

MANFRED BRECKER

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DELRAY BEACH FL 33445

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Delaire Country Club
4645 White Cedar lane
Delray Beach FL.33445

VIA FAX 499-8625

Re; Curtis J Karpel

ATTENTION JEFFREY WHITE SECRETARY

Dear Mr. White,

In my capacity as a Mandatory Member and partial owner of Delaire Country Club, please accept this letter to be forwarded to the Chair of the Grievance Committee for the Committee to hold a formal meeting to determine if a grievance complaint is to be held against Curtis J Karpel for taking certain actions against me that constitute misconduct under the Bylaws. The actions below will describe what I constitute as detrimental to me as a member by a President of the club abusing his power and his antagonistic feeling toward me. His anger management is not to be taken out against me by using the grievance committee as his personal tool.

The Karpel statement accepted by the grievance committee is based on Mr. Karpel's personal belief that I had knowingly negatively and purposely effected home sales in the community. How he comes to this conclusion is beyond comprehension. The Statement he uses as defining proof is "Having only sold 5 houses in the last 6 months says a lot for our web". He continues with: "*This honestly establishes the intent and purpose of Mr. Brecker to harm financially and otherwise, the membership and the Club*". This wild statement is without proof. My messages are based on fact and have not been disputed by Karpel or anyone. How can truthful uncontested messages be actionable as a grievance? It is without any foundation other than Karpels anger set against this member, which is one of the numerous reasons I am bringing my complaint against Mr. Karpel..His anger is not a grievance matter. His bringing it as a grievance matter is an abuse of power and becomes grievance material. Karpels only proof of his excessive charges are based on what he describes his belief. Beliefs of a person are not evidence and not actionable as such. Bringing unfounded charges against a member especially by an officer of the club who has a fiduciary responsibility to the member as an elected official by his own choice, makes him prone to be charged with a serious grievance.

The most scandalous charge of all, is the Karpel charge stating that Mr. Brecker has filed a civil lawsuit against Delaire Country Club in the County Court. Karpel states *“the filing of this lawsuit merits aside, justifies that action be taken against Mr. Brecker by your committee”*. This statement may be acceptable in NORTH KOREA, it is no justifiable for a grievance charge in Delaire. There are no by-laws that even hint on such a program, on the contrary ARTICLE XVII Section 6 referring to **LITIGATION** states the following.

In the event of litigation between the club and a member, on any issue, including without limitation an action based on interpretation or enforcement of Articles of Incorporation or By-Laws of the Club the prevailing party shall be entitled to award of costs and attorney’s fees, including appellate costs and fees.

However, the by-laws do not prevent any club member from being deprived of his day in court. In the United States everybody is entitled to his day in court guaranteed by the US Constitution. Karpel by making this a grievance issue has abused his power given to him as a Fiduciary. The acceptance of the unfounded Karpel charge by the Chair and the committee brings forth the following JURISDICTIONAL GROUND question. .Accepting the off the wall Karpel indictment against this member how is it possible that the Rosenberg charges against Sid Silver were dismissed on Jurisdictional grounds based on the identical issues. That said, there are only two alternatives. The grievance committee has no Jurisdictional grounds on the Karpel charge, but does have it on my charge. They now have to dismiss the charge against me and lodge it against Karpel. Or the Grievance committee is engaged in illegal Selective Enforcement and is no longer a legally constituted entity and has lost their franchise to conduct any hearings.

Filing a grievance charge against a fellow club members must be handled in a judicious manner. It can only be accepted by the committee on solid evidence. Mr. Karpel by his own words create his charge against this writer, admits that this accusation is solely based on *“my belief that Mr. Brecker has done, and continues to do, is harmful to both the club and the membership”* That is his belief which is not backed by **“any”** solid evidence. It is at best a **here nor there alludes**, it does not meet the threshold of evidence.

My charges are backed by the evidence of an abusing board member using his own words and description of a trumped up charge without any foundations. This abuser of our system has demonstrated much hate in every letter he has ever written demeaning this member. His indictment is false and abusive and must be punished by this committee.

Very truly yours,

Manfred Brecker

