

OFF SOUNDINGS CLUB

OFFICE OF
THE SECRETARY
67 Stanton Lane
Mystic, CT 06355

(203) 536-7550

October 26, 1990

Mr. James Gibbs
112 Blood Street
Old Lyme, CT 06371

Dear Mr. Gibbs;

Commodore Hohenstein recently received a letter from the Shelter Island Yacht Club concerning your actions at Fall Off Soundings.

The letter involved your failure to pay for your mooring after repeated attempts by Shelter Island to collect from you. Further, the letter cited several other instances when Shelter Island had unfavorable experiences with you and your boat. The management of the Shelter Island Yacht Club stated that they do not want either you or any of your crew back again at Shelter Island Yacht Club.

The Board of Governors discussed this matter and how it reflected on the Off Soundings Club at their October Board meeting. Subsequently, it was unanimously voted that you be expelled from the Off Soundings Club under Article VII, Section 3 which states "They shall have the power to suspend or expel any member ... for conduct they deem improper or prejudicial to the Club, ..."

You have the right under this same Article to appeal this decision by requesting a hearing within thirty (30) days of the date of this notice. Such a request should be made to Commodore Hohenstein.

Neal H. O'Connell
Secretary



25 November 1990

Commodore Hohenstein
c/o Office of the Secretary
Off Soundings Club
67 Stanton Lane
Mystic, CT 06355

J A M E S
G I B B S
A R C H I T E C T

Dear George,

I am in receipt of the Off Soundings letter to me of October 26, 1990. As you must expect, I am disturbed by the action the Board of Governors deemed appropriate. I apologize for any embarrassment that I or my crew may have caused Off Soundings, and while I hope that you and the Board might reconsider its decision, I expect you and the Board to make the proper decision in the best interest of the Club. I would like to take the opportunity, however, to try to rationalize some of the incidents which I understand to have been cited.

The Club's letter makes reference to another from Shelter Island Yacht Club to yourself, which in turn apparently cited several "unfavorable experiences" they had had with my boat. Only one incident is specifically cited in the letter from Off Soundings; however, I have been informed of a few others via the grapevine. First, with regard to the cited failure to pay for my mooring, let me state first that we did not use a club mooring, but anchored instead. Friday afternoon at the after race party, mooring fees were being collected at the door to the clubhouse. I stated that we were anchored, and so was passed without being required to make a payment. Apparently, there was a fee for launch service in addition to mooring fees, but it seems that neither I nor the person collecting the mooring fees knew this. I had assumed that launch fees were part of Race entry fees. At any rate, with regard to Shelter Island Yacht Club's "repeated" attempts to collect from me, I was in fact so asked only once -- by the steward Saturday after the race. This was the first I was aware of such charges and I assured him that I would pay the launch fees. However, I explained to the steward that my wallet and checkbook were on my boat and asked that I pay for it later. After the Club closed that night, and before I had had a chance to retrieve money for the Shelter Island Yacht Club, my crew requested that we motor to Greenport, which we did. As we had scheduled a match race back to Mystic for Sunday morning, I elected, improperly in retrospect, to mail the \$30 launch fee to the Club. I delayed, improperly again, in sending my check quite frankly because I forgot. However, the fee was sent, and I suspect

that my check to them and their letter to you crossed in the mail. I apologize again for my impropriety in dealing with this matter, but assure you that there was no malicious intent on my part.

While the other incidents are not identified in the Off Soundings letter to me, I would like to speak to those that were made known to me subsequently. One involved a check which one of my crew wrote a couple years ago to S.I.Y.C. which was returned NSF. I have been assured by this crew member that this check was promptly replaced. Another incident involved some loud and drunken language by a couple of my crew while dining at S.I.Y.C.; they were both shut off from any further drinks but were allowed to continue with their meal apparently without further problem. I was not dining with them, so I cannot attest to what actually happened, but understand that their behaviour if improper is my responsibility and apologize again. Ironically, neither of these incidents would have happened if our boat did not patronize the S.I.Y.C., as so few other boats do. We make it a practice to always eat at least one dinner at the Club during Off Soundings, and routinely patronize the bar. In fact, several of my crew closed the Club bar both nights; again I was not there at closing but know of no disturbance caused. My crew's money has always been welcome at their bar. By patronizing the Club, instead of the restaurants and bars that most other boats go to in Greenport, my boat has more exposure at S.I.Y.C. It seems that my desire in good faith to patronize the welcoming yacht club was also in retrospect an improper one.

An incident that I am aware of involved some hostility expressed by one of my crew members in a rather drunken state to another member of Off Soundings. I did my best to intervene, and believe did my best to apologize to this Off Soundings member. I was very embarrassed by this behaviour, and this crew member who has sailed with me for years and whose father is another member of Off Soundings was told that same weekend that until and unless he gets help for his excessive drinking, he was no longer welcome on my boat. To the best of my knowledge, this incident was not evident to the S.I.Y.C. Another newer crew member got the same message not for any misbehaviour that I am aware of but because of his affect on the boat racing.

Another incident which was referred to involved the theft of some flags in Greenport. I know nothing of this so cannot speak to it.

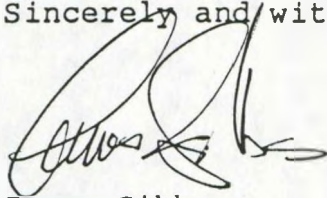
I can only imagine that another incident which had nothing to do with S.I.Y.C. may have influenced the Board in their decision to expel me from Off Soundings. If nothing else comes of this letter, let me explain what really happened. As you remember, I

was beaten unconscious by a police officer during Off Soundings on Block Island. This officer without making any prior acknowledgement to me, approached me from behind without my knowing, pushed me to the ground, handcuffed me, beat me on the head with his club while grinding my face into the gravel, and finally put a choke hold on me with the strap of the club until I was unconscious. I had a bruise across my throat from ear to ear to show for it, along with a black eye and abrasions all about my face. My doctor told me upon returning to the mainland, that it was lucky the choke hold did not put me into coronary arrest.

At any rate, I woke up in jail. I was arrested and charged with disorderly conduct and resisting arrest. In a court of law, I was also entirely vindicated. Evidence submitted by the police officer himself, who testified, proved that he had mistaken me for another individual who had been causing a disturbance earlier. The officer, moreover, admitted that he made no attempt to identify himself to me and in fact arrested me without even face to face contact. No mention was made in court of the brutal treatment directed at me as my attorney feared it might influence the judge to protect the Town of New Shoreham from a lawsuit for damages -- precisely what my attorney intended on doing. However, despite my attorney's opinion that I had an excellent case against the Town, I was concerned that such a lawsuit would cause considerable ill feeling between the Town of New Shoreham and Off Soundings. I discussed this matter with your daughter Anne, following an Essex frostbiting regatta, and she concurred that it would be in the best interests of Off Soundings to forget the whole matter -- which is precisely what I did.

I have always enjoyed racing in Off Soundings, first on a Tartan 37, then on a Luders 33, and now an Evelyn 32. The Fall and Spring regattas have always been the best racing in the area, and I hope that I might be allowed to continue on some sort of probationary manner. I am willing to forgo the parties at S.I.Y.C. and stay in Greenport; I would be willing to forgo the entire Fall Off Soundings for perhaps a while. The letter to me from Off Soundings states that I may apply for a hearing to reconsider the decision of the Board of Governors. I believe I have said everything that I can in this letter, and am satisfied to leave to leave this matter in your hands having written the above. I trust you and the Board to give me fair consideration, and realize that your decision should be in the best interest of Off Soundings. I hope that I may be allowed to remain a member of your Club, but will understand if you choose to stand by the Board's expulsion. Again, I regret any and all inappropriate behaviour by myself and my crew that has caused embarrassment to Off Soundings. I can assure you that it has caused me embarrassment as well.

Sincerely and with Best Wishes,

A handwritten signature in black ink, appearing to read 'James Gibbs', written in a cursive style.

James Gibbs
Zeitgeist



OFF SOUNDINGS CLUB

F.B. George Hohenstein, Commodore
56 Jupiter Point Road
Groton, CT 06340

(office) (203) 225-7777
(home) (203) 446-1600

MR. JAMES GIBBS
112 BLOOD STREET
OLD LYME, CT. 06371

DECEMBER 10, 1990

DEAR JIM,

I RECEIVED YOUR LETTER DATED NOVEMBER 25, 1990 WHICH ALONG WITH YOUR RATIONALIZATION FOR THE COMPLAINT FROM THE SHELTER ISLAND YACHT, LISTED SEVERAL OTHER INSTANCES OF BEHAVIOR WHICH YOU DESCRIBED AS INAPPROPRIATE BY EITHER YOURSELF OR YOUR CREW. THESE OTHER INSTANCES HAVE NOT COME BEFORE THE BOARD OF GOVERNORS WHICH DISCUSSED A LETTER FROM S.I.Y.C. COMPLAINING OF YOUR FAILURE TO PAY FOR USE OF THEIR CLUB'S FACILITY BEFORE LEAVING THIS YEAR, THE COMPLAINT OF A CHECK AGAINST INSUFFICIENT FUNDS YOU GAVE THEM IN 1989, AND THE STATEMENT THAT NEITHER YOU NOR YOUR CREW ARE WELCOME AT S.I.Y.C. IN THE FUTURE.

JIM, YOU WERE NOTIFIED BOTH IN OUR FIRST NOTICE DATED JULY 6TH AND IN THE FINAL NOTICE DATED SEPT. 7, 1990, THAT "A CHARGE OF \$15.00 WILL BE MADE ON A PER NIGHT PER BOAT BASIS WHETHER DIRECTLY MOORED OR RAFTED OR ANCHORED WITHIN THE SHELTER ISLAND GRID AND WILL BE COLLECTED BY SHELTER ISLAND YACHT CLUB." THIS WAS YOUR RESPONSIBILITY, AND IT WAS ON THEIR COMPLAINTS YOU WERE EXPELLED FROM THE CLUB UNDER THE RULES OF OUR CONSTITUTION. THIS CONSTITUTION ALSO STATES THAT YOU HAD THE RIGHT TO APPEAL THE BOARDS' ACTION BY REQUESTING A HEARING IN THE MATTER. SINCE YOUR LETTER DOES NOT REQUEST SUCH A HEARING AND DOES NOT ADEQUATELY EXPLAIN YOUR PROBLEMS AT SHELTER ISLAND, THERE IS NO FURTHER ACTION THAT THE BOARD CAN PROPERLY TAKE AT THIS TIME.

I PERSONALLY REGRET THAT THIS ACTION HAD TO BE TAKEN, BUT I DO FEEL IT WAS IN THE BEST INTEREST OF THE CLUB, AND WAS WARRANTED CONSIDERING THE PROBLEMS WHICH HAVE COME TO LIGHT.

JIM, AS YOU KNOW, I SUPPORTED YOUR ELECTION TO MEMBERSHIP AND HAVE ENJOYED THE TIMES WE HAVE RACED OUR LUDERS AGAINST EACH OTHER IN CLASS A-2. I CERTAINLY WISH YOU ALL THE BEST.

VERY TRULY YOURS,

CC: NEAL H. O'CONNELL

GEORGE HOHENSTEIN