

Topic Started by Ronald Shepard (48 Total Posts)  
Posted on Apr 06, 2021 9:05 am (1 month ago)

A letter was sent to the Board President on Thursday and per her request was submitted to the Board. Out of respect for that position and common courtesy, I agreed not to post the letter on the message board until after an executive Board meeting that was to discuss the Board's previous action of dismissing the Community Advocate. That meeting has been held and I have been informed by the President that the Board confirmed their action.

That letter with a few revisions follows.

I maintain that the Board's action was unjustified and without cause. And in retrospect, I should have posted the letter on Friday giving the Community an opportunity to hear the other side.

April 1, 2021

Open letter to SLW Community members and Board of Directors.

At the March 23rd Board meeting, the President with support of the entire Board took an unprecedented and vitriolic action and personally insulted and questioned the integrity of the Community Advocate.

Before reviewing the events leading up to the unwarranted and unsupportable failures within the office of the President it is important to understand the role that the position of the Community Advocate fills within the structure of the SLWLA.

The NC Planned Community Act states that a Board can have the ultimate authority with respect to overseeing the handling of community member compliance issues; the investigation of complaints; the determination of whether a hearing is warranted; and the handing down of verdicts that may include fines. This is only true if these duties and responsibilities have not been assigned by the Board to another entity.

The SLWLA Board relinquished these duties and responsibilities to an adjudicatory panel, Judicial Panel, as per Section 47F-3-107.1 of the NCPCA when the panel was created 17 or 18 years ago. Since then, the Judicial Panel has been operating under the authority of Article X Section 4.8 of the By-Laws of the SWLA. At that time, the position of the Community Advocate was also established to investigate and prosecute violations within the Community. In 2020, the position of Community Advocate was officially added to the By-Laws of SLWLA. Until then the Community Advocate and the Judicial Panel had acted together as the adjudicatory panel. The Judicial Panel and Community Advocate are obligated to act independently and to uphold the rights and obligations of the Community without being influenced by the Board or any other entity.

Until the Board of Directors takes back control of Community compliance, the Community Advocate has total and ultimate control and responsibility of the above listed functions. For almost twenty years this responsibility delegated to the Judicial Panel and Community Advocate has provided the checks and balances necessary to ensure the rights and privileges of all Community members. The Community Advocate and Judicial Panel members are both Officers of the Community.

The following are the two items that led to the Board President's action. The complete letters of reprimand should be available for review on the message board.

Item Number One.

On January 23, 2021 after investigating a legitimate complaint regarding the Board's handling of the appeal of a Judicial Panel ruling a letter of reprimand was sent to the Board. The letter outlined the gross and inappropriate

handling of information by certain committee and Board members and detailed the Board's overall mismanagement of the appeal process. The letter of reprimand indicated that future Board actions should follow the SLWLA governing documents.

The letter of reprimand was chosen as a milder approach to managing the complaint rather than a submittal to the Judicial Panel where a more severe outcome could well have been the result.

To date, the Board has neither acknowledged nor responded to the January 23rd letter of reprimand and apparently has simply ignored it without giving it a moment of thought.

Item Number Two.

On March 15, 2021 following a thorough investigation of another community member's legitimate complaint concerning improper Board actions, a letter of reprimand was sent to the Board. During the investigation, the Community Manger was extensively interviewed along with a Board member. Their comments in combination with the published statements of the Board and the research of outside legal literature contributed to the findings presented in the letter of reprimand.

Again, rather than submit the complaint to the Judicial Panel for a full hearing, a moderate course of action was decided upon believing that this approach would be less damaging to the Community and to the Board. The letter of reprimand suggested improvements to Board behaviors that if discussed and acted upon could result in better processes and procedures.

At this point, rather than accepting the letter of reprimand and considering and discussing the suggestions for Board improvements, the Board President led the assault on the office of the Community Advocate and my integrity.

I have now been informed by the President that the Board has doubled down on its improper action. I have yet to be provided with any specific details as to why the Board took that improper action and have had no chance to defend the position or myself.

This action was taken without cause, without proper notice, without due process, and without any opportunity for discussion, therefore I believe that I remain the SLWLA Community Advocate and intend to continue to fulfill the duties and responsibilities of the office, which upholds the rights and obligations of the Community.

I am requesting that the President and the Board issue an apology to myself and the SLW Community for its unwarranted action and the questioning of my integrity.

Ron Shepard

SLWLA Community Advocate

PS:

As an aside the following are volunteer positions that I have held within the Community of SLW. This list is in stark contrast to the volunteer efforts of current Board members, who lack the historical and practical knowledge of SLW but are now making decisions for the Community.

Former President SLWLA  
Former ARC Director  
Former Long Range Planning Chairman  
Former Nominating Committee Chairman  
Former Lake Committee Member  
Former Sailing Club Commodore  
LASC member  
Original and former member of the Lake Patrol  
Original member of the defunct CERT organization  
Founding member of Goose Patrol  
18 - year member BRCC  
16 - year SLW resident

Reply by M Fewkes (22 Total Posts)

Posted on Apr 06, 2021 9:59 am (1 month ago)

The board's actions at the March 23rd meeting have set a precedence for lack of due process. The discussions at that meeting were not only inappropriate but insulting and disrespectful of the Community Advocate.

The board owes Mr. Shepard an apology.

Reply by Edward Silberhorn (142 Total Posts)

Posted on Apr 06, 2021 10:22 am (1 month ago)

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Dear Members,

It would have been inconceivable to me that the Board, after having been given a second chance to rectify their egregious action of terminating our Community Advocate would then vote to confirm that action without even an apology.

Mr. Shepard has ably served this community as a willing volunteer for many years at all levels from President to committeeman and laborer on Pine Island.

In firing him they have violated Article X Section 2.3 of the By-Laws in my considered opinion and have also willingly insulted him and attacked his integrity without good cause.

If this is the way the new Board and new President continues to mistreat our volunteers the same way the old Board and old President did it won't be long until we have to pay for every service we receive from the HOA instead of enjoying the benefits of great volunteers doing the job for us! Dues will go up and the quality of our community will decline.

Respectfully,

Ed Silberhorn

Member of Judicial Panel

Reply by Mary Buckley (18 Total Posts)

Posted on Apr 09, 2021 1:49 pm (1 month ago)

I stand in full support of Ron Shepard, our Community Advocate.

Topic Started by Terry Card (12 Total Posts)

Posted on Mar 28, 2021 11:36 pm (1 month ago)

## MOTION OF JUDICIAL PANEL REGARDING REMOVAL OF COMMUNITY ADVOCATE

On Friday afternoon, March 26, 2021, the Judicial Panel (JP) held three hearings, involving lack of proper septic management compliance. The Associate Community Advocate (ACA) presented the cases to the panel because of the Community Advocate's sudden removal without hearing by the Board earlier in the week. After concluding the formal hearings, the Panel then acted upon a Motion that was moved, seconded, and passed, reading as follows:

"That the Judicial Panel received notice of the summary removal of the Community Advocate by the Board this past Tuesday evening with extreme displeasure especially since the Board's action did not afford this Community Officer any actual notice (he was in Florida at the time) of the special non-regularly scheduled, non-emergency meeting (only four (4) days electronic notice was given to Members via an E-Blast, not the ten (10)days mandated by the NC Planned Community Act). The Board also failed

to afford him due process by proceeding without his presence, and by denying him a hearing and the right to confront and cross-examine the President and VP who testified against him.

The Judicial Panel respectfully requests that its Chair send this Motion of Extreme Displeasure to the Board and also post such on the Message Board so that the Members are made aware of this inappropriate action of the Board without affording the Community Advocate the requisite due process and without following Robert's Rules of Order and without following the NC Planned Community Act.”

As Chair of the Judicial Panel, I, Terry L. Card, hereby approve of this Motion and act upon this Motion as requested.

Reply by Jane Sessler (25 Total Posts)

Posted on Mar 17, 2021 8:52 am (2 months ago)