

**Subject:** [RE]What's Reasonable??

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

**Date:** Sat, 26 Sep 2009 11:28:43 -0400 (EDT)

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

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

John, I will not withdraw my reasonable and fair comments regarding the By-Laws, especially the thoughtful and sound legal opinion from my attorney, who you so quickly impugn. My attorney has been a member of the Maryland and District of Columbia bars for more than 30 years. He has appeared before the United States Supreme Court, winning unanimously. He is also a member of the bars of the US Supreme Court, nine US Circuit Court of Appeals, and three US District Courts. He is general counsel for the International Playground Equipment Manufacturers Association and senior staff attorney for the National Right to Work Legal Defense Foundation. He has a nation-wide law practice and has been recognized in Marquis Who's Who in American Law, Who's Who in America, Who's Who of Emerging Leaders in America, Who's Who in Finance and Industry, and Who's Who in the World. His legal expertise is in the areas of constitutional, labor, and association law, including the writing and interpreting contracts and by-laws. One other minor point, he is my husband.

Because you probably didn't know these facts about my "attorney card," I will forgive you for your characterization of his legal opinion as "frivolous." Of course the BOD is free to spend our money and get its own legal opinion. No hard feelings if it does.

You have not provided the actual wording of the mandate the BOD gave you and this committee. You admit that we serve at the pleasure of the President. On the home page you state you were asked to form and chair an ad hoc committee to identify pet issues and recommend solutions to the Board. You also asked the owners to describe 9400 pet problems from their perspective and let the BOD know what they think needs attention and what they think should be done. Not counting you, me and one Board member, only eleven owners, over the last four weeks, have responded to your request for comments and recommendations. Most of those comments involve the house rules for pets, not the interpretation of the one By-Law section on animals (dogs).

You admit you are prejudice. That prejudice was evident from the start when you entitled the homepage: "Let's Discuss Small Dogs, Cats & Caged Birds at 9400." However, please do not allow your small dog prejudice to derail what Member Cohen described as "your achievement [of] start[ing] a dialogue in 9400" and your own "request to identify pet issues and recommend solutions to the Board."

We do not need to know the BOD's ultimate interpretation of the By-Laws to decide what house rules on pets we should recommend to the BOD. In other words, the house rules apply to all pets allowed by the By-Laws. The house rules do not decide the By-Laws. Once again, I ask you to allow this committee to immediately turn its attention to discussing and recommending the necessary house rules on pets.

Margot

-----[ Received Mail Content ]-----  
Subject : What's Reasonable??

Date : Thu, 24 Sep 2009 22:52:03 -0400

>From : John D Roth <[jjroth4@comcast.net](mailto:jjroth4@comcast.net)>

To : Margot Chappell <[Parkdreams@lycos.com](mailto:Parkdreams@lycos.com)>, LAWRENCE BERUL <[LBERUL@yahoo.com](mailto:LBERUL@yahoo.com)>, [LULUP722@aol.com](mailto:LULUP722@aol.com), John D Roth <[jjroth4@comcast.net](mailto:jjroth4@comcast.net)>, Judi Segermark <[judiseg@hotmail.com](mailto:judiseg@hotmail.com)>

That's a legitimate question. When I read Annette's email, I asked myself the same question. Then I saw that she was replying to my email. My email suggested that we consider consulting our attorney. I think it's a reasonable assumption that she meant that my suggestion sounded reasonable.

Are we going to wait for a while to see whether the BOD reacts? In a word, yes.

I had no intention of running to our attorney with every little thing until you played the "attorney card." The BOD decreed and I agreed that we wouldn't involve our attorney until the end of the process - then only to confirm that our recommendation(s) were legitimate. Your frivolous assertions that the by-laws allow dogs of any size as long as they stay for fewer than 30 days and that the by-laws don't mean what they say question the very basis of the project. They also come at a time just after I had indicated a willingness to support a "grandfathering" process that would have solved the large dog issue over time.

Here's a suggestion. Send me an email withdrawing you comments interpreting the by-laws for us. I'll post it and then we can forget about contacting our attorney and go back to September 20. We'll even delete from the website everything posted for Sept 22, 23, 24 (except Grayce's note and this note.) We can then restart as of Sept 20 without prejudice on my part even though the genie is probably out of the bottle.

JR