

EXECUTIVE DIRECTOR CASE STUDY

The Ten Spot Club is viewed by many as one of New York City's more unique clubs, providing a steady diet of jazz, avant garde, and other challenging music over the years. What may surprise some is the fact that it is a nonprofit organization—Section 501(c)(3)—named the Institute for New and Exciting Cultural Experiences. Anyone who has attended clubs of this sort knows all too well that the audiences are often small, meaning that keeping the doors open is always a challenge. It appears from recent tax returns that the Ten Spot's board and officers have been doing a fairly good job in terms of the finances. The last available tax return on GuideStar reports a \$50,000 deficit on \$2.9 million of 2005 revenue. However, the organization ran at close to a \$150,000 surplus in 2003 and it had a \$35,000 surplus in 2002. The Ten Spot only has a \$300,000 endowment, but asking for a larger endowment may be asking a lot for this type of organization.

There is now an apparent dispute between the executive director, Evelyn Kindell, and members of the board that threatens to hinder the organization's operations. Ms. Kindell founded the organization in 1983.

According to a February 20, 2007 article in the New York's *Daily Tattler*, the board recently approved a plan to restructure the executive director position. Under the proposal, Ms. Kindell would have continued as the executive director, handling the programming and fundraising responsibilities. However, the position of business manager is to be created. The business manager would be responsible for day-to-day operations. According to the *Tattler*, the idea of a business manager originated with Ms. Kindell. However, she told the *Tattler* in a recent interview,

I proposed this idea, but on second thought it is a bad one. Nobody will take the position for the amount of money we can afford to pay. We have a choice: Hire a business manager or cut programming 20%. There is no choice under those circumstances. I'll just have to keep doing everything.

Something happened in between the proposal and its execution. The board has now suspended Ms. Kindell without pay, apparently because, in their view, she resisted the plan as it began to evolve and as candidates were interviewed. Both sides have their side to the story. If they decide to argue it out in court, one side will prevail as a matter of course, but the Ten Spot may be the ultimate loser.

During the course of the interview, Ms. Kindell told the *Tattler*,

I have been instrumental in obtaining funding for this organization. We have seven grants of over \$100,000 each from local foundations and corporations. If I go so goes the grant money.

Several of the Ten Spots' directors have been commenting on the dispute on the widely read Music Scene blog and in newspaper interviews.