

Jean R Salls
1262 Admirals Drive
Coupeville, WA 98239
Home: 360 678-4129
Cell: 360 969-3443

The Honorable Alan R Hancock
Island County Superior Court
PO Box 5000
Main Street
Coupeville, WA 98239

Dear Judge Hancock:

I can remain silent no longer on case No. 13-2-00741-4 between Dustin Frederick and Robert Wilbur, Plaintiffs, and Admirals Cove Beach Club and Jean Salls, Maria Chamberlain, Karen Shaak, Robert Peetz, Elsa Palmer Ed Delahanty and Dan Jones, individuals, Defendants.

As you may be aware Dustin Frederick is no longer a Plaintiff but instead is now a Defendant controlling the Board of Directors. My understanding is that the Board is currently negotiating with Robert Wilbur to settle the case without anyone to represent the majority of members who voted to fill the pool. The board continually says that as a result of your recent ruling and the governing documents the pool must be maintained and funded in perpetuity, I don't believe either you or the documents claim this is the case without hearing arguments on both positions. Justice would not be served if this is allowed to happen with the Court's blessing, and legal actions would continue in efforts to stop the misleading information provided the Court with the initial filing.

I have reviewed the information provided the Court by the Plaintiffs and Ms. Staton. You were not provided with a copy of the Articles of Incorporation that clearly allow the Board to dispose of assets, Article V, Section 5. **(Exhibit 1)** They (represented by Criston Skinner) have maintained that the Board acted ultra vires in pursuing the will of the membership as determined by the motion they presented to you with the original filing. You will note that the declaration of Wilbur presents his version of the motion that was not approved by the Membership. **(Exhibit 2)** The only true copy of the motion exists in the official minutes of the October 2012 Annual Meeting and was available to both plaintiffs when filing. **(Exhibit 3)** In fact information was mailed with the ballot indicating a second ballot would be mailed to determine funding choices if members voted to refurbish the pool as required by the October 2012 motion. **(Exhibit 4)**

The defendants, represented by Criston Skinner, also claimed that no information was made available to the community about the costs of renovation or filling the pool. In fact community meetings were held to explain and offer copies of the expert's findings regarding necessary repairs to both the pool and the pool building. **(Exhibit 5 & Exhibit 6)** Members were offered copies of the extensive studies of the work required to bring the pool into compliance with Washington State Law and ADA. All documentation was posted on the Club's website and members were directed to that site if they had computer access. No information was withheld at any time in the process.

Charges that the Board created a deceptive and misleading ballot for submission to the general membership are simply not true. The Court was not told about the information attached to the ballot explaining the result of a yes or no choice. Because votes on assessments to repair the pool have failed repeatedly, regardless of the amount requested, pool advocates and pool opponents both spoke passionately at the October 2012 Annual Meeting demanding that any ballot on the pool's future present a clear choice to either repair or permanently close the pool. Too many times, assessments have failed and the result has been operating a pool that does not meet State of Washington RCW 246-260-141 requirements.

Faced with the membership's vote to remove the pool and the approaching time limit imposed by RCW 246-260-141, the Board in a 5-2 decision voted to fill the pool. **(Exhibit 7)** The choices were whether to cover the pool with a custom made cover by a manufacturer quoting a \$15,000 cost and ongoing maintenance costs for chemical treatment and staff to monitor the water, or filling the pool. Filling the pool seemed the responsible course of action. Neither covering nor filling is a permanent solution for a pool not in use. An assessment of bids to ultimately remove the pool as well as Island County permitting costs (estimated by the Island County Planning Department) resulted in the assessment amount. The Temporary Restraining Order signed by Judge Churchill forced non-compliance with State law.

Six community meetings, beginning in the Fall of 2012, were held to provide information and to give members an opportunity to ask questions and make comments. Member's comments were posted on the website for all to read. When the Board attempted to mail a ballot in September 2012, death threats were sent to two Board Members. **(Exhibit 8)** Evidence was ultimately turned over to the FBI without investigation by the local Sherriff's Department because they were racist in content.

Your Findings of Fact, Conclusions of Law and Order granting the Plaintiffs a Temporary Injunction have been, and are repeatedly, misrepresented to the membership. The pool, which is unsafe and not ADA compliant was opened for two weeks this summer at great cost because the Board claims that you ordered this opening.

They further claim repeatedly that your Findings granting a Temporary Injunction were in fact permanent and order the refurbishment of the pool despite the vote of the membership.

The ballot process submitted to the members was exactly the same as Mr. Frederick, as President of ACBC, had used many times in the past and ballots were collected by a person of their choosing and held for the official count. No signed ballot has ever been used in the history of the club (until yesterday) and no requirement for any super-majority was ever demanded for any issue coming before the membership except proposed changes to the Articles of Incorporation. Chances for fraud were minimal as all ballots were embossed with the official Club Seal to avoid duplicate voting.

I request that the Court not close the case without an opportunity for the true facts to be presented to the Court. As you are aware, the Plaintiffs filed many motions that were heard with the attorneys being allowed fifteen minutes to respond to the current complaints. No full Court Session to examine all evidence presented was ever scheduled due to the Plaintiff's many filings charging contempt, illegal meeting date, etc. The individual defendants were dismissed and now have no further opportunity to be heard or to correct the misinformation presented to the Court.

The situation in Admirals Cove has reached crisis proportions with a second death threat mailed in November 2013. No investigation has ever been conducted to determine who made the threats and members report that they are afraid to attend meetings where tempers flare. **(Exhibit 9)**

I resigned from the Board in January 2014 because I could not participate on a Board with Dustin Frederick who was suing me. Karen, Maria and Dan were not re-elected to a second term and Bob Peetz chose not to run for re-election. As a result the individual defendants, have since been dismissed by Mr. Wilbur. The 2014 Board recently voted to pay Robert Wilbur \$10,000 insurance money and Traveler's Insurance cooperated in hopes of settling the case. All five defendants mentioned above chose to not cooperate with that decision but were powerless to stop the action of the current Board.

Sincerely,

Jean Salls

Exhibits:

1. Articles of Incorporation
2. Contested motion
3. Official Minutes of October 2012 Annual Meeting
4. Ballot and Information sheet mailed with ballot
5. Pool House refurbishment report
6. Pool refurbishment report
7. RCW 246-260-041 pertaining to pool closures
8. Death threat 2012
9. Death threat 2013