

CHAIN 3 OF 5

Leisure Village West; Member Conduct Resolution

August 9, 2026 to September 8, 2026

11 messages, in chronological order

Mr. Glapion:

I write in response to your email from Friday, August 7. Please direct any further correspondences concerning this matter to me.

As you know, the Board adopted the Resolution on August 5 and has not authorized its rescission. Nevertheless, I will speak to the Board regarding your concerns.

Also, please note that management will provide copies of the resolutions adopted at the August 5 meeting and the existing meeting recording. The Board's authority is identified in the Resolution's recitals, including Declaration Section 10; Bylaws Article VI, Sections 1 and 1(n); and Bylaws Article IX, Sections 1 and 2. If you seek additional nonprivileged Association records, please identify them with reasonable specificity. Attorney-client communications and attorney work product will not be produced.

At the board meeting, I was referring to the New Jersey Supreme Court decision **Blakey v. Continental Airlines, Inc.**, 164 N.J. 38 (2000). To be clear, **Blakey** does not hold that an employer must act upon every social media post that may be perceived as harassing. It recognizes that an employer with notice of a pattern of severe or pervasive harassment occurring in a work-related electronic forum may have a duty to take effective measures when the forum and conduct are sufficiently connected to the workplace. The general hostile-work-environment standard is discussed in **Lehmann v. Toys "R" Us, Inc.**, 132 N.J. 587, 603-04, 623 (1993).

Here, it is my understanding that there is currently at least one unofficial LVW Facebook page that is open only to residents, which has similarities to the forum in **Blakey**. The Facebook group page is not open to the general public; rather, it is restricted to Leisure Village West residents, is operated by a member, and is used to discuss Association affairs and the employees who administer them. The electronic forum in **Blakey** was also provided by a third party, voluntarily used, and not directly operated by Continental. Nevertheless, the Supreme Court recognized that an unofficial electronic forum could become an extension of the workplace depending upon its participants, purpose, connection to workplace operations, employer notice, and the effects of the postings.

So, when a resident uses the Facebook page forum to threaten, discriminatorily harass, or direct a campaign of targeted abuse against an Association employee, our concern is that the conduct has a substantial connection to the employee's workplace even though Facebook is privately operated and therefore could subject the Association to liability. Please note that the Association is not claiming authority over every critical

post and has no obligation to monitor the page. But once serious workplace-related harassment is brought to its attention, the Association should be permitted to take reasonable measures within its control. The medium should not provide immunity for conduct that the Association could address if it occurred face-to-face, by telephone, or in the management office.

Again, we will speak to the Board regarding your concerns and will be in touch.

Sincerely,

Michael Polulak, Esq.

Polulak Law, LLC

615 Main Street, Toms River, NJ 08753

Main: 732-858-0600 ● Cell: [REDACTED]

Polulaklaw.com

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Jeremy Glapion <jmg@glapionlaw.com>

Sunday, August 9, 2026, 4:27 PM

Thank you for the detailed response.

Regarding the Board's authority, this gets at the root of my threshold issue with the conduct policy. The Board is authorized to "make, and enforce compliance with, such reasonable rules and regulations relative to the operation, use and occupancy of the units, common elements

and Association facilities[.]" In other words, the board can regulate "operation, use and occupancy" of the premises. It is difficult to fit the broad scope of 1(g) into this constraint, which pulls in conduct

(communicating) that does not involve the “operation, use and occupancy” of the facilities. Simply speaking about association facilities does not transform the speech into the purview of the bylaws’ grant of authority.

By contrast, if the policy wanted to prohibit using LVW computers to disseminate harassing speech, that would be within its purview, setting aside the constitutional concerns.

Regarding *Blakey*, my understanding of the system involved is that it was one integral to the workplace, not just a third party bulletin board that had no official use or sanction. Specifically, the bulletin board was made available as part of a required employee scheduling system. I appreciate your concerns about a LVW Facebook page, but those aren’t comparable. And per what you said, LVW has nothing to do with that page, and it has no official use. Rather than try to exert questionable regulatory authority over that page, is it not possible to enforce rights to the LVW name to prevent its use and avoid confusion?

I also want to be clear that I’m taking your concerns and the Board’s concerns at face value, and taken as such, I applaud seeking to protect LVW employees. But a protection unlawfully enacted and/or unconstitutionally broad is no protection at all (outside of the chilling effect on speech it might cause).

I also admit, however, that the urgency of rushing to pass this as written, over the unanimous and well-spoken objections of attendees at the meeting, gives me some concerns over an ulterior motive here, and suggests similar urgency is needed on my part to challenge this.

The most prudent (and frankly, cost effective) course of action seems to take this back to the drawing board.

Thanks again for engaging, and let me know if there’s any change on your end as we approach that 8/17 timing.

(This email was drafted while mobile; apologies for typos)

Jeremy M. Glapion

Partner

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Jeremy Glapion <jmg@glapionlaw.com>

Tuesday, August 18, 2026, 12:09 PM

To: Michael Polulak <mpolulak@polulaklaw.com>

Good afternoon-

Returning from my travels and wanted to see if there is progress toward a resolution on your end.

Best,

Jeremy

Jeremy M. Glapion

Partner

Glapion Law Firm
1704 Maxwell Drive
Wall, New Jersey 07719

732-455-9737
jmg@glapionlaw.com

Michael Polulak

Tuesday, August 18, 2026, 4:18 PM

To: 'Jeremy Glapion' <jmg@glapionlaw.com>

Mr. Glapion:

We will get back to you shortly. I will be out of the office at an industry event tomorrow, but I will try to reach out by the end of the week.

Sincerely,

Michael Polulak, Esq.

Polulak Law, LLC

615 Main Street, Toms River, NJ 08753

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[Settlement discussion not shown]

Michael Polulak <mpolulak@polulaklaw.com>

Monday, August 31, 2026, 12:00 PM

Jeremy:

I am writing to follow up on this matter. I spoke with the Board, and due to the pending election, the current Board members would prefer to defer any discussion regarding potential changes to the resolution until the newly elected Board is seated. We will be in touch after the new Board has had an opportunity to review.

Sincerely,

Michael Polulak, Esq.

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Jeremy Glapion <jmg@glapionlaw.com>

Monday, August 31, 2026, 12:03 PM

The Board passed this resolution right before an election? You have to see the optics there and why I may not be inclined to wait.

When is the election?

Jeremy M. Glapion

Partner

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Jeremy Glapion <jmg@glapionlaw.com>

Tuesday, September 8, 2026, 2:00 PM

To: Michael Polulak <mpolulak@polulaklaw.com>

Michael:

What is the status here? Each day this resolution remains on the book

causes harm and I've been more than patient, despite the election-eve wrinkle which makes this whole issue even more problematic.

Jeremy M. Glapion

Partner

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732-455-9737
jmg@glapionlaw.com

Michael Polulak <mpolulak@polulaklaw.com>

Tuesday, September 8, 2026, 3:16 PM

To: Jeremy Glapion <jmg@glapionlaw.com>

Jeremy:

The election occurred a week or two ago and the new board is now in. I will follow up with the board and get back to you.

Sincerely,

Michael Polulak, Esq.

Polulak Law, LLC

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Polulaklaw.com

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