

EXHIBIT D

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July 6, 2026

Via Email

Re: Objection and Notice of Legal Deficiencies in Member Conduct Resolution Draft (June 30, 2026) and Social Media Resolution Draft (June 26, 2026)

Dear Mr. Hasko and Mr. Polulak:

My name is Jeremy Glapion. I am the owner of [REDACTED], in Leisure Village West. I am also an attorney licensed in New Jersey. I am in receipt of your email dated July 6, 2026, to which was attached a draft Member Conduct Policy and Social Media Policy.

I urge the board not to adopt either policy. As set forth briefly below, the proposed policies both exceed the Board's rulemaking authority and further violate the New Jersey Constitution, as construed in *Dublirer v. 2000 Linwood Ave. Owners, Inc.*, 220 N.J. 71 (2014) and *Mazdabrook Commons v. Khan.*, 210 N.J. 482 (2012).

1. The Policies exceed the Board's rulemaking authority.

The Board claims authority for both policies from Article VI, § 1(n) of its bylaws, which authorize rules "relative to the operation, use and occupancy of the units, common elements and Association facilities[.]" The Social Media Policy, which purports to regulate Members' speech made anywhere, to anyone, on any platform is wholly outside this rulemaking power. A Member's post on Facebook, statement to a newspaper, in a blog, or flyer distributed off-premises has nothing to do with the operation, use, or occupancy of a unit, common element, or association facility.

In addition, because §§ 1.c.3-5 of the Member Conduct Policy contain no locational limit, they backdoor the above concerns under a different policy. As written, these paragraphs would cover

“incivility” occurring entirely off premise. For the same reasons as set forth in the previous paragraph, such restrictions exceed the Board’s rulemaking authority.

Restrictions of this scope are a new covenant, not a rule. As such, the proper vehicle, if any, is an amendment to the Master Deed or Bylaws adopted by membership, not a board resolution. A rule adopted beyond the Board’s delegated authority is void *ab initio*, and any fine assessed under it is uncollectible.

2. The Social Media Resolution violates the New Jersey Constitution as construed in *Dublirer* and *Mazdabrook*.

Unlike the federal First Amendment, Article I, ¶ 6 of the New Jersey Constitution applies to private common-interest communities. In *Dublirer v. 2000 Linwood Ave. Owners, Inc.*, the Supreme Court struck down a co-op’s restriction on a resident’s distribution of materials critical of the board. 220 N.J. 71 (2014); *see also Mazdabrook Commons Homeowners’ Ass’n v. Khan*, 210 N.J. 482 (2012) (prohibition of on-premises political signs unconstitutional).

Importantly, these unconstitutional rules were decidedly *narrower* than what the Board proposes here in its Social Media Resolution, which purports to cover *any* communication made in any public forum, including those vaguely and subjectively considered by the Board to be “[u]ncivil”. I am aware of no New Jersey decision upholding such a restriction. In fact, every New Jersey case applying Article I, ¶ 6 to common-interest communities has involved expression *within the community itself*. *See, e.g., Better Twin Rivers v. Twin Rivers Homeowners’ Ass’n*, 192 N.J. 344 (2007); *Dublirer; Mazdabrook*. Even *Twin Rivers*—the high-water mark of Association authority—emphasized that regulation of expression by an association must, *at minimum*, be reasonable as to time, place, and manner. Not only is the proposed Social Media Resolution unreasonable as to time, place, and manner—it contains no time, place, and manner limitations whatsoever.

In short, this resolution asserts jurisdiction over speech with no nexus to Association property whatsoever. It reaches further than any regulation a New Jersey court has ever sustained, in the precise category of speech New Jersey courts have most strongly protected.

3. Strict vicarious liability for residents’ and guests’ speech is indefensible.

As explained, the Board has limited authority to control the on-premises speech of Members, and no authority to control the off-premises speech of Members. The Social Media Resolution’s attempted application to non-Members compounds this problem. Whatever authority the Board holds over Members derives from the consent of those Members: an owner takes title subject to the Master Deed and the rules validly promulgated under it. Tenants, guests, and “any other residents” (¶1.f) consented to nothing. The Association’s authority over them, to the extent it exists at all, comes from their use and occupancy of the units and common elements—a nexus which is entirely absent when the regulated conduct is a Facebook post. As to non-Members’ off-premises speech, the Resolution is a nullity.

This is presumably why the drafter of the resolution sought to circumvent this problem through strict vicarious liability against members (§§ 1-f, g). Guest-conduct liability is a familiar and reasonable feature of rules governing pools, parking, and common facilities. This rule and its underlying rationale has no applicability to public comments, made from anywhere in the world about any subject, whether by a Member, guest, tenant, or other individual who at some point happened to be invited onto the premises.

4. Enforcement will expose the Association to fee-shifting under UPEPA.

New Jersey's Uniform Public Expression Protection Act, N.J.S.A. § 2A:53A-49, *et seq.*, protects speech on matters of public concern, which includes the governance and finances of a common-interest community, and mandates attorney's fee awards against parties who pursue claims targeting such speech. Any judicial enforcement effort under the Social Media Resolution invites a UPEPA motion and a fee award payable from Association funds.

5. The Member Conduct Policy contains several additional practical issues.

I appreciate the Board's attempts to prohibit threats, assault, vandalism, interference with employees, and abusive conduct on premises. As a whole, this Policy appears less objectionable than the Social Media Conduct policy. Several of the provisions in the Member Conduct Policy, however, are defective either legally or practically.

- a. As discussed, paragraphs 1.c.3-5 contain no locational or forum limitation. "Verbal abuse," "hostile communications," and "incivility" as defined in 1.c.4 reach any communication, made anywhere, directed at Board members or management, including the same off-premises public speech the Social Media Resolution targets. For all the reasons the Social Media Resolution is defective, so too are these sections.
- b. Paragraph 1.c.10 punishes an outcome, not conduct. "Conduct that results in intervention by law enforcement" makes persons violators whenever anyone else summons the police, however unfounded the call, and penalizes residents for conduct law enforcement itself may determine was entirely lawful. It also deters residents from calling the police on their own behalf, since any "intervention" creates violation exposure.
- c. The open-ended catch-all in § 1.c.11 ("any other conduct that interferes...") combined with § 1.f's declaration that the enumerated acts are "illustrative and not exhaustive" means Members can be fined for conduct no rule identifies in advance. A fining power requires ascertainable standards; a rule whose prohibitions are expressly non-exhaustive and defined case-by-case in the Board's discretion is not a "reasonable rule" under any standard of review. As worded, the Policy essentially covers the enumerated examples "plus anything else the Board later decides fits".
- d. Relatedly, allowing the Board to be the sole arbiter of whether communication directed at it is uncivil or meets any unannounced "illustrative but not exhaustive" standard—the net effect of § 1.c.4 and 1.f—is overly vague, arbitrary, and provides no workable guideline to

which persons can conform their conduct. It allows the allegedly aggrieved party (the Board or its members) to judge its applicability, on a piecemeal basis.

6. Request.

I ask that the Board withdraw the Social Media Resolution in its entirety. No amendment can cure it: its subject matter is beyond the Board's delegated rulemaking power, and its enforcement structure is irreconcilable with *Dublirer*.

If the Board believes a communications policy is necessary, a lawful one would begin by confining itself to forums the Association actually controls and would require adoption by membership vote as an amendment to the governing documents.

I ask that the Conduct Resolution be tabled and revised consistent with Section 5 above before adoption. If either Resolution is adopted in its current form, please treat this letter as notice that its validity is disputed, and preserve all records relating to its drafting, the advice received concerning it, and any enforcement under it.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Glapion". The signature is fluid and cursive, with the first name "Jeremy" and last name "Glapion" clearly distinguishable.

Jeremy M. Glapion