

James asks court to void Arts Club election

By Sabina Mollot

Former National Art Club President O. Aldon James, who is currently at war with the club over apartments he, his brother John James and friend Steven Leitner have occupied for years, has also recently filed another complaint against the historic institution. Specifically, he's hoping the most recent election held for the board of governors, in which Dianne Bernhard was officially made the new president, will be voided, according to a complaint filed by his attorney on September 19.

The document filed on behalf of the so-called James group (the Jameses and Leitner) who have also sued the club over their membership status and apartments, indicates that James is hoping for a do-over on the grounds that there wasn't a quorum of members in good standing for the votes to be counted. There are also a number of other reasons mentioned, such as allegations that Bernhard pressured previous board members to resign in March because they were sympathetic to James and that the club is guilty of "sloppy paperwork."

In the document, James attorney Adam Gilbert said a quorum would have to be 1,170 members, while only 824 people actually voted. A quorum would mean 50 percent of eligible voters or club members.

In response, Roland Riopelle, attorney for the NAC, said the club does not admit there was no quorum at this time.

However, he added that in similar cases, "The law is pretty clear that unless the outcome could possibly have turned out differently, there's no reason to hold a second election over a technicality." The reason the results wouldn't be different even if the votes were voided, he said, is that the candidates on the slate for the volunteer board positions had run uncontested, not to mention the fact that James himself voted.

The club has not yet officially responded to the arguments, which were made against the club, Bernhard, NAC Vice President John Morisano and a few other members.

In the trio's complaint, they accused NAC of actions that have "been guided by a rash to judgment, an affirmative desire to circumvent the necessary rules of fairness."

It also goes on in detail at numerous points about the new administration's attempts to evict the James group.

"This court should have grave concerns about the way the NAC does business as a whole, and in particular, about the legality of the NAC's efforts to take punitive actions against the plaintiffs," they said.

They also said they've asked to see copies of the member list and proxy ballots, but were denied the paperwork.

At no point, however, does the 18-page document say anything about the ongoing investigations by the district attorney or attorney general over allegations of James using the club as his personal piggy bank and storage locker or the allegations of harassment of other club members and community residents by the James group over the years.

The document instead goes on to say that in order to protect the plaintiffs from a "trampling of their rights, the court must examine the NAC's conduct."

Among the reasons, the trio said several previous board members resigned after being "intimidated and pressured" by Bernhard, and were replaced by people who sought to oust the plaintiffs.

Adam Gilbert, the James group's attorney did respond to a call for comment from Town & Village.

Meanwhile, allegations of bias against the James group have also been a part of the argument they've been making in court in the effort to keep the apartments they maintain at the club for rents that are well-below market. In particular, the trio accused newly elected board member Alex Rosenberg, among a few members, of bias, with the explanation that James had previously denied Rosenberg an apartment.

However, on Thursday, September 29, the judge presiding over that lawsuit filed by the James group over the summer dismissed the bias claim.

"The alleged bias of Chair Rosenberg based on the denial of an apartment is unsupported by any affidavit or documentary evidence," said Justice Carol Edmead.

But elsewhere in her 22-page-long decision, Edmead did grant some relief to the James group, saying James, his brother and Leitner could get their club membership status reinstated. This is helpful to their case because in order to live at the National Arts Club building, tenants must be members.

The James group was also granted a temporary injunction from a planned internal disciplinary club hearing over allegations of James' money mismanagement and other abuses of his former position. The judge agreed with the plaintiffs' arguments that if the hearing took place when it was originally scheduled, at the end of August, it wouldn't have given James enough time to prepare a defense.

At the next court appearance, which is scheduled for October 26, the parties are expected to work out details on how and when the internal hearing can be held.

Edmead's decision has already been praised by Bernhard, who issued an official statement.

"The National Arts Club's goal from the outset has been to be permitted to follow its Constitution and to proceed with an internal hearing and allow the Board to decide on what, if any, discipline will be imposed upon The James Group," she said.

"Needless to say, we are very satisfied with Justice Edmead's ruling and we look forward to continuing this important democratic process. We sincerely hope that the James Group will come to the same conclusion and that they will participate in this process in accordance with Justice Edmead's order and stop forcing the National Arts Club to direct its precious resources toward these lawsuits."

According to Riopelle, the James group has remained in control of their own as well as three other apartments, although they have leases for only four of the six spaces, he said.

He added that back in 2006, the board of governors did approve the below market rates for the trio because they each devoted so much time to the club, but that arrangement was only for one apartment each.

The units with leases would be up for renewal next year, a process that would have to be approved by the board of governors. It was over the summer when the club began the process to try to evict the James group.

In the Edmead decision, there was no mention of the extra apartments, only the plaintiffs' arguments that the eviction process and membership termination was cruel considering the building is where they've lived for the past 25 years and where their social lives have been centered.

Though he's kept a low profile since stepping aside as president, James still occasionally attends NAC events, including the party to reopen the club after a summer hiatus.