



Delaire Grievance Committee
4645 White Cedar Lane
Delray Beach, FL 33445

VIA EMAIL, CERTIFIED MAIL & REGULAR MAIL

July 26, 2017

Re: Curtis Karpel, Complainant v. Manfred Brecker, Respondent

On Thursday, July 20, 2017 a grievance hearing was held at 9:30 AM in the clubhouse boardroom in accordance with Article XVI of the Club Bylaws in the matter of the grievance complaint that was filed by Club member Curtis Karpel, the Complainant, against Manfred Brecker, the Respondent. The grievance complaint identified two separate acts of alleged misconduct on the part of the Respondent. First it was alleged that Manfred Brecker had engaged in misconduct by creating a website and placing postings on the website that were purposely intended to harm the Club and its members. The second alleged act of misconduct was the filing by Mr. Brecker of a groundless civil action against the Club in the Palm Beach County Court, Small Claims Division causing the Club to expend time, energy and money and to engage legal counsel to successfully have the case thrown out at the initial hearing for lack of merit.

Written notice of the grievance hearing was given to the Complainant and the Respondent by certified letter not less than fourteen (14) days prior to the scheduled hearing date, in accordance with Article XIV, Section 1b of the Bylaws. At the date and time the hearing was scheduled a quorum of the Grievance Committee consisting of nine (9) members were present either in person or by telephone conference call. The members of the Grievance Committee who participated in the hearing were:

1. Richard Abbey
2. Judith Singer
3. Jacqueline Liptz
4. Dan Weiss
5. Wayne Feinberg
6. Elliott Solomon
7. Don Snyder
8. Barbara Lurie

Also present in person was the Complainant, Curtis Karpel, the Respondent, Manfred Brecker and the Respondent's attorney, Steven F. Padula.

The hearing was called to order at 9:30 AM. Following opening remarks made by the Grievance Committee Chairperson, Richard Abbey, to explain how the hearing would be conducted, the Complainant was given the opportunity to make his factual presentation to support the allegations of misconduct by the Respondent as were alleged in the grievance complaint. Mr. Karpel's factual presentation and the presentation of supporting documentary exhibits lasted approximately 15 to 20 minutes.

Upon completion of the presentation by the Complainant, Attorney Padula made an opening statement on behalf of the Respondent as expressly permitted in the Bylaws. After Attorney Padula completed his opening statement Respondent was then permitted to question the Complainant as to the substantive allegations of the complaint and also for Respondent to present a factual statement in his own defense and to bring forward any facts or circumstances to support his defense against the alleged misconduct. Respondent's presentation of his case and questioning of Complainant lasted between 1½ and 2 hours. At that time a recess was called to accommodate a Grievance Committee member who had received a phone call concerning the hospitalization of his son.

While still in recess, a member of the Grievance Committee called the Respondent an "asshole" to which Respondent took great offense. After the consequences of the unacceptable name-calling by the Grievance Committee member was considered and evaluated by the remaining members of the Grievance Committee panel, the committee member who called the Respondent the disparaging name personally apologized to Mr. Brecker for his unacceptable behavior and agreed to recuse himself from any further participation in the grievance hearing.

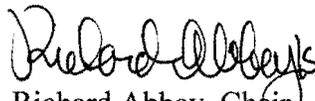
At that point the recess was declared ended and the hearing was called back to order. Immediately the Respondent and his attorney denounced the actions of the one Grievance Committee member and announced they would leave the hearing.

Respondent and Attorney Padula were informed more than once that the hearing was going to be completed regardless of whether Respondent and Attorney Padula chose to remain to the end of the hearing or walk out which they ultimately did. The committee members were then given an opportunity to question Mr. Karpel as to his factual statements and the presented exhibits to support the grievance complaint but no committee members had any questions to ask. Believing the evidence gathering portion of the hearing had brought out all of the evidence that was relevant and necessary to enable the committee to reach a proper conclusion, the evidentiary portion of the hearing was deemed concluded. The Grievance Committee members then proceeded to privately consider the fact statements and other information that was presented at the hearing to determine whether the Respondent's actions amounted to member misconduct under the Bylaws.

After completing its deliberations the Grievance Committee voted unanimously to find that Respondent, Manfred Brecker, had engaged in misconduct within the meaning of Article XIV of the Club's Bylaws by creating the website and posting negative information about the Club on that website for the specific purpose of trying to harm the Club and its members and also by filing the frivolous lawsuit against the Club. After reaching the unanimous conclusion that the Respondent had engaged in misconduct, the Grievance Committee members deliberated to

determine what if any sanction was reasonable and necessary to punish the Respondent for his acts of misconduct and to deter Respondent from engaging in similar misconduct in the future. A motion was made, seconded and unanimously approved that Mr. Brecker's privileges to enter upon or use any of the Club facilities and improvements are to be suspended for one year. The committee further voted unanimously that the suspension of the right to enter upon or use the Club facilities only applies to the Respondent, individually and shall not apply to his wife or any other immediate family members who may have use privileges under the membership. Moreover, during the one (1) year suspension the Respondent shall not be permitted to come onto the Club property or use any of the Club's facility or property as the guest of another member or to participate in any Club or member sponsored events conducted off-site. The suspension shall not prevent Respondent from attending any official Board of directors meetings or membership meetings that are held by the Delaire Homeowners Association on Club property solely for the duration of such HOA meeting. The suspension shall take effect fifteen (15) days from the date of this letter unless Respondent files an appeal to the Board of Governors in accordance with Article XIV, Section 5.

Respectfully Submitted,



Richard Abbey, Chair

Grievance Committee



Judy Singer, Vice Chair

Grievance Committee