

## Exhibit C — Point-by-Point Rebuttal to Investigators' Report (Aug 19, 2025)

**Purpose.** This exhibit responds, claim by claim, to the **19 August 2025 Incident Report Investigation (Redacted)**, and identifies where conclusions or characterizations are (a) inconsistent with the Club's written Procedures/By-Laws, (b) unsupported by the record, or (c) incomplete.

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### 1) "After-hours" framing (9:15 pm)

**Investigators' claim:** Members are "prohibited from entering the club after 9:00 pm, so propping open the door after hours compounds the risk."

19 August 2025 Incident Report ...

**Rebuttal (hours clarification):** The **written Facility Use** policy states: "Members may enter the Club between **4:00 am and 9:00 pm**; **all members must leave by 11:00 pm** (closing time)." Presence at **9:15 pm** is therefore **within allowed hours**; the report conflates the *entry cutoff* (9:00 pm) with *presence* (permitted until 11:00 pm).

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### 2) "Tag-in" and "door-propping" as an unwritten "logical extension"

**Investigators' claim:** "All members are required to tag in... posted on the front door... communicated innumerable times. A **prohibition against propping open the door...** is a **logical extension** of our requirement to tag in."

19 August 2025 Incident Report ...

**Rebuttal (written-rule requirement):** The **By-Laws** require the Board to **adopt/interpret rules by a 2/3 vote**; discipline runs to **violations of written, duly adopted** by-laws/rules/procedures. The report **cites no section text** and provides **no Board minutes** showing a duly adopted "tag-in" rule or a door-prop prohibition in force on Aug 19, 2025. "Logical extensions" are not a substitute for a written rule.

SERCBYlaws-October-27-2022

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### 3) PDK "no record" assertion

**Investigators' claim:** "Further research of the **PDK logs found no record** of what we believe is you entering the club on 8/19."

19 August 2025 Incident Report ...

**Rebuttal (evidence completeness): Absence of a log line is not proof** of non-tagging. The record shows I **requested** the precise **PDK/door logs** and device-health/outage notes "so I can respond accurately." Those **underlying logs were not produced** to me. The Board should disregard the PDK assertion unless the actual logs are provided.

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#### 4) Characterization of my responses as "evasive/obfuscation"

**Investigators' claim:** "Micah's responses were **evasive**... denial and **obfuscation**."

**Rebuttal (good-faith requests & neutral offramp):** The record shows I **asked promptly** for **continuous video** and **specific evidence items**, proposed a **neutral, non-disciplinary resolution**, and sought a **rule citation** to answer accurately. These are hallmarks of **cooperation and precision**, not evasion.

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#### 5) Complainant & joint-interview requirement

**Report fact pattern:** The report **redacts** the complainant and **does not include** the complainant in a joint interview. It also acknowledges a **witness who spoke with me** but was expressly **not included** because he "did not know who [I] was."

19 August 2025 Incident Report ...

**Rebuttal (procedural defect):** The **Procedures** require that "**investigators will always conduct all interviews with the complainant and the target of the complaint jointly.**" Witnesses may be interviewed one-on-one, but **complainant + target must be joint**. Proceeding without the complainant **does not comply** with the written process.

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#### 6) No articulated standard of proof; no harm finding

**Report posture:** The report recommends discipline without identifying any **standard of proof** and **does not identify harm** (loss/damage/unauthorized entry). It relies on risk characterizations and inference.

19 August 2025 Incident Report ...

**Rebuttal (proportionality & codification):** In an **uncodified** area with **ambiguous intent**, the Procedures' **Code of Conduct** section (same document) emphasizes respectful resolution and, in practice, **benefit of the doubt** and **dialog** in gray zones; punitive measures without a written rule and without harm are **disproportionate**. The appropriate outcome is a **neutral policy reminder** and, if desired, **prospective rulemaking**.

SERC Procedures 20250822 Final

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## 7) Sanction recommendation (two months)

**Investigators' recommendation:** "The **recommended punishment is two months** from today."

19 August 2025 Incident Report ...

**Rebuttal (disproportionate as applied):** A **60-day suspension** for a **first-time, non-codified, no-harm** event—where intent is **not** established and process defects remain—is **disproportionate** and not supported by a **cited written** rule in force on Aug 19, 2025. The **By-Laws'** rule-adoption clause and the **Facility Use** text (presence allowed to **11:00 pm**) further undercut the "after-hours" aggravator used to justify severity.

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## Requested Disposition (consistent with the governing documents)

1. **Withdraw** the suspension and **remove** any disciplinary notation.
2. Issue a **neutral, non-disciplinary policy reminder** to members about door security.
3. If the Board wishes to regulate this area, **adopt a clear, prospective door policy** by proper vote and **publish** it to members.
4. If the Board intends to rely on PDK assertions, include the **actual logs** (and system-health notes) in the record; **otherwise withdraw** that point.

SERCBYlaws-October-27-2022

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## Notes to the Board

- The **Procedures control the process** (e.g., **joint** complainant-target interviews); **By-Laws** control **what may be punished** (violations of **written** rules/procedures). The report, as written, **does not** identify a **duly adopted** prohibitory rule for “door-propping,” **misstates hours**, and **omits core evidence** it relies upon. Correcting these defects points to the **only appropriate outcome: No action: Dismiss the charge.**

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*End Exhibit C1*