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Ocean Place Condominium battle goes to personal level

Josh Kim Jan 23, 2020





Ocean Place Condominium on 145th Street is embroiled in a battle between some unit owners and its board of directors after owner Lisa Gundling accused the board of bullying her for making complaints to the Maryland Attorney General's office

(Jan. 24, 2020) Accusations of bad faith and spreading falsehoods have been flying between some Ocean Place Condominium unit owners and its association board of directors, after unit owner Lisa Gundling accused the board of "bullying" her for making multiple complaints about them to the Maryland Attorney General's office. The board, which consists of Scott Banker, Mac Balckom, Eric Crist, Vivian Feen, Joan Hoops, Robert Tornblom and Dennis Wieber, has accused Gundling of wasting thousands of dollars in legal fees.

"...You have called for unit owners to 'make it clear' that they will 'not tolerate' my actions," Gundling said in an email to the board.

“What kind of actions does one unit take against another unit owner? What are you suggesting that owners do to me?”

Gundling’s crusade against the board began in February, when three unit owners filed a separate complaint to the state attorney general’s office about a \$2.6 million renovation project.

“On May 28, the attorney general’s office had told the board that they had to release the (association) email address list because they use it as a primary mode of communication, and the board said they would stop using email. Throughout the summer, they kept using email so I filed a complaint on Sept. 3, asking for the emails,” Gundling said.

The email issue has been resolved, yet its conclusion remains unsatisfactory to Gundling, as the list did not have the corresponding unit owners attached.

“I see that Mr. Toms (board attorney Chad) enclosed the owner email list that he says the board maintains, with no corresponding owner names. I will take Mr. Toms’ word for it that the current board has not had the skill set, expertise and/or desire to maintain an email list with corresponding owner names,” Gundling said in a letter to the attorney general’s office on Dec. 3, 2019.

Banker, who is president of the board, said the board had been confused by the request, as Gundling had already been sending out newsletters via email.

Gundling said the email list she had was outdated, and did not have the specific unit owners listed.

“We share a database file, but we’ve never shared the personal email addresses,” Banker said. “We have an older population ...

they're more afraid of technology, so to protect them we never share the emails.”

Following the email debacle, Gundling found herself in another conflict with the board when the condominium began preparing for its board elections.

She described the elections as “rigged from the beginning” in her Dec. 3 letter.

“The election was coming up on Oct. 19, and they were refusing to treat all candidates equally,” Gundling said. “They were trying to push through their three incumbents and they ... didn't put out a call for nominations, as required by law, and they were sending out biographies for only three of the six candidates. They were doing all of these things that were against the Condo Act.”

Maryland Condominium Act, Section 11-109(13) states: A call for nominations shall be sent to all unit owners not less than 45 days before notice of an election is sent.

Instead of doing so, Gundling said on Sept. 16, the board released a proxy ballot for unit owners who would not be able to attend the October election meeting, that featured the three incumbents only, followed by their candidate biographies.

“So, while they are getting all of these ballots back, all of these proxies, owners don't even know there are three others are running,” Gundling said. “... It's 100 owners, so if they get 40 proxies back, they've practically won the election.”

Gundling and a small group of unit owners attempted to mail ballots and biographies on their own, an effort that was met, apparently, with a counter email from the board.

“Once again, we have become aware of the correspondence you have received from John Corrigan, Ron Deacon, Lisa Gundling,

and Debbi Rayner. Included with this correspondence is an alternative proxy with the names of three candidates they wish to put up for election to the Board at the October 19th meeting ... To avoid any confusion on the part of any of you, we want to make sure that you understand that this in no way alters or voids our proxy sent out several weeks ago. Our proxy remains very much in effect with our candidates still running ... We are not involved in any way with their proxy, other than to explain what is going on, so as to avoid confusion.”

Banker told Ocean City Today that typically, a candidate must receive a committee nomination or a nomination from a prescribed number of owners.

“Had those provisions been followed the slate of candidates proposed by Ms. Gundling would have been excluded from running,” Banker said.

In response, Gundling issued another complaint to the attorney general’s office concerning what she said were election irregularities.

The final complaint Gundling filed was in November, following the election.

At the Oct. 19 election meeting, Gundling said she asked to see the ballots from the election, but the board refused her request, which prompted Gundling’s third complaint.

Banker said Gundling was free to obtain the ballots from Toms’ office, and also denied Gundling’s accusation of a rigged election.

“We as a board didn’t feel that it was right to share the votes for the last election,” Banker said. “If I voted for Trump, I don’t want you to know I voted for Trump because my best friend might have wanted Hillary Clinton. Especially in today’s world with politics you got to be careful with what you say.”

This apparently was the tipping point for the board, who then aired their grievances with Gundling to all unit owners.

“In the meantime the board was getting furious over all of this, and then they sent out an email on Dec. 5 (2019) ... basically telling people to do something to me, I don’t know what, to try to get me to not contact the Maryland Attorney General’s office,” Gundling said.

The Dec. 5 email states:

“We have already incurred legal fees of several thousand dollars because of Lisa Gundling’s most recent complaints that she filed with the Maryland Attorney General’s office ...

“She will continue to drain our funds unless we as owners make it clear that we will not tolerate this any longer ...

“It is up to all owners to make your voices heard. This must not be allowed to continue. If you don’t do this, then we are no longer responsible for what happens. We have done all that we can do and now it’s up to you.”

Gundling felt threatened by the email, and demanded a response from the board, but was met with silence.

However, Banker told Ocean City Today, “The Board in the past has sat silently hoping that Ms. Gundling’s activities and aggressive speech would cease once the Attorney General’s office found no fault with the Association’s actions. However, even though the Association has done nothing wrong and all allegations by Ms. Gundling have been deemed meritless, Ms. Gundling continues to send factually incorrect communication to owners, the media or anyone else that will listen.

“As a result, the Association is no longer willing to remain silent

and act as a punching bag. It is now speaking out to its owners and the media to set the record straight and explain that Ms. Gundling does not speak for the majority of the owners. Instead, the majority of the owners are in support of the actions undertaken by the Board.”

While Gundling did not receive a response from the board, she did receive an email from a disgruntled unit owner, which compounded her fear of retaliation.

“Just tell me why you continue to mount legal fees on everyone in the complex? It’s not just the board that’s paying them out, it’s everyone, including you,” the unit owner said to Gundling in an email.

Additionally, in a letter to the attorney general’s office, Gundling expressed her confusion over the exorbitant legal fees and the board’s insistence that she was to blame.

“I did not file my first complaint with the Maryland Attorney General’s office until September 3, 2019. When I had reviewed the association’s records in July 2019 at Mr. Toms’ firm, the board had already paid Mr. Toms \$27,000 in legal fees. I don’t understand why Mr. Toms is blaming me for high legal fees incurred prior to the filing of my first complaint with the Maryland Attorney General’s office,” Gundling said.

Gundling stated in a press release that the board’s Dec. 5 letter has put her in a complicated predicament: if she complies and drops her complaints, she said she will lose her rights as a Maryland consumer, but if she continues to pursue her complaints she fears harassment and possibly physical harm.

Banker and the board denied any insinuations of encouraging

retaliation, action or threats toward Gundling in their letter.

“What power do I have for them to have this call against me? I just thought [it] was beyond the pale,” Gundling said.