

## Revised Voice Appeal

### Background (August 19, 2025)

- I briefly interacted with the front door and left. If the door remained open, it was accidental and due to forgetfulness. The Board imposed a 60-day suspension.

### Governing Standards

- **Bylaws:** Discipline is authorized only for violations of a **duly adopted written** bylaw or rule approved by a **2/3 Board vote**—not for inferences or uncoded “logical extensions.”
- **California fair-procedure doctrine:** Private associations must ground decisions in written standards, provide specific written notice and a meaningful opportunity to be heard, follow their promulgated procedures, consider complete facts, and impose proportionate outcomes.

### No Duly Adopted Rule Was Violated

- No section in force on August 19, 2025 was cited.
- The President stated the decision would not turn on whether an explicit rule existed.
- The suspension notice concedes there is “nothing in our Procedures that explicitly says” members cannot leave the door propped open.
- The later “signage since June” assertion reflects **notice**, not **adoption**; signs or email blasts do not create disciplinary rules absent a 2/3 vote and incorporation into the written Procedures.
- No time-stamped minutes evidencing any such adoption have been produced, and minutes confirming a 2/3 vote have been withheld despite members’ statutory inspection rights.

## Facts, Intent, and Harm

- The video captures only a moment at the threshold and supports innocent explanations (inadvertence or brief operational contact) at least as well as any adverse inference.
- The record shows **no intent** to leave the door unattended and **no harm**—no damage, loss, or unauthorized entry.
- Equating a brief, harmless door lapse with **vandalism** is a category error: vandalism is intentional and destructive; a momentarily impeded door can be inadvertent and benign. In uncodified gray areas, the Code of Conduct requires the **benefit of the doubt, dialogue, and education**, not punishment.

## Procedural Defects in the Investigation

- The Investigative Process requires a **joint interview** of the complainant and the member; this never occurred.
- **Core evidence was omitted**: the incident report, door/PDK logs, and camera-access audit log were not produced; continuous, timestamped video was delayed; I was given roughly **one day** to respond.
- The report relies on “logical extensions” and a PDK “no record” assertion **without** the underlying logs, identifies **no standard of proof**, and makes **no concrete harm finding**.
- These departures from required procedures are material due-process defects and fall short of neutral fact-finding.

## Proportionality

- A **60-day suspension**—near the top of the penalty ladder—is indefensible for a **first-time, uncodified, no-harm** event with **no intent** shown.
- In such gray zones, the proportionate outcome is **No Action** or a **neutral, non-disciplinary reminder**, paired with **prospective rulemaking** if the Club wishes to

regulate the conduct.

### Context and Risk of Retaliation Appearance

- Prior communications since **May 2024** reflect a charged moderation climate—VR-headset bans floated, “10K / Foil Hats” flare-ups, disappearing posts, and membership-status friction—making punishment of an uncoded, ambiguous act appear **retaliatory**.
- Our procedures require **neutral** process and decisions tethered to **duly adopted written rules** supported by complete evidence; discipline based on unwritten expectations undermines those safeguards.
- The “10K / Foil Hats” exchanges highlighted selective enforcement, rushed demands, and the absence of published standards—showing why only **codified** rules should govern.
- The VR-Headset Ban debate underscored the danger of reaction-first policymaking: if a rule is desired, **adopt it prospectively** and **apply it evenly**.

### Requested Relief

1. **Withdraw** the 60-day suspension.
2. **Alternatively**, convert it to a **neutral, non-disciplinary policy reminder** with no adverse finding and not usable for progressive discipline.
3. If the Club wishes to regulate door conduct, **adopt a clear prospective policy** by a 2/3 Board vote, publish it through official channels, post consistent signage, and record the authority in the minutes. This **education-first** approach aligns with our documents and minimizes legal and reputational risk.

### Requests for the Record

- **Rule basis:** What specific written bylaw, rule, or procedure **in force on August 19, 2025** was violated? If none exists, discipline is unauthorized.
- **Evidence file:** Where are the **complainant identification and joint interview**, the **incident report**, the **door/PDK logs**, and the **camera-access audit log** that must be in the file before any decision?
- **Penalty rationale:** Why **60 days** for a first-time, uncodified, no-harm event, when proportionate outcomes are education plus prospective rulemaking?

## Exhibits Roadmap

- **R, J, F — Governance & Law:** Establish SERC's bylaws hierarchy, California's fair-procedure requirements, and the mandate to use **official channels** for any enforceable policy; Board authority is **constrained**, not arbitrary.
- **F, Q, P, B — No Adopted Rule:** Collectively demonstrate there was **no duly adopted, 2/3-vote rule** on the books; under California law and SERC's bylaws, the suspension lacks legal authority.
  - **Q:** Records Board admissions that no explicit rule was in force.
  - **P:** Distinguishes **notice** (signage/emails) from **authority** (formally adopted rules).
  - **B:** Side-by-side refutation showing that for each Board claim, **no written rule** was cited.
- **D, E, C — Procedural Violations:** Show the skipped **joint interview**, omitted **PDK and camera/audit logs**, and factual misframing with **"after-hours"** errors, rendering the investigation defective and unreliable.
- **G, L, A — Misread Incident & Disproportion:**
  - **G:** Explains the **category error** of equating a brief door lapse with vandalism.

- **L:** Demonstrates the **gross disproportionality** of a 60-day suspension for a first-time, no-harm, uncoded event.
- **A:** Shows the “intent” finding rests on **speculation**, not evidence.
- **M, N — Remedy:**
  - **M:** Invokes the Code of Conduct’s directive to give the **benefit of the doubt** in ambiguous, uncoded situations and to favor **education** over punishment.
  - **N:** Provides the practical off-ramp: **withdraw** the suspension, issue a **neutral non-disciplinary reminder**, and **adopt a clear prospective policy** to ensure future compliance with minimal risk.