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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.

SUSAN CORLISS,

Intervenor,

v.

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

Defendants.

Case No.: 13-2-00741-4

DECLARATION OF KAREN SHAAK IN
REPLY SUPPORTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT

1. My name is Karen Shaak, I am over the age of 18 and I make this declaration based on my own personal knowledge.

2. I was Secretary of Admiral's Cove Beach Club (ACBC) Board of Directors at the time the case was filed and has since been dismissed by Plaintiff Robert Wilbur.

1 I have not been dismissed by ACBC.

2 3. I submit this declaration in opposition and correction to the declaration made
3 by Ed Delahanty on February 2, 2015.

4 4. Mr. Delahanty states that the Board of Directors are sensitive to the
5 financial hardship of an assessment on the Club membership. In his statement, Mr.
6 Delahanty does not inform the court that the current hardship exemption was voted
7 down by the directors in an open meeting. Dustin Fredericks led a discussion of
8 fairness – and all board members agreed NOT to allow a member to pay less based
9 on financial hardship. It is disingenuous for Mr. Delahanty to tell the court of the
10 board’s intention being otherwise when open dialogue at public meetings is contrary
11 to these statements.

12 5. Mr. Delahanty does not inform the court that all discussions in open
13 meetings have been to assess members without a lawful vote per the bylaws Article
14 8, Section 7. When asked by members in open forum at board meetings why the
15 board does not send an assessment to a vote of the membership, the answer
16 provided by the board is always that the membership will not vote to assess
17 themselves - the membership does not want to maintain the pool. The fact that a
18 vote for assessing payment to fund the pool has failed multiple times in the past
19 and the board will openly state the membership will not vote for the pool should be
20 enough to inform Mr. Delahanty and his board that the membership does not want
21 the pool. Forcing a pool used by 10% of the membership is not in the best interest of
22 the community.

23 6. Mr. Delahanty calls out Ms. Corliss for referring to a survey that only
24 contains responses from 10% of the members. In actuality, the number of members
25 answering the survey exceeded the average usage of the pool. Many national
26 surveys are considered valid with a lesser response rate. The actual usage of the
27 pool has consistently been 10% or less of the membership. 2011, the last full
28 summer season for the ACBC pool highlights pool usage by the membership.

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3 **2011 Pool Use Data**

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Average Pool Passes Per Day	10
Average Members Per Day	20
Average Guest Per Day	11
Average Total People per Day	31
Max Daily Passes Used	24
Max Daily Members Use	52
Max Daily Guest Use	36
Max Daily Use	79
Total Days Open	61

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13 7. Mr. Delahanty states that the 2012 members' motion to investigate pool
14 repairs is more important than the current motion to investigate alternative uses of
15 the property. This is totally subjective and there is no basis from which to evaluate
16 importance. It could easily be assumed a more current member motion for use of
17 the same land is most relevant. It does not conflict with the prior motion but rather
18 supersedes the prior motion.

19 8. Mr. Delahanty states that the club made health and safety upgrades. Yet
20 none of the issues highlighted in either Stig Carlson's evaluation of the Pool House
21 or the Hintze evaluation has been corrected. The facility is in disrepair, is unsightly
22 and unsafe.

23 9. Mr. Delahanty claims my statement of the pool being a liability is
24 unsubstantiated by evidence and false and my claim of cost being nearly a million
25 dollars is false. The cost of the pool house repair as listed on the club's website and
26 provided to the court is \$667K. The club paid Stig Carlson to provide this estimate.
27 The cost of the pool and deck repair as listed on the club's website and provided to
28 the courts is \$250k. Together, both of these costs equal the pool renovation cost in

1 2013 dollars, the sum of the two is \$917,000. Given two years of inflation since this
2 amount has been estimated my estimate of \$1,000,000 is based on fact.

3 10. As part of the 2012 member motion, the Club worked with Reserve Associates
4 to assess the value of the Club assets and provide recommendations on how the club
5 should reserve cash for the future. This estimate (again, posted on the club's own
6 website) is a professional estimate of the club's assets. On page II (Executive
7 Summary) of the attached Reserve Study, the pool and pool building are assessed to
8 have zero value and zero useful life left for either fixture. Merriam-Webster
9 defines an asset as an item of value and a liability as it's opposite – not having
10 value and considered a debt. The report by Reserve Associates informs ACBC that
11 the Club is fiscally unstable – having only a .7% reserve. Contrary to Mr.
12 Delahanty's assertions, my statement of actual value of the pool and pool building is
13 based on professional fact.

14 11. Mr. Wilbur repeatedly asserts that the dilapidated swimming pool is the only
15 recreational asset maintained by the Club for the benefits of its members. This is
16 untrue. In fact, the primary recreational asset of the club is the large waterfront
17 beach area, which is on Club land and available for enjoyment by all members. This
18 waterfront beach area is by far the most valuable and most popular recreational
19 asset owned by the Club. Additional Club recreational facilities include an open air
20 covered barbeque/party area called The Shelter, a community outdoor fire pit and
21 picnic area, a basketball court, a volleyball court, and a children's jungle
22 gym/playground area. The Club also maintains a building at the center of these
23 facilities which is used as office space for the Club and which also contains locker
24 room facilities. The pool is far from the only recreational asset of the Club and it is
25 not the most valuable such asset.

26 I declare under penalty of perjury under the laws of the State of Washington
27 that the foregoing is true and correct.

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Done on this 10th day of February, 2015, at Coupeville, Washington

Karen Shaak