birthday party its local and I expect to see many of you there if you have never attended a state meeting I suggest you mark your calendar you will get to see the workings of our state board and witness the process first hand you wont want to miss this opportunity.

Check out our chapters' website Taylor has done an excellent job on the site and keeps it updated on an almost weekly basis there are many interesting links and the site is very user friendly. Taylor has also stepped up as of last month to manage the newsletter for us till Rob can resume his position many thanks for your extra efforts Taylor you are an asset to our chapter.

In closing stay safe out there and please stay vigilant we are the only ones looking out for us.

Ride Safe Frankie

PREVENT THE CRASH.....  
AND THERE IS NO NEED FOR A HELMET



### *From the Vice President*

HELLO BROTHERS & SISTERS

Well summer is hear and so is the rain so please check your tires for air pressure and tire ware, also check your battery due to the heat. Please do a pre ride check before going on any ride, so that we make it back home safely. We have the Five Star Event coming up on July 18Th

so please come out and support the chapter and have a fun time and meet some of the members from the other chapters. We are still praying for Rob & Lyn after there accident with Rob still in the hospital we cant wait for both of you to return. I would like to thank ever body that helped out for the Safety Event & the Bears for Boars for the Swamp Feast at the Shell Factory. Now the July is hear we have new laws

taken effect so please buckle up with those seat belts, YOU CAN GET PULLED OVER FOR NOT HAVING IT BUCKLED. The Board has there seminars in Deland on the 24 & 25Th of the month so WE CHANGED THE MEETING TO THE 19Th OF JULY 3rd WEEK END.

TILL NEXT TIME, RIDE SAFE  
BOB

## Southwest Chapter meeting minutes:

Date: June 28, 2009

Location: Victory Lane Café

Called to order @ 10:02pm

20 members

2 guests

Pledge Allegiance and moment of silence for lost brothers and sisters

**President: Frankie Kennedy**

No election for Southwest Chapter this year because positions are 2 year term from last year.

5-Star Event coming up July 18 starting at 11:00am. We are selling pins instead of shirts this year. Vic is in charge of security and Trick Rick will run the bike



show. We will donate a trophy to the chapter with the highest attendance.

John Sullivan is a candidate for Cape Coral mayor and was introduced and spoke of some issue involving Cape Coral.

March Madness was a success at the Shell Factory. Frankie thanked the following people for their support on that day. Rob & Trudy, Tom P., Todd P., Vic P., Larry D., Smokie & Birdie, Cruz & Lois, Steve S., Pat J., Old man Chuck, Ron B., Trick Rick, Teresa W.

Frankie and Vic P. were the delegates for the May state meeting. Vic went over his notes about the meeting. See your Mastelink for details.

The chapter voted on a proposed change to the bylaws, Chapter voted no to the change.

Motion for the Chapter to purchase walkie talkies, motion made by Larry and Trudy 2nd. Passed with no objections.

Leadership seminars in Deland, July 25-26, we will leave Friday night. Vic P., Bob & Peggy L., Frankie, Teresa will be attending the seminars.

**Vice-President: Bob Litterello**

We need volunteers for the Five Star

*continued on page 4*

## Sgt-at-Arms Report

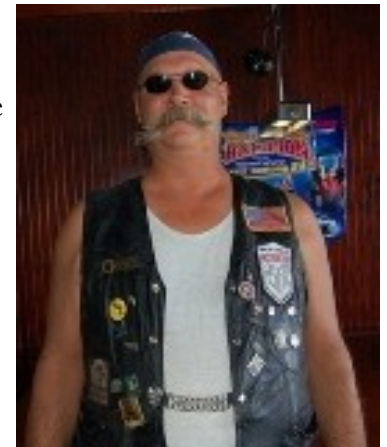
I would like to thank every one who helped with shell factory event. Remember I will need help for The 5 Star July 18th. Please call me (leave message if I don't answer) or e-mail [pior10@yahoo.com](mailto:pior10@yahoo.com)

in Deland Florida, Please let Frankie or me know if you are interested in going.

Ride safe,

Victor Piorkowski  
Sgt.-at-Arms

P.S. If interested for Asst. Sgt.-at-Arms. Please let me know.



July 25<sup>th</sup> an 26<sup>th</sup> leadership seminars

## Shameless Plug

With some extra space to fill, Frankie suggested that I plug InTown Rider Magazine.

Check out the July Issue if you don't already have a copy.

Let our advertisers know that you saw them in InTown Rider, and let other businesses know that they should be seen

in the magazine as well.

We're always looking for stories, so if you know of something that would be of interest to our community, let us know.

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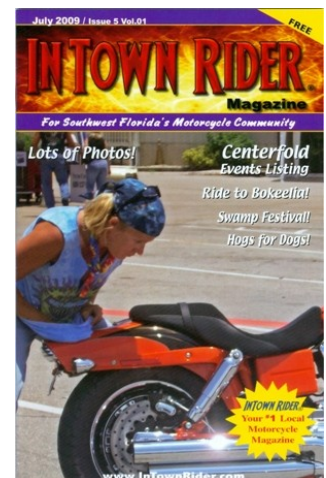
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Thank you again for the warm reception we have received. If you can't find a copy, let us know.

Kind regards,

ATM



## *from page 3. Southwest Chapter meeting minutes:*

Event; several people stepped up to volunteer. Peggy and Teresa working the membership/safety table from 5-6pm.

July meeting has been moved to July 19.

### **Secretary: Teresa Webster**

Motion to accept the minutes from last month was approved. 1<sup>st</sup> – Trudy R. and 2<sup>nd</sup> Larry 2<sup>nd</sup>.

### **Treasurer: John Spinella**

Motion to accept the treasury report subject to audit 1<sup>st</sup> – Rob R. and 2<sup>nd</sup> by Lois.

### **Membership: Trudy Rabell**

6 new members and 2 renewal for this month.

Trudy gave a update on Rob A. and for members to continue to pray for them.

### **Products: OPEN (Frankie)**

Come and check out OUR table at OUR bike night at Victory Lane Café.

We do have the doo- rags with Southwest

logo for sale.

### **Legislative- PR Communications:**

#### **Teddy Bear**

See newsletter for Kenny's report.

### **Newsletter Editors: Rob and Lyn Assenzio**

1. Rob is still our newsletter editor! Taylor has stepped up to help as Rob continues to improve. Please email Taylor with any information at [ATM@musburger.net](mailto:ATM@musburger.net)
2. Please do not send PDF files for the newsletter. If you do they can't be in the newsletter. Please put NEWSLETTER in the subject area when sending email.

### **Advertising: OPEN**

This position has been reopened due to lack of interest.

### **Safety: Ron Berg (EXCUSED ABSENT)**

We are trying to set up appointment with

the superintendent with the Lee County school district.

### **Website: Taylor Musburger**

Email Taylor with any information at [ATM@musburger.net](mailto:ATM@musburger.net)

### **Chapter Chaplin: Tom Provenzano (absent)**

See newsletter for Pastor Tom report.

### **Old, New Business and Good of the Order:**

Bike week Feb. 26 to March 7, 2009. See flyer in the newsletter.

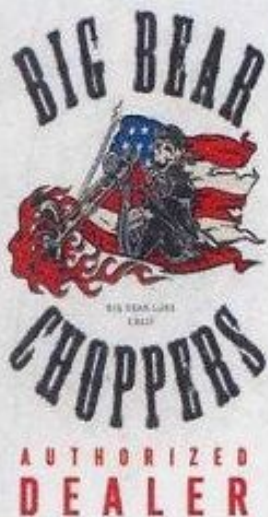
Flashback State party is September 4 to 6, 2009. See flyer for more info.

Motion to adjourn @ 11:50- Motion by Trudy and 2<sup>nd</sup> Rob R.

Respectfully submitted by Teresa Webster-Malibu Barbie



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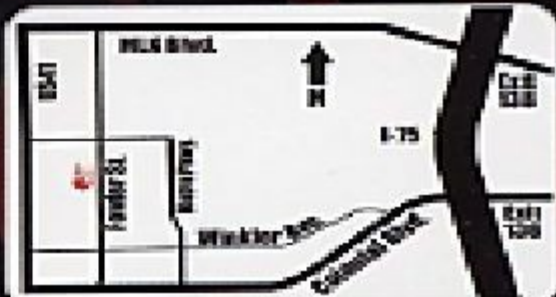
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## Membership Report: June 2009

**Welcome New Members:** We hope that you choose to get involved with this growing and fun chapter... Brett Bush, Alan Konikow, Janet Fuhr, Mike Bretsnyder, Kenneth Christ, and Ed Kirchner.

**Thanks for your renewals:** Lynn Assenzio and Cindy Jordan.

**Expired and/or Delinquent Members:** If you know any of these folks please encourage them to *REJOIN* or renew with *SOUTHWEST CHAPTER!!*

Gerald Collins, Jim Hogue, Brian Boyle, Robert Shaffner, and Klay Snyder

If you are not receiving your newslet-

ter or Masterlink, *PLEASE CONTACT* me to make sure your information is correct. If you have moved your newsletter will not be forwarded...

Your membership expires on the last day of your Anniversary month...

Delinquent renewals must be received no later than the Chapter meeting of the month following your anniversary date in order to maintain renewal status otherwise you will be enrolled as a new member...

Anyone who would like to recycle his or her first year pins in order to save the Chapter money *PLEASE* turn your pins into Membership. Thanks.

Ride Safe and Free

Trudy Rabell, Membership Trustee



## Southwest Chapter Life Members

Darrell Barnett  
Denee Bartels  
Scott Blink  
Chet Butz  
James Burkholder  
Nora Burkholder  
Don Campbell  
Frances Cazes  
Jonathan Conant  
Terry Covington  
Audrey Cran  
Maggie Cran  
Rick Cran  
Rob Cran  
Robert "Cruz" Crusan  
Ginny D'Asti  
Mary Dicenzo-Porter  
Al Diagiaco  
Frank Disomma  
Cindy Doak  
Randy Eck

Brian Galvin  
Sonny Gartrell  
Lynnda Gray  
Bob Hall  
Harry Hoover  
George Huttman  
Susan "Red" Huttman  
Dan Jackson  
Frankie Kennedy  
John Kennedy  
Ed LaCombe  
Russell May  
Rev. Rea Means  
Don Meredith, Jr.  
Jo Ann Miller  
Kenneth Miller  
Jim Mozeleski  
Terry Padilla  
Bob Penn  
Asuncsion Peppers  
Richard Peppers

Kathleen Provenzano  
Rev. Thomas Provenzano  
Bill Robinson  
Janet Rolfe  
Tabitha Rossi  
Roland Salsberry  
Jencye Schmitt  
Jerry Schmitt  
Bruce Scheiner  
Elsie Seif  
Robert Simon  
Richard Stergulz  
Sandy Stergulz  
Grandpa Stewart  
Ruth Vorys  
Teresa Webster  
D. Payton Wells  
Michael Wieland



## Chapter Chaplin, Pastor Tom: *Who is Your Father?*

Dear Fellow ABATE Members, Who is Your Father?

Yesterday, on our way to church service we wondered if during the service, there was going to be something on the topic of fathers. It was Father's Day! In our minds, we were thinking about the problems many people have relating to God, because of the relationship they've had with their natural father. Let's think about that.

Why would people have a problem relating to God the Father? Is it because of the relationship and/or lack of one with their natural father? Maybe because...

1. The natural father was never in the home.
2. The natural father deserted his home.
3. The natural father disinherited you.
4. The natural father wasn't a good role model.
5. The natural father didn't show affection.
6. The natural father abused you. 7. The natural father abused your mother and/or other members of the family.
8. The natural father spent more time with other people and interests outside of the family.
9. The natural father was more interested in his needs than yours. From your personal experience, can you add to this list?

A lot of times, we hold the blame of what has gone wrong in our lives, because of the relationship we have had with our natural father. And, as we grow older, we transfer a lot of what has gone wrong by blaming it on God. Many times, we may find it easy to just go along with others when they blame God for what is wrong in their lives. If your own father has let you down in any way, then you can accept God the Father for who He is and know that His love is unconditional.

You can have a relationship with the God the Father, beyond what you've ever have experienced with your own natural father (even if it was a good experience). First, we'll describe a few of God's promises in a relationship with Him. Then, we'll describe how to have that relationship.

1. You are His child: John 1:12
2. The Father's love for you is everlasting: Romans 8:38-39
3. Nothing can separate you from the Father's love: Romans 8;35-37
4. You can be free from condemnation: Romans 8:1-2
5. He will be there in times of need: Hebrews 4:16

God the Father will give you power, love, and a sound mind: 2 Timothy 1:7

Just a couple more promises: Philippians 4:19 and Numbers 23:19

How can we have that relationship to the Father? Colossians 1:15 and 2 Corinthians 4:4 tells us that Jesus is the image of the invisible God, referring to His very nature. It also tells us that the devil has blinded unbelievers to this fact. 2 Corinthians 1:20 says that, "20For no matter how many promises God has made, they are "Yes" in Christ. And so through him the "Amen" is spoken by us to the glory of God." You can count on the promises of God. Jesus said, "I am the way, the truth, and the life. No man cometh to the Father except by Me." – John 14:6 "15That whosoever believeth in him should not perish, but have eternal life. 16For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life. 17For God sent not his Son into the world to condemn the world; but that the world through him might be saved." – John 3:15-17.

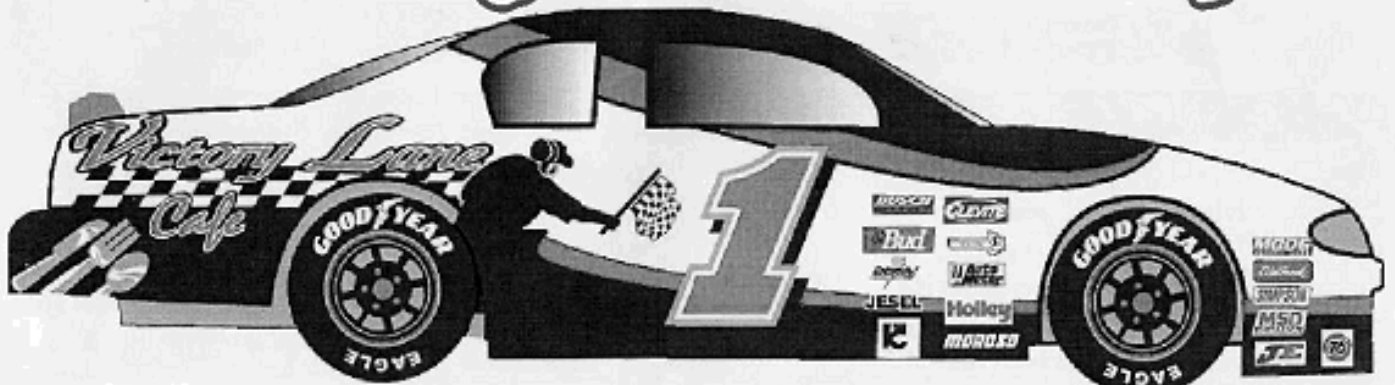


Please pray (or, call us to pray with you) to enter into that new relationship with God the Father. **"Dear God, the God of Abraham, Isaac, and Jacob, my heavenly Father, I confess that I am a sinner and have been separated from You. I ask forgiveness of my sins and for forgiveness of blaming and judging You for things that have gone wrong. I repent and accept this gift of repentance. I confess with my mouth that your son Jesus is my savior and died for me. I believe in my heart that You raised Him from the dead. I receive Jesus into my heart and ask Him to become the center of my life. I ask, in the Name of Jesus. Amen."**

2 Corinthians 5:17 says, **"Therefore, if anyone is in Christ, he is a new creation; the old has gone, the new has come!"**

Blessings,  
Tom (Estero River and Southwest ABATE Life Member and Chapters' Chaplain) and Kathy (SW ABATE Life Member)- [www.messiahsmessengers.org](http://www.messiahsmessengers.org) – [tprovenz@comcast.net](mailto:tprovenz@comcast.net) - 239-267-8641 PS. The next Biker Bible Café is set for August 7th, 7:45 PM in our home.

# Victory Lane Cafe'



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**WHAT DOES MATTER!**



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## *Legislative Report by Teddybear*

Good Morning Freedom Fighters,

First, I would like to thank all of you for your thoughts and prayers when my wife, Joann passed away.

Jo loved the Southwest Chapter and every one of you. She understood the meaning of Brotherhood and Sisterhood and made it part of her life. She served our chapter with honor and dignity, both on and off the BOD.

Understandably, her death has hit me very hard. I am very grateful that I have my Brothers and Sisters to lean on for support.

Thank you, 'TEDDYBEAR'

### **From ABATE of Florida, Inc.:**

At the end of this year's legislative session, the Stiffer Penalties Bill, sponsored by Rep. Evers, HB1161, passed through the House but failed in the Senate.

The Senate's Criminal and Civil Justice Appropriations Committee indefinitely postponed hearing the bill, which effectively killed it.

This committee is chaired by Sen. Victor D. Crist, R-Tampa, District 12. Of the five Senator's that sit on this committee, none are members of Lee County's Legislative Delegation.

Chapter members should write Rep. Evers, thanking him for sponsoring HB1161, and encourage him to sponsor similar legislation for next year's legislative session.

Rep. Evers and his staff have put a lot of hard work into this bill, and have done an outstanding job representing motorcyclists in the Florida House.

Governor Charlie Crist has signed two bills that ABATE of Florida, Inc. was supporting into law last month.

**CS/CS/SB 1100 Department of Highway Safety and Motor Vehicles [CPSC]:** The Bill that removes the "horizontal" wording of the motorcycle tag was signed by Officers and presented to the Governor on 06/08/09.

Here is the wording of this bill as it relates to motorcycles: "Section 4. Subsection (3) of section 316.2085, Florida Statutes, is amended to read:

#### **316.2085 Riding on motorcycles or mopeds. --**

The license tag of a motorcycle or moped must be permanently affixed to the vehicle and may not be adjusted or capable of being flipped up. No device for or method of concealing or obscuring the legibility of the license tag of a motorcycle shall be installed or used."

#### **CS/SB 2282 - First-responder Services [CPSC]:**

A county may not impose a fee or seek reimbursement for any costs or expenses that may be incurred for services provided by a first responder. Including costs or

expenses related to personnel, supplies, motor vehicles, or equipment in response to a motor vehicle accident, except for costs to contain or clean up hazardous materials in quantities reportable to the Florida State Warning Point at the Division of Emergency Management, and costs for transportation and treatment provided by ambulance services licensed pursuant to **ss. 401.23(4) and 401.23(5).**

As I reported earlier this year, Doc and many others have been working with our legislator's in Tallahassee. Our legislator's response has been very positive, and the signing of these two laws by Gov. Crist is the fruit of our labors. But more needs to be done.

I think that my biggest concern with F.S. 316.2085 is the use of Florida's Forfeiture Act to seize the vehicle of the person caught going 50 MPH over the posted speed limit.

Now don't get me wrong, anyone going that fast is not only putting themselves at risk, but innocent people as well, and deserve what they get. But the use of the Forfeiture Act has me troubled. Remember, this legislation originally targeted motorcyclists specifically. And, as it turns out, it seems that my concerns are materializing.

The Motorcycle Riders Foundation recently reported that on Wednesday October 22, 2008, US District Court Judge Florence-Marie Cooper granted an injunction prohibiting members of the Mongols M/C, their family members, and associates from wearing, licensing, selling or distributing items containing the Mongols logo.

This unprecedented move to strip a motorcycle club of their logo means that members of the club can no longer wear or display their copyrighted logo depicting the profile of a Mongolian warrior wearing sunglasses.

According to Assistant US Attorney Steven Welk, "If a Mongol is wearing a vest or jacket bearing the trademarked club logo, that item is pursuant to seizure according to this order." In the words of one AFT agent ...law enforcement officers can literally, "take the leather jackets right off their backs."

The injunction was granted in concert with a multi-state raid, wherein more than 60 members of the Mongols M/C were arrested on charges under the RICO Act. In addition to the criminal charges set forth, the government is seeking to forfeit the intellectual property of the club.

Typically forfeiture proceedings are used to force forfeiture of "ill-gotten gain" and alleged "acts of facilitation". This may be the first time in history where the government has sought to take control of an organization's identity through a court order.

The purpose of forfeiture is not to gain jurisdiction

*continued on page 16*

## *Upcoming Membership Renewals*



**July**

- RICK JONES
- TODD PETERSON
- TEDDY SIMMONS
- JOHN SPINELLA
- GRIMES TINSLEY
- JAMES ROSSER III

**August**

- DIMARIE ANDUJAR
- RON BERG
- JOHN CROSS
- LOIS CRUSAN
- FELIX CRUZ
- CHRISTINA MAROON

**September**

- ADRIENNE BERGES
- CHUCK BERGES
- LORI CALDWELL
- DAVID ELIAS
- TONY MARCHESE
- JAMES McCOMAS
- SHELLEY McCOMAS
- BARBARA WYNKOOP

## *Legislative Report continued from page 15*

over a person, rather it is to seize property for forfeiture to the government.

Modern forfeiture doctrine finds its origin in the Old Testament and medieval standards, where animals, and even inanimate objects involved in wrongdoings were sacrificed in atonement, or forfeited to the government.

As strange as it may seem, civil forfeiture proceedings are brought against the object, not against persons.

Officials can seize a person's property without notice or hearing, by simply demonstrating probable cause, to believe that the property has somehow been "involved" in a crime.

Large sums of unaccounted-for cash and vehicle seizures are typical targets of forfeiture during common drug busts.

If the club loses on the criminal charges, they could be subject to the civil forfeiture laws, and lose any item that contains the logo. In the meantime, all object containing the logo are subject to confiscation by law enforcement.

In forfeiture proceedings, the legal action is taken against the "thing". Charges against the property may range from; a belief that the property is contraband, that it represents the proceeds of a crime, that it is an "instrumentality" of crime, or that it somehow "facilitates" crime.

Probable cause evidence is loosely defined and may take the form of innuendo, or even self-serving testimony of a party with conflicting interests to the property owner.

Once the property is seized, it becomes the responsibility of the owner to prove the "innocence" of the property by a "preponderance-of-the-evidence" standard.

Not only must the owner "prove a negative", he must do so against the unlimited resources of the government. If perchance the owner may have been involved in activity that might ultimately lead to criminal charges, he must weigh the risk of self-incrimination against the actual value of the property. As a practical matter, the burden is often too high for many innocent owners, who end up walking away from their loss.

The government simply demonstrated to the federal judge that they had a substantial likelihood of winning on the merits of the criminal case, including the RICO charge. They argued that the patch has value, and since they think they'll ultimately be entitled to a civil forfeiture, they want to hold on to that asset, the patch.

That is the grounds of their legal argument, though publicly and to the press, the AFT has admitted they're doing this to "break the back of the club".

This "back-door" use of the law is being used to strip a club of its identity under the guise of civil asset forfeiture.

This action sets an extremely dangerous precedent, and the ramifications of allowing this injunction to stand is that this could affect any organization from ABATE's to Moose Lodges.

All the government would have to do is show that a few members of any organization were involved in criminal activity, and they could take away their name and logo. When will they be coming after you?

See you in the wind,  
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- ***Bike blessing on request***
- ***Informal setting – all colors/patches welcome***
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