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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF ISLAND

ROBOERT WILBUR and DUSTIN
FREDERICK,

Plaintiffs,

v.

ADMIRAL'S COVE BEACH CLUB, a
Washington non-profit corporation; and JEAN
SALLS, MARIA CHAMBERLAIN, KAREN
SHAAK, ROBERT PEETZ, ELSA PALMER,
ED DELAHANTY AND DAN JONES,
individuals,

Defendants.

Case No.: 13-2-00741-4

DECLARATION OF
ROBERT PEETZ

SUE CORLISS,

Intervenor,

v.

DUSTIN FREDRICK, ROBERT WILBUR,
ADMIRAL'S COVER BEACH CLUB, a
Washington non-profit corporation, and its
BOARD OF DIRECTORS.

Defendants.

My name is Robert Peetz and I am over the age of 18 and make this
declaration based on my own personal knowledge.

- 1 1. I moved into Admirals Cove on December 1, 2010 and am an Active
2 Member in Good Standing of Admiral's Cove Beach Club (ACBC) and
3 served on the Beach Club's Board of Directors in 2012 and 2013.
- 4 2. Ever since I became a resident of Admiral's Cove I have observed
5 arguments and extreme animosity about the swimming pool.
- 6 3. I was not aware of nor did I move into Admirals Cove for use of the pool; I
7 was not aware of the Admiral's Cove Homeowner Association or Beach Club
8 when I bought my home in October 2010.
- 9 4. My wife and I live on a fixed income and moved to Admirals Cove because
10 our house was affordable and had the views of the Puget Sound that we
11 desired. Paying an assessment to rehabilitate the pool would cause extreme
12 financial hardship. A payment plan based on my income would require
13 many years of payments which does not seem to be a viable option for me.
- 14 5. In 2013, an architect, mechanical engineer and an electrical engineer did a
15 study and evaluation of the pool building to identify what was needed to
16 bring the facility into compliance with local, state and federal building, fire
17 and safety codes. Pool contractors were also engaged to assess and evaluate
18 what was needed to repair, update and bring the pool into compliance with
19 all current federal, state and county requirements including ADA. The
20 professional opinions of these experts made the entire community aware of
21 the many health, safety and legal shortcomings of the pool and pool
22 building.
- 23 6. To meet current standards the dilapidated pool building requires roof
24 replacement to correct improper sloping and deteriorating or missing
25 flashing; the building walls are dry rotted and weatherworn; doors and
26 entry areas are not ADA compliant and present trip hazards; restroom
27 toilets and showers are not ADA compliant; water heater is wrong size for
28 the number of showers; the emergency eye wash is defective, has missing

1 parts and does not meet safety standards; access to the electrical panel in
2 the office is obstructed and the circuit breakers are rated too high for the
3 wire size being protected. Estimated building renovation cost projection was
4 over \$345,000; building replacement estimate was over \$667,000.

5 7. The pool is not in compliance with the Virginia Graeme Baker Act and
6 requires modernization of the main drain system including adding a second
7 unblock able safety vacuum release drain before it meets the requirements
8 of the Act.

9 8. The pool does not meet other safety, health and statutory requirements for
10 water flow, filtration and chemical treatment requirements. Estimated
11 costs to bring the pool into compliance with all requirements were over
12 \$265,000.

13 9. In 2011 and 2012 approximately 100 people used the pool during the 75 day
14 (approximate) swim season. Over \$9000 was spent to open the pool in 2012.
15 The pool was not open in 2013 due to a defective pool heater and non-
16 working safety drain. In 2014 the pool was opened for twenty days and used
17 by about 40 people a day. Opening the pool cost \$5000 to \$7000 (accurate
18 figures not available) and generated \$1920 of revenue.

19 10. Along with a majority of ACBC members, I voted No in 2013 to rehabilitate
20 the pool and willingly paid an assessment for its removal.

21 11. The Board has discussed in multiple board meetings the need to increase
22 the dues significantly to maintain the pool. The Board over-ruled a member
23 vote to keep the dues the same for 2014 to collect more money for the pool.
24 I believe this is against the bylaws and discourages me from voting if the
25 Board can overrule my vote. I do not want the pool and cannot afford to
26 support this effort.

27 12. My wife Mai and I are extremely unhappy about the operations of ACBC.
28 The Board continues to ignore the membership's previous votes not to

1 repair the pool and last year's vote to decommission the pool and continues
2 with its own agenda.

3 13. I oppose Robert Wilbur's request for Summary Judgment to grant a
4 permanent injunction to require the Club to retain an unsafe, unhealthy,
5 dangerous, dilapidated, expensive, money-losing swimming pool forever. I
6 oppose Robert Wilbur's request to enable the Board of Directors to assess
7 the community for rehabilitation and maintenance of the pool without vote
8 of the membership.

9
10 I declare under penalty of perjury under the laws of the State of Washington
11 that the foregoing is true and correct.

12
13 Done on this day - Saturday, November 1, 2014, at Coupeville, Washington

14 Robert Peetz
15 Print Name

16
17 

18 Signature