

Exhibit A — Unsupported Accusations of Intent & Required Safeguards

Purpose. To document that Mr. Fillipow’s accusation of **negative intent** is **speculative** and inconsistent with the Club’s governing documents, and to request corrections to the record.

Statement at issue (verbatim excerpt).

“I can only assume that your intention was for you or someone else to enter the club later in the evening.”

Governing documents (controlling points).

- **Discipline = written rule.** The Board may impose penalties **only for violations of the By-Laws, rules, or procedures** (i.e., duly adopted written standards) (By-Laws Art. III §6(b); Art. V §1).
- **Benefit of the doubt.** The Code of Conduct instructs members and leaders to **give each other the benefit of the doubt**, facilitate dialogue, and **observe** published policies and procedures (Procedures, Code of Conduct).
- **Investigative safeguards.** The Procedures provide that investigators **conduct interviews jointly with the complainant and the member**; witness interviews may be one-on-one. The investigators’ report states **findings of fact** and identifies any **written standard** allegedly violated (Procedures, Investigative Process).
- **Facility hours.** The written Facility Use policy allows **entry** until 9:00 pm and **presence** until **11:00 pm**; 9:15 pm is **not** “after hours” for presence (Procedures, Facility Use).

Analysis.

- **Speculation is not a finding.** “I can only assume” is, by definition, conjecture—not a factual finding tied to a written standard. The Procedures require **facts + rule**, not assumptions about motive.
- **Benefit-of-the-doubt standard.** In an **uncodified** area (no explicit door-propping rule), the Code’s directive to “give each other the benefit of the doubt” applies. Where intent is unclear, the appropriate response is **education and prospective rulemaking**, not punitive inference.
- **Category error.** Equating a briefly held-open door with **vandalism/breaking a window** is mistaken. A broken window is per se destructive and intentional; a door momentarily impeded can be **benign or inadvertent**. Absent a **written** rule to the contrary, discipline on this record is unauthorized.
- **Evidence limits.** The stills/video do **not** establish **intent** or a plan to leave a door unsecured for any particular **duration**. If the Board intends to rely on “no PDK entry” assertions, the **actual**

logs and device-health/audit trail should be produced; absence of a log entry is not proof of a member's actions, and there is **no published rule** making "tag-in" a disciplinary offense as of the date at issue.

Point-by-point response to the email's assertions.

1. **"Door was propped; no one manning the door."**
 - No written rule requires a member to "man" the door. Presence at **9:15 pm** is within allowed hours; video does not establish intent.
2. **"Key cards don't work after 9 pm."**
 - That concerns **entry** windows, not **presence**. The written policy permits presence until **11:00 pm**.
3. **"I can only assume your intention was to enter later."**
 - Speculative motive; not a finding. The Code requires **benefit of the doubt** and dialogue, not adverse intent inference.
4. **"No PDK record of entry."**
 - **Absence** of a log is not evidence of a rule violation. If relied upon, produce the **logs and audit trail**; an unstated "tag-in" rule cannot be retrofitted after the fact.
5. **"Permanent warning in your file."**
 - Any notation should be **held in abeyance** pending a proper, rule-based determination. Premature, non-neutral entries risk unfairness and prejudice.

Requested corrections (to protect the Club and the record).

- **Withdraw** the intent accusation and replace with a **neutral, factual** description (referencing timestamps only).
- **Hold** any warning/notation **in abeyance** pending a rule-based decision.
- If the Board wishes to regulate this area, **adopt a clear, prospective door policy** with signage and member notice.
- **Include** this Exhibit in the investigative/appeal file so speculative motive statements are **not** relied upon.

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