

## Open Letter & Formal Appeal to the South End Rowing Club Board

**Subject: Why the 60-day suspension based on “door-propping” should be withdrawn—and how to fix the policy, protect the Club, and move forward**

**From:** Micah Blumberg

**Date:** October 2025

### Executive Summary

I am appealing the Board’s September 10 decision to impose a 60-day suspension. The case turns on four pillars that protect every member and the Club itself: **(1) no specific written rule was cited; (2) the evidence does not establish intent or duration; (3) the process omitted required safeguards and records; and (4) the penalty is disproportionate.** The constructive remedy is straightforward: **withdraw** the suspension **or** convert it to a **neutral, non-disciplinary policy reminder**, and if the Board wishes to regulate this area, **adopt a clear prospective door policy by a 2/3 vote, publish it via official channels, and post signage.**

[Appeal Handout — Suspension Bas](#)

<https://github.com/n5ro/serc/blob/main/Appeal%20Handout%20%E2%80%94%20Suspension%20Based%20on%20%E2%80%9CDoor%E2%80%9CPropping%E2%80%9D.pdf>

[Exhibit N — Remedy Proposal](#)

[https://github.com/n5ro/serc/blob/main/Exhibit%20N%20%E2%80%94%20Remedy%20Proposal%20\(Resolution%20Without%20Litigation\).pdf](https://github.com/n5ro/serc/blob/main/Exhibit%20N%20%E2%80%94%20Remedy%20Proposal%20(Resolution%20Without%20Litigation).pdf)

I will also publish this appeal as an open letter at **Silicon Valley Global News** so the record is transparent and the lessons are durable. The point is not to inflame, but to ensure the Club’s approach to discipline models good governance—today and, as future readers study SERC’s history, for the long run.

[Exhibit O — The 2020 Szabo v](#)

<https://github.com/n5ro/serc/blob/main/Exhibit%20O%20%E2%80%94%20The%202020%20Szabo%20v.pdf>

**No admission:** Nothing in this letter admits identity, conduct, or intent. My requests concern **governing documents, evidence limits, process integrity, proportionality, and a constructive remedy.**

[Exhibit M— “Benefit of the Doubt...”](#)

[https://github.com/n5ro/serc/blob/main/Exhibit%20M%20%E2%80%94%20%E2%80%9CBenefit%20of%20the%20Doubt%E2%80%9D%20\(Code%20of%20Conduct\)%20%26%20Harmless%20Benign%20Conduct.pdf](https://github.com/n5ro/serc/blob/main/Exhibit%20M%20%E2%80%94%20%E2%80%9CBenefit%20of%20the%20Doubt%E2%80%9D%20(Code%20of%20Conduct)%20%26%20Harmless%20Benign%20Conduct.pdf)

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# I. What this case is—and is not

This appeal is not about culture wars or personalities. It is about **anchoring discipline in written standards, evaluating what the evidence actually proves, and observing the Club’s own procedures**—the same guardrails that keep SERC fair, credible, and well-run. Your own handout framed the four pillars succinctly; this letter expands and documents them for the record.

[Appeal Handout — Suspension Bas...](#)

I am aware of—and I am concerned about—the perception that a **President’s core team can bend procedures to pursue personal disputes**. As a matter of good governance, the way to dispel that perception is to **decide only on a cited written rule, follow the Procedures to the letter, and calibrate the outcome proportionately**. Publication of this letter ensures the record reflects precisely that request.

[Exhibit K — Member Statement on...](#)

[https://github.com/n5ro/serc/blob/main/Exhibit%20K%20%E2%80%94%20Member%20Statement%20on%20Bullying%20%26%20Perceived%20Inaction%20\(Context%20for%20Process%20%26%20Proportionality\).pdf](https://github.com/n5ro/serc/blob/main/Exhibit%20K%20%E2%80%94%20Member%20Statement%20on%20Bullying%20%26%20Perceived%20Inaction%20(Context%20for%20Process%20%26%20Proportionality).pdf)

[Exhibit I5 10K and Foil Hats 2...](#)

[https://github.com/n5ro/serc/blob/main/Exhibit%20I5\\_%2010K%20and%20Foil%20Hats%202024.pdf](https://github.com/n5ro/serc/blob/main/Exhibit%20I5_%2010K%20and%20Foil%20Hats%202024.pdf)

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## II. Authority to discipline requires a written, adopted rule

The By-Laws authorize penalties **only** for violations of **written** by-laws, rules, or procedures. Rules must be **adopted or interpreted by a 2/3 vote** and then communicated to members prospectively. Your own materials likewise emphasize that values language in the Code (e.g., “respect”) does not substitute for a specific rule. [Exhibit M— “Benefit of the Doubt...”](#)  
[https://github.com/n5ro/serc/blob/main/Exhibit%20M%E2%80%94%20Benefit%20of%20the%20Doubt%E2%80%94%20\(Code%20of%20Conduct\)%20%26%20Harmless\\_Benefit%20Conduct.pdf](https://github.com/n5ro/serc/blob/main/Exhibit%20M%E2%80%94%20Benefit%20of%20the%20Doubt%E2%80%94%20(Code%20of%20Conduct)%20%26%20Harmless_Benefit%20Conduct.pdf)

In this matter, the suspension was imposed **without** citing a specific section in force on August 19. In correspondence, the President stated that “the Board is **not agreeing** to base its decision on whether a rule **explicitly** forbade [the] conduct”—a posture that conflicts with the governing documents’ rule-of-decision.

**Requested finding:** Without a cited written rule in force on August 19, the record does not support a disciplinary penalty. The appropriate next step is prospective rulemaking if the Board wishes to regulate this area.

[Exhibit J — No Authority to Pen...](#)

<https://github.com/n5ro/serc/blob/main/Exhibit%20J%20%E2%80%94%20No%20Authority%20to%20Penalize%20Harmless%20Conduct.pdf>

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### III. Evidence limits: what the video cannot establish

The interior clip **does not establish intent** to leave a door unsecured, does **not** tie any **duration** to me, and **does not** bridge a later observation back to what appears on screen. Benign explanations remain fully plausible on this record. Presence at **~9:15 pm** falls within permitted presence hours (entry until 9:00 pm; members must leave by 11:00 pm), so the “after-hours” aggravator does not apply to presence alone.

[Exhibit M— “Benefit of the Doub...](#)

Your rebuttal materials note the same evidentiary constraints and hours framing. The Board should decide on the record, not inference.

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### IV. Process integrity: gaps that undercut confidence

The **Procedures** contemplate a neutral investigation with basic safeguards. Among them:

- **Joint interview of complainant + member.** The Procedures say investigators “**will always**” conduct interviews jointly; that did not occur in the written record shared with me.
- **Complete file.** The packet I received lacked the incident report, **door/PDK logs**, and the **camera access audit log** (who accessed footage, when, and with what authorization). These objective anchors are standard completeness.

**Requested correction:** Cure the process gaps—identify/include the complainant for a joint interview; append the incident report, PDK logs, and camera audit log to the file for Board review before any decision.

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## V. A category error: momentary door contact ≠ vandalism/property damage

Breaking a window is per se destructive with clear intent and harm; a brief contact near a doorway can be benign, inadvertent, or operational (e.g., moving an item). **Equating** these categories collapses important distinctions and invites arbitrary enforcement, particularly where **no written rule** exists

[Exhibit J — No Authority to Pen...](#)

<https://github.com/n5ro/serc/blob/main/Exhibit%20J%E2%80%94No%20Authority%20to%20Penalize%20Harmless%20Conduct.pdf>

The right answer to ambiguity is **education and prospective policy**, not retroactive punishment.

[Exhibit M— “Benefit of the Doubt...](#)

[https://github.com/n5ro/serc/blob/main/Exhibit%20M%E2%80%94Benefit%20of%20the%20Doubt%E2%80%94\(Code%20of%20Conduct\)%20%26%20Harmless\\_Benefit%20of%20the%20Doubt.pdf](https://github.com/n5ro/serc/blob/main/Exhibit%20M%E2%80%94Benefit%20of%20the%20Doubt%E2%80%94(Code%20of%20Conduct)%20%26%20Harmless_Benefit%20of%20the%20Doubt.pdf)

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## VI. Proportionality: why 60 days is out of scale

The Procedures provide a spectrum of outcomes—from **No Action** through **Expulsion**—and even invite **creative, lower-impact remedies** when they better fit the facts. On a record with **no cited rule, no harm shown, and ambiguous intent**, a **60-day** suspension is disproportionate and unnecessary to achieve compliance.

A proportionate approach focuses on **clarity and compliance**: neutral notice, signage, and a prospective rule—tools that produce safety without controversy.

[Exhibit L— Proportionality & Sa...](#)

<https://github.com/n5ro/serc/blob/main/Exhibit%20L%E2%80%94Proportionality%20&%20Sanctions.pdf>

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## VII. Climate and perception: why process matters even more now

Context matters. Member correspondence in the record flags concerns about **bullying, censorship, and a tense moderation climate**—exactly the kind of environment in which strict

adherence to written standards and clean process prevents a discipline case from looking like a personal vendetta.

[Exhibit K — Member Statement on...](#)

[Exhibit I5 10K and Foil Hats 2...](#)

[https://github.com/n5ro/serc/blob/main/Exhibit%20I5\\_%2010K%20and%20Foil%20Hats%202024.pdf](https://github.com/n5ro/serc/blob/main/Exhibit%20I5_%2010K%20and%20Foil%20Hats%202024.pdf)

To preserve public confidence, please **decide only on cited written standards** in force on August 19 and a complete record—not on assumptions or a shifting set of expectations.

[Exhibit K — Member Statement on...](#)

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## VIII. Governance lesson learned (Exhibit O): costs when process is loose

In a 2020 lawsuit naming SERC, the federal docket reflects **no merits judgment** against the Club and an **early settlement** posture; a later sworn declaration states SERC **paid \$6,500 to settle**. The governance takeaway is simple: **discipline anchored to clear written rules and careful process** minimizes risk and cost; ad-hoc enforcement does the opposite.

[Exhibit O — The 2020 Szabo v](#)

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## IX. The constructive remedy (resolution without litigation)

A practical off-ramp is on the table and aligns with the By-Laws and Code:

1. **Withdraw** the 60-day suspension (no finding; remove any notation); or
2. **Convert** to a **neutral, non-disciplinary policy reminder** (no finding; not for progressive discipline); and
3. If desired, **adopt a clear prospective door policy** by **2/3 vote**, **publish via official channels**, and **post signage**.

This approach is legal, principled, and reputationally safe.

[Exhibit N — Remedy Proposal \(Re...](#)

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## X. Record clarity & recusal

For transparency—whatever the outcome—please **identify the exact written section** (by-law/rule/procedure) your decision rests on. If none exists, the minutes should **say so plainly** so the record is accurate. Any Board member who is a **fact witness** in this matter or who has **advocated a disciplinary outcome** should recuse to preserve neutrality.

[Exhibit N — Remedy Proposal \(Re... Open Letter & Formal Appeal to ...](#)

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## XI. Scope control and consistent communications

If questions drift to topics outside the noticed charge (e.g., “tag-in”), I respectfully request a **section-and-adoption-date citation** before answering; otherwise, let’s keep the record focused on the charged conduct and the rules in force on August 19. If a policy is to be announced, it should be issued through **official Club channels**, not unsanctioned lists, so every member receives the same notice.

[Exhibit N — Remedy Proposal \(Re...](#)

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## XII. Closing

I’m asking the Board to demonstrate the best of SERC governance: **rules first, complete record, measured remedy**. Please **withdraw** the suspension—or **convert** it to a **neutral reminder**—and move swiftly to **adopt a clear, prospective door policy** with signage and notice. I will support and help communicate any policy the Board adopts through official channels.

[Exhibit L— Proportionality & Sa...](#)

[Exhibit N — Remedy Proposal \(Re...](#)

Finally, because I believe in SERC and in transparent governance, I will publish this appeal at **SVGN** to preserve an accurate public record of what we did—together—to protect the Club and its members.

[Exhibit O — The 2020 Szabo v](#)

— **Micah Blumberg**

*(This letter admits no identity, conduct, or intent.)*

[Exhibit M— “Benefit of the Doub...](#)

# Appendix A — Anticipated Questions & Answers

## A. Video & “door-propping”

### Q1. Is that you in the video?

A. Yes—the video appears to show me. I don’t recall the precise sequence of that evening, and I would not intentionally leave a Club door unsecured; what matters is that discipline must rest on a specific written rule in force on Aug 19, and the clip does not establish negative intent or any duration attributable to me.

[Exhibit J — No Authority to Pen...](#)

[Exhibit M— “Benefit of the Doubt...”](#)

### Q2. Did you wedge the door—yes or no?

A. The video appears to show me **briefly setting an object near the threshold**; I didn’t intend to leave any door unsecured and I don’t recall more than that. There was **no cited written rule** in force on Aug 19 forbidding brief, momentary contact at the door, and the proper response in an uncoded, ambiguous situation is education and a prospective policy—not punishment.

[Exhibit J — No Authority to Pen...](#)

### Q3. The door was found ajar later. Doesn’t that prove your intent?

A. The record doesn’t bridge the **time gap** or tie that later observation to me; innocent explanations remain just as plausible on this footage. The right fix is a clear prospective door policy with signage so expectations are unmistakable.

[Exhibit M— “Benefit of the Doubt...”](#)

[Exhibit N — Remedy Proposal \(Re...](#)

### Q4. Do you think holding a door open is acceptable?

A. I support keeping the Club secure. In an **uncoded** area, the Code directs **benefit of the doubt** and education; if the Club wants a bright-line rule, it should adopt one by vote and publish it to members.

[Exhibit M— “Benefit of the Doubt...”](#)

### Q5. Isn’t “door-propping” like vandalizing property?

A. Breaking a window is per se destructive; a moment at a threshold can be benign or inadvertent. Treating them as equivalent is a **category error** and not how proportional discipline is supposed to work.

[Exhibit J — No Authority to Pen...](#)

[Exhibit L— Proportionality & Sa...](#)

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## B. Rules, authority & hours

### Q6. Why can't we discipline under the general Code of Conduct?

A. Because penalties must track **written by-laws, rules, or procedures** actually in force at the time. Values language guides tone; it doesn't replace a duly adopted standard for specific conduct.

[Exhibit J — No Authority to Pen...](#)

### Q7. Are you saying there was no rule against leaving a door ajar?

A. The Board's own letter acknowledged **no explicit rule**; discipline should rest on a cited section, not on after-the-fact "logical extensions."

[Exhibit M— "Benefit of the Doub...](#)

### Q8. What about "after hours"?

A. Presence at **9:15 pm** is within written hours (entry until 9:00 pm; members must leave by 11:00 pm), so "after-hours" aggravation does not apply to presence alone. [Exhibit M— "Benefit of the Doub...](#)

### Q9. If we posted reminders on a social group, isn't that notice?

A. Official notice comes through **Club website/direct emails/newsletter** and through **adopted rules**—not unsanctioned channels—so members know the standard in advance. (That's why I support adopting and noticing a clear policy now.)

[Appeal Handout — Suspension Bas...](#)

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## C. Evidence & process

### Q10. Why press for door/PDK logs and a camera access audit?

A. Objective records keep the file complete and reliable; otherwise, people are asked to infer. Clean process protects **everyone**, including the Club.

[Appeal Handout — Suspension Bas...](#)

### Q11. Why does the complainant's identity or a joint interview matter?

A. The Procedures contemplate a **joint complainant-member** interview and a complete record; it's a basic fairness safeguard to avoid misunderstanding and ensure neutrality.

[Appeal Handout — Suspension Bas...](#)

### Q12. Are you just looking for technicalities?

A. No—**written rules** and **complete records** aren't technicalities; they're the foundation of fair governance and consistent enforcement.



## D. “Tag-in,” entry, and scope

### Q13. Did you properly tag in that night?

A. I don’t recall my method of entry that evening. If tag-in is relevant, please cite the **section and adoption date** that made it disciplinable on Aug 19; otherwise, I request we stay within the noticed charge.

### Q14. Shouldn’t “no tag-in log” be enough?

A. Absence of a log line isn’t proof of a person’s conduct; that’s why the underlying logs and device-health context matter if the Board wishes to rely on them.

## E. Intent, remorse & tone

### Q15. Are you willing to apologize?

A. I’m sorry for any **concern** this caused, and I fully support door security. The way to help members is to adopt a **clear prospective rule** and communicate it.

### Q16. If you didn’t intend harm, why not just accept a short suspension?

A. Proportionality matters: where the **rule is uncited**, **intent is ambiguous**, and **harm isn’t shown**, a suspension is out of scale; a **neutral reminder** plus a clear policy is the right tool.

## F. Climate, moderation & perceived retaliation

### Q17. Are you accusing the Board of retaliating?

A. I’m not asking the Board to adjudicate motives; I’m asking it to decide on **written standards, facts, and process** so there’s no appearance of selective enforcement in a tense climate.

### Q18. Why include member complaints about bullying in your file?

A. To underscore **why** neutral process and proportionate outcomes matter right now; the exhibit is **context**, not proof of any allegation.

[Exhibit K — Member Statement on...](#)

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## G. Remedy & commitments

**Q19. What outcome are you asking for—bottom line?**

**A.** **Withdraw** the suspension; or **convert** it to a **neutral, non-disciplinary policy reminder** (no finding; not for progressive discipline); then adopt a **clear door policy** by 2/3 vote, publish it, and post signage.

[Exhibit N — Remedy Proposal \(Re...](#)

**Q20. Why is that better for the Club than a punishment?**

**A.** It aligns with the By-Laws, honors **benefit of the doubt** in an uncoded, ambiguous situation, and protects the Club's **reputation and costs** while creating durable compliance.

[Exhibit M— “Benefit of the Doub...](#)

[Exhibit N — Remedy Proposal \(Re...](#)

**Q21. Will you follow a future door policy if we adopt one?**

**A.** Absolutely—clear, written rules with signage are how all of us succeed together. [Exhibit N — Remedy Proposal \(Re...](#)

**Q22. If we don't withdraw, what should our minutes reflect?**

**A.** For clarity, please identify the **exact written section** (if any) the decision rests on; if none exists, the minutes should state that plainly. That transparency protects the Club's record.

[Exhibit N — Remedy Proposal \(Re...](#)

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## I. Proportionality details (for directors who ask)

**Q26. Where does 60 days sit on our sanction ladder?**

**A.** Near the top; the Procedures list **No action**, **Oral/ Written warning**, **Suspension up to 90 days**, and **Expulsion**—with flexibility to propose other outcomes. **Sixty days** is disproportionate on this record.

[Exhibit L— Proportionality & Sa...](#)

**Q27. What framework should guide calibration?**

**A.** Clarity of **rule**, **culpability**, **harm**, **history/notice**, **process completeness**, and **mitigation**.

On each of these factors, a neutral reminder + prospective policy fits best. [Exhibit L—Proportionality & Sa...](#)

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## J. Closing cluster (short answers that always pivot)

### Q28. Are you sorry?

A. I'm sorry for any concern and I support stronger door security—**with a clear rule members can follow.**

[Exhibit N — Remedy Proposal \(Re...](#)

### Q29. Are you undermining the Board?

A. I'm advocating **governance by written rules and clean process**—that protects the Board and the Club.

[Exhibit J — No Authority to Pen...](#)

### Q30. Are you threatening to litigate?

A. My preference is to resolve this internally with a **neutral reminder + prospective policy**; clarity in the minutes about any rule basis keeps the record straight either way. Open Letter & Formal Appeal to ...

[Exhibit N — Remedy Proposal \(Re...](#)

### Q31. Will you help communicate the new policy?

A. Absolutely; I'll help explain it and point people to the **official** channels.

[Exhibit N — Remedy Proposal \(Re...](#)

### Q32. One sentence on why to withdraw?

A. Because **no specific rule was cited, intent isn't proven, process gaps remain**, and **proportionality** calls for education plus a prospective rule.

[Exhibit J — No Authority to Pen...](#)

[Exhibit M— "Benefit of the Doub...](#)

[Appeal Handout — Suspension Bas...](#)

[Exhibit L— Proportionality & Sa...](#)

### Q33. What's the most constructive next step tonight?

A. Withdraw or convert to a **neutral, non-disciplinary** reminder and direct a clean, 2/3-vote policy adoption with **signage and official notice.**

[Exhibit N — Remedy Proposal \(Re...](#)