

**Site Plan No. 820170120 Leisure World Administration Building and  
Clubhouse I**

**Appendix C**

**E-mail topic area: Concerns for Leisure World Board of Directors'  
Authority and no referendum**

**Shirley, Lori**

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**From:** admin@justus.group  
**Sent:** Wednesday, November 15, 2017 6:07 PM  
**To:** Shirley, Lori; Afzal, Khalid; Findley, Steve; Axler, Ed; Rubin, Carol  
**Cc:** justus organization; natalie brodsky; carol sloane; carole portis; carol sloane  
**Subject:** Illegally constituted Leisure World Community Corporation Board of Directors - failure to comply w/Maryland Homeowners Association Act and other laws  
**Attachments:** Pages from 1-31-17 LWCC\_BOD\_Agenda\_Packet.pdf

**325 standing room only!!!**

*slkatzman*

*President,*

*"JustUs" advocates to enhance the quality of life for all Leisure World residents*

justus.group

[admin@justus.group](mailto:admin@justus.group)



Albert Einstein – “We cannot solve our problems with the same level of thinking that created them.”

## Marlene Smith

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**From:** justus <justus.lwmd@gmail.com>  
**Sent:** Thursday, January 19, 2017 3:04 PM  
**To:** David Frager  
**Cc:** Marlene Smith; Berenice Sommer; alisa bralove  
**Subject:** Illegally constituted LWCC BOD -failure to comply w/ Maryland Homeowners Association Act and other laws

Of course, correspondence dated Dec. 23, 2016, **Subject: Illegally constituted LWCC BOD -failure to comply w/ Maryland Homeowners Association Act and other laws as per LW BOD Standing Rules 1.4** is to published as correspondence in the 1/31/17 LW BOD agenda packet.

Having been informed that no correspondence was being published in the 1/6/17 LW BOD organization meeting packet, why, was this this not published in the 1/19/17 Exec. Comm. agenda packet?

1.4 All correspondence received from a lot, condominium, cooperative, homeowners' association, or unit owner/resident received by noon three business days prior to the date of the executive committee meeting or board meeting, shall be included in the meeting packet of the next regular meeting of the executive committee or board of directors.

slk

**From:** justus <justus.lwmd@gmail.com>  
**Date:** December 23, 2016 9:34:20 AM EST  
**To:** Berri Sommer <bsommer@lwmc.com>, marlene smith <msmith@lwmc.com>  
**Subject:** Illegally constituted LWCC BOD -failure to comply w/ Maryland Homeowners Association Act and other laws

For publication as correspondence in the January 6, 2017 LW BOD agenda packet:

**From:** justus <justus.lwmd@gmail.com>  
**Date:** December 17, 2016 2:12:22 PM EST  
**To:** "LW Exec. Committee" <execcomm@lwmc.com>, LW Board of Directors <board@lwmc.com>  
**Cc:** George Leventhal <George.Leventhal@montgomerycountymd.gov>, Benjamin Delegate Kramer <benjamin.kramer@house.state.md.us>, roger manno <roger.manno@senate.state.md.us>, brian frosh <bfrosh@oag.state.md.us>, alisa bralove <abralove@oag.state.md.us>, Steve Dickerson <steve.dickerson@usi.biz>, JustUsf, richard thornell <rpthornell@comcast.net>  
**Subject:** Illegally constituted LWCC BOD -failure to comply w/ Maryland Homeowners Association Act and other laws

To: Leisure World Community Corporation  
Attn: David Frager, Chair  
Subject: Illegally constituted LWCC BOD must immediately come into compliance with Maryland Homeowners Association Act and other laws

During the 12/9/16 LW Executive Committee work session discussion, General Manager Kevin Flannery said, "if legally you're identified as a homeowners association then you don't have any

opportunity through policy of the board to set what you wanna do. You have to conform to what the law says."

Statements declaring non-HOA status uttered in this session clearly identify tacit agreement to obfuscate LWCC obligations under law.

As a matter of fact, LWCC has long been registered as an HOA as required by Statute. Furthermore, Leisure World Community Corporation HOA status has been affirmed by the State of Maryland Office of Attorney General:

1. "LWCC is subject to the HOA Act."
2. "RP § 11B-106.1 requires the association to "elect" a governing body."
3. "According to the OAG's Consumer Protection Division, because the language of the statute says "elect" the better read of the current statute is that each member of the mutual itself would be entitled to vote as to who the governing body would be"

By law, in each case, the mutual LWCC BOD representatives must be elected by and from the entire mutual membership. In permitting representation by selection rather than election, LWCC is acting in defiance of State of Maryland statute. As such, they are not legally empowered to conduct business on behalf of the owners and Cooperative members. The continued pattern and practice of selecting rather than electing mutual representatives including alternates to the LW BOD, violates the State of Maryland Homeowners Act.

Section 11B-106-1a of the MD HOA Act which states the following:  
"A meeting of the members of the homeowners association to elect a governing body of the homeowners association shall be held..."

In direct opposition to the legal requirements, LWCC Bylaws - Article III. The Board of Directors Bylaws read:

<http://lwmc.com/docs/Trust Documents/LWCC Bylaws Revised 01-29-2013.pdf>

Revised 1/29/13  
Bylaws of the Leisure World Community Corporation

### ARTICLE III. THE BOARD OF DIRECTORS

Section 1. Directors and Alternates. Each Mutual is entitled to select Directors, qualified under the provisions of Section 2 of this Article, to cast its votes and otherwise represent it on the Board of Directors. Each Mutual may also select Alternate Directors who, in accordance with Section 5 of this Article, may represent the Mutual when its Director is absent. Such selections shall be made in accordance with procedures established by the Mutual. A Mutual may select more than one alternate for each Director, if it does so, it shall specify in writing any conditions governing the service of the alternates, including their order of precedence.

**In order to become legally compliant:**

It is incumbent upon the LWCC BOD Executive Committee to notify the President of each "underlying association" (mutual) that a special election be conducted, in which unit owners/shareholders will directly elect their "underlying association" (mutual) LWCC BOD representative(s) and alternate(s). Thereafter, the annual election ballots of each "underlying association" (mutual) are to include nominees for the specific positions of LWCC BOD representative(s) and alternate(s).

Each mutual annual election ballot must include the names of those unit owners/members choosing to run specifically as the LWCC BOD representative(s) and/or alternate(s). The nomination and vote is to be inclusive of every association member, i.e. election is not to be confined only to mutual BOD members.

As currently constituted, the LWCC BOD is in violation of the above referenced statute, thereby rendering invalid all actions taken by the LWCC BOD. Notably included in the actions subject to being adjudicated are: all votes to authorize/approve overall LW budget appropriations, contracts, plans of action and funding (including FEP).

The selected BOD participants have historically relied upon the master policy indemnification clause. Now being made aware that all are seated in violation of the statute, the issue of personal liability comes into question. Travelers will assuredly review this matter and potentially revoke individual indemnification coverage.

This body has the ethical and fiduciary responsibility to immediately rectify this long standing state of HOA non-compliance. If convened, the scheduled January 6, 2017 LWCC BOD/Executive Committee meeting, should not be for the purpose of conducting elections. Such elections should not be held until special elections are conducted in each "underlying association" (mutual), at which time duly elected representatives will be seated and legally enabled to vote for Executive Committee members.

Failure to initiate compliance efforts by 1/2/17, including postponement of the 1/6/17 meeting elections, renders this as an official request for an LWCC Dispute Resolution Hearing, which is to be open to all LW owners/shareholders. This notice is considered exhaustion of remedy as required by CCOC regulations.

Awaiting your prompt reply, we anticipate your willingness to resolve this matter which is of great significance to all Leisure World residents.

*slkatzman*  
*President,*

*"JustUs" advocates to enhance the quality of life for all Leisure World residents*



**Albert Einstein – “We cannot solve our problems with the same level of thinking that created them.”**

**Shirley, Lori**

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**From:** admin@justus.group  
**Sent:** Thursday, October 26, 2017 12:35 AM  
**To:** Rubin, Carol; Anderson, Casey; barbara studwell; justus organization; LW Green  
**Cc:** Sanders, Carrie; Afzal, Khalid; Shirley, Lori; Jude Wikraman Email  
**Subject:** Leisure World Administration Building

To: Carol Rubin

**Principal Counsel**

**Maryland-National Capital Park and Planning Commission**

Carol:

Your below referenced assertion\* re: Leisure World authority is incorrect. The question(s) raised about the authority of Leisure World of Maryland

Corp to have filed the application for the Administrative Building and Clubhouse 1 **had NOTHING** to do with their "good standing" with the **State**

**Department of Assessments and Taxation** as the business entity representing the "cooperative, condominium, and homeowners associations

organized and existing at Rossmoor Leisure World of Maryland, Silver Spring, Maryland."

Perhaps you are confused with the fact that Maryland Clubhouse Services, Inc. Kevin Flannery, President - the holder of the liquor

license used to sell alcoholic beverages in Leisure World Maryland Clubhouse Services, Inc., was in forfeiture since 1983 for failure to =

'file required annual returns and fees to the State Department of Assessments and Taxation. A fact when brought to the attention of the

Montgomery County Liquor Control Board, found Mr. Flannery et al in violation of civil perjury/falsifying documents - the charges of which

Mr. Flannery pled guilty and use member/unit owner funds to pay the \$3,000 fine.

**The Leisure World Community Corporation through its wholly owned subsidiary corporation Leisure World of Maryland Corp, Kevin Flannery President/General Manager, has no authority to file a site plan application because the Leisure World Community Corporation is unlawfully seated in that they are in**

**violation of the State of Maryland Homeowners Association Act,  
which provides for member/unit owners  
to ELECT representatives to the LWCC BOD.**

**Subject:** Illegally constituted LWCC BOD -failure to comply w/ Maryland Homeowners Association Act and other laws  
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**Date:** December 17, 2016 2:12:22 PM EST  
**To:** LW Exec. Committee <execcomm@lwmc.com>, LW Board of Directors <board@lwmc.com>  
**Cc:** George Leventhal <George.Leventhal@montgomerycountymd.gov>, Benjamin Delegate Kramer <benjamin.kramer@house.state.md.us>, roger manno <roger.manno@senate.state.md.us>, brian frosh <bfrosh@oag.state.md.us>, alisa bralove <abralove@oag.state.md.us>, Steve Dickerson <steve.dickerson@usi.biz>, JustUsf, richard thornell <rpthornell@comcast.net>

**To:** Leisure World Community Corporation

**Attn:** David Frager, Chair

**Subject:** Illegally constituted LWCC BOD must immediately come into compliance with Maryland Homeowners Association Act and other laws

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representation by selection rather than election, LWCC is acting in defiance of State of Maryland statute. **As such, they are not legally empowered to conduct business on behalf of the owners and Cooperative members.**  
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Revised 1/29/13

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*slkatzman*

*President,*

*"JustUs" advocates to enhance the quality of life for all Leisure World residents*

justus.group

admin@justus.group



Albert Einstein – “We cannot solve our problems with the same level of thinking that created them.”

From: Rubin, Carol <[carol.rubin@mncppc.org](mailto:carol.rubin@mncppc.org)>

Date: Wed, Oct 25, 2017 at 11:56 AM

Subject: RE: Leisure World Administration Building

To: "bbstudwell@gmail.com" <[bbstudwell@gmail.com](mailto:bbstudwell@gmail.com)>

Cc: "Sanders, Carrie" <[carrie.sanders@montgomeryplanning.org](mailto:carrie.sanders@montgomeryplanning.org)>, "Afzal, Khalid"

<[khalid.afzal@montgomeryplanning.org](mailto:khalid.afzal@montgomeryplanning.org)>, "Shirley, Lori" <[lori.shirley@montgomeryplanning.org](mailto:lori.shirley@montgomeryplanning.org)>

Ms. Studwell,

I am responding to your email addressed to Lori Shirley, the Lead Reviewer for the Planning Department in the referenced application. First, I would like to clarify that the Planning Staff, including Ms. Shirley is not the “duly appointed representative of the community” as you suggest. Ms. Shirley’s role as the assigned reviewer on behalf of the Planning Department is to determine whether the site plan application meets the legal findings required by the Zoning Ordinance and other County laws so that she can make a recommendation to the Planning Board whether to deny, approve, or approve the application with conditions. That recommendation will be detailed in a Staff Report to be posted on the Planning Board’s website with the Board’s agenda for the date of the hearing – November 30. The Report should be posted no later than November 20<sup>th</sup> for public review. At the hearing, the Planning Board will consider that recommendation along with any other testimony

received or evidence presented both by the applicant, the Leisure World Board of Directors, and the community/residents. Please note that your email will become a part of the record that the Planning Board will review before making a decision.

As indicated above, on November 30, 2017, the Planning Board is scheduled to review the site plan application for the Leisure World Administrative Building and Clubhouse 1 that has been designated as Site Plan No. 820170120. The Planning Board's authority to review site plans is under Chapter 59 of the Montgomery County Code, generally referred to as the Zoning Ordinance. The Zoning Ordinance also sets forth the specific factors that the Planning Board is required to consider in any site plan review. Although there are often other issues of concern with regard to development plans that impact a community, many of those issues are beyond the authority of the Planning Board to consider in its decision whether to approve or deny a site plan.

Section 7.3.4.B.1 allows a site plan application to be filed by a party authorized by the owner. \* Questions have been raised about the authority of Leisure World of Maryland Corp to have filed the application for the Administrative Building and Clubhouse 1. Leisure World of Maryland Corp was found to be in good standing with the State Department of Assessments and Taxation as the business entity representing the "cooperative, condominium, and homeowners associations organized and existing at Rossmoor Leisure World of Maryland, Silver Spring, Maryland." Therefore, after meeting all other applicable requirements, on June 26, 2017, this application was accepted as complete.

Questions have been raised about whether the Planning Board is required to consider all issues raised by the community in opposition to the project. The purpose of the hearing before the Board is for them to hear the positions of interested parties to an application, however, the Planning Board must consider any evidence before it in light of the authority established by the Zoning Ordinance. The Board cannot make a decision, whether to approve or deny an application, without a legal basis established through the Zoning Ordinance. The necessary findings of the Planning Board to approve a site plan application are set forth in Section 7.3.4.E.2 of the Zoning Ordinance:

The Planning Board must find that the proposed development:

- a. satisfies any previous approval that applies to the site;
- b. satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;
- c. satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;
- d. satisfies applicable use standards, development standards, and general requirements under this Chapter;
- e. satisfies the applicable requirements of:
  - i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and
  - ii. Chapter 22A, Forest Conservation.

- f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;
- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;
- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;
  - i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and
  - j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.

The following is a link to the Zoning Ordinance.

[http://library.amlegal.com/nxt/gateway.dll/Maryland/montzon2014/chapter59montgomerycountyzoningordinance?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:montgomeryco md mc](http://library.amlegal.com/nxt/gateway.dll/Maryland/montzon2014/chapter59montgomerycountyzoningordinance?f=templates$fn=default.htm$3.0$vid=amlegal:montgomeryco md mc)

If you would like to raise your concerns to the Planning Board, you may either **sign up to testify** on November 30<sup>th</sup> through the following link: <http://montgomeryplanningboard.org/meetings/signup-to-testify/>

Or, you can submit a **written statement** for consideration by the Planning Board, via e-mail to MCP-Chair@mncppc-mc.org, faxed to Chair Casey Anderson at 301-495-1320, or addressed to: Casey Anderson, Chair, Montgomery County Planning Board, 8787 Georgia Avenue, Silver Spring, Maryland 20910 by 9 AM on November 29th, to give ample time for the Board to receive and fully consider all of the testimony.

The Planning Board encourages written testimony because the Chair may also set time limits for each segment of a public hearing, including limits on the time for individual speakers and the total time permitted for oral testimony. The Chair must consider the total amount of time available to conduct the hearing, the number of persons who request to be heard, and the overall breadth and complexity of the matters to be considered by the Planning Board. Individuals testifying before the Board are generally limited to 3 minutes. However, as noted on the testimony rules on the Board's website, occasionally due to time constraints, the Chair may need to limit the total amount of time dedicated to public testimony. And given the broad interest in this matter,

advance written testimony will not only assure that the Board can consider the positions of all interested persons, but it will provide the Board members sufficient time to consider all of its options.

**Carol S. Rubin**

Principal Counsel

Maryland-National Capital Park and Planning Commission

8787 Georgia Avenue, Suite 205

Silver Spring, Maryland 20910

tel: 301-495-4646; fax: 301-495-2173

email: carol.rubin@mncppc.org

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**From:** Barbara Studwell [mailto:[bbstudwell@gmail.com](mailto:bbstudwell@gmail.com)]

**Sent:** Tuesday, October 24, 2017 4:39 PM

**To:** Shirley, Lori <[lori.shirley@montgomeryplanning.org](mailto:lori.shirley@montgomeryplanning.org)>; [admin@justus.gtoup](mailto:admin@justus.gtoup)

**Subject:** Leisure World Administration Building

Dear Ms. Shirley,

Because the Leisure World Board of Directors has not allowed a referendum on the question of a new administration building nor an engineering study of the present building, we we residents are feeling completely stymied as to how to make our voices heard in a supposedly democratic society.

Our pleas to the governing Board of Directors have been ignored and our last resort is to appeal to you, our duly appointed representatives of the community. On November 2nd we hope to express, in person, cogent reasons that will move you to deny the Board's relentless pursuit to impose their will. You have invited us to participate at your hearing and we expect to present our views as succinctly as possible. You can understand how alarming it is to us to hear that time is short and the schedule is packed. We simply ask that you understand our reasoning and our deeply held belief that modifying the present building is the right thing to do.

Sincerely,

Barbara Studwell

14805 Pennfield Circle #307

Silver Spring, MD

301-598-0706

## **Shirley, Lori**

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**From:** Rubin, Carol  
**Sent:** Wednesday, October 25, 2017 11:57 AM  
**To:** bbstudwell@gmail.com  
**Cc:** Sanders, Carrie; Afzal, Khalid; Shirley, Lori  
**Subject:** RE: Leisure World Administration Building

Ms. Studwell,

I am responding to your email addressed to Lori Shirley, the Lead Reviewer for the Planning Department in the referenced application. First, I would like to clarify that the Planning Staff, including Ms. Shirley is not the “duly appointed representative of the community” as you suggest. Ms. Shirley’s role as the assigned reviewer on behalf of the Planning Department is to determine whether the site plan application meets the legal findings required by the Zoning Ordinance and other County laws so that she can make a recommendation to the Planning Board whether to deny, approve, or approve the application with conditions. That recommendation will be detailed in a Staff Report to be posted on the Planning Board’s website with the Board’s agenda for the date of the hearing – November 30. The Report should be posted no later than November 20<sup>th</sup> for public review. At the hearing, the Planning Board will consider that recommendation along with any other testimony received or evidence presented both by the applicant, the Leisure World Board of Directors, and the community/residents. Please note that your email will become a part of the record that the Planning Board will review before making a decision.

As indicated above, on November 30, 2017, the Planning Board is scheduled to review the site plan application for the Leisure World Administrative Building and Clubhouse 1 that has been designated as Site Plan No. 820170120. The Planning Board’s authority to review site plans is under Chapter 59 of the Montgomery County Code, generally referred to as the Zoning Ordinance. The Zoning Ordinance also sets forth the specific factors that the Planning Board is required to consider in any site plan review. Although there are often other issues of concern with regard to development plans that impact a community, many of those issues are beyond the authority of the Planning Board to consider in its decision whether to approve or deny a site plan.

Section 7.3.4.B.1 allows a site plan application to be filed by a party authorized by the owner. Questions have been raised about the authority of Leisure World of Maryland Corp to have filed the application for the Administrative Building and Clubhouse 1. Leisure World of Maryland Corp was found to be in good standing with the State Department of Assessments and Taxation as the business entity representing the “cooperative, condominium, and homeowners associations organized and existing at Rossmoor Leisure World of Maryland, Silver Spring, Maryland.” Therefore, after meeting all other applicable requirements, on June 26, 2017, this application was accepted as complete.

Questions have been raised about whether the Planning Board is required to consider all issues raised by the community in opposition to the project. The purpose of the hearing before the Board is for them to hear the positions of interested parties to an application, however, the Planning Board must consider any evidence before it in light of the authority established by the Zoning Ordinance. The Board cannot make a decision, whether to approve or deny an application, without a legal basis established through the Zoning Ordinance. The necessary findings of the Planning Board to approve a site plan application are set forth in Section 7.3.4.E.2 of the Zoning Ordinance:

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- a. satisfies any previous approval that applies to the site;
- b. satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;
- c. satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;
- d. satisfies applicable use standards, development standards, and general requirements under this Chapter;
- e. satisfies the applicable requirements of:
  - i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and
  - ii. Chapter 22A, Forest Conservation.
- f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;
- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;
- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;
  - i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and
  - j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.

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Maryland-National Capital Park and Planning Commission

8787 Georgia Avenue, Suite 205

Silver Spring, Maryland 20910

tel: 301-495-4646; fax: 301-495-2173

email: [carol.rubin@mncppc.org](mailto:carol.rubin@mncppc.org)

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**From:** Barbara Studwell [<mailto:bbstudwell@gmail.com>]

**Sent:** Tuesday, October 24, 2017 4:39 PM

**To:** Shirley, Lori <[lori.shirley@montgomeryplanning.org](mailto:lori.shirley@montgomeryplanning.org)>; [admin@justus.gtoup](mailto:admin@justus.gtoup)

**Subject:** Leisure World Administration Building

Dear Ms. Shirley,

Because the Leisure World Board of Directors has not allowed a referendum on the question of a new administration building nor an engineering study of the present building, we we residents are feeling completely stymied as to how to make our voices heard in a supposedly democratic society.

Our pleas to the governing Board of Directors have been ignored and our last resort is to appeal to you, our duly appointed representatives of the community. On November 2nd we hope to express, in person, cogent reasons that will move you to deny the Board's relentless pursuit to impose their will. You have invited us to participate at your hearing and we expect to present our views as succinctly as possible. You can understand how alarming it is to us to hear that time is short and the schedule is packed. We simply ask that you understand our reasoning and our deeply held belief that modifying the present building is the right thing to do.

Sincerely,

Barbara Studwell

14805 Pennfield Circle #307

Silver Spring, MD

301-598-0706

## **Shirley, Lori**

---

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**Sent:** Tuesday, October 24, 2017 4:39 PM  
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**Shirley, Lori**

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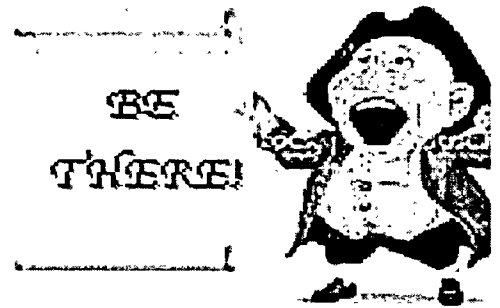
**From:** admin@justus.group  
**Sent:** Monday, September 25, 2017 9:46 PM  
**To:** justus organization; LW Green; press and tv mediaf; LW News Committee; LW Board of Directors; Maureen Freeman; stacy smith; mncpcc@justus.group  
**Subject:** Get Ye to the Town Hall - this Weds. 9/27/17

# RESIDENTS TOWN HALL MEETING

**Date: September 27, 2017**

**Time: 1:30 – 3:30 p.m.**

**Clubhouse 1 – Crystal Ballroom**



## LEISURE WORLD GOVERNANCE AND ITS MIS-MANAGEMENT OF YOUR FUNDS

**\$\$ -- Follow YOUR Money -- \$\$**

**EVERY \$\$\$\$ spent --EVERY action taken by the Leisure World Board of Directors is in violation of the State of Maryland Homeowners Association Act.**

**This includes:**

**The unwarranted plan to construct a new administration building!**

**Denying our right to elect the representatives:**

**(RP § 11B-106.1 requires the association to 'elect' a governing body.**

**Allowing General Manager use of our funds for \$\$\$ multi-million \$\$\$ contracts**

**General Manager failure to pay State alcoholic beverage sale tax that YOU are required to pay;**

**325 standing room only!!!**

*slkatzman*

*President,*

*"JustUs" advocates to enhance the quality of life for all Leisure World residents*

justus.group

[admin@justus.group](mailto:admin@justus.group)



Albert Einstein – “We cannot solve our problems with the same level of thinking that created them.”

## Shirley, Lori

---

**From:** Rubin, Carol  
**Sent:** Monday, September 25, 2017 4:02 PM  
**To:** admin@justus.group; richard thornell  
**Cc:** Shirley, Lori  
**Subject:** RE: Site Plan 820170120, Leisure World Administrative Building and Clubhouse 1 - legal action against LWCC

On June 26, 2017, the Planning Department accepted the application for Site Plan 820170120, Leisure World Administrative Building and Clubhouse filed by Leisure World of Maryland Corp (Applicant). Section 59.7.3.4.C of the Montgomery County Code requires that the Planning Board schedule a public hearing on the application within 120 days after the date an application is accepted. No request has been made by the applicant for an extension.

Section 59.7.3.4.B requires that an applicant must own the subject property or be authorized by the owner to file the application. On at least three previous applications for development approvals at Leisure World, this same Applicant has been accepted as the authorized applicant without challenge by the community. Therefore, at the time the subject application was submitted, the Planning Department accepted the application from Leisure World of Maryland Corp as duly authorized.

You are now questioning whether Leisure World of Maryland Corp has the proper authority to act on behalf of the Leisure World community. As I indicated earlier, unless that question of authority has been filed with a Court that has jurisdiction over the Planning Board, I am not prepared to recommend that the Planning Board delay without a request from the Applicant, or condition its review and decision without an order by a Court of competent jurisdiction.

You suggest that the Planning Board's action should be stayed under Montgomery County Code - Chapter 10B-9(e), which provides: "Except as provided in Section 10B-9A [where relief from stay has been granted], when a dispute is filed with the Commission [on Common Ownership Communities], **a community association must not take any action to enforce or implement the association's decision**, other than filing a civil action under subsection (f), until the process under this Article is completed." (emphasis added). The requirement *not to take any action to enforce or implement the association's decision* is over the community association, which in this case would be the Applicant – not the Planning Board, as the Planning Board is subject to statutory time requirements to act as indicated above. This is clearly a private dispute that must be resolved between the association and its members. The Planning Board would merely be issuing the governmental regulatory authority necessary for the association to take the next step in its development process. Whether the association can act on that regulatory approval and take that next step would depend on private legal action.

**Carol S. Rubin**

Principal Counsel

Maryland-National Capital Park and Planning Commission

8787 Georgia Avenue, Suite 205

Silver Spring, Maryland 20910

tel: 301-495-4646; fax: 301-495-2173

email: carol.rubin@mncppc.org

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dial number set forth above, or at (301) 495-4646 , and delete the communication from any computer or network system.

**From:** admin@justus.group [mailto:admin@justus.group]

**Sent:** Tuesday, September 19, 2017 3:21 AM

**To:** Rubin, Carol <carol.rubin@mncppc.org>; richard thornell <cthornell@comcast.net>

**Subject:** Site Plan 820170120, Leisure World Administrative Building and Clubhouse 1 - legal action against LWCC

Carol:

1. Please identify/provide the regulation showing: "It needs to be a court that would have jurisdiction to set aside the authority of the Applicant to file the site plan."

2. . Montgomery County Code - Chapter 10B, Common Ownership Communities

upon acceptance of a complaint - CCOC places a "stay" on any actions contained within the complaint, i.e. in this case - LW authority seek permit from Park & Planning

slk

**From:** "Rubin, Carol" <carol.rubin@mncppc.org>

**Date:** July 12, 2017 1:13:42 PM EDT

**To:** justus <justus.lwmd@gmail.com>

**Cc:** richard thornell <rpthornell@comcast.net>, "Shirley, Lori" <lori.shirley@montgomeryplanning.org>, "Butler, Patrick" <patrick.butler@montgomeryplanning.org>

**Subject:** RE: Site Plan 820170120, Leisure World Administrative Building and Clubhouse 1 - legal action against LWCC

No. It needs to be a court that would have jurisdiction to set aside the authority of the Applicant to file the site plan.

**Carol S. Rubin**

Principal Counsel

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Silver Spring, Maryland 20910

tel: 301-495-4646; fax: 301-495-2173

email: [carol.rubin@mncppc.org](mailto:carol.rubin@mncppc.org)

**From:** justus [mailto:justus.lwmd@gmail.com]

**Sent:** Wednesday, July 12, 2017 1:01 PM

**To:** Rubin, Carol <carol.rubin@mncppc.org>

**Cc:** richard thornell <rpthornell@comcast.net>

**Subject:** Re: Site Plan 820170120, Leisure World Administrative Building and Clubhouse 1 - legal action against LWCC

Carol:



in an earlier conversation and email exchange - you asked to be advised when legal action has been filed against Leisure World, "so that should any application approval would be considered "conditional until determination that applicant has authority. "

Am I correct that this includes a complaint filed with CCOC, the Montgomery County homeowners association regulatory authority?

**325 standing room only!!!**

*slkatzman*

*President,*

*"JustUs" advocates to enhance the quality of life for all Leisure World residents*

justus.group

admin@justus.group



Albert Einstein – “We cannot solve our problems with the same level of thinking that created them.”

**Shirley, Lori**

---

**From:** admin@justus.group  
**Sent:** Saturday, September 23, 2017 8:38 AM  
**To:** justus organization; LW Green; LW Board of Directors; press and tv mediaf;  
cpac@justus.group; lwdogs@justus.group; mncpcc@justus.group  
**Subject:** Administration Site Pictures...June 23, 2015

**THIS IS THE FLOOD ZONE UPON WHICH THE ILLEGALLY SEATED BOARD OF DIRECTORS AND THEIR SNAKE OIL SALESMAN GENERAL MANAGER - WANT TO BUILD AN ADMINISTRATION BUILDING:**

**From:** Darlene Hamilton  
**Date:** September 23, 2017 1:54:17 AM EDT  
**To:** "mr. longpants" <[mr.longpants@gmail.com](mailto:mr.longpants@gmail.com)>,  
**Subject:** Administration Site Pictures...June 23, 2015

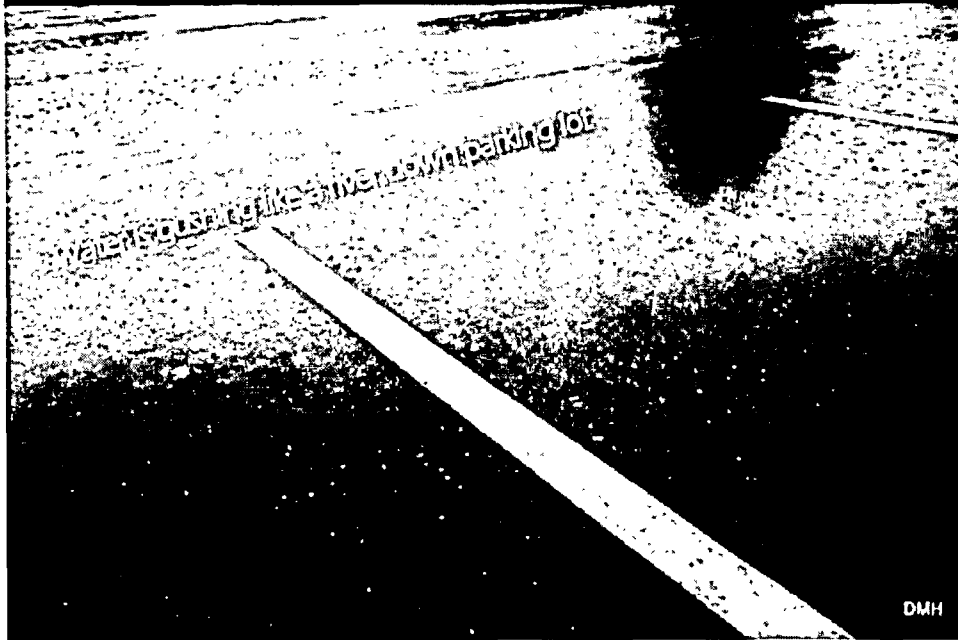


Darlene

DMH

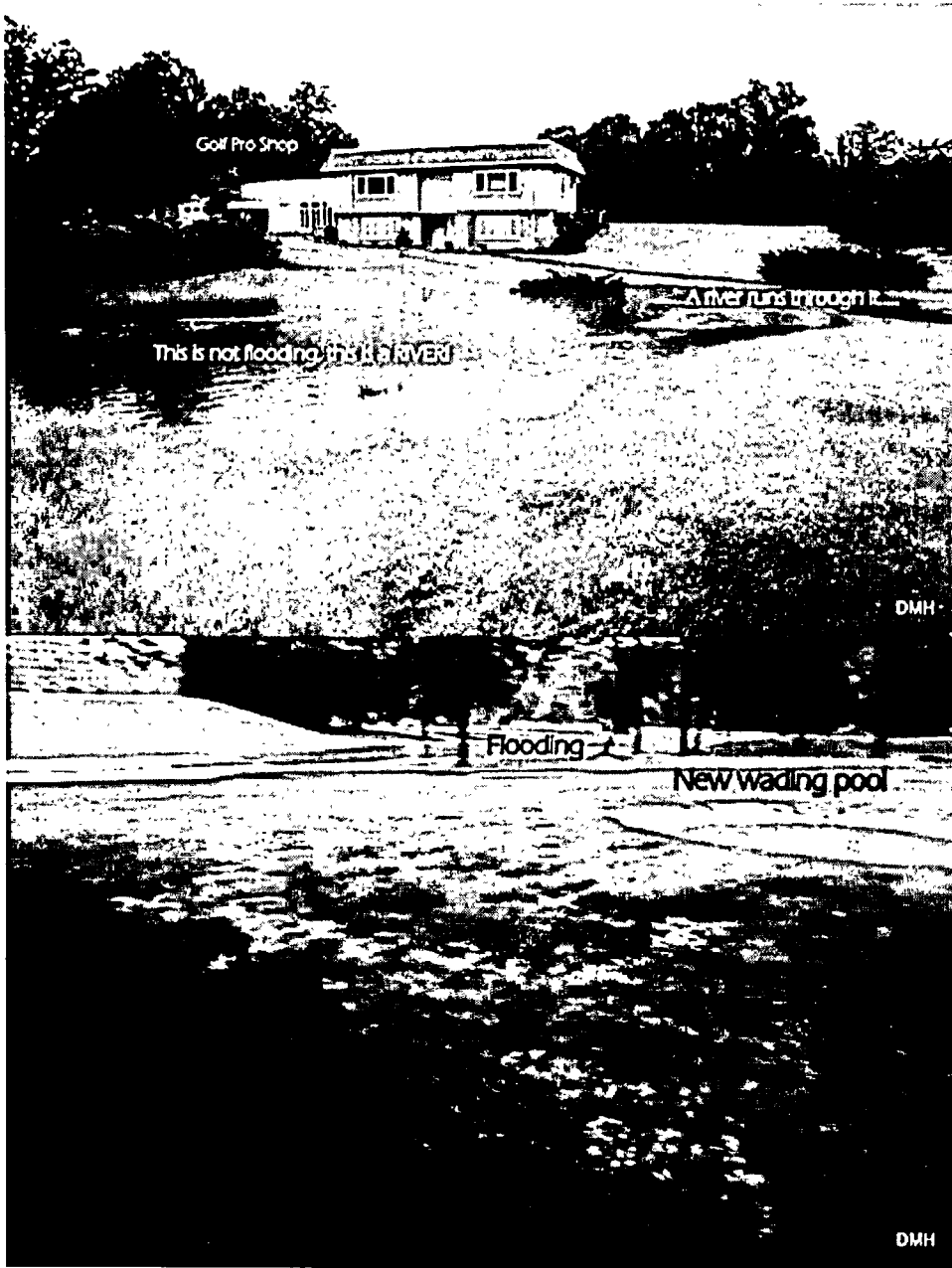


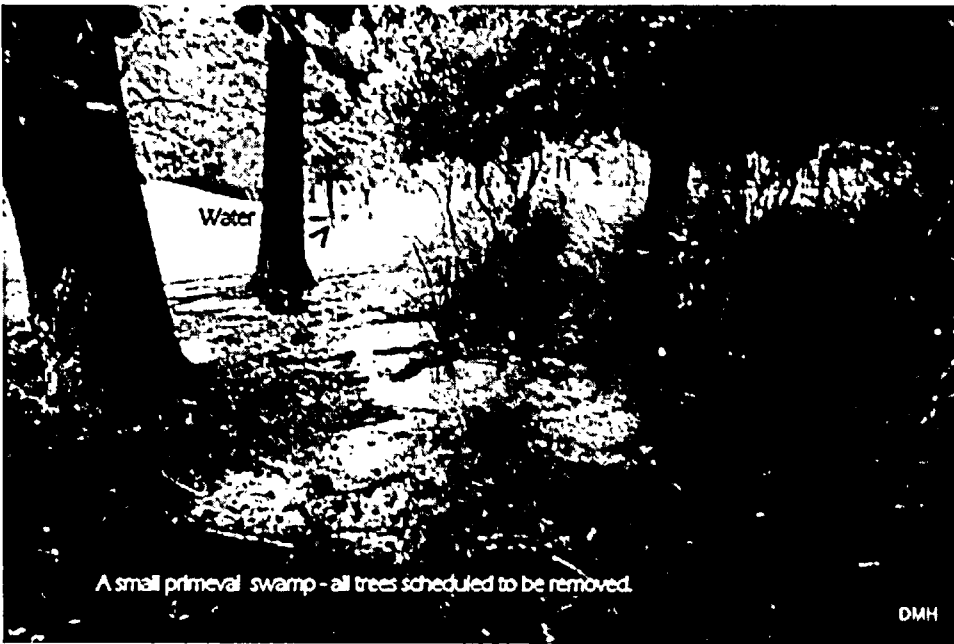
DMH



DMH







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[admin@justus.group](mailto:admin@justus.group)



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## Shirley, Lori

---

**From:** admin@justus.group  
**Sent:** Tuesday, August 15, 2017 9:07 AM  
**To:** David Frager; Carole Portis; crystal castillo; mncpcc@justus.group; LW Board of Directors; justus organization; Town Hall organizing committee  
**Subject:** Re: Books & Records - Admin. Bldg. studies

As was specifically explained to you -- the State requires a Sales & Use Tax account be established in the SAME name as the liquor license holder - MARYLAND CLUBHOUSE SERVICES, INC. - NO SUCH ACCOUNT EXISTED UNTIL THIS INVESTIGATION CAUSED KEVIN FLANNERY, PRESIDENT - MARYLAND CLUBHOUSE SERVICES to establish such an account in March 2017.

The food service contractor Perrie, LLC - is NOT the liquor license holder - and has no such sales & use tax account.

Until you prove that the taxes were paid into this imaginary sales and use tax account, you et al are complicit in Kevin Flannery's crimes.

On Aug 15, 2017, at 8:55 AM, David Frager wrote:

Let me put in in plain English: my understanding is that the taxes are paid NOT BY LWMC but by our food service contractor, whose records are not subject to the HOA. Again, I cannot believe that the state and county would have allowed all these years to go by without taxes being collected and paid by the food service contractor. If you want to continue to raise this issue, do so with the tax collection authorities. They are very intolerant with those who cheat on taxes in any form.

Dave

On Aug 14, 2017, at 11:00 PM, [admin@justus.group](mailto:admin@justus.group) wrote:

your response has NOTHING to do with the subject request.

re: the Md. Clubhouse Services Inc. request for documents -- he better "find" the records - else he is a fraud - every one of the BOD will be held accountable.

Flannery must be required to show proof of collected alcohol sales taxes or he is to be considered a criminal who has committed tax fraud.

On Aug 14, 2017, at 10:47 PM, David Frager wrote:

Please remember that the agent, the Leisure World of Maryland Corporation, has the records and that requests should be directed to and follow the directions provided by that organization. Carole - some these request may be more complicated based on the passage of time and the difficulty of finding records that match your criteria.

Dave

On Aug 14, 2017, at 1:55 PM, [onomistee@aol.com](mailto:onomistee@aol.com) wrote:

I wish someone starting at the top be forthcoming regarding request. When questions are asked and you truly do not know, then state honestly. We are suppose to be adults and looking out for the welfare of all residents in Leisure World.

Most of us have retired and wanted a great place to live; however, if there is no honesty, forthcoming of information and transparency, then what?

Stop the madness and lets work together.

Perhaps, we should question ourselves and thank your "Heavenly Father" we have a place to live!

Carole L. Portis

[onomistee@aol.com](mailto:onomistee@aol.com)



-----Original Message-----

From: admin <[admin@justus.group](mailto:admin@justus.group)>

To: David Frager <[davidfrager@aol.com](mailto:davidfrager@aol.com)>; crystal castillo <[ccastillo@lwmc.com](mailto:ccastillo@lwmc.com)>; LW Board of Directors <[board@lwmc.com](mailto:board@lwmc.com)>; justus organization <[justus@justus.group](mailto:justus@justus.group)>; Town Hall organizing committee <[thcommittee@justus.group](mailto:thcommittee@justus.group)>; mncpcc <[mncpcc@justus.group](mailto:mncpcc@justus.group)>

Sent: Mon, Aug 14, 2017 1:40 pm

Subject: Books & Records - Admin. Bldg. studies

**As per § 11B-112. Books and records of homeowners association, the following documents are to be provided for review and copy:**

- 1. name of company, contract and report: professional cost estimators hired to provide administration building site plan cost estimates**
- 2. name of companies, contracts and reports : administration building site plan soil bore test, sediment and storm water management studies**

**These reports have been referenced several times by Nicole Gerke in her presentations to CPAC and the LW BOD. When asked to provide a copy of each, she has failed to do so. During her presentation at today's CPAC meeting, when asked the name of the company performing the professional cost estimates - she either didn't know it or refused to answer. Carole Kennon,**



**Chair announced that information will be provided by Ms. Gerke after the meeting. Ms. Gerke was then observed texting someone. Moments later the meeting room door opened and Ms. Gerke was called out of the room by Kevin Flannery. She returned to the meeting several minutes later.**

**After the meeting had adjourned, Ms. Gerke was again asked for the name of the professional cost estimators, and to provide a copy of their report. She said, "I'm not comfortable giving that information."**

**Several of those witnessing this went to meet w/Crystal Castillo for the purpose of verbally making this production of Books & Records request.**

**325 standing room only!!!**

*slkatzman  
President,*

*"JustUs" advocates to enhance the quality of life for all Leisure World residents*

[justus.group](http://justus.group)  
[admin@justus.group](mailto:admin@justus.group)

<logo.jpg>

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**Shirley, Lori**

---



**From:** Patterson, Patrick  
**Sent:** Monday, August 14, 2017 2:21 PM  
**To:** Shirley, Lori  
**Subject:** FW: Books & Records - Admin. Bldg. studies

Lori,

Here is another email to add to your records.

Respectfully,

**Patrick M. Patterson**  
Planner, Development Applications & Regulatory Coordination

Montgomery County Planning Department \_\_\_\_\_  
8787 Georgia Avenue  
Silver Spring, Maryland 20910  
(301)495-4555 office

<http://montgomeryplanning.org/>

*Texas A&M Urban Planning '13 & '15*

**EXCELLENCE**  
M-NCPPC90

---

**From:** admin@justus.group [mailto:admin@justus.group]  
**Sent:** Monday, August 14, 2017 1:41 PM  
**To:** David Frager <davidfrager@aol.com>; crystal castillo <ccastillo@lwmc.com>; LW Board of Directors <board@lwmc.com>; justus organization <justus@justus.group>; Town Hall organizing committee <thcommittee@justus.group>; mncpcc@justus.group  
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**Shirley, Lori**

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**From:** Adams, Holly  
**Sent:** Monday, August 14, 2017 1:43 PM  
**To:** Shirley, Lori  
**Subject:** FW: Books & Records - Admin. Bldg. studies

**From:** admin@justus.group [mailto:admin@justus.group]  
**Sent:** Monday, August 14, 2017 1:41 PM  
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