

Exhibit H — Pattern of Procedural Departure & Selective Enforcement (Background • Evidence • Process • Proportionality • Recusal)

Member: Micah Blumberg

Action Appealed: 60-day suspension (Board vote Sept 10, 2025)

Submission: Written appeal with exhibits (request for circulation to the Board in closed session)

1) Background & Pattern (context for fairness and proportionality)

Over the last year I experienced **ad-hoc, uneven application** of standards not found in published rules. This bears directly on **good faith, fair procedure**, and **proportionality** in this case:

- **OOT membership “spot checks” & reclassification pressure (May–Aug 2024).** I was asked for documentation **beyond** the written OOT standard and pressed to reclassify using **usage data** even though no usage-based OOT rule had been adopted/noticed to all members. I am not aware that similarly situated OOT members were treated the same.
- **Low-income assistance (2024).** Request was denied without **published criteria** or a process available to members—inviting arbitrary outcomes.
- **Unofficial lists / moderation.** Actions in non-Club channels are not part of the Club’s formal procedures; I note them only as background to ongoing friction.

Combined with a 60-day suspension **without** citation to a **specific written rule**, this pattern suggests **inconsistent enforcement** and procedural irregularities.

For the record (request):

1. De-identified list of OOT members subjected to the same 2024–2025 verification and/or usage-based reclassification demands, with the written criteria applied.
2. Any written criteria/policy for low-income assistance in 2024–2025 and adoption/notice dates.
3. Board minutes or adopted policy texts covering the above (if any).

2) Evidentiary limits (Aug 19 video)

The video does **not** establish **intent**, does **not** show how long (if at all) the door remained ajar **attributable to me**, and does **not** tie a later observed condition directly to what appears on screen. **Benign, innocent interpretations remain plausible**. Absent a **specific written rule** covering the depicted conduct, discipline grounded only in broad Code language is not warranted.

3) Procedural defects (investigation file as provided)

- **No specific written rule cited** (in force on Aug 19, 2025).
- **Complainant identity & joint interview:** the Procedures require investigators to interview the **complainant and the member jointly**; the complainant was not identified/included in the written record.
- **Record gaps:** the **incident report**, **door/PDK access logs** for the relevant window, and the **camera access audit log** (who accessed, when, what period, who authorized) were not appended for my review.

4) Proportionality

A **60-day suspension** for a **first-time** alleged incident—**without** a cited written rule and **without** evidence of harm—is **disproportionate**. The proper tools, if the Board wishes to regulate, are a **policy reminder** and **prospective rulemaking** (clear door policy + signage + notice).

5) Requested relief

- **Withdraw** the suspension; **or**
- **Convert** to a **neutral, non-disciplinary policy reminder** (no finding; not for progressive discipline), **and** adopt a **clear, prospective door policy** with signage and member notice.

6) Narrow recusal request

To preserve neutrality, any Board member who is (i) a **fact witness** or (ii) has **advocated a disciplinary outcome** in this matter should **recuse** from adjudication. Witnesses can provide statements; neutral directors can decide.

Nothing in this exhibit is an admission of intent or conduct.

