

**bbwilbur@frontier.com**

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**From:** "Dustin Frederick" <dustin@local519.org>  
**Date:** Sunday, November 25, 2012 7:49 PM  
**To:** "Dan'l Jones" <dan\_serv@hotmail.com>; "Bob Wilbur" <bbwilbur@broadstripe.net>; "Gwyn Staton" <gwynstaton1@msn.com>; "Dustin Frederick" <dustin.frederick@ymail.com>  
**Cc:** "Karen Shaak" <karensaak@gmail.com>; "Robert Peetz" <rapeetz@gmail.com>; "Suzy Palmer" <suzy Palmer1@me.com>; <whshed@live.com>; "Jean Salls" <jean\_salls2000@yahoo.com>; "Maria Chamberlain" <hermitanoruss1@peoplepc.com>  
**Subject:** RE: Dan last response

Dan---as I informed Jean several weeks ago when I explained the amount reported in the Whidbey newspaper article---no money has been collected.

Dustin

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**From:** Dan'l Jones [mailto:dan\_serv@hotmail.com]  
**Sent:** Saturday, November 24, 2012 7:55 PM  
**To:** Bob Wilbur; Gwyn Staton; Dustin Frederick; Dustin Frederick  
**Cc:** Karen Shaak; Robert Peetz; Suzy Palmer; whshed@live.com; Jean Salls; Maria Chamberlain  
**Subject:** RE: Dan last response

Bob,

What you seem to be trying to tell me is that you, Gwyn, and Dustin have a right to do whatever you want in the name of Admiral's Cove Beach Club as long as your intentions are good. You are wrong. If your intentions are good, your actions legal, and you have nothing to hide, then stop hiding things, comply with the law, and turn in what you have. The further you take this, the more you dig in your heels, and the more flippant you become, the more I doubt the "goodness" of your intentions. Turn in the list to which you said you were adding names. Turn in the money that has been collected. Turn in any and all records collected by the ACBC self-appointed save the pool group. Under who's bond is this activity being conducted? Please at least send the name and address of your insurance agent and the extent to which individuals handling money or pledges are covered.

Perhaps you are no lawyer, but you are an educated man with a wealth of life experience that permits you to understand what you are doing. Please re-evaluate your position. Your cavalier attitude belies the seriousness of the fundraising scheme you, Gwyn, and Dustin have been conducting. All fund-raising documentation you have accumulated on behalf of ACBC needs to be turned over to ACBC now so it can be properly administered and accounted for by bonded individuals in compliance with the law. Serfs, fiefdoms, and your bathroom habits aside, you may need an attorney before this is all through; I don't want it to come to that. I know of no other rational way to interpret your behavior other than fraudulent at this stage. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

The huge, successful grass root effort you mentioned has resulted in zero dollars and zero names on zero lists being delivered to the Club as of today. Dustin told the newspaper, who documented his words in print, that he had collected \$13,000 in contributions, yet the Club has seen none of it. The money and pledges that were reportedly collected appear to have all disappeared. I understand that Dustin sent a message to a director that the money was in the Caymen Islands. I think that behavior is over the top, don't you? Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

I think the Board of Directors would have welcomed the contributions and the lists of pledges you or anyone else may have collected in good faith on behalf of ACBC if we had been allowed to see the plan, knew who was doing what, that it was well supervised, that individuals were bonded, and that the plan was in the best interests of the Club. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

- Where is the money that was contributed?
- Where is the list of pledges so the Club can call to collect?
- Who's keeping track?
- Are any of the contributions cash?
- Have contributions been put into a bank account for safe keeping?
- Is the Club going to be surprised at some point by a large influx of contributions and pledges we never expected to get?
- How long are you going to keep this money or these pledges?
- Who is involved in this project and who's collecting the money and pledges?
- Who is supervising the people doing the collecting to make sure money is not being pocketed?
- Is there a canned letter or spiel requesting the donations or pledges?
- Do you know whether you are complying with the law? If so, which laws permit you to raise funds on behalf of a corporation without their authority?
- Did anyone stop to think that they may be committing a crime or subjecting both themselves and the club to liability?
- Shouldn't the Board at least be kept informed, if nothing else so we can plan how much we can reduce any prospective assessments?
- How long will the secret be kept, my friend?
- Why should it be a secret?

Try to start collecting money for say, the Coupeville Lion's Club, the Coupeville Middle School band, the Coupeville Museum, a church or any other entity without letting the organizations know and first getting their blessing. What do you think they would do when they found out? Do you think that you could get approval to independantly collect money for say, the Boy Scouts on your own, without approval, without any accountability, without bonding, and demand a list of contributors because you had a child in that club? Do you think that if you owned a share of Microsoft they would allow you to carry on this kind of activity without having someone arrested? Do you think they would have given

you a list of their clients and contacts? Yes, we represent a community, but we are a corporation that must operate within the scope of the law. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

Fraud is running rampant these days. Our bank has a copy of the OFFICIAL BALLOT you sent to members asking them to send pledges and contributions to your address. They were highly alarmed. If this fund raising project had been submitted to the board as a proposal, had been conducted in an upfront manner, and we knew that no laws were being broken, I think I would have felt much better about it. The old saw, "don't you trust me?" is not an appropriate response if you want to reassure someone that no wrongdoing has occurred. On the contrary, it should always raise a red flag when we hear it. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

Demanding that the Board accommodate your requests for records so you can continue to operate outside the Board's supervision, in its name, with no accountability to anyone, no indemnification, offering contributors "who knows what" on behalf of ACBC, and then refusing to let the board of directors know what was collected on its behalf and where the pledges and contributions are being kept is not only over the top; it is absurd and unlawful. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

There are professional organizations who specialize in fundraising. There are numerous laws that cover fundraising programs and limitations that must be considered. Members of your group, including you, were critical of the Board for conducting a survey, which was compiled by numerous professionals trained in the preparation and analysis of surveys and the interpretation of survey results. Yet, you think conducting a fundraising campaign is no big deal as long as it was done by a grass roots group of members? Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

One of the interesting things about fundraising is that the more money people think has been collected, the less likely they are to contribute. It's the rationalization that their contribution would be unimportant, too small, not needed, too little too late, or would not make a difference. If the fact that we had already collected \$13,000 in contributions was a lie, it hurts the Club's ability to benefit by the fund-raising effort as well as our credibility. Was it a lie? If it were the truth, and we allow those collecting the pledges and contributions to keep and use what they collected as they see fit, it poses a more serious problem, wouldn't you agree? Can you understand why this board considers your purpose for requesting a membership list improper? How do we know what statements are true and which are not, since we continually get contradictory responses that cannot possibly all be true? Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

Do you not see the potential for fraud? Do you have a fool proof way to determine who can be trusted and who cannot? That is why internal controls have been written into our bylaws and laws governing our operation. You and the group you represent have defiantly disregarded the law and our bylaws, and continue to scoff at our attempt to balance the ledger and set the record straight. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

This kind of operation represents a classic ploy used by thieves to collect money from unsuspecting individuals on behalf of an organization who has no knowledge of the activity and did not approve it.

When an organization gets word of this sort of unauthorized activity, they are suddenly thrust into an unwanted position of potential liability if they make no effort to mitigate damages and prevent potential donors from becoming victims of what may be fraud. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

The board now has an obligation to publicize the unlawful activity, warn potential victims that they may have been scammed, and disavow any connection with the collection effort. I think you, Gwyn, and Dustin should pay for the next mailing and any notices we may need to publish in the newspaper in which we must expose the unauthorized and illegal activity conducted without any accountability, without any bonding, without notification, and without approval of Admiral's Cove Beach Club. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

ACBC is not a charity, and contributions are not tax deductible, they are income. A well-meaning but misguided individual can do harm by making false representations to potential donors. Ignoring reports of people collecting contributions for our pool without the of the Board of Directors having any record of the activity or knowing who is conducting these activities subjects the Club to liability. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

Too much income from outside sources can cause us problems with our status as a tax exempt, non-profit corporation. The laws for non-profit corporations are not codified just to make things complicated; they are intended to prevent abuse and fraud, among other things. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

To our bank, it looks like attempted fraud. To outside authorities, including postal authorities, it looks like attempted fraud. To our insurance company it looks like potential fraud. What's it look like to you? It's easy to sit back and make light of this problem when you're not in the position of responsibility and do not have to contend with the liability. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

When worried members first sent us your solicitation found in the OFFICIAL BALLOT to send contributions to your home address, our insurance company recommended that we report the offense to the sheriff and hire an attorney, because the insurance company would not come into play until we were able to identify any amount that was was lost. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

So far, I think that we can document that at least \$13,000 that was collected and remains unaccounted for, the amount documented by the newspaper. Dustin has admitted in writing that the money is in the Caymen Islands. But don't worry, that money was collected under our bond by a director, so I think we can turn it over to the insurance company and be indemnified, leaving them to try to collect it or take the whatever actions they deem appropriate. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

Finally, under what indemnification do you or the individuals involved in this activity operate? Please provide a copy of the bond covering those involved in your project to safeguard the funds that rightfully

belong to ACBC. Since the board did not authorize the activity, it would be your responsibility. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

Continue to scoff if you like and to play your games of rhetoric, but it will not dismiss the seriousness of this situation nor the unpleasant position in which you have placed our board of directors. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

If all of this has been a huge hoax, choosing to perpetrate a hoax involving money and sending it through the mail is truly an unfortunate decision, since it necessarily involves police, insurance companies, banks, and postal authorities. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

We had put off this issue to deal with the more serious investigation of the threats mailed to two of our directors. I urge you and anyone else involved in this misguided project to come clean and turn over anything and everything in your possession documenting the actions you have taken, the persons you have contacted, and the funds, pledges and contributions that you or any of those involved in this project have collected. This request is especially true for Dustin and Gwyn, who as former directors were obligated to turn over every record in their possession upon leaving office. As far as I know, neither has done so. Please turn over all of your fund raising records including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

Bob, please take this matter seriously. At this point in time, no legal action has been initiated. Please, all of you, think about the ramifications of your actions and cooperate by turning over all of the documentation you have with regard to fundraising before the board is forced to take action. The decision as to when and how to raise funds is the exclusive purview of the board of directors and when required by law or our bylaws, the membership voting as a whole. We cannot ignore this activity or allow it to continue indefinitely. Rest assured, we are not talking about raising your hand to go to the bathroom, my friend.

Please turn over all of your fund raising records that have been accumulated by you or anyone in your group on behalf of the Admiral's Cove Beach club (ACBC), including bank accounts, money, pledges, and names of contributors to the Admiral's Cove Beach Club (ACBC) immediately.

If the problem is that someone has already committed a crime, you are aware of it, and you are hiding records to give them time to make up a shortfall to help them avoid prosecution, believe me, it is in your best interests to come clean now. Please think long and hard about where you want to take this battle you have been fighting. Court is a terrible place to settle these things. The longer you wait to do what is right, the worse it will get. As a director, knowing what I do, I have an obligation to take action if you three do not come clean.

Sincerely,

Dan'l

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From: [bbwilbur@broadstripe.net](mailto:bbwilbur@broadstripe.net)

To: [dan\\_serv@hotmail.com](mailto:dan_serv@hotmail.com); [gwynstaton1@msn.com](mailto:gwynstaton1@msn.com); [dustin@local519.org](mailto:dustin@local519.org); [grick@ymail.com](mailto:grick@ymail.com)  
 CC: [karenschaak@gmail.com](mailto:karenschaak@gmail.com); [rapeetz@gmail.com](mailto:rapeetz@gmail.com); [suzypalmer1@me.com](mailto:suzypalmer1@me.com); [whshed@live.com](mailto:whshed@live.com);  
[jean\\_salls2000@yahoo.com](mailto:jean_salls2000@yahoo.com); [hermitanoruss1@peoplepc.com](mailto:hermitanoruss1@peoplepc.com)  
 Subject: Re: Dan last response  
 Date: Tue, 20 Nov 2012 18:06:17 -0800

Dan,

I am no lawyer but I do believe I have the right to talk to anyone and say, *"Hey Joe/Sally, you know the pool needs our help. Some folks are contributing some dollars to the rehab effort. You wanna help out? Oh good and that's very damn generous of you, I must say. I'll add your name and amount to the list. Not sure when but someone will be in touch when we need your check."* I kind of like to think of that as grass-roots fund-raising, don't you?

Presumably because the Board is trying so very hard to do its absolute level best to rehab the pool, the Board (or their officially decorated fund-raiser) would welcome that list of folks wanting to help with their dollars. Who knows, it might even end up that that list could produce more money than might be raised by the hypothetical official energetic funding team of duly appointed appointees. Hey, it could happen.

Dan, I can't help but make some hay with this because it is so ridiculously over-the-top. We are a community club we are all a part of. We are not serfs in a fiefdom controlled by a Master Director. It is good that you take your board responsibility seriously; it is bad if you take it too seriously. The last time I raised my hand to ask to use the bathroom was 3<sup>rd</sup> grade. Lighten up Dude Dan.

And have a great Thanksgiving, Dan and all,  
 Bob

**From:** [Dan'l Jones](#)

**Sent:** Tuesday, November 20, 2012 4:15 PM

**To:** [Gwyn Staton](#) ; [Dustin Frederick](#) ; [Dustin Frederick](#) ; [Bob Wilbur](#)

**Cc:** [Karen Shaak](#) ; [Robert Peetz](#) ; [Suzy Palmer](#) ; [whshed@live.com](mailto:whshed@live.com) ; [Jean Salls](#) ; [Maria Chamberlain](#)

**Subject:** RE: Dan last response

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Gwyn,

Thank you for your opinion. Please see my answeres to your email in red in your email below this answer.

Thank you for for expressing your opinion. I am concluding, maybe incorrectly, that motivations are

important to you, because you ascribe motives to people in most of your communications. You cannot possibly know anyone's true motivation, even if they tell you. It is this kind of tactic used in arguments that often generates animus, but it seldom achieves a good solution, other than by luck.

I am not certain whether your motive is to win an argument, find a solution to the rehabilitate our pool, an attempt to vindicate yourself for what you perceive to be past wrongs, or some other motive that I might never suspect. I do not care what your motive is, since it is not my focus and does not relate to the immediate problem of getting our pool fixed. Ad hominem attacks and questioning the motivations of others are distractions and logical fallacies designed to obfuscate the truth and distract attention away from the best or most logical solution to a problem in an attempt to prevail in promoting one's own agenda or solution, even though reason may indicate an outcome that is inconsistent with your actual goal.

I try to comply with the law I have not read every law written, and do not purport to know them all. I can explain why I believe what I do, and do not consider myself to be an illogical person as you characterized my opinions.

Do you believe that you have freedom speech that allows you to represent yourself as an agent of the Club with authority to solicit funds or past due accounts on its behalf? You are not an agent we hired to collect past due accounts or donations. The first five words in the first amendment to the United States Constitution are "Congress shall make no law . . ." So the congress can pass laws protecting the freedom of speech. The ACBC is not congress or the government.

"Congress shall make no law

- respecting
  - an establishment of religion, or
  - prohibiting the free exercise thereof; or
- abridging the freedom
  - of speech, or
  - of the press; or
  - the right of the people
    - peaceably to assemble, and
    - to petition the government for a redress of grievances."

The Club has a right and duty to supervise all appointees, employees, officers, and agents, to ensure that their actions reflect favorably upon the Club and are in the best interests of the Club and its members. They have a right and a duty to prevent anyone from conducting business in their name, especially if it reflects unfavorably on the Club or is not in the best interests of the Club or its members.

Dustin volunteered and had been allowed, in his capacity as a director, to assist in fundraising, but was not given any exclusive directive to continue indefinitely, to create a committee, to ask anyone else to assist him, or to publicly report he had collected \$13,000 in contributions to the local newspaper and then refuse to turn over any money, names, addresses or pledges to the Club. He now claims that they never actually existed, except verbally. It is odd that he did not even write down the names or any contact information. If he did, that information belongs to the Club. That news story put us in a position of having to explain what happened to all that money to some members who read it. I cannot

prove that they did nor did not exist, and can only repeat what I have been told. I think it hurts the Club's image either way.

Dustin is not a director nor an officer with the authority to bind the club. The Board has a right to regular reports from anyone they assign a task. The verbal reports were that he had collected contributions. The reality is that Dustin submitted nothing, not even names and addresses of donors he claimed to have in his possession, to the Club.

As a result of a resolution passed by members at the last annual meeting, the directors on this board agreed to postpone making any decisions about how best to fund the pool rehabilitation until we had committee reports: had employed the use of a professional firm(s) to provide engineering, funding, and cost reports: had run the final decision and alternatives past an attorney, and had voted to approve those ideas. You and Dustin have insisted that we disregard that resolution.

The bylaws use the phrase " . . . **for any proper purpose** . . . " with regard to requests by members to inspect the records.

The RCW states, " . . . Any such member **must have a purpose** for inspection reasonably related to membership interests. **Use or sale of members' lists** by such member **IF OBTAINED BY INSPECTION is prohibited**. . . . " (emphasis added). I know this contradicts your legal opinion expressed in your email below, but to me, an ordinary person (I believe that is the standard by which laws are interpreted), it is pretty clear.

The law prohibits a member from USING or SELLING a membership list that such member OBTAINED BY INSPECTION of the records. Use of that list, who may use it, and for what purpose is strictly the prerogative of the Club as determined by the Board of Directors.

Subpoenas, discovery, and courts of law are a different matter and are not obtained by inspection. RCW Chapter 24.03 addresses an order from superior court. The law states, "The superior court of the corporation's or such member's residence may order inspection and may appoint independent inspectors. Such member shall pay inspection costs unless the court orders otherwise." The directors have a right and a duty to make decisions, even when those decisions contradict the advice of their own attorneys, like the 2010-2011 ACBC board did with regard to changing ACBC to a homeowners association and lost.

I do not believe that there are any directors on the board who want to make decisions without being cognizant of our legal rights and responsibilities or that violate the law, like some past boards have done. I believe that the directors fully intend to pass all recommendations received from committees in this regard through competent legal counsel specializing in these matters before deciding our final course of action.

I think that if all we do is argue and all meetings are disrupted, we will accomplish nothing, and the pool will remain closed and eventually condemned. We must get past all of this email and social website banter if we expect to make any progress. Here are the primary steps I believe that we must get past to succeed:

- The board must first be allowed to conduct a meeting without enduring threatening and disruptive action and behavior from observers,
- The board must be given an opportunity to permit the president to officially seat committee



members and their chairs in an open meeting.

- The board must produce the instructions to the committees containing the duties that they are expected to perform in the time limits specified.
- The committees must convene meetings, assign tasks, and develop alternative solutions.
- The board must review committee minutes and reports, including minority positions held by members of the committee.
- The board must evaluate the alternatives proposed by committees.
- The board must seek appropriate professional services, including engineering, legal, and reserve study professionals as necessary or recommended by the committees.
- The board must arrive at a final decision as to the best alternative(s).
- The board must then allow members to vote on a proposed course of action to fund the project. If a course of action is approved and funding procured,
- The board must prepare an RFP to secure bids with professional assistance.
- The board must select a competent contractor to complete the work and enter into a contract, reviewed by our legal counsel, that is in the best interests of the Club.
- The board must monitor the progress of the pool project and ensure that sufficient payments are withheld until the contract has been completed.
- The board must approve the final work with the assistance of appropriate professional consultants and ensure that we have adequate warranties for the equipment and workmanship. Afterwards, we can open the pool for business again.

The reserve study should provide us with a good indication of what dues and assessments we must set aside on a regular basis to maintain our assets and continue to operate without having to repeat this dilemma. If people can get past their personal differences, I think our chances of success will improve. I do not think the directors intend to take premature action or allow anyone to make that decision on our behalf. We have a right to hire professional firms or individuals to do analysis for us that the directors believe are in the best interests of the Club. No one else has a right to make these decisions or take these actions without authorization from the Board of Directors. No one else is held responsible if we fail.

**PLEASE PROVIDE A REASON AND THE PURPOSE FOR WHICH YOU INTEND TO USE THE RETURN ENVELOPE AND THE LIST OF MEMBERS WHO ATTENDED THE ANNUAL MEETING THAT YOU REQUEST TO INSPECT?**

I do not think that RCW 29.03 includes return envelopes or documents in progress that have not been approved, such as the minutes. The list of members in attendance at the annual meeting are part of the minutes. We will not include unlawful entries on that list. The information that you requested is not included in the list of records in the RCW that ACBC is required to make available to members for

inspectin, so I would presume that they may fall into the category of improper.

None-the-less, you must have a proper reason for inspecting all records, with the exceptin of completed bylaws and articles of incorpoiration. You are not allowed to use any lists of members names and addresses you obtain through inspection for any purposse, nor are you allowed to sell that list. The information is not you property but belongs to the Club, just like Microsoft Windows is not you property; you buy a license instead, and are required to abide by the restrictions Microsoft places upon it's use.

The board of directors has a right and a fiduciary duty to determine what is in the best interests of the Club, even when it disregards legal counsel, costs tens of thousands of dollars, increases our insurance costs, and is contrary to State law, just like some directors on the 2010-2011 board did when defying attorney recommendations not to pursue the homeowners association suit in court. I do not believe that the actions you are taking now are in the best interests of the Club. I am confident that the current board is resolved not to make the same mistakes that past boards have made, if we can help it. Odds are, we probably will make some of the same mistakes. Improving our recordkeeping and awareness of history is our best hope of improving performance. To do this, I think that this board should develop a training program for all prospective candidates who run for director that can be passed down and continued by future boards.

The writer of the letter about which you are inquiring made it clear with the phrase, " . . . I certainly do not want to interface with Gwyn Staton . . . " that communication from you was not desireable. The writer also stated that you " . . . spoke against the board . . . " I do not think that speaking against the board is helpful in gathering contributions on behalf of ACBC, nor does it encourage me, a member of the Board, to vote to authorize you to take part in any activities on behalf of the Board of Directors. Of anyway. course, I don't have that kind of authority

I have no authority to add or remove your from any committee. You still have a right to continue to speak out against the board, but not the right to speak on their behalf. The writer of the letter about which you inquired offered to donate directly to the Club and would not hand anything over to you or Dustin. I have no idea who this person is. Two copies were mailed to us, one through our prior registered agent, telling me that they did not check the Secretary of State site to determine the correct registered agent. For all I know, it could be a hoax or an attempt to remain anonymous to avoid harrassment. It was a venting letter, and we get those kinds of things from time to time, even writtens a notes on bills or ballots.

Until the Board grants you authority to raise funds on behalf of ACBC, I would recommend that you not do it. The board has a right to disavow amembers actions, to prohibit a member from taking any actions on behalf of ACBC without the Board's permission, and to take legal action to stop a member from representing himself as an agent for the Club when they are not.

I have a copy of the fake ballots that were represented to members as lawful ballots of Admirals Cove Beach Club (ACBC) and asking that the ballots and contributions be sent to Bob Wilbur's address for the ACBC pool. Many of them were bound together with a petition that many people have already stated they had never seen nor authorized their name to be attached to, including a sworn deputy who referred to it as fraud.

If you or any of your partners in this endeavor have collected money or pledges, please mail them to ACBC, PO Box 366, Coupeville, WA 98239-0366. If anyone asks where they can send donations,

please give them that address.

At this point in time, only officers of the Club have authority to act as agents for ACBC. Neither you, Dustin, nor Bob Wilbur are authorized agents of ACBC, but you could become agents if the majority of the board of directors trusted you to conduct yourselves in a manner that best serves the interests of the Club. I have only one vote, and even that vote is not steadfastly for or against you. I need some evidence that you have something to offer, other than insults, character assassination, and mischaracterization of other's motives. I am not saying you don't have a right to continue those behaviors, but if you want to sway the opinion of a rational person, I believe it will require facts, supporting evidence, and reasoned arguments. I am an open-minded individual who is open to hearing any and all relevant information that may help me make a decision.

Thank you,

Dan

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Subject: Fwd: Dan last response

From: [karenschaak@gmail.com](mailto:karenschaak@gmail.com)

Date: Sun, 18 Nov 2012 19:50:06 -0800

To: [rapeetz@gmail.com](mailto:rapeetz@gmail.com); [suzypalmer1@me.com](mailto:suzypalmer1@me.com); [whshed@live.com](mailto:whshed@live.com); [jean\\_salls2000@yahoo.com](mailto:jean_salls2000@yahoo.com); [dan\\_serv@hotmail.com](mailto:dan_serv@hotmail.com); [hermitanamaria@gmail.com](mailto:hermitanamaria@gmail.com)

Ccing all

Sent from my iPad

Begin forwarded message:

**From:** Gwyn Staton <[gwynstaton1@msn.com](mailto:gwynstaton1@msn.com)>

**Date:** November 18, 2012 7:47:18 PM PST

**To:** <[dan\\_serv@hotmail.com](mailto:dan_serv@hotmail.com)>, "[karenschaak@gmail.com](mailto:karenschaak@gmail.com) (Google Docs)" <[karenschaak@gmail.com](mailto:karenschaak@gmail.com)>, Maria Chamberlain <[mastiamariasnow@live.com](mailto:mastiamariasnow@live.com)>, "[jean\\_salls2000@yahoo.com](mailto:jean_salls2000@yahoo.com)" <[jean\\_salls2000@yahoo.com](mailto:jean_salls2000@yahoo.com)>

**Subject:** Dan last response

Dustin asked for the lists to solicit donations and/or discuss support for the pool. **This request violates RCW 24.03 and our bylaws. Dustin is not authorized to solicit funds on behalf of the Club and is not entitled to a list for that purpose. Both proper purposes. Those are proper purposes and uses by the Club as determined by the Board of Directors, not by**

members asking to inspect the records.

He has been approved to do fundraising. By whom? This board did not appoint anyone to conduct fundraising. Duties assigned to directors or officers do not continue after they no longer hold that office. For instance, if Jean had not been re-elected, she would not continue to be the president indefinitely just because the prior board chose her as president earlier in the year. Dustin has been assigned no tasks by this board.

You know no one has received money and of course no one will as it is not our function.

How can I know who has received what? Dustin publicly stated on the record to a reporter who published his statement in the local newspaper that he had collected \$13,000 in contributions. Did he or did he not? Should I presume that he was truthful when he said that he had collect \$13,000 or that he was truthful when he said he had collected \$3,000, or truthful when he said he had no contributions? My next question is this; are you trying to prevent donations from being made to the Club for the pool project? The fake OFFICIAL BALLOT encouraged members to send donations to Bob Wilbur's address rather than Admiral's Cove Beach Club, PO Box 366, Coupeville, WA 98239-0366. What am I to believe? I can give people the benefit of the doubt, but with things like this to consider, how can I determine their character or trustworthiness.

We are not buffoons, Dan; we can certainly discuss pool options and funding options amongst everyone. Why would I think you were buffoons? You of course may discuss whatever you want with anyone you want.

However, you are prohibited by RCW 24.03.135 from using a membership list obtained by inspection for that purpose.

You have no right to represent yourself as an authorized agent or put in writing a request that the donations be sent to Bob Wilbur's address, like the fake OFFICIAL BALLOT recommended.

If it turns out that you are appointed and accept the responsibilities as a committee member, you have a duty to respect and abide by directions given by the Board of Directors or to carry out assignments by the chair.

Or do you want to abridge our right to free speech in addition to everything else you seek to abridge?? Does freedom of speech allow you to represent yourself as an authorized agent of the club with authority to solicit contributions, donations, or to collect past due accounts? Everything is permissible, but not everything is beneficial. Everyone has the freedom to make bad decisions, commit crimes, abuse others, impose their will, etc., but there may be consequences for both the recipient and the perpetrator.

The first amendment begins with the words "Congress shall pass no law . . . ". Newspapers can edit at will or refuse to print anything they choose. Television companies can restrict what their employees say or the content of what they put on the air.

ACBC can restrict what committees do and regulate how appointed persons are allowed to represent the policies of the Club. For instance, you have no right to promise a donor free swimming for life if the person contributes \$1,000, or represent that they will receive a reduction in dues or assessments by making a donation. You are not permitted to make promises or threats not approved by the Club. You are not permitted to instruct potential donors not to donate unless the directors make a particular decision. You are not allowed to contact members in an attempt to make them pay past due dues without authority from the Board to do so.

I want the annual meeting list and the return envelope that I have requested and to which I am entitled. Why? I believe that I have a duty to ask that question, whether or not anyone else cares. See RCW 24.03.135 and our bylaws. You are not entitled to that information. Here is the list provided in RCW 24.03.135 that are proper to give to or allow members to inspect:

- (1) Current articles and bylaws;
- (2) A list of members, including names, addresses, and classes of membership, if any;
- (3) Correct and adequate statements of accounts and finances;
- (4) A list of officers' and directors' names and addresses;
- (5) Minutes of the proceedings of the members, if any, the board, and any minutes which may be maintained by committees of the board..

A membership list is to be produced without any "explanation". According to RCW 24.03.135 and our bylaws, that statement cannot be supported by the rules and laws under which we operate.

The bylaws use the phrase " . . . **for any proper purpose** . . . " with regard to requests by members to inspect the records.

The RCW states, " . . . Any such member **must have a purpose** for inspection reasonably related to membership interests. **Use or sale of members' lists** by such member if obtained by inspection **is prohibited**. . . . "

You are not permitted to decide what is a proper purpose; the point is the list can always be used for club purposes, which is a proper purpose, and that is the purpose for which it was requested. According to the fiduciary duties outlined for non-profit corporations issued by the Secretary of State, this statement cannot be supported. Club purposes are always determined by the Board of Directors. If the law says that a member " . . . **must have a purpose** for inspection reasonably related to membership interests. . . . ," who do you think makes that determination?

It is a right of a member to have other members' names and addresses. See RCW 24.03.135. The RCW states, " . . . Any such member **must have a purpose** for inspection reasonably related to membership interests. **Use or sale of members' lists** by such member if obtained by inspection **is prohibited**. . . . "

It cannot be used for illegal solicitation and will not be; it will be used, if used, to discuss club business amongst members; a proper purpose. RCW 24.03.135 says that you may not USE or SELL the list of members IF OBTAINED BY INSPECTION. According to RCW 24.03.135, a member is prohibited from USING a membership list obtained by inspection. The Corporation has no duty to provide copies of any record, except bylaws and articles of incorporation per RCW 24.03.135 and our bylaws, only allow the records of the Club to be inspected, and makes no mention of an obligation to provide copies of any other record.

A proper purpose is to file suit and Roger was given access for that purpose and he did not have to identify his reason, to solicit people to join his lawsuit, but that is NOT my purpose. Subpoenas, discovery, and courts of law are a different matter. RCW 24.03.135 makes allowances for an order from superior court to have an independent person inspect the records at the cost of the member requesting the inspection.

It appears as though the directors have a right and a duty to make decisions, even when those decisions contradict the advice of their own attorneys, like the 2010-2011 ACBC board did and lost even when you provided your professional assistance. to impose a homeowners association upon the members.

I am trying to avoid confrontation at all costs, so please let us not have unnecessary issues. Gwyn, you have been confrontational. In one paragraph you tell me you do not intend to sue and in another tell me that you are going to sue me personally and that I can't afford it.

No more emails please. Karen, please just call Bob when you have the information and email me, and provide Dustin the lists he requested from the meetings. Thank you! The law prohibits a member from USING or SELLING a membership list that they GET FROM INSPECTION of the records. ACBC has no obligation to send anyone a copy of the membership list. RCW 24.03.135 even allows the superior court to "inspect" the records, not copy them.

RCW 24.03.135 states, "The superior court of the corporation's or such member's residence may order inspection and may appoint independent inspectors. Such member shall pay inspection costs unless the court orders otherwise."

Use of that list, who may use it, and for what purpose is strictly the prerogative of the Club as determined by the Board of Directors. The Board can provide that list with instructions to committees, employees, directors or officers as to how they should be used. I have made sufficient record of proper requests as has Dustin, so I am done responding. Thank you, I hope that no records are released until the board has discussed the matter. Calling a request proper does not make it so. State law allows you to inspect a list of members and their addresses, but it prohibits a member who obtained the list from inspection from using it or selling it.

You can produce, or pay my attorney's fees personally. Thank you, Gwyn. I thought you were not going to sue. Did you pay Roger Close's attorney when he proved in court that ACBC was not and never had been a homeowners association, because you had worked on the case to force us to become a homeowners association, going so far as to criticize the attorney who represented the Board of Directors for losing the case?

Dan, you can't file for bankruptcy to discharge payment of the attorney's fees, and they will be thousands, so why do you want to haggle over nothing and create animosity? First, your statement is not factual.

Second, how much did you pay Roger Close's attorney when you lost in your bid to force the members to acquiesce to your attempts to make us a homeowners association? Didn't you even criticize our counsel for not knowing what he was doing and failing to take your advice? I'm not saying that because you did wrong I can do wrong, because you had a right to make an erroneous decision. Release of records for inspection is not a decision made by any individual, even though particular officers are assigned the duty of maintaining and releasing official records. They are subject to the decisions of the Board.

Third, please explain to me the logic of your statement and how you feel it bolsters your position? Do you propose to shame me or scare me into accepting a position that facts and reason tells me or others has little or no merit? Do you believe that your criticism of me personally makes your conclusions true or mine false?

Fourth, do you believe that your approach creates peace and that peace or animus has any influence on truth or the correct or most efficacious way to fund the rehabilitation of our pool? You are welcomed to be stubborn, unrelenting, contentious, onery, beligerent, a

bully, or display any other character trait you want. It will not change truth into lies, make good ideas bad, or fix our broken pool. We need to be able to sell every decision to the membership. If we are not able to do that, all the name-calling and character assassination will have been for naught, don't you agree?

Be with family and enjoy Thanksgiving and quit debating. Thank you for the sentiment. I thank God every day, so every day is thanksgiving for me, and I hope that you enjoy the Thanksgiving Day holiday as well.

I know how much you love it, but it is time to stop trying to inflame and make illogical points; it is not worth it. I do not consider myself or my opinions to be illogical. I always attempt to avoid logical fallacies. Your statement intending to discredit my arguments by alluding to my motive of loving arguments or that I am attempting to inflame and make illogical points are themselves logical fallacies.

First, you do not know what I love. You can only surmise. Why tell me what I love? Are you using that device in your argument hoping to sway others to whom you sent this message?

Second, how does what I love affect the truth of what I say?

Third, how does my motive make my conclusions false? If my motives were the very worst they could possibly be, but my facts are accurate, my arguments sound, and my conclusions are reasonable representing the best available alternative, should we accept an inferior idea or one that costs more, has a high probability of failure, or fails to meet our needs because of my motives? What if my motive is to gain praise, or to be able to say "I told you so." What if my motive was to make someone else's idea look inferior? While I do not subscribe to that kind of behavior, it does not, by itself, invalidate truth or reason. It makes the person rather than the idea suspect. That is self-defeating.

I do not plan to support conduct that, in my opinion, is detrimental to our goals, is premature, ignores the intent of the member as expressed by a resolution, violates the law as I understand it, or ignores protections built into our bylaws. I am leery of accepting arguments based upon a logical fallacy such as ad hominem attacks, ad ignorantiam arguments, arguments that beg the question, false analogies, inconsistent arguments, non sequitur arguments, reliance on false premises, appeals to false authority, tu quoque arguments, creation of a straw man, red herring arguments, moving the goalposts, or any number of other logical fallacies.

Just because your argument is illogical, however, assuming the conclusion is faulty is itself a logical fallacy. Although your approach may be illogical, until I have sufficient evidence, I will not rule out your ideas or conclusions as an alternative, because, you may just be lucky. At this time, I prefer not to rely on intuition or submit to undue pressure to act on a demand that I take action that is not supported by facts or reason.

PS. There was no fake ballot and request for donations. The FBI has a bunch of these fake ballots called "OFFICIAL BALLOT" requesting that donations be sent to Bob Wilbur's address. Members who were worried about what you were doing actually forwarded emails they had received with all the meta data attached.

When I showed a copy to our bank, they were alarmed and considered the fake ballot to be

an attempt at identity theft . They suggested I contact the the sheriff's office and the Postmaster Inspector General.

Many of these fake ballots were attached to a petition that signers I have contacted claimed to have never seen or agreed to have their names attached to. That petition demanded that the directors violate the law or suffer the consequence of being "taken out." Oddly, two of our directors opened their mail and found death threats that very evening. That case took precedence over what appeared to be an attempt to divert contributions away from the Club to Bob Wilbur's address.

I have a tendency to be a trusting person, and do not want to believe that anyone I have met has an intention to do wrong. Perhaps it was just a badly worded sentence, but I was not the only one who thought it read like an attempt to divert funds away from the Club. I will let the evidence speak for itself.

Please, I am a professional and do not appreciate the aspersions you cast. I do not intend to cast any aspersions on anyone. The facts can speak for themselves. I do not know your motives, so I make an effort not to presume to know or understand them. Your motives are irrelevant to me, as long as your ideas are reasonable, your facts are solid, your arguments logical, and your ideas appear to have a good chance of success; I just don't think your ideas meet those criteria.

I disagree with your actions, your approach, your threats, your use of personal attacks, your characterization of the motives of others, your attempt to discredit others rather than considering the merits of their arguments, ideas, or facts. I do not expect anyone to be correct or always do the right thing; that's very difficult for anyone.

I can be fooled, uninformed, negligent, or ignorant just like anyone else, professional or not. I hope that we both want to proceed with this project and find a beneficial and workable solution to the pool funding dilemma. It does not matter to me whether you do or not, because, the decision will not ultimately rest with you. or me It could be influenced by you in a positive way if you at least made an attempt to consider the input of other people, instead of looking to discredit the person's motives or character or play upon fear. I consider your ideas to be on the reckless side and poorly supported by the facts, since you have not provided any facts. It is my opinion that your approach to this dilemma has a high probability of resulting in failure.

I get conflicting messages from you and Dustin. Why tell the local newspaper that he had collected \$13,000 in contributions, tell our President he had \$3,000, and then finally tell us all he had nothing at all. How am I supposed to react to that?

When you order me to get a loan for the Club because it's my duty, do you think I should consider that to be a credible idea? When you insist that the board is rushing the pool assessment in September; in October promote a resolution at the annual meeting to wait until February of 2013 to find the best solution, and in November submit that time is of the essence, and the board is taking too long, how can anyone see that as a consistent, rational, or reasoned approach to solving this problem?

One of the things you may not understand or be aware of is that virtually all banks require an organization like ours to have a reserve study by a professional firm or reserve study



professional, who has had the facility physically inspected by a professional engineer and has determined appropriate deposits necessary to maintain our assets before any loan of the magnitude we will need will be granted.

I have also discovered possible options that no one else seems to have realized existed, but you regularly show no willingness to consider anyone else's ideas and resort to ad hominem attacks and question their motives instead. You may not realize that your comments demonstrate contempt for the board's decisions, character, professionalism, and intelligence. Your comments are often unnecessarily condescending and regularly resort to threats or mischaracterization of the motives of others instead of relying on the research of the facts.

For all I know, you may have the purest of motives or abhorrent motives, but without evidence to support your proposals, I cannot evaluate their merits. When it comes down to the final decision, I will have one of seven votes. I will make my decision based upon the facts and arguments that have the greatest probability of success, place the lightest burden upon the members, and adequately covers our needs. The membership will then be the final deciding factor. If there is no better support for the proposal we send to the members than you have so far produced, I see little prospect that we can expect a favorable vote to fund the pool rehabilitation project. It must be sold with solid, reliable, and verifiable facts and sound arguments to succeed.

Find something better to do with your free time as I do not have time to waste responding to you. I think I have been the one responding to you. I cannot keep up with the volume of emails you generate. Good night.

The final decision, as we both know, will be determined by the vote of the members. We cannot succeed without their support. The members watch for irrational or risky, poorly developed plans. They are always wary of not being told the whole truth. The plan submitted for their approval must make sense and not appear to be whimsical. I think they want professional, conservative, and affordable solutions. I ask that you weigh what outcome is more important to you, fostering mistrust and seeking to denigrate the reputation of board members, or to get our pool fixed. If they do not trust the board, history has demonstrated that they will not vote for the proposal.

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From: [dan\\_serv@hotmail.com](mailto:dan_serv@hotmail.com)

To: [gwynstaton1@msn.com](mailto:gwynstaton1@msn.com); [karenshaak@gmail.com](mailto:karenshaak@gmail.com); [mastiamariasnow@live.com](mailto:mastiamariasnow@live.com);  
[jean\\_salls2000@yahoo.com](mailto:jean_salls2000@yahoo.com)

Subject: RE: The list of members is the list of shareholders

Date: Sun, 18 Nov 2012 18:18:55 -0800

Gwyn,

Thank you for your explanation. The purpose you cited is not appropriate or proper. It is my opinion that it would be in the best interests of the Club to deny your request, since it is not a legitimate interest for you to pursue as a member. Your actions in this regard would violate our internal control policies. What are you telling people or planning to tell them?

Continuing to solicit without any approval from the board or having any legal authority to act on behalf of or to bind the corporation is unlawful. I suggest that you don't do it, and if you already started, stop immediately. The same would apply to Dustin or Bob Wilbur. It is not authorized or lawful.

Using names of our members to collect money from them on behalf of or in the name of our corporation, without having the authority to do so is an improper purpose. You cannot force the board to give you authority to solicit or collect overdue dues on our behalf. Do not do it any more.

Please turn over any donations or pledges you have solicited, received, or collected to the Secretary immediately, the appropriate officer to receive them, by mailing them to PO Box 366, Coupeville, WA, 98239-0366.

The board only has authority to approve a plan to collect money on its behalf, to monitor the representations made on its behalf for the solicitation of funds, to assign firms or individuals to assist in the program, and to collect all money and pledges first hand. No one has been approved to conduct this kind of activity by this board.

Collecting and receiving money is function of the secretary who has authority to act on behalf of the corporation and this kind of activity must be conducted under the authority of that office but only as approved by the board of directors. This board has not approved this activity for you or Dustin. Please stop and turn in what you have.

If you have an idea for a plan and appropriate documentation and a canned message to present to people, you may submit it for our consideration. Again, please stop. It is not lawful to carry on a fundraising program on behalf of ACBC without our knowledge or approval. We have no idea what you are planning to say, do, or present to people to get these donations, and to avoid risk, we cannot not approve it blindly.

The fake ballot also asked people to send donations to Bob Wilbur. If you, he, or Dustin have collected any money, opened an account in the name of Admiral's Cove Beach Club, deposited any money in any account that was solicited and collected on our behalf, or

spent any money you have received using our name or acronym, it is a crime . . . more than one crime in fact. Neither you, Bob Wilbur, or Dustin Frederick have been giving any permission to use the name of the club or it's acronym (ACBC) to solicit money, pledges, donations, overdue dues, or assessments, from anyone.

This activity poses a serious legal liability for our corporation.

Thanks,

Dan'l

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From: [gwynstaton1@msn.com](mailto:gwynstaton1@msn.com)

To: [dan\\_serv@hotmail.com](mailto:dan_serv@hotmail.com); [karenshaak@gmail.com](mailto:karenshaak@gmail.com); [mastiamariasnow@live.com](mailto:mastiamariasnow@live.com); [jean\\_salls2000@yahoo.com](mailto:jean_salls2000@yahoo.com)

Subject: RE: The list of members is the list of shareholders

Date: Sun, 18 Nov 2012 17:20:44 -0800

Dan, I did state why we requested the pool lists, to get donations and/or discuss support/ideas for the pool. It is in original requests weeks ago. I am not going to respond further; Karen please just call Bob when you have the several pieces of paper for review, and send them electronically to me, Dustin and Bob. I am out of internet range here. Below was simply a copy of email sent to Bob to show you have to produce the list of members, and if the member requests, electronically also (provided to Bob in another email).

Gwyn Staton  
7506 34th Ave NW  
Seattle, Wa. 98117  
206-784-6044

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From: [dan\\_serv@hotmail.com](mailto:dan_serv@hotmail.com)

To: [gwynstaton1@msn.com](mailto:gwynstaton1@msn.com); [karenshaak@gmail.com](mailto:karenshaak@gmail.com); [mastiamariasnow@live.com](mailto:mastiamariasnow@live.com); [jean\\_salls2000@yahoo.com](mailto:jean_salls2000@yahoo.com)

Subject: RE: The list of members is the list of shareholders

Date: Sun, 18 Nov 2012 17:12:45 -0800

Gwyn,

I'm not going to argue nonsense anymore.

If you want to see records, please state what you want to inspect and why you want to inspect them. That is required by RCW 24.03.

Dan'l

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From: [gwynstaton1@msn.com](mailto:gwynstaton1@msn.com)  
 To: [dan\\_serv@hotmail.com](mailto:dan_serv@hotmail.com); [karenshaak@gmail.com](mailto:karenshaak@gmail.com); [mastiamariasnow@live.com](mailto:mastiamariasnow@live.com);  
[jean\\_salls2000@yahoo.com](mailto:jean_salls2000@yahoo.com)  
 Subject: FW: The list of members is the list of shareholders  
 Date: Sun, 18 Nov 2012 17:02:23 -0800

From: [gwynstaton1@msn.com](mailto:gwynstaton1@msn.com)  
 To: [rapeetz@gmail.com](mailto:rapeetz@gmail.com)  
 Subject: The list of members is the list of shareholders  
 Date: Thu, 15 Nov 2012 22:02:22 -0800

We are a corporation first, and then a non-profit corporation, a subset, and as Dan said we actually lost our non-profit status for years (that's why Jean said she did not pay dues for at least three years) and we filed as a C corp for awhile since we filed 1120 tax returns, so we are subject to all these production rights. We will get attorney's fees for compelling the Club to cooperate so wouldn't it be better just to comply with the law?

Gwyn Staton

### **23B.16.020**

#### **Inspection of records by shareholders.**

(1) A shareholder of a corporation is entitled to inspect and copy, during regular business hours at the corporation's principal office, any of the records of the corporation described in RCW [23B.16.010](#)(5) if the shareholder gives the corporation notice of the shareholder's demand at least five business days before the date on which the shareholder wishes to inspect and copy.

(2) A shareholder of a corporation is entitled to inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation if the shareholder meets the requirements of subsection (3) of this section and gives the corporation notice of the shareholder's demand at least five business days before the date on which the shareholder wishes to inspect and copy:

(a) Excerpts from minutes of any meeting of the board of directors, or of any meeting of

a committee of the board of directors while exercising the authority of the board of directors, minutes of any meeting of the shareholders, and records of corporate actions approved by the shareholders or board of directors or a committee thereof without a meeting, to the extent not subject to inspection under subsection (1) of this section;

(b) Accounting records of the corporation; and

(c) The record of shareholders. (IE MEMBERS)

etc.....

7506 34th Ave NW  
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