

# Exhibit I1 — Prior Communications Showing Tension & Risk of Perceived Retaliation

*(VR-ban & “10K / Foil Hats” threads, May 2024)*

**Purpose.** To document contemporaneous exchanges among members that help explain why a severe sanction here could appear retaliatory or disproportionate. This exhibit does **not** re-litigate those threads; it shows why the Board must hew closely to written rules and procedural safeguards to avoid the **appearance** of punishing protected speech or criticism.

## A. Documented friction on moderation and speech

- In the VR-headset discussion, members debated whether a ban would be a narrow, reactive policy or better handled by conversation; one poster urged simple, respectful chats before rules.  
VR Headset Ban
- The same discussion reflects concerns about rules being crafted to target a single person (a fairness/neutrality theme).  
VR Headset Ban
- Multiple posters later reported blocked posts/locked threads in a separate “Foil Hats” exchange—indicating a moderation climate that some perceived as suppressing dissent.  
[SERC 75467\_] 10K and Foil Hats...
- Example: “My postings have been blocked. Magic. Pirate electrons.” — Johnny Diesel (member).  
[SERC 75467\_] 10K and Foil Hats...
- The “Foil Hats” thread was kicked off by a satirical post that several members read as mocking; others “played along,” which itself fueled debate about tone and civility.  
[SERC 75467\_] 10K and Foil Hats...

## B. Documented friction with Membership Committee (OOTM dispute)

- Emails from the Membership Commissioner and Secretary asked you to up-pay and reclassify based on usage; you alleged selective enforcement and requested uniform, by-laws-compliant rulemaking for all members.  
[SERC 75467\_] 10K and Foil Hats...

- In those threads you also stated your goal was to **protect the Club from legal costs** by insisting on clear written rules and equal application—i.e., process, not personalities. [SERC 75467\_] 10K and Foil Hats...

### C. Why this context matters here

1. **Risk of perceived retaliation.** The record shows months-long disagreement over speech/moderation and membership status. Imposing a 60-day suspension for an uncodified, ambiguous act invites the inference that the sanction is **really** about prior disputes—not the charged conduct. The Club’s Code calls for “**benefit of the doubt,**” respectful dialogue, and observing published policies. Those principles are heightened where tensions already exist.  
SERC Procedures 20250822 Final
2. **Guardrails the Procedures require.** Investigations must be neutral, include **joint interviews of the complainant and the member**, document findings of **fact**, and tie any conclusion to a **written** standard. That structure is precisely to prevent personal disagreements from morphing into discipline untethered from adopted rules.  
SERC Procedures 20250822 Final
3. **Communications channels.** The Procedures distinguish **official** Club communications from **unsanctioned** lists; claims that “everyone was told” via unofficial channels do not substitute for duly adopted rules or official notices.  
SERC Procedures 20250822 Final

### D. Requested safeguards and disposition

- **Decide only on written standards** that were in force on Aug 19, and on facts—not speculation about motive. (If no section can be cited, discipline is not authorized.)
- **Cure process gaps:** identify/include the complainant and ensure the joint-interview requirement is satisfied; include the full evidence packet (incident report, continuous video with timestamps, PDK/audit logs).  
SERC Procedures 20250822 Final
- Given the context and the Code’s “benefit of the doubt,” the proportionate outcome is to **withdraw the suspension** or convert it to a **neutral, non-disciplinary policy reminder**, coupled with a **prospective door policy** adopted and communicated through official channels.

*This exhibit is provided to ensure fairness and protect the Club's integrity; it admits no identity, conduct, or intent.*

## Exhibit I2 — “10K” Conversation (May 2024)

**Purpose.** Document a public exchange in which members discussed a prior lawsuit (reportedly ~\$10,000 award) and you raised concerns about selective enforcement and due process. This context explains why a severe sanction now could appear retaliatory or disproportionate unless grounded strictly in written rules and procedurally clean.

### Snapshot of the thread (context only; not re-litigated here).

- A member thread cited a prior South End dispute that allegedly resulted in a ~\$10,000 judgment. You referenced that history in arguing for **lawful, even-handed** application of rules.
- The Membership Committee pressed you to reclassify from out-of-town membership and to up-pay dues based on usage; you objected that no **published** rule applied uniformly to all members and asked for consistent, by-laws-compliant standards going forward.
- Several members reacted strongly (some supportive, some critical), illustrating a polarized discussion environment and spotlighting concerns over **moderation** and **fair treatment**.

### Why this matters for the current appeal.

1. **Appearance of retaliation.** Given the 2024 exchanges about money, membership status, and governance transparency, a **60-day suspension** for a non-codified, ambiguous act (door-holding) can reasonably look like payback, not policy.
2. **Governing-document guardrails.** The Board may discipline only for **violations of written, duly adopted** by-laws, rules, or procedures; process must include neutral fact-finding and proper interview structure. When tensions exist, those guardrails are indispensable to protect both the member and the Club.
3. **Club protection.** Strict adherence to **written standards** and **clean procedure** reduces reputational and legal risk—precisely the lesson invoked in the “10K” conversation.

### Requested safeguards and disposition.

- Decide **only** on a cited **written rule** in force on Aug 19 and on facts, not motive inferences.

- Cure any process gaps (e.g., identify the complainant; conduct the **joint** interview of complainant + member; include incident report, continuous video with timestamps, PDK/audit logs in the file).
- Withdraw the suspension or convert to a **neutral, non-disciplinary policy reminder**; if desired, adopt a clear **prospective door policy** with member notice and signage.

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## Exhibit I3 — “Foil Hats” Conversation (May 2024)

**Purpose.** Show that a separate thread devolved into heated and, at times, mocking or hostile rhetoric, including reports of blocked/removed posts. This climate increases the risk that later discipline will be perceived as **personal** rather than **rule-based**, unless the Board strictly follows written standards and process.

### Snapshot of the thread (context only).

- A satirical “foil hats” post triggered polarized replies; some participants “played along,” others objected to tone.
- At least one member reported blocked or disappearing posts; another posted a “dirty laundry” image to criticize airing disputes publicly; one or more replies included **vulgar language**.
- Participants urged moving the debate offline to avoid escalation; however, the record reflects **friction**, **mockery**, and **moderation complaints** during the exchange.

### Why this matters for the current appeal.

1. **Bias risk.** When a community conversation turns personal, it can color perceptions of a later disciplinary action—even subconsciously. That is why the Procedures’ **neutral fact-finding** and **joint-interview** safeguards exist.
2. **No “culture-based” penalties.** Discomfort with tone in prior threads is not a substitute for a **written** rule violation on Aug 19. The Board’s disciplinary power is limited by the governing documents.
3. **Protecting the Club.** A visible, principled commitment to written standards and proportionate outcomes avoids reputational harm and preserves confidence in the

Board's neutrality.

**Requested safeguards and disposition.**

- Keep the appeal strictly within the **noticed charge** and the **written rules** in force on Aug 19.
- Ensure the record is complete and neutral (complainant identified; joint interview completed; incident report, video, logs included).
- Withdraw or convert to a **neutral, non-disciplinary** reminder; adopt any new door policy **prospectively** and communicate it through official channels.

*Submitted for context only; not an admission of identity, conduct, or intent.*

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## **Exhibit I4 — “VR Headset Ban” Thread (May 2024)**

**Purpose.** Document a contemporaneous discussion about banning a specific device/use (VR), raising concerns that ad-hoc, reactive “rules” can become **targeted** rather than **general**, and that unsanctioned channels are not a substitute for duly adopted, official policies.

**Snapshot of the thread (context only).**

- A member proposed a VR ban; another acknowledged not knowing anyone was using VR and suggested taking heated discussion offline.
- The debate touched on whether the Club should craft rules aimed at a single person’s activity versus addressing safety/etiquette through **conversation** or clear, general rules.
- The thread underscores a pattern: pressure to impose **uncodified** restrictions first, articulate rule text later—if at all.

**Why this matters for the current appeal.**

1. **Uncodified enforcement risk.** The current suspension likewise proceeds without a cited written rule prohibiting brief door-holding. That mirrors the VR thread’s concern: **react first, formalize later.**
2. **Official vs. unofficial.** Claims that “everyone was told” via email lists or social media do **not** equal a duly adopted, **official** Club policy. Members deserve a clear, published

standard adopted under the By-Laws.

3. **Forward-looking fix.** If the Club believes certain door behavior or device use creates risk, the remedy is **prospective rulemaking with notice and signage**, not retroactive discipline based on “logical extensions.”

**Requested safeguards and disposition.**

- Require a **specific written section** (by-law/rule/procedure) in force on Aug 19 as the rule-of-decision; absent that, discipline is not authorized.
- Commit to **prospective** policy adoption where the Club sees a need (e.g., door behavior, technology use), communicated through official channels.
- Withdraw the 60-day suspension or convert it to a **neutral, non-disciplinary** reminder.

*This exhibit provides context about policy formation concerns and is not an admission of identity, conduct, or intent.*