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February 20, 2007

ALL UNIT OWNERS
GALAXY TOWERS CONDOMINIUM ASSOCIATION

Re: ROBERT BUCKALEW LETTER OF FEBRUARY 8, 2007

Dear Unit Owner:

I have been requested to provide my legal opinion as to the contents of a letter dated February 8, 2007 from Robert J. Buckalew to unit owners of the Galaxy Towers Condominium Association. I have been advised that Mr. Buckalew is the attorney for the Board of Directors, and the Condominium Association. It is my opinion that Mr. Buckalew's letter is legally flawed, and should not be viewed as a valid expression of law or fact, but rather should be considered merely a personal political statement.

First, the letter represents that it was distributed "at the direction of GTCA's Board of Directors". Since the letter acknowledges that it relates to something which occurred the previous day, and since the GTCA By-Laws require at least three days notice of a special meeting of the Board of Directors (unless all directors are personally present and waive notice), there is a substantial issue as to whether the actions taken were lawfully authorized. Absent such lawful authorization, the claim that the letter is a formal statement of the Board is at best misleading.

Second, I have reviewed the Election Rules adopted pursuant to a formal Resolution by the Board of Directors for the Association. The Rules contain provisions for addressing any grievances and disputes arising in the course of the campaign. Such grievances as those discussed by Mr. Buckalew must be raised first with the Election Committee. Even assuming some sort of legal directive from the Board, the unilateral and arbitrary actions taken as described by Mr. Buckalew directly violate the Board's own resolutions and Rules, and therefore appear to be unlawful.

Third, the letter may fairly be read as a political attack, under the guise of a legal opinion, on candidates running for the Board of Directors, and as such it is inappropriate and both factually and legally inaccurate. For example, Mr. Buckalew

refers to threats against the person of the Condominium Association Manager which he implies are contained in a candidate's taped message to residents. A review of a transcript of that taped message reveal no such threats, and the implications by Mr. Buckalew to the contrary invite a lawsuit for defamation against both Mr. Buckalew, and his client the Association for which he claims to speak, by the affected candidate.

Fourth, Mr. Buckalew makes claims as to potential lawsuits against the Association which he imagines possible as a result of the opinions expressed in the candidates campaign material. The suggestion by Mr. Buckalew that a candidate for the Board may not question the competency of management without risking a lawsuit for libel, or for "creating a hostile workplace", are legally absurd. When Mr. Buckalew states that there is a "legal duty" to protect employees from "impertinence" in the course of a political campaign, he is wrong as a matter of law, and is using scare tactics to prevent a full and frank political debate. This is inappropriate for any attorney, and especially inappropriate for someone who, as does Mr. Buckalew, has a personal stake in the outcome of the election by reason of his billing for legal fees to the Association, which have been challenged by the very candidate whose message Mr. Buckalew now attacks.

It is my opinion that Mr. Buckalew's letter constitutes an unjustified personal attack on one or more candidates for office. The claims in that letter, as well as the arbitrary and capricious actions taken to restrict the rights of the candidates to campaign, expose the Galaxy, and the members of the Board, to a variety of lawsuits for defamation, violation of New Jersey Law concerning authorized corporate actions, and especially for violation of New Jersey law concerning the manner in which such elections may be conducted. Our state's appellate court recently ruled, in a case involving restrictions on candidates for election to a condominium board, that the very tactics employed by the Board here violate fundamental principles of free speech and are unlawful. For Mr. Buckalew to advise the Board as he apparently has suggests either ignorance of, or a disregard for, this court decision, a disservice to the Board and the community it represents. Both the letter, and subsequent actions which were communicated to unit owners in a letter dated February 10, 2007, may have irrevocably legally tainted the election process. Given the personal stake of those making such decisions in the outcome of the election, it is fair and reasonable to question their motives and objectivity.

Very truly yours,

A handwritten signature in black ink, appearing to read 'MLK', with a long horizontal flourish extending to the right.

MICHAEL L. KINGMAN

MLK/h

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February 8, 2007

ALL UNIT OWNERS
GALAXY TOWERS CONDOMINIUM ASSOCIATION

Dear Unit Owner:

I am writing to you - and having this letter distributed under each apartment door - at the direction of GTCA's Board of Directors to inform you that the GTCA employee responsible for administering Channel 26 has been instructed to stop running tapes made by the candidates for election to the Board of Directors when the initial cycle ends, until further instructions from the Board of Directors. Furthermore, GTCA security has been instructed to pull all campaign literature and the ad hoc election committee has been asked to instruct the election coordinator not to mail any campaign materials until further instructions are given.

Shortly after 11 a.m. yesterday, I was informed that a candidate's tape aired on Channel 26 that included an indefensible, vicious personal attack on GTCA's General Manager, Susan Fitzpatrick. I immediately informed GTCA's President. This attack had a devastating effect on Ms. Fitzpatrick and on the entire staff of employees. It is not the first time she has been exposed to unwarranted and unjustifiable attacks on her reputation and threats to her person by a unit owner.

I have now seen this tape and condemn it for the slander and threat of retribution that it clearly is. I, GTCA's President, and other Directors, as well as many of you, have also seen campaign materials produced by this individual. They are equally vicious and, in my opinion, are a clear libel.

This candidate has not only subjected himself to a civil action by Ms. Fitzpatrick, but has potentially exposed GTCA to defending any number of actions by Ms. Fitzpatrick and other employees.

BUCKALEW FRIZZELL & CREVINA LLP

ATTORNEYS AT LAW

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Access to Channel 26 is not a right. Channel 26 is not a broadcast television channel and even if it were, there is no rule, law or doctrine that does or would make access to it a unit-owner right. Access was first extended to candidates by the Board last year. I have advised GTCA's President that the full Board must review the expanded access provisions of the 2007 Election Rules and either withdraw access from all candidates or put reasonable constraints on that access.

This is not about freedom of speech. But if it were, I would say one candidate just shouted "fire" in a crowded theater. He went over the line. It is not just about other candidates, incumbent Directors or key management being "quasi-public" figures in the eyes of the law, and as such having to have thick skins - it is about one candidate's conduct - his spoken and written words - going way beyond what any court would sanction. Let me add here that in my opinion no GTCA employee, regardless of rank, is a quasi-public figure, a figure whose position comes with a certain amount of public abuse and requires a thick skin.

What the Board's action is about goes also to maintaining and ensuring a non-hostile work environment for every GTCA employee, regardless of rank. That is a legal duty GTCA owes its employees. It goes to maintaining the morale of GTCA's large and diverse staff, who keep the complex running and who, if mistreated, or made to think they can be impertinently abused and maligned by a unit owner-candidate, as Ms. Fitzpatrick has been mistreated, abused and maligned, will come to believe that they cannot count on their employer to insulate them from such cruelty, to back them up, to keep them safe.

The Board asks each of you to withhold judgment on the action it has taken until, in open session, it determines what is to happen now - for the balance of the 2007 campaign, at least - to the candidates' access to Channel 26, the distribution of campaign materials and ground rules for candidates' night.

Very truly yours,

BUCKALEW FRIZZELL & CREVINA LLP


Robert J. Buckalew

RJB:bb

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