

02/04/2011

To: Trailer Estates
Martha Brauer, Chair and the Trailer Estates Board

RE: Trustee Opper's abuse of power, dereliction of duty and inflicted harm

In an obvious and thinly veiled attempt to isolate and discriminate against a single club, Trustee Opper has unleashed a diatribe against the officially recognized Sunsetters Club and singled out certain members causing personal and emotional harm to their persons. The latest of these slanderous and outrageous attacks came in the form of an Official Board letter to one Judy Riedel, Club contact person. I have not seen anything in the official record approving of or authorizing Trustee Opper to use the force of her Government Office to threaten a club or individual in the club. As such, unless you can convince me otherwise, she was acting on her own and outside the sanction of the Board.

You and I have not always agreed but I do respect and appreciate your efforts to proceduralize the rules and actions in governing Trailer Estates. The reckless, unauthorized and personally harmful attacks initiated by Trustee Opper, greatly runs afoul of your efforts. Because Trustee Opper, proclaims herself to be knowledgeable of rules and laws, she is doubly guilty in her slanderous attacks. Trustee Opper is clearly demonstrating malfeasance of office and brings into question your responsibility to investigate this matter before the Board to determine if she is fit to serve. Her actions will increase attorney costs and divert this board and community into a silly and divisive debate about whether resident picnickers (i.e. taxpayers), should be able to use the park picnic facility (a common area), and potentially subject this board to further liability. As we both know, and you have stated publicly, Trustee Opper is not always factual in her assertions, and has distorted facts to suit her purposes .

Ms. Opper says in her letter of January 29, 2011 that on Friday January 28 she received phone calls from Bocce Club members regarding an "apparent intrusion" on the Pavilion. "Apparent" implies that Opper is not sure at this point that a real "intrusion" has occurred. Yet the very next day, Saturday, and with no public Board discussion, no written complaint, no investigation/hearing of any kind she begins shooting from the hip with slanderous remarks. Opper points out that Bocce has had a long standing reservation of the pavilion for years—which the Sunsetters club has been aware. However, the Sunsetters club has had a long standing reservation of the Pavilion on the same Friday for nearly three years—which Opper should be aware of since she handles these reservations. For years the two clubs have handled this in an adult manner; the Sunsetters coming in when Bocce left. In a recent board meeting, Trustee Joe Salerno, president of the Bocce Club, said the two clubs had no conflicts at the pavilion. The truth is on the Friday in question; the Bocce club were rolling up the netting and clearing tables when the Sunsetters arrived, and was amicable. Joe Salerno was walking to his car with his wife when I arrived. In fact, no one registered any complaint. This was clearly an ambush to bait the Sunsetters in and the later in a clandestine manner sucker punch them. Bocce members stayed beyond their supposed 6:00 ending time. The Sunsetters had no problem with them staying.

Opper claims that the Sunsetters Club did not schedule/reserve the pavilion. The truth is both the Tribune and the recreation/activity board (both Trustee Opper's responsibility) list the Sunsetters club at 5PM every Friday. It has been this way for nearly 3 years and that Friday was NO different. Opper should have known this. If there was a scheduling misunderstanding, it was Trustee Opper's. There was no problem until one was manufactured.

Opper states that rules were "seriously" breached. The truth is there is no rule against arriving when scheduled. Opper should know this. Opper states that this was planned...here I believe she is correct. It appears that it was planned, but not by the Sunsetters. It appears that the plan was used to create a false complaint against the Sunsetters Club to begin a process of removing resident's cards to use facilities. Why is it Trustee Opper who is vigorously pursuing this alleged incident? Where is the president of the Bocce Club, Trustee Salerno? To put it simply, Opper's claims are a non-sequitur and you as purveyor of the rules have a responsibility to protect.

A look at the bigger picture gives a glimpse into the orchestrated efforts of Opper to retaliate against some residents who have opposed some of the board's actions. Trustee Opper pushed a rule through to limit use of the pavilion to one session per month. One naturally believes that this must be due to overutilization of the area. Assuming 12 hours/day available, yields 360 hours per month. Currently **only two clubs** reserve the area on a regularly scheduled basis for a total of ~8 hours/month. So during the daylight hours the area is reserved 2.2% of the time by clubs. None of the following days are EVER reserved by clubs: Sun, Mon, Tue, Wed, Thurs, Sat and Fri Sunup till 3PM or so. Clearly there is no need to limit the current use due to overcrowding. No health or safety reason was put forth as a rationale. So the real reason must be punitive. The Sunsetters are **the ONLY club** using the pavilion on a weekly basis, and **the ONLY club affected by this new policy**. The pavilion is the only common area being changed. I do not believe this is coincidental. (See meeting recordings for the amount of time discussing PENALTIES/PUNISHMENTS vs rationale/necessity for the new pavilion policy)

Frankly, with all the real and major problems facing the board today, why are you allowing some members to get so petty as to personally attack a group of resident picnickers? Board members may threaten and intimidate, but you only cheapen your board and our community with this obvious display. Government officials must have no personal agenda but strive to protect the health, welfare and safety of ALL they govern. Picnicking by a group of seniors is not a violent or subversive activity which must be stamped out by an oppressive government. Trustee Opper must not be allowed to rule in such a capricious manner.

I request that this Board:

1. Hold another workshop to reconsider the pavilion policy just passed and to present **objective data** to the taxpayers of Trailer Estates as to the authority and necessity of the government taking over a common area, exempting it from park rules, and denying scheduled use by a recognized TE club in the middle of a busy season (accountability).
2. Make available the current policy governing the use of the pavilion.
3. Make available the proposed new policy to cover the new use of the pavilion, after March 1, 2011.
4. Make available a copy of the proposed amendment of the current rules and regulations reflecting the change in policy for the use of the pavilion (exempting it from the rules).
5. Have Trustee Opper issue a public apology to me and all of the other resident picnickers she maligned in her letter and her public statements. This apology should include her presenting factual information to replace the gossip she spread in her capacity as Trustee, representing the Board.
6. Sanction Trustee Opper in any other way the Board deems necessary if she is acting outside of her authority and harming the Board and the community.

In my opinion, Items 1-4 should have been presented at the initial workshop where the proposed policy was discussed or at the meeting when it was voted upon. How can this board make policy without facts?

Thank you,

Mary Lou Smith
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PC: Trustee Opper
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