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March 4, 2019

VIA FEDEX (7746 1362 6872)

Judith Singer, Grievance Committee Chair
Delaire Country Club
4645 White Cedar Lane
Delray Beach, Florida 33445

Re: Grievance Hearing of 3/8/19 – Salzman/Cutler vs. Brecker, et al.

Dear Ms. Singer:

This law firm represents Manfred Brecker. We are in receipt of your February 25, 2019, correspondence, advising Mr. Brecker that a grievance hearing has been scheduled for Friday, March 8, 2019, at 3:30 PM. Mr. Brecker will be appearing with his counsel. This letter is Mr. Brecker's formal response to the grievance complaint filed by current Club Secretary Stephen Salzman and Catherine Cutler (the "Salzman Grievance").

It is incredibly disappointing that the Grievance Committee considered the Salzman Grievance to have merit enough to justify a grievance hearing. The February 20th email upon which the Salzman Grievance is based is objectively not misconduct, no matter what subjective definition you give to it. Mr. Brecker wrote a simple email to Mr. Salzman and Ms. Cutler stating that he "was told" that their dog defecated on his lawn. Such an email is not misconduct; it was a simple inquiry for which Mr. Salzman and Ms. Cutler could have simply stated that the person(s) who gave him such information was wrong. To waste everyone's time now for a formal grievance hearing is ridiculous, but given that this Grievance Committee loathes Mr. Brecker, coupled with the fact that the Salzman Grievance came from the Club Secretary, we are not surprised.

As this Grievance Committee is well-aware, there is no jurisdiction to hear this dispute. The Grievance Committee has previously verified in writing that the Grievance Committee has no jurisdiction over member disputes "unless such of an event occurred on Club or POA property or at events outside the confines of Delaire that are sponsored by the Club." This quote came from a situation in which there was an allegation of one member trimming a hedge which was planted on an adjacent member's property. In that situation, this Grievance Committee concluded that "inasmuch as your complaint involves Mr. Silver's and your property, we do not have the authority to consider its merits." It is wholly inconsistent and preposterous that this Grievance Committee now is "changing the rules" given that the accused is Manfred Brecker over whether a member's dog defecated on another member's lawn. Is this really what the Grievance Committee feels is in the best interest of the Club?

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Even if this Grievance Committee takes the position that it is concerned about what “could” happen at a future POA meeting does not justify this grievance hearing. The POA is a separate entity from the Club. Additionally, it is objectively improper to reprimand a member for something that has not even happened, and which may never happen.

Mr. Brecker has no confidence in receiving a fair or reasonable hearing on March 8th under the circumstances. It is our strong recommendation that you allow this proceeding to be recorded to ensure that this hearing is carried out in good faith. We are assuming you will deny this request in order to cover up what surely will be a kangaroo court, but you will do so at your own peril.

Mr. Brecker is also requesting that all Grievance Committee members who were involved in the July 20, 2017, grievance hearing relating to then Club President Curtis Karpel and Manfred Brecker recuse themselves from this upcoming grievance hearing to avoid bias and the clear conflict of interest. Any new Grievance Committee members should obviously be resident equity members and who have not previously been deposed in any Brecker-related litigation involving the Club.

Mr. Brecker is further demanding that any Grievance Committee member who cannot appear in person use the Board Room’s technology to appear by video conference to ensure that we can see that such Grievance Committee member(s) are paying attention.

In short, Mr. Brecker considers this decision to hold a hearing to be pure harassment given the pending litigation involving the prior bad acts of this Grievance Committee. Mr. Brecker also considers this retaliation by the Grievance Committee for exposing the Grievance Committee’s bad acts through recent deposition testimony of the various Grievance Committee members. We sincerely hope that the Grievance Committee comes to their senses and concludes that the Salzman Grievance does not rise to the level of misconduct, or otherwise requires a grievance hearing.

Regards,



STEPHEN J. PADULA
For the Firm

SJP/ljh

cc: Manny Brecker (via email – mb3217@aol.com)
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