

March 3, 2018

**VIA U.S. REGULAR MAIL and
ELECTRONIC MAIL**

president@oaklawncommittee.org

Hilda M. Rodríguez

President

The Oak Lawn Committee

P.O. Box 190912

Dallas, TX 75219

**Re: 3203 Carlisle Street - Lincoln Residences on the Katy Trail (the
“Lincoln Project”)**

To: Hilda Rodriguez, President

The undersigned members of The Oak Lawn Committee (the “OLC”) are profoundly disturbed by, and take exception to, the manner in which you, as President of the OLC, Michael Milliken, as Secretary/Treasurer of the OLC, and Brenda Marks, as past President of the OLC, have undermined the functioning and credibility of the OLC following the vote to support the Lincoln Project. Your collective actions, in pursuit of individual views and agendas, are without precedent and are clear violations of the Bylaws of the OLC. Appropriate remedies for your actions and that of Mr. Milliken and Ms. Marks must be forthcoming.

The OLC is, by the express terms of its Bylaws, intended as a forum for “neighborhood review of projects” with “common sense evaluation of proposed solutions”. Membership in the OLC requires only that an individual, business or organization lease, rent, own property or work in Oak Lawn and demonstrate a commitment to neighborhood involvement by paying dues and attending meetings. That is the extent of the members’ vested interest. It is not intended to be a political advocacy organization, a sponsor of initiatives or on an ideological mission. Government officials are specifically excluded from voting. Furthermore, it is the intention of the OLC to unify rather than divide. Section 3 of the Bylaws, “**Decorum**”, states “[e]ach member agrees, that while there will be differences of opinion, the majority opinion, which is the result of an open debate of the issues, followed by a vote of the members, will be the position of the OLC...” Other than in exigent circumstances involving the need for the President to act before the members can meet and vote, “**only the action of the OLC as voted on by its members may be represented as the decision or opinion of the OLC**” (*Bylaws* §8). Similarly, The Secretary/Treasurer, or a designated member, shall draft a letter to the presenter **with a copy to the appropriate City Hall entity** stating the specific action taken by the OLC on an issue and the reason(s) for that action” (*Bylaws* §10).

Despite such simple prescriptions, you and Mr. Milliken and Ms. Marks each have seen fit to undermine the credibility, workings and procedures of the OLC by publicly attacking the

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vote on the Lincoln Project and by casting aspersions on those members with whom you disagree. Without limitation to all of the actions that have been taken or that have yet to be discovered, and our investigation is ongoing, we note the following prejudicial and inappropriate acts:

1. The questionable letter to Angela Hunt dated February 6 to confirm the OLC's "support" of the Lincoln Project.

Not only did this "support letter" deviate from normal precedent by indicating the vote to support was only "by two votes", but quite conspicuously attached, as some sort of warning, all of the opposition letters, petitions and emails from individuals and businesses, including a well-funded competing developer. In further violation of OLC Bylaws (*Bylaws* §10), your letter was cc'd to four opposition parties that are not City Hall entities. This was all done in your effort to inflame opinion against the decision of the OLC.

You have admitted that Mr. Milliken drafted the letter for your review and approval. Although Mr. Milliken was careful to respond in what can best be described as a "passive/aggressive" tone, with your approval, he attached numerous inflammatory communications including those that disparaged Angela Hunt and accused her of providing false information. There were letters in support of the Lincoln Project. Why weren't they attached?

Clearly, your transparent tactics, and that of Mr. Milliken and Ms. Marks have "poisoned the well" and are designed to suggest that the OLC erred in its decision, and did not, in fact, support the Lincoln Project. Unlike the one page support letter you issued on the proposed Alliance project at Cole and Armstrong, the Lincoln Project "support" letter consisted of numerous "comments and observations" that were not contained in the motion to support the project as voted on and approved by the OLC. The motion to support the Lincoln Project was an up or down vote and contained no other qualifications, provisions or amendments. For example, and there are many, your statement that "It is imperative that neighbors support your final plan" was not the decision or opinion of the OLC as determined by the majority vote of the OLC. This constitutes yet another serious violation of the OLC Bylaws. OLC Bylaws are unambiguous....**"only the action of the OLC as voted on by its members may be represented as the decision or opinion of the OLC" (*Bylaws* §8).**

2. The Secretary's questionable email notice to all Members dated February 21.

Mr. Milliken has the audacity to be rooting for more disqualifications that favor the OLC withdrawing its support of the Lincoln Project. With glee he asserts "[t]his makes the vote 15 for and 14 against to support the project. That is until and unless we discover one or more other votes to be invalid. At that time, I will move to revoke the OLC support for that project." Could he have telegraphed his intentions any more clearly? Should

those that voted in support of the project be informed they are under investigation? Is intimidation of members set forth in the Bylaws?

3. Social Media Comments by Brenda Marks in clear violation of OLC Bylaws.

Blogger Jon Anderson (CandysDirt.com) is entitled to his opinion. He is free to criticize the OLC or any of its decisions. It is a violation of OLC Bylaws, however, for you or any member, or the Secretary/Treasurer, or past President, to dissent from the OLC findings. Brenda Marks is quoted as saying “[u]nfortunately it pains me to say the OLC got this one wrong. Had I been in town, I would have voted ‘no’ to the Lincoln deal”. Worse, in her comments she writes: “We got this one wrong. Dead wrong... We will right the ship.” So much for the majority opinion being the position of the OLC. What punitive action(s) will you recommend as President of the OLC to deal with Ms. Marks’ egregious violations of the Bylaws?

4. Declaring John Harper’s vote as invalid.

Mr. Harper has spent his entire life in Dallas as a respected real estate professional. On a technical violation of the Bylaws concerning the timing of the sale of his condominium, Mr. Milliken unilaterally disqualified his vote. Mr. Milliken may have had the right to do so, but did you give Mr. Harper an opportunity to be heard? Did you seek advice of counsel? Of course, any member, including Mr. Harper, with a conflict of interest, no matter how minor the conflict, who casts a vote, should be disqualified from such vote. But a larger question remains: Why are you only applying the OLC Bylaws that further your attempt to void the OLC decision in this matter, while you and Mr. Milliken and Ms. Marks have committed numerous Bylaw violations as outlined herein? Are you investigating any of the votes cast in opposition to the Lincoln Project or do you see your job and Mr. Milliken’s job in this matter as limited to only investigating the members you don’t agree with? Cricket Griffin’s email to you, as President, dated February 22, in response to the February 21 notice to all members asserting the disqualification, said it all: “The email [of February 21] does not sit well with me.”

5. The intimidation letter you sent to OLC member Sean Morgan.

A highly inappropriate letter signed by you and dated February 6 was sent, via certified mail, to fellow OLC member Sean Morgan. In your letter, you state “We find inappropriate for you to use the Oak Lawn Committee to evaluate projects under an agenda to promote development for an interest other than the stated in our bylaws.” With no evidence whatsoever, you have the audacity to accuse Mr. Morgan of having an “agenda”. In the OLC meeting of February 6, of which a majority of the undersigned attended, it was clear that Mr. Morgan expressed his opinion (shared by others) that it seemed to him that PD 193 was, in certain aspects, in need of review as certain provisions seemed “obsolete”. It was an opinion to which he is entitled and in no way needs to answer to you or any other person. Notwithstanding the fact that Mr. Morgan meets the

criteria for membership, are you suggesting that he, in some way, violated an OLC Bylaw by voicing his opinion in an OLC meeting? Where is your authority granted under the OLC Bylaws to suggest to any member, as you have, that the OLC is not a proper venue to discuss a possible need to update PD 193?

The PD 193 ordinance is 176 pages long and 33 years old. When asked about her position on MF-2 zoning at the February 6 meeting, Angela Hunt addressed this thoughtfully when she remarked that Oak Lawn has evolved significantly over the last 10 years. This why the OLC has supported, numerous times, and very recently, modifications to MF-2 zoning through the PD sub-district process. In no way did Mr. Morgan suggest that PD 193 needed to be scrapped. Your certified letter is an obvious attempt to intimidate a fellow member with whom you do not agree. Clearly, through your actions, letters and violations of the OLC Bylaws, you are determined to limit any voices that are not aligned with your transparent “agenda”.

Furthermore, in the first and last sentence of the last paragraph of your letter, you use the word "We". Who is the "We" you are referring to? The Oak Lawn Committee has made no such conclusion regarding Mr. Morgan on this matter and you are not authorized under OLC Bylaws to make such unilateral determinations.

The only questionable “agenda”, as evidenced in this letter, has been the campaign that you, Mr. Milliken and Ms. Marks have engaged in, since the February 6 OLC meeting, to undermine the vote of the OLC on the Lincoln Project.

It is clear that the OLC’s historic balanced approach and custom of following the will of the majority is under attack. You, as President, along with Michael Milliken and Brenda Marks, in your zeal to undo a vote you did not agree with, are doing everything you can to sabotage and undermine the outcome. It is not only destroying the credibility of the OLC but exposing its internal workings to external review, scrutiny and influence. It is unprecedented. A select group should not be able to subvert the Bylaws, purposes and mission of the OLC. You, Mr. Milliken and Ms. Marks need to set the record straight immediately and cease your campaign of dissent. Otherwise, the membership will be forced to consider further action against each of you.

Thank you.

Leland R. Burk

Judith Lifson

James “Boots” Reeder

Paul Ellenbogen, MD

Sean Morgan

Meagan Janson

Judy Havelka

Brian O’Boyle

Christopher Janson

John R. Harper

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