

## **Arts Club asks judge to rethink do-over decision**

By Sabina Mollot

Days after a judge decided to give the former president of the National Arts Club a second chance at getting his apartment and membership back - after the club's board voted to expel him - the club is asking the judge to take a second look at her decision.

The club has submitted a notice of appeal, but additionally, its attorney, Roland Riopelle, filed a 25-page brief on Tuesday asking Justice Carol Edmead to reconsider her decision voiding the February 16 vote based on an internal hearing held at the club in January. In her decision issued last Thursday, Edmead said she agreed with O. Aldon James, his brother John James and friend Steven Leitner, who were also both expelled from their apartment at the historic club building, that the board was too biased against them to be impartial. Instead she said another hearing would have to be held by a neutral third party.

Riopelle, however, said he thought Edmead hadn't seen crucial evidence needed to support her belief of bias, specifically the more than 300 pages of transcripts of testimony given at the January hearing by some of the club's current and former employees. Those people had argued that during his reign, James had mismanaged club money and apartments and harassed anyone who got in his way. In a vote held the next month, a special sub-committee of five members agreed with them and the James group, who didn't show up to the hearing, were voted out. The trio's attorney, Adam Gilbert, later told T&V they didn't show up because they thought it would be a kangaroo court.

But Riopelle has insisted the January hearing, which had previously been given the green light by the court, was standard practice for the club and done according to the nonprofit organization's bylaws.

"The law provides that if you're a private club, you govern yourself," said Riopelle. "You don't have to do things in court. As long as the club follows its rules, that's all that is needed."

In his statement to the court, he explained that this is done as a quick and inexpensive alternative to litigation when deciding disciplinary issues relating to members.

In her decision, the New York State Supreme Court justice noted that the points argued at the hearing were already made by the club's board in litigation, specifically countersuits to lawsuits filed by the James group last year.

Riopelle said there is no deadline for Edmead to respond to the club's request, so the board is currently planning to have that second hearing if she doesn't change her mind. He also said the club made the request because the board is hoping to avoid going through with the appeal if possible. But in the meantime, the NAC had nominated a potential arbitrator for the second hearing - retired chief administrative judge of the State of New York, Leo Milonas.

Gilbert didn't respond to a request for comment this week from Town & Village, but James' attorney told the New York Times following Edmead's decision that he was hopeful for fairness for his client.

"I'm now hopeful that with a neutral fact-finder examining the evidence, you will see a very different outcome than the one delivered by the existing board."

His opinion differed from a couple of club members T&V spoke to on the subject of the judge's voiding of the February vote.

Shawn Burkley, a NAC building resident whose wife has accused Aldon James of harassment, said, "In my experience, changing the venue generally doesn't change the facts."

Rosalee Isaly, another club member said, "The tides have changed over there. No matter what (James) achieves in court, there is so much positive energy at the club that he will never rein again. The energy has a life of its own now, which is not going to include him. I don't know why he's fighting."

The James group has been attempting to remain in apartments they control at the Gramercy Park building, all of which have rents far under market rate, but in order to remain in them, they must be club members. The club has been attempting to repeal their memberships based on claims that over the quarter century James ran the club, he used club money for personal expenses, gave sweetheart deals on rent to himself and others, hoarded things in club rooms, including expensive artwork, and created an atmosphere of fear at the parkside property.

In related news, earlier this week James supporter and NAC member Bill Samuels posted a notice up in the club building asking for changes to be made to club regulations. The most controversial of the proposed changes was to say that board members should not be allowed to live in

the building. Along with the Jameses and Leitner, current NAC President Dianne Bernhard also has an apartment at the property, though she pays market rent.

Meanwhile, Samuels' note has been removed because originally two people's signatures, who were supposed to be supporters of the rule amendments, were not even aware their names had been attached.

Samuels explained this as having misunderstood an email from one of the supporters about two others wanting to be involved. The notice has since been changed to remove those two names and add another person, he said.

Samuels, a former board member, also called for more transparency in the club's financial status by moving an annual March meeting to the summer, which is when its financial information is made available.

He told T&V that he thought the club's financial situation had always been healthy when James was president with the exception of the income of the apartments.

"They've got to be more professionally managed," he said of the units, since at the moment, no one knows "how apartments are gotten and they don't know how rents get set. We don't want to see this turned into a condo." Barring board members from living there, he said, would remove any appearance of favoritism.

Months ago, Bernhard told T&V the club couldn't say what the rents for vacant apartments will be until it's determined by the attorney general what the club can legally charge.