

Subject: [RE]REVISE THE RECOMMENDATION???

From: "Margot Chappell" <parkdreams@lycos.com>

Date: Fri, 23 Oct 2009 00:16:16 -0400 (EDT)

To: "John D Roth" <jroth4@comcast.net>

CC: <LULUP722@aol.com>, "LAWRENCE BERUL" <LBERUL@yahoo.com>, "John D Roth" <jroth4@comcast.net>

John,

On 9/1/09 I joined this committee and told you, "I am willing to serve with you so that all viewpoints are respectfully considered." But I regret to say that over the last seven weeks it has become painfully clear that you do not know how to accept or respect any opinions that are different than your own. You trivialize my opinions and even my husband's by saying they are "frivolous" or "farfetched." This last email you even called his legal analysis a "Red Herring." You have done the same to other committee members who dared to disagree with you!

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I am sorry that your dog was hurt, but so glad that your dog has completely recovered and is fine. I hate to make this personal, but it is clear that your crusade to rid 9400 of all medium and large dogs and cause pain to their owners is because you blame yourself that your precious dog was injured. You blame yourself that at first growl you did not scoop up your little dog and turn your back. You blame yourself that when the dogs were going at it you did not step between them or put your arm between them. You wonder now whether you thought of yourself, instead of your dog. Personally I think you did the right thing -- you acted out of instinct to protect yourself.

You are fortunate that the situation happened where you feel you have some voice to seek retribution. As you know, if this had happened on the street or the beach, you would have no broader recourse because dog-to-dog bites are not illegal in Ocean City. You think you have an opening because of your reading of the 9400 By-laws and your efforts to frighten the other owners into going your way. But I will fight you, and any others, all the way to the Supreme Court, if necessary, to protect the way of life for all well-behaved dogs of any size that we have always enjoyed at 9400.

I've enjoyed our "disputent tout le temps". I am even looking forward to meeting you and your wife in person. We would love to take you out to dinner or take the dogs to the end of the boardwalk for French fries. But for adding my comments to your recommendations, this big dog has to stop. I am tired of your yipping at my barking. The BOD has my comments, which you will call "dissenting," under your various self-serving titles.

I am confident the BOD will read all the comments - of owners and committee members -- posted at your website. I know the BOD will make the right decision and follow the will of the majority at 9400 that want to allow all well-behaved pets to enjoy their time at the beach.

Margot

-----[Received Mail Content]-----

Subject : REVISE THE RECOMMENDATION???

Date : Tue, 20 Oct 2009 19:21:11 -0400

>From : John D Roth <jroth4@comcast.net>

To : Margot Chappell <Parkdreams@lycos.com>, LULUP722@aol.com, LAWRENCE BERUL

[<LBERUL@yahoo.com>](mailto:LBERUL@yahoo.com), John D Roth [<jjroth4@comcast.net>](mailto:jjroth4@comcast.net)

Hi, Margot.

I love your sense of humor, I think... but it sometimes leaves me confused.

I'm happy that I read your note more than once. On first reading, I thought you said you reject the recommendation in its entirety. A more careful reading shows that you reject only recommendation A in its entirety. Maybe there's some hope.

I recommended the "grandfathering" process as the only practical way to allow currently inappropriate dogs to live out their lives in peace at 9400 as long as they are well behaved. There was no intention of breaking down doors and confiscating 10 year old grandfathered dogs in June, 2020. I can see from your reaction that this could have been stated more clearly. I don't agree, however, that most inappropriate dogs will still be around in ten years. Would you be willing to accept "This program should eliminate most inappropriate dogs over a period of ten years?"

The remainder of recommendation A seems to me to properly address the by-laws situation. i.e. if the the attorney agrees with the red herring you proposed earlier, then change the by-laws to allow all dogs. If not, then enforce the current by-laws. It certainly doesn't make sense to recommend that the BOD ignore the by-laws. Enforcement of the by-laws, related to dogs or anything else, is an obligation of the BOD.

I hope you'll notice that there is nothing in the recommendation that refers to financial liability. I do think that there might be some room to include something about the insurance rep's comment that we need to enforce the rules uniformly. I read that to mean "or else..."

I did write back to Bill Hunt and raised the question of whether enforcement of our current dog rules would make any appreciable difference in the marketability of our building. For whatever reason, he hasn't replied. I suspect, though it's only my opinion, that there would be as many people who would look upon this as an advantage as there are who would see it as a disadvantage.
Thanks for the "heads up" about the typo.

I guess we're coming down to the end of the process. Let me know whether you want to continue the discussion or whether you want to throw in the towel and write a dissenting opinion. If you choose the latter, I think it would be best for the two reports to be submitted at the same time - around November 1.

JR