



Carolina Theatre chooses interim volunteer director

The Carolina Theatre in Durham will be run by volunteer board member Monte Moses while it seeks a new executive director.

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Donor turbulence

Poor handling costs Georgia Museum gift of plane

An aviation museum has lost its claim to an airplane it received as a gift after a jury found that the museum failed to take proper care of the plane.

By JOSEPH NEFF

A tussle between two aviation museums over a vintage airplane has ended with a simple lesson: If you want to keep a gift, be a good steward and honor the expectations of the donor.

Poor handling of a donated airplane doomed the attempt by Stone Mountain Aviation Museum in Cummings, Ga. to keep title to the flying machine donated by a North Carolina businessman.

The victor in this case is the Western North Carolina Air Museum in Hendersonville.

The spoils consist of a vintage North American SNJ-5, a World War II era plane used for training pilots.

The case dates to 1983. Grant Zickgraf, a retired businessman from Macon County, North Carolina wanted to donate his plane to a museum. Like many donors, the elderly Zickgraf hoped that someone would preserve his gift for others to enjoy.

Milt Kimble, president of the Stone Mountain Museum, lobbied Zickgraf to donate the plane to the

GIVING

museum, which Kimble had recently formed. Kimble and Zickgraf have known each other since the 1950s.

Kimble portrayed his fledgling museum as a bona fide project, promised to keep the plane in tip-top shape and pledged to allow Zickgraf to fly the plane whenever he wished to, according to Zickgraf's complaint.

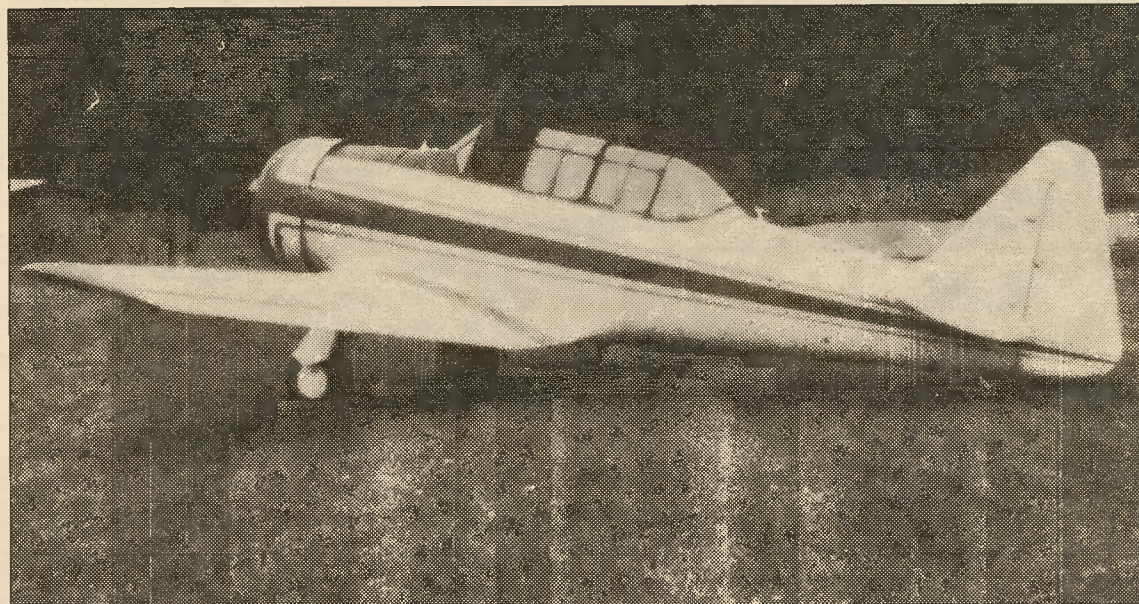
"That's what I meant for them, to keep the plane in top shape and so forth and I was going to help them and we were going to build a real museum," Zickgraf testified at trial.

On November 25, 1983, Zickgraf donated the plane to the Stone Mountain Aviation Museum. He took a \$35,000 tax deduction that year on his federal income taxes.

Some months later, Zickgraf dropped in at the museum, located on the grounds of Stone Mountain Airport of which Kimble is president.

To Zickgraf's consternation, he found children playing inside the plane, which was sitting outside with the hatch open. The inside was soaked. The radio and instruments were unworkable, a rear seat was removed and the oxygen equipment was gone.

There was no museum hangar, Zickgraf said, and in fact, no muse-



The Vintage North American SNJ-5, a World War II era plane, was used for training pilots.

Photo courtesy of Western North Carolina Air Museum

um: no sign, no guests and no other antique or restored aircraft.

So, seven months after giving the plane to the Stone Mountain Museum, Zickgraf took the plane back to North Carolina. In 1989, he gave it to the Western North Carolina Air Museum after thor-

oughly investigating the Hendersonville museum.

In 1991, Kimble and the Stone Mountain Aviation Museum filed a complaint, saying they held title to the plane. This was the first legal motion they filed since Zickgraf took the airplane back in 1984.

At trial, the issue centered on whether the plane was a valid gift to the Stone Mountain Museum. Zickgraf's lawyers argued that their client had made a conditional gift: Stone Mountain could have the plane

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Ounce of prevention

Nonprofits gain awareness of liability

An increasing number of North Carolina nonprofits are taking steps to protect volunteers and board members from potential lawsuits. Strategies include additional insurance policies and improved volunteer training programs.

By BARBARA SOLOW

When it comes to liability, leaders of North Carolina nonprofits say perception is as important as reality.

Although there have been few if any major lawsuits filed against nonprofits, many organizations are becoming more vigilant about protecting volunteers and board members from potential legal hassles.

"You have to balance it out," says Phylliss Whitaker, director of volunteer personnel for the Greater Carolinas chapter in

ACCOUNTABILITY

Charlotte of the American Red Cross. "You don't want liability to be such a concern that you can't provide services, but you also want to be able to handle things that come up."

Before beginning a new program or service, Whitaker contacts the Risk Management Division at national Red Cross headquarters for suggestions on volunteer screening and training programs designed to prevent accidents and mishaps.

The Red Cross also has a general insurance policy that covers volunteers.

So does the Big Buddy program in Wilmington - an umbrella agency for five area youth programs.

"In the six years I've worked with the agency, we've never had any incidents," says Program

Director Jennifer Cooper. "Still, it's somewhat of a comfort to our volunteers to know there is general liability insurance."

North Carolina's Nonprofit Corporations Act protects nonprofit board members from liability for actions they perform as part of their volunteer duties. An update of the act, which went into effect July 1, extends that protection to employees of nonprofits that file reports with the state.

Under the state's Good Samaritan Act of 1993, volunteers who provide first aid or emergency assistance at accident sites or nonprofit clinics are also shielded from liability.

Despite the passage of "volunteer protection laws" in 49 other states, concerns about liability in the nonprofit arena are on the rise.

Part of the reason is that while such laws raise the requirements

Look for LIABILITY, page 9

Looking at liability

Resources for nonprofit boards and volunteers

Experts recommend the following steps for nonprofits looking to protect volunteers and board members from lawsuits:

- Know federal, state and local regulations that will affect your work. This would include such laws as the Americans with Disabilities Act.
- Develop clear management policies and organizational mission statements.
- Set up careful screening and training programs for volunteers.
- Consider expanding insurance coverage to include volunteers and board members.

Here are some resources on nonprofit liability:

- The North Carolina Center for Nonprofits in Raleigh publishes a booklet called "Employment Law for North Carolina Nonprofits" that includes suggestions on policies that

can reduce exposure to lawsuits. The center also is a sponsor of the Nonprofits Mutual Risk Retention Group, which was set up to provide insurance at reasonable and stable rates to nonprofits. Call (919) 571-0811 for information or to schedule an appointment at the resource center.

• The Human Services Corp. in Greensboro offers workshops and consulting services on liability issues for nonprofits. Call (910) 294-6828.

• The National Center for Nonprofit Boards in Washington has published a special edition of its newsletter called "Board Members and Risk: A Primer on Protection from Liability." Call (202) 452-6262.

• The Nonprofit Risk Management Center in Washington has written a series of "community service briefs" on liability, insurance and risk-management issues including "Managing Volunteers Within the Law." Call (202) 785-3891.

BRIEFLY

Habitat homes to be built in Wake County

Construction has begun on an eight-unit apartment building on Polly Street in Raleigh that will provide transitional housing for homeless families. The project is sponsored by Habitat for Humanity, with support from GE Capital Mortgage Corporation and Pan Lutheran Ministries.

Volunteer center has moved

The Volunteer Center of Greater Durham has a new address: 136 East Chapel Hill Street, Durham, NC 27701. For information about the organization's programs and services, call (919) 688-8977.

Community theater seeks artists

The Thalian Association community theater in Wilmington is looking for directors, choreographers, music directors and designers for its 1994-95 season. Plays to be staged include "Gypsy," "The Dining Room" and "Biloxi Blues." Call (910) 251-1788 for details.

Big sweep begins on N.C. waterways

The annual Big Sweep, a statewide litter cleanup, will be held the third Saturday in September. Volunteers from across the state collect and record litter from lakes, streams, rivers and beaches. Call (919) 856-6686 for details.

Raleigh Artsposure seeks volunteer

Artsposure, a nonprofit arts organization in Raleigh, is seeking a part-time volunteer receptionist. The organization sponsors First Night Raleigh and the Spring Jazz & Art Festival. Call Beth Berggart at (919) 832-8699 for information about the position.



Staff Photo