

Celebrating our 29th Year Chartered Sept. 10th, 1980



SMRO is an acronym for State Motorcycle Rights Organization. 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.

Temporary Change

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So, you are probably wondering why the newsletter looks different this month. Frankie asked me to step in an help put together this temporary replacement until

we get our Editor back behind his desk. We ask that you keep Rob and Lyn in your thoughts and prayers. ATM



Rob Assenzio, Our Editor -In-Chief

From the desk of the Chief

Hello everyone. As always, I hope this newsletter finds all in great health and spirits.

As of this writing, the annual chili cook-off is history and we had a lot of fun this year as we enjoyed 8 separate entries including a late show by our very own VP, Taylor. He had to work that day so he showed up late and brought a bowl of chili from Jason's .

The winners this year were as follows we had Trick Rick with a first place entry this year followed by Scott and Janise with the second place trophy and finally Todd and Liz picked up the third place spot. Thanks to

all that helped to make this a wonderful event for the Southwest chapter special thanks to Taylor for all his input in this event and thanks also to Kelly for stepping up and selling tickets for us.

There were many photos posted all over the place I've seen them on bikers post and on Facebook and on the Southwest site. So go check those spots and see what you missed out on also while I'm thinking about it id like to take this time to thank Dave and Steve from Southwest Cycle for hosting the chili cook-off for us and to my brother

Eddie, and Rick and my son Frankie for doing a fine job with the judging for us and also to Eileen and Audrey for serving up the chili for all to enjoy thanks so much everyone and watch for the up coming wing fling at Southwest cycle coming in the next couple months.

We are as of this past week back in the Lee County School system and presenting our MSAP for the drivers Ed students Birdie has done a fine job since taking over as safety coordinator for the chapter and I trust she will continue to do an outstanding job for us in

Upcoming Events

- February 26th thru March 7th - Daytona Bike Week
- February 28th - Southwest Chapter Meeting
- February 28th - Swamp Cabbage Festival in LaBelle
- Victory Lane Café Bike Night every Wednesday!

From the desk of the Chief, continued.



the future presentations.

February state meeting is only a couple weeks away and I

will be attending and will bring back info to the next chapter meeting I have been informed by the states asst Sgt-at-Arms that there is a problem with our inventory this year. I will look into it and will also inform you on the findings at the

next chapter meeting.

We will be opening nominations in March for the upcoming elections in June so anyone wanting to step up and run for a board position please do not hesitate let someone know and get yourself nominated we need help some of us have been here a long time it truly is someone else's turn to step up and help fill these positions.

We have a tough legislative agenda this year and as always it will be a struggle we need to plan and to work together as a team to get our voices heard up in the Capitol so please if there is anything you can do to help us in our struggle to be noticed and recognized let me know I'm sure I can find some-

way for you to help.

In closing, I'm very thankful for so many things some things not so important as others and something's not important at all to anyone but me, but one thing I've learned in my life there are many whom call themselves friends and then there are those that are friends and I am blessed with very many of the latter thanks to all of my friends you all know who you are without you guys it would be impossible for this chapter to prosper and grow thanks again.

Ride Safe,

Frankie

From the Vice President



Salutations!

Another month gone by. Lots of things happening. The rescheduled Fort Myers Bike Night, Cape Coral Bike Night, MSAP (Motorcycle Safety & Awareness Program) in the Drivers Education classes in local schools.

I'm happy to say that Richie and I have become certified instructors with MSAP. Took some time and creative work scheduling, but now we have

two more instructors.

A special thank you goes out to Birdie and Smokey. Birdie for taking up the torch as our Safety Director, and Smokey for being right along with her and taking whatever abuse we can throw at him.

We're looking forward to having MSAP out at my place of work on the island.

Since I'm working weekends, it's as good a time

as any to have my bike in the shop. Can't wait to have her back, and yes, for those of you who noticed, there will be new tires.

Anyway, again, keep an eye out for the tourists and snowbirds. It's getting more dangerous by the hour out there.

Ride Safe

Taylor "ATM"

Secretary's Report

Location: Victory Lane
Café

Date: January 24 2010

Called to order@ 10.30 am
34 members

1 guest

Pledge Allegiance and moment of silence.

President:

Frankie announces that we will have our Chili cook-off and blessing of the bikes this afternoon. Everyone is welcome to enter.

Anyone who would like to become a MSAP instructor please let Birdie or Frankie know. We have a lot of classes set up. We have more than the rest of the chapters combined!

Jan 31 Lee County Church
Crash

Feb 21 Pre Daytona Party

March 7 7th Annual
Shriners Run

Feb 26-March 7 Bike
Week 2010

April 16-19 Freedom
Rights Rally

April 18 2nd Annual
Thunder Run Poker Run

Vice President:

Taylor is absent and excused (work)

Secretary:

Motion to except last months minutes was ac-

cepted 1st by Gator and 2nd by Scott.

Treasurer:

Motion to except last months treasurer report was accepted . 1st by Trudy and 2nd by Jerry

Membership:

Trudy thanks the meeting for the great turnout and welcomes everyone. We have 1 new member: Ed Kennedy. The state membership has made some errors concerning our chapter. Trudy will contact the state to correct this matter. Trudy will be making reservations at the hotel for Leesburg Bike Fest. The cost is \$79 per night. Anyone who wants to reserve a room, contact Trudy

Products:

CJ and Wayne Cerra have offered to be our products trustee's. Thank you. We have some new products. We will have them at Victory Lane on our weekly bike nights on Wednesdays. They will also try to get storage at Victory Lane for the products.

Legislative

PR/Communications:
See newsletter for report

Safety Trustee:

Birdie has been having a

very hard time getting safety products. State requires a 2 month advance notice to order products. She wrote a letter to make a order. State did not honor this because it was not sent through email. Now she cant get what she needs until February. Piffle has offered to get her products through other chapters

New Business:

Barbara will take over the newsletter starting in February. The newsletter will be on our website for all to read. She also tells us about Anita Zaffke who got killed riding her bike by a woman painting her nails as she was driving her vehicle. See the newsletter for details.

Kelly does a 50/50 Ray
Walters wins \$ 14

Motion to adjourn the meeting: 11.30 am 1st
Trudy and 2nd by Smokie.

The ride after the meeting will go to our Chili cook-off at Southwest Cycles.

Ride Safe, but have fun

Liz Demski- van Hemme





1st Place~TrickRick



2nd Place~Janise & Scott



3rd Place~Liz & Todd





*Southwest Chili Cook-Off and Blessing of the Bikes
January 24th, 2010~Southwest Cycles, Cape Coral*



Membership Report



Welcome New Members:

We hope that you choose to get involved with this growing and fun chapter... Ed Kennedy, Jr.

Thanks for your renewals:

Biffle Davis as a Life Member, Rick Tiner, and Ray Walters.

Expired and/or Delinquent Members:

If you know any of these folks, please encourage them to REJOIN or renew with SOUTHWEST CHAPTER!!! Debra Barlow, Darlene

Daniels, Matt Faulk, Bill Gear, Randall Glass, Scott MacPhee, James Terault, Ronald Cox, Peggy Litterello, Robert Litterello, Marcia Penn, and Cody Webster.

If you are not receiving your newsletter, or Masterlink, PLEASE CONTACT me to make sure your information is correct.

Your membership expires on the last day of your Anniversary month. Delinquent renewals must be received no later than the Chapter meet-

ing 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

Upcoming Renewals

February

Joel R. Bachuber
Scott R. Brown
Larry Crews
Tom Greenfield
Patrick Jablonski
Marion Ward

March

Larry Dobransky
Forest Glover
Terry Lanyon
Ernest Maroon
Bob Miller
Ray Steel
Trudi Steel
Kenneth Thomas

April

Gary Bellaire
Barbara Hollowpeter
Larry Hollopeter
Rob Sample
Frank Story



Southwest Chapter Life Members

Darrell Barnett	Sonny Gartrell	Bill Robinson
Denee Bartels	Lynnda Gray	Janet Rolfe
Scott Blink	Bob Hall	Tabitha Rossi
Chet Butz	Harry Hoover	Roland Salsberry
James Burkholder	George Huttman	Jencye Schmitt
Nora Burkholder	Susan "Red" Huttman	Jerry Schmitt
Don Campbell	Dan Jackson	Bruce Scheiner
Frances Cazes	Frankie Kennedy	Elsie Seif
Jonathan Conant	John Kennedy	Robert Simon
Terry Covington	Ed LaCombe	Kelly Smith
Audrey Cran	"KD" Marlowe	Richard Stergulz
Maggie Cran	Russell May	Sandy Stergulz
Rick Cran	Rev.Rea Means	Grandpa Stewart
Rob Cran	Don Meredith Jr.	Lynda Stewart
Robert "Cruz" Crusan	Jo Ann Miller	Scott Turner
Ginny D'Asti	Kenneth Miller	Ruth Vorys
Biffle Davis	Jim Mozeleski	Teresa Webster
Mary Dicenzo-Porter	Terry Padilla	D. Payton Wells
Al Diagiaco	Bob Penn	Michael Wieland
Frank Disomma	Asuncsion Peppers	Jama Wyatt
Cindy Doak	Richard Peppers	Steve Wyatt
Randy Eck	Kathleen Provenzano	
Brian Galvin	Rev. Thomas Provenzano	



Legislative Report



Good Morning Freedom Fighters:

PRESS RELEASE

ABATE of Florida Convinces the

Nation's Oldest City to Allow Motorcycles

St. Augustine, Fl., January 14, 2010 - Many have said that the City of St.

Augustine Florida is a beautiful and historic place to live. Since 1565, over 400 years ago, the city has been extending a welcome hand to all that visit and make the city their home. In 2005 the city built a parking garage downtown so residents and visitors had an available parking area to safely park their vehicles.

Unless you were riding a motorcycle that is. Motorcycles were not welcome. A large, bright, reflective yellow "NO MOTORCYCLES" sign was prominently installed at the entrance. If you rode into town on any motorcycle or scooter, you were banned from parking in this \$20 million taxpayer-funded garage. Definitely not a "Welcome" feeling.

The issue at hand, according to St. Augustine's City Manager, Bill Harriss, is the gates that allow access/ egress. He stated in an interview with *The St. Augustine Record* that the engineers who designed the garage's entryways advised against it.

Many options were offered over the years to reverse this decision, but the momentum for the change in policy came when ABATE of Florida's Vintage Chapter began this fight in earnest back in November 2009.

After speaking at the St. Augustine December 14, 2009 City Commissioners' Meeting, ABATE of Florida Vintage Chapter's Public Relations Trustee, J.D. Long, found that two of the City Commissioners agreed with ABATE of Florida, feeling that the publicly-funded garage should be allowing motorcycles in. There were two more Commissioners and the Mayor that still needed convincing. Although Harriss is a motorcyclist himself, his position does not hold a binding vote with the Commission.

Many felt modifying the existing gates were the least expensive and seemed to be the most logical method to correct the discrimination. The additional revenue from the motorcyclists would pay off the modifications in short time, and then help the city by providing new income.

The problem was accurately summed up by Long; "If they can't use common sense, then we have to use the law." ABATE of Florida's Legal Council, Larry Crow of Tampa, was already

preparing a case should the City Commissioners vote to continue the ban.

On January 11, 2010, members from ABATE of Florida's Vintage, Duval County, Black Creek and Putnam County Chapters, as well as members from other motorcycle organizations, filled the St. Augustine City Commissioner's meeting chamber to show their discontent with the four-year-old discriminatory ban on motorcycles.

Thanks to the dedication of the ABATE of Florida members for calling this problem to light, and then following through by standing up and fighting to stop the discrimination against bikers. The St. Augustine City Commissioners voted unanimously in favor of removing the ban and establishing a dedicated entrance to the garage and a shortened gate at the existing manned exit so that motorcyclists may now park their bikes safely in downtown St. Augustine. Chief Operations Officer John Regan suggested in *The St. Augustine Report* that the city's advertising should now begin promoting St. Augustine as being a motorcycle-friendly city.

With almost 8,000 member, ABATE of Florida, Inc. is Florida's largest Motorcyclists' Rights Organization, and the fourth largest na-

Legislative Report continued...

tionwide. Our mission include educating the public about motorcycle awareness and continuing to fight in Tallahassee for the rights of every motorcyclist and the public in general. To aid in these ends, we have a lobbyist on staff and have founded the Motorcycle Safety and Awareness Program, both with the intentions to help make the roads safer for everyone. ABATE of Florida members vote in every election, and strive to teach the public to be conscious of other drivers & riders while operating motor vehicles in the Sunshine State.

2010 SESSION

The 2010 legislative session will start the first week in March. Are you ready? ABATE of Florida's stiffer penalties bill is finished and has been turned over to our sponsors. I do not have a bill number yet. Hopefully, I'll have all that information for you in next month's report.

Doc says that there will be an attempt to put lids back on our heads. He says that they will use one of the five placeholder bills to do this.

In a placeholder, or "empty" bill, anything can be put in them at any time. Once a bill reaches the floor, we have no say. Any influence we have should be exerted ahead of time. ABATE of Florida is watching these

bills very carefully. We need to be ready to respond very quickly.

As all of you are aware, no motorcycle helmet on the market today is guaranteed to save a riders life. Nor are they designed to do so.

No manufacturer of motorcycle helmets has ever made the claim that their product is guaranteed to save a riders life. Just the opposite is true.

All motorcycle helmet manufacturers are required by U.S. federal law, to warn the consumer that death can occur to riders at speeds as low as 15 mph... while wearing their product.

The only thing mandatory helmet laws accomplish is that more motorcyclists will die or become seriously injured in Florida while wearing a helmet. That is because mandatory helmet laws do not address the cause of these crashes. They never have, and they never will.

The only thing that is going to save your life while riding your motorcycle is your skill and ability to handle your motorcycle in an emergency situation. And even that is not guaranteed.

CONTACT YOUR LEGISLATORS

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LIEUTENANT GOVERNOR

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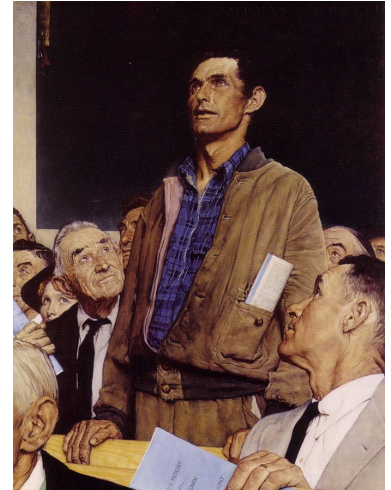
FLORIDA STATE SENATE

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Legislative Report continued...



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Website: www.mack.house.gov.

Big Noise From Massachusetts, Update!

On Friday, October 2, 2009, fifteen motorcyclists stood up for their rights! And yours! Each contested tickets that the Massachusetts Motorcycle Association (MMA) believes were wrongly, unsafely and unconstitutionally issued at the intersections of Routes 62 and 140 on July 15, 2009, in Sterling, Ma.

These brave motorcyclists sacrificed time and money to defend the freedom to ride for all motorcyclists in the state, instead of paying the tickets.

Legislative Report continued...

All MMA members were represented pro-bono by Attorney Paul Lancia of Fall River, Ma. The MMA and Attorney Lancia have pledged to proudly stand together to defend these riders.

Individual hearings began at approximately 9:30 a.m., each lasting approximately 20 minutes. MMA Chairman Dave Condon and Membership Manager Cheryl Frodermann joined them in a show of support at the Clinton District Court.

Citations alleged 'violations' targeting helmets, noise, non-stock pipes, tire treads and lights.

Riders described a check-point involving approximately 10 police officers from the towns of Sterling and Princeton, and RMV staff. Solo and groups of riders were harassed and ticketed in a manner in conflict with the law.

For example, no sound meters were used to determine if the pipes indeed exceeded legal noise limits; both DOT and non-DOT stickered helmets were deemed illegal; older bikes exempted under state law were fined. In addition, the pull-off area was a hazardous dirt surface with extensive gravel, large pot-holes, and uneven and crumbling pavement at an extremely busy intersection, placing the riders and local drivers at risk of damage to their vehicles, serious injury, and possibly death.

MMA board members learned from conversations with many of the motorcyclists that the overwhelming majority was forgoing wages in a combined excess of \$2,600. In addition,

all were required to pay \$25 cash-only filing fees in order to contest their tickets with the Magistrate.

Any rider seeking to appeal the ruling in an effort to seek justice from a judge, required an additional immediate filing fee of \$50 cash. In Sterling, justice costs at minimum \$75 and a couple days' pay!

At the end of the day, some were won, some were not, and will require further appeal.

Though no consistency in the Magistrate's rulings were evident to any, Chairman Condon and Attorney Lancia were not surprised by such unpredictability at this level in the court system.

All riders who did not win their hearings on Friday have agreed to continue the fight and appeal the Magistrate's ruling. Attorney Lancia will continue to represent MMA members free of charge before a judge beginning at 8:45 a.m. on Nov. 16 and Nov. 23rd. If necessary, Attorney Lancia and the MMA are determined to take these cases to the Supreme Judicial Courts for justice.

Many of the motorcyclists the MMA spoke to on Friday, while not in a position to sacrifice hard-earned wages, were deeply concerned that if they did not contest the tickets, their insurance companies would hit them with steep surcharges over the next six years totaling upwards of \$1,800 each. Some would be unable to afford to ride. Some had families; others were out of work due to the recession. Most could not afford the filing fees.

The MMA has always believed if we do not defend our rights, we will lose them. Sterling police are trying to send loud message to all motorcyclists: "stay out of our town or we will make you pay!" And they don't seem to care about the law.

The motorcyclists who were ticketed in Sterling, and who decided to contest their tickets, have heroically stepped up to the truly American fight -- FOR FREEDOM!

These are the real heroes of our legal system! Help the MMA help them fight a good fight!

On Nov. 7, the MMA held a fundraiser to support the Freedom Fighters and a local business that has been directly impacted by the July harassment.

The fundraiser was held at the 140 Rendezvous Pub in Sterling, a popular biker gathering place. The owner of the pub said that his business was off by 50 - 75% since the July harassment. The event helped the MMA defray costs incurred by the Freedom Fighters.

The MMA is asking for your support of these American heroes. You can make a donation by visiting the MMA web site or by mailing a check payable to the Massachusetts Motorcycle Association Legal Defense Fund, P.O. Box 378, Brimfield, MA 01010.

For more information, please see <http://www.massmotorcycle.org> or contact chairman@massmotorcycle.org.

See you in the wind,
'TEDDYBEAR'



Black Nail Brigade



Dear Brothers and Sisters of Southwest Chapter of ABATE of Florida, Inc., I have followed the story of the death of a seasoned motorcyclist, Anita Zaffke at the hands of the driver of a vehicle, Lora Hunt, who was painting her nails as she drove on a public road. Anita was launched over 200 feet and died of internal injuries.

The passion I feel towards the rights of all is magnified by this case.

The following is taken from the Black Nail Brigade website (Blacknailbrigade.com). I have secured permission from Greg Zaffke II, son of Anita, to reproduce any and all information listed on the webpage to bring to you.

Ride Alert!

Respectfully Submitted by
Barbara L. Bardell

Southwest Chapter Member

Judge's decision on the Motion to Dismiss the Indictment of Reckless Homicide will be heard on February 10, 2010 at 11:00AM

Today's hearing was in-

teresting to say the least. The defense took about 40 minutes to make their points then repeat them over and over and over again. They cited case law from mostly petit jury (trial jury) cases to argue their point about due process in grand jury proceedings. The State's Attorney took 20 minutes to rebut all points.

Here are a few very interesting highlights in the defense attorney's own words.

Statements by Lora Hunt's Attorney (Jeff Tomczak)

Lora Hunt Statement - "I was distracted by applying nail polish, which I contemplated whether or not to do. I chose to do a very stupid thing."

IPI-5.02 Definition of Negligence - "A person is negligent when he fails to be aware of a substantial & unjustifiable risk, that circumstances exist or that a result will follow and his failure is a substantial deviation

from the standard of care which a reasonable person would exercise in the situation."

He goes on to explain Recklessness - "As legal concepts, recklessness & accident are not synonymous. Recklessness requires a conscious awareness of a substantial risk of harm & a disregard of that risk."

So I'll recap:

Hunt - "which I contemplated whether or not to do. I chose to do..." - She was aware of the risk & did it anyway.

Negligence - "fails to be aware"

Recklessness - "a conscious awareness of a substantial risk of harm & a disregard of that risk"

Let's go to trial!

Greg Zaffke II - Black Nail Brigade





11th Annual Church Crash~January 31st, 2010.





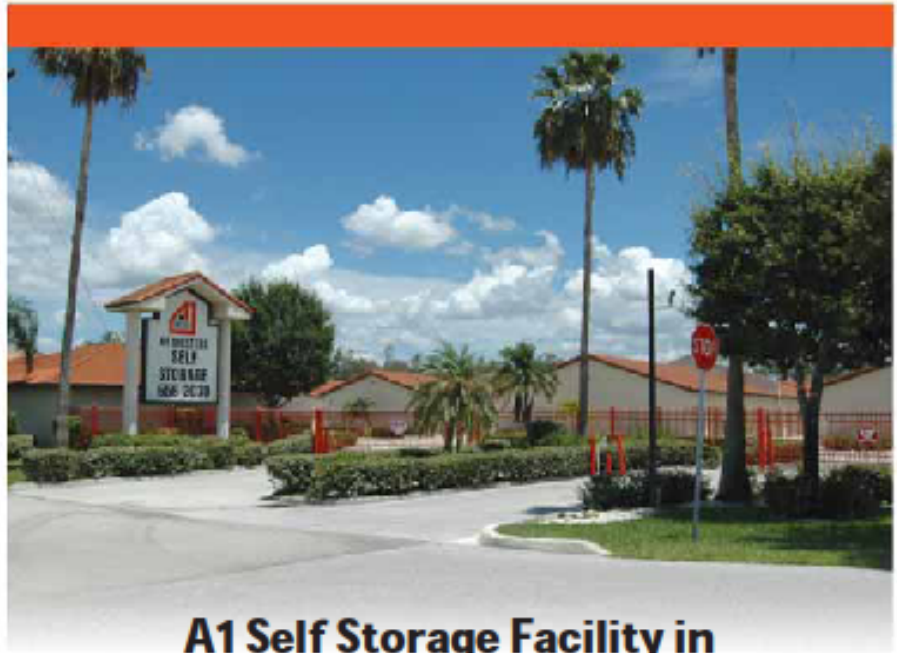
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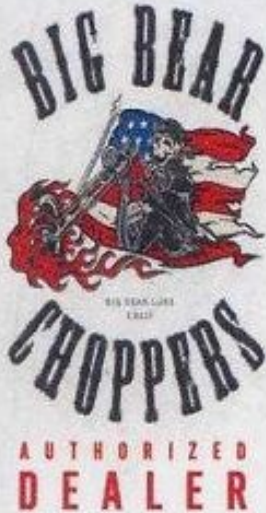
www.A1Shelters.com



On January 21st, members of the Southwest Chapter of ABATE of Florida, along with members of several other organizations such as the Patriot Guard Riders, Roughnecks, and Warriors Watch, had the honor of welcoming home SPC Nathan Henning.



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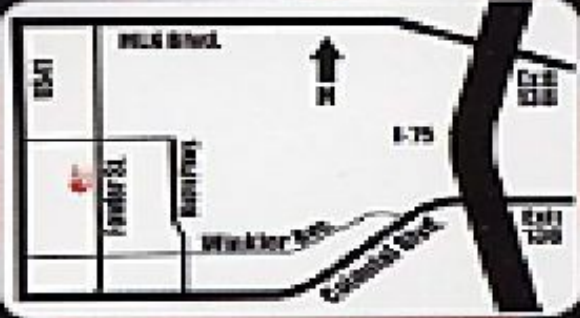
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**JIM'S FAMILY MISSES HIS SON...
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MOTORCYCLE RIDERS ARE FROM ALL WALKS OF LIFE




**LOOK TWICE SAVE A LIFE,
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I LOOK FOR YOU OUT ON THE ROAD




**RETURN THE FAVOR!
START SEEING MOTORCYCLES!**

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DON'T LET THIS BE YOUR FIRST IMPRESSION OF A MOTORCYCLIST




**LOOK TWICE - SAVE A LIFE
MOTORCYCLES ARE EVERYWHERE!**

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WHAT DOES MATTER!

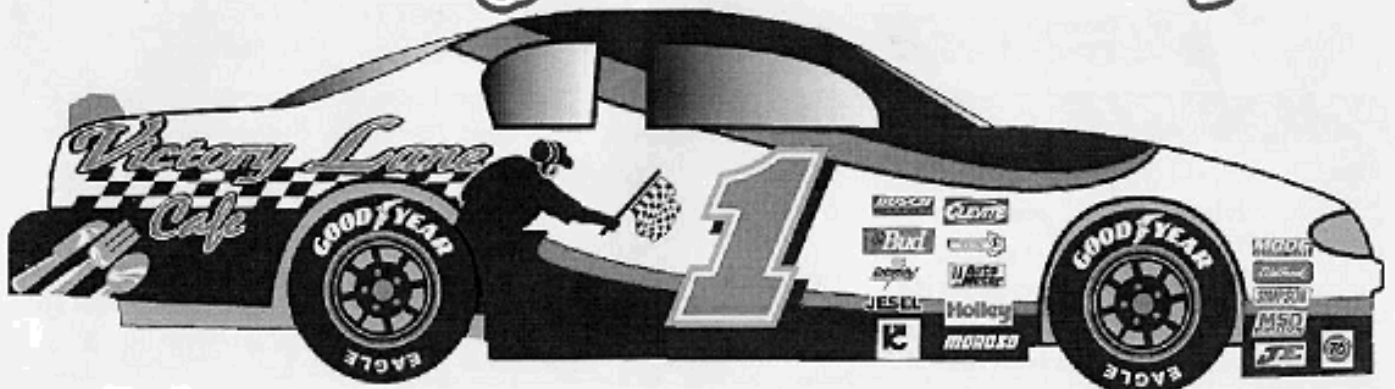


**MOTORCYCLES ARE OUT THERE...
LOOK FOR THEM!**

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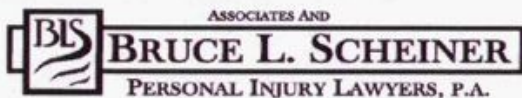
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