



**POLISH CLUB
KLUB POLSKI**
ASHFIELD

28 April 2022

Mr Andrzej Kozek
14 Blackbutt Ave
PENNANT HILLS NSW 2120

Dear Mr Kozek,

Notice of Charge

The following charge pursuant to Section 21 (c) of the Constitution of Polish Club Limited (Club) has been made against you as a member of Polish Club Limited:

- It is alleged that you are not desirable as a member of the Club

Particulars

In an article that was written by you and published in Puls Polonii on 27 January 2021 (Attachment 2), you included numerous assertions that included:

1. **False and misleading statements which include amounts paid to the former restaurant operator and legal costs associated with the Club successfully defending itself.**
2. **False and misleading statements regarding our adjoining neighbors with whom we collaborated in marketing via JLL**
3. **False and misleading statements regarding the operation of the Club's restaurant**

You were not authorised to act or speak on behalf of the Club. You did not approach the Board to ensure that the statements you would be making were factually correct. Due to the false, misleading and at times defamatory information put out into the public arena you sowed doubt with our members and brought the Polish Club into disrepute.

Hearing Date and Format

On Monday 30 May 2022 at 7.00 pm at the Board meeting of the Polish Club Limited, the Board of Directors of the Club will meet via Microsoft Teams to hear the charge and consider and if thought fit, pass any resolution pursuant to Section 21 of the Constitution of the Polish Club as is considered by the Board in the circumstances to be appropriate.

Pursuant to Section 23 of the Constitution, you will be required to be present at the meeting via Microsoft Teams or failing that via a telephone conference call.

At that meeting and before any resolution is moved you will have the opportunity of giving in writing or orally any explanation or defence you may think fit in relation to this matter, to call any witnesses in your defence and, if found guilty, before any resolution imposing any penalty is passed you will be given the opportunity of addressing the Board on that penalty. You may also submit to the Board any representations in writing regarding the charge in advance of the meeting for the Board's consideration.

Pursuant to Section 21 of the Constitution, the Board has the power at the meeting to reprimand you, suspend you from all privileges of membership of the Club for such period as it thinks fit or expel you from membership of the Club.

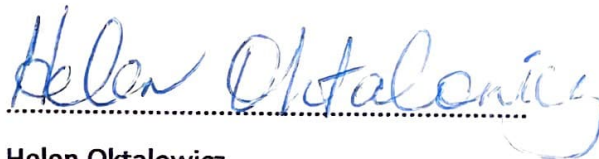
Please advise by return email (NLT 7 days before the scheduled meeting) if you prefer Microsoft Teams or an audio call instead, and what email address or phone number to use. If you do not attend the meeting of the Board at that date, time and place stated in this Notice, or if you choose to ignore this letter, the Board may hear and determine the charges in your absence and pass such resolution as it considers fit pursuant to Section 21 of the Constitution.

You are reminded that the Board is elected by its Members to manage the affairs of the Club and has the authority to deal with matters such as this. For your information a copy of the relevant Section of the Constitution of Polish Club Limited is included. Your article dated 27 January 2022 is included in Attachment 2 for your reference.

Regards
on behalf of the Board of Directors



Hania Geras
Director



Helen Oktalowicz
Director

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New South Wales Companies (New South Wales) Code
A Company Limited by Guarantee and not having a Share Capital

ARTICLES OF ASSOCIATION
OF
POLISH CLUB LIMITED
INTERPRETATION

21. SUSPENSION AND EXPULSION

The Committee shall have power to suspend either for a fixed period or indefinitely or to expel any member if in their opinion –

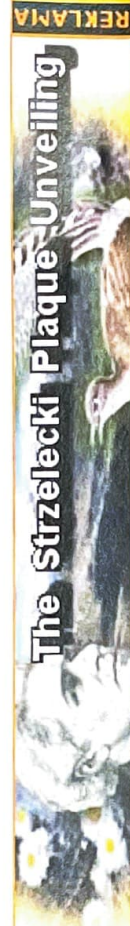
- (a) His conduct is in disobedience of these Articles or any By-Laws or regulations and interest of the Club or is calculated to bring the Club into disrepute or contempt; or
- (b) His membership was obtained by improper means or without the required qualifications; or
- (c) He is not desirable as a member of the Club; or
- (d) He has knowingly introduced any person into the activities of the Club who has been expelled from or has been refused membership or admission to the Club; or
- (e) He has become a bankrupt or has committed any act of bankruptcy; or
- (f) He becomes a patient or an incapable person or a mentally ill person within the meaning of these terms in the Mental Health Act, 1950 of New South Wales or any enactment by which the Act is replaced.



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Attachment 2

Puls Polonii



REKLAMA

27 stycznia 2021

From Strzelecki heights down to Ashfield dust
Andrzej Kozek

I was detracted from the current KHI *) activities: Polish version of L. Paszkowski's monograph on P.E. Strzelecki, opening of the Strzelecki exhibition brought from Ireland, unveiling Kosciuszko and Agrippa sculpture and of his memorial plaque telling the story of his famous track leading to naming Mt Kosciuszko and a discovery of Gippsland, just to name a few. Unexpectedly I was asked to attend the AGM of the Polish Foundation in New South Wales held on 21st January 2021 in the Polish Club in Ashfield, a suburb of Sydney. This was my second AGM of the Foundation and not less exotic than the previous one on 20 thNovember, 2019. On both occasions I represented the Federation of Polish Associations In NSW.

The Foundation uses in its letterhead a logo of P.E. Strzelecki, what might incorrectly suggest some interests in P.E. Strzelecki or his heritage. The main and only activity of the Foundation is the maintenance of the historical building known as Dom Polski and a scout camping ground, known as Bielany. The Foundation barely survives by renting its premises to the Polish Australian Welfare Association, to the Folklore Dance Ensemble Syrenka for a nominal yearly rent \$1000, and from Bielany Camping & Parking income. The reported net deficit from operations for the recent financial year was -\$10,612.07.

The Foundation however plays important role in the PCCA politics. It has a number of reported yearly joint membership fees \$3000.00 (exactly! It looks like taken from the top of the Treasurer's head) this results in the right to over 40 voting mandates at the election of the PCCA's Board. This is quite tricky as most of these member organizations, on top of this representation via Foundation, are entitled to have their own voting mandates in the PCCA. The problem is even more complicated as some organizations and their individual members belong to other overlapping organizations representing federations, schools (parents and students), teachers, education, folklore dancers etc.

Consequently, these multiple overlapping representations and related problems with paying membership fees create an everlasting ground for creative politics of the PCCA. It is not then surprising that the President of the PCCA – the supreme figure in Polonia - used her precious time to personally chair both AGM's of the Foundation: in 2019 and the present one.

The Foundation and its membership recently became an object of additional interest. The Polish Club in Ashfield (the adjacent building to Dom Polski) recently

fought through a legal right to a controversial development. The Club purchased the land about 50 years ago from Dom Polski for a symbolic 1£ and subsequently got built by Polish migrants, mainly by DPs. Its history is colorful.

According to the Club story written recently by the present Director of the Club, Richard Borysiewicz, we read that whenever he was involved in the Club activity the turnout was in millions. When he disappeared, the Club was permanently running in deficit. There is no explanation given on what happened to these multimillion incomes. Over dozen of years, after Borysiewicz disappeared to pursue a military career, the Club was functioning with debt reaching in 2013 about \$400,000. Then Borysiewicz reappeared and was elected as a Club Director.

Energetic, with ideas for invigorating Club's activity and income, presenting his visions supported by elementary regression and visualizations he was welcomed as a Club saviour. The team of enthusiastic Club directors cooperated tirelessly and in a great harmony. After a successful first year, with glorifying interviews and reports by Sydney media - including PulsPolonii - Borysiewicz was allowed to extend the traditional one year term of the Board to a two-year term. And that is when the problems began.

Borysiewicz found that the Club's restaurant was inefficient and so he tried to evict the restaurateur. The problem was, as it has been declared, in reaching an agreement about the size of compensations for contributions to the renovation of the restaurant. Club members were divided and the dispute was about the sum in the range \$10,000 - \$30,000. Impatient with the delays in solving the problem Borysiewicz broke into the restaurant and evicted the restaurateur.

The dispute ended up in a Supreme Court, where the Club lost the case. Why? By the right of prescription (prawozasiedzenia). The Club allowed the restaurateur to operate well over the legal term of 6 month and hence gained entitlement to operate over at least 5 years. But there was a tip in the ruling: the judge suggested that if the Club applied to the Court for a release from this obligation, the Club would have a chance to succeed. I suggested then this solution to Mr Borysiewicz (both in Polish and in English) but this resulted in a request: please do not write emails to me.

This case bitterly divided Polonia. There was the Court of Appeal, won 3:0 by the Club. Borysiewicz was triumphant, PulsPolonii and other media were invited to a filmed conference and reported the event. However, this was not the end of the story. The case ended up in High Court where the Club lost 0:5. The rumor had it that the Club paid the restaurateur a compensation well above \$300,000. True or not? As a Club member I never heard any official disclosure about. The fact is that the restaurateur was subjected to boycott from the Club and decided to close his business well before his five-year term. The Club's legal costs reached by now about \$5mln.

Involved in legal matters Borysiewicz came out with seemingly brilliant idea to get into a joint venture with neighbours at Norton 81, and as well with neighbours from the Liverpool Road properties. Selling jointly a large land to a major developer could be financially beneficial for all participants, however at the price of replacing the right to land with a corresponding strata right. Many Club members opposed this plan of selling the Club believing that the Polish community can act as developers and end up with similar development while retaining the land title. However Borysiewicz was eager to get resources to cover huge legal costs and so the project was rejected by the Board over which he dominated.

The opposing Club members began to be evicted at any opportunity. Most often eviction was motivated by unpaid or late membership fees with no right to repay or rejoin. The new members were attracted on a massive scale mainly by one sided Borysiewicz propaganda via Syrenka, a Folklore Dance Ensemble run and dominated by Borysiewicz family. Complaints and scandals about offensive treatment of opposing Club members rose as never before.

At the Club's 2017 AGM Borysiewicz won by majority of only 5 votes the right to start negotiations with developers. This historic and shameful for the Polish community AGM featured a heavy Police and security protection. Only members with fully paid membership, actual Club entry card and supplemented with a valid driver license were allowed into the Club to vote. A number of evicted or taken by surprise Club members were left on the street. I have to admit I made a great mistake: I voted yet in support of Borysiewicz.

The culmination of this manipulative process was achieved by evicting a number of respectable elected Board members opposing Borysiewicz. They have been

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immediately replaced with candidates nominated by Borysiewicz (dr Czernkowski was one of them). Borysiewicz' opinion about the removed Directors changed drastically. From being "great and creative helpers" in saving the Club within a month they turned to be "useless people" opposing the right direction and allegedly even stealing. Scenario probably typical in a communist country, but in Australia?
As I was told by the directors the conflict began when one of them, nominated to supervise the Club's restaurant, now being run by Borysiewicz' family, tried to get to the bottom of the money flow.

On a subsequent Board meeting I found only two elected directors present plus three new ones introduced by Borysiewicz, with four other absent. I decided I cannot accept this type of behaviour any more. I cannot accept any longer the role of a useful intellectual being manipulated by a bullying person.

It is too late to cut the story short, so let me recall yet two other Court results. In one case the Club won the contested right to go ahead with the Club development. As I read the Court justification, I came across an argument that the opposing side presented only one witness who declared that HE WAS NOT ALLOWED TO VOTE AGAINST Borysiewicz. The Court's argument was that this single person would not have changed the result of the voting, where Borysiewicz won with 5 votes.

Clearly the opposition's case was not properly prepared. We witnessed many other opposing Club members which were not allowed into the Club. This Court ruling, allowing the Club to go ahead with the controversial development, is being now broadly used by the Borysiewicz' propaganda. There is yet another, more recent Court ruling: affairs of the Polish club were conducted in a manner that was oppressive. Alas, this moral victory does not invalidate the Club's right to the development.

In the current edition of the Club's plans only the development of Norton 73 and 75, both belonging to the Club, is considered. All neighbours withdrew from the joint venture with the Club. The main Club entrance will be via narrow passage belonging to the Polish Foundation. This remains in a big contrast with the pictures marketed by the developer to the Club members showing a broad access from the main Club entrance to the Liverpool Rd. This issue was expressed in details in an article in PulsPolonii. One of the points is that the financially struggling Polish Foundation can negotiate with developer better and long-lasting benefits for sharing the passage with a commercially operating Club and with prospective inhabitants of the planned 90 units.

Having learned the background we are now back to the 2021 AGM of the Polish Foundation. As expected, the AGM was about keeping by Borysiewicz and Kwiatkowska a grip over the Foundation. This has been achieved already a year ago, by breaching the constitution of the Foundation and depriving several organizations of voting mandates. It is so sad that this was done with 'nodding heads' of Educators of our kids and grandchildren.

We are obliged here also to record that a person nominated to a Board position, Dr Nicholas Gad was denied access to the AGM of the Polish Foundation held on premises of the Polish Club. Mr Borysiewicz evicted Dr Gad saying that he is banned from the Polish Club!!!

After 5 years break of not calling AGM's the new Board elected last year consisted of the incumbent President ElżbietaCesarska and dr Czernkowski who was moved from the Secretary to a Treasurer position. Other 'nodding heads' filled the remaining positions, including a Borysiewicz family member and four Board Directors of the Polish Club. In fact, last term (2019 till January 2021) Dr Czernkowski served as Treasurer of both the Polish Club and Polish Foundation; he also also took over the duties of a Secretary of the Foundation.

Now we are returning to the recent AGM of the Foundation. Based on the submitted but not read annual report, the President of the Polish Foundation concentrated on maintenance of Bielany and Dom Polski and was keeping an eye on Mr Żak, who despite being deprived last year of voting rights, was voluntarily repainting and fixing Dom Polski. The President was happy with a promise of a onetime improvement of fencing and passage to Dom Polski for giving permanent right of way to a commercially run Polish Club and to hundreds of people living in the prospective apartments to be raised above the Club.

Dr Czernkowski carefully explained how he did avoid conflict of interests between the Club and the Foundation. His explanation, with nodding heads, was accepted by the Board.

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Vice President seemingly did nothing more but compiled a history of the Foundation. A. Kozek requested this history to be made available to all AGM attendees and suggested it should be made available as well to a broader public on the Foundation's internet home page. Alas, this home page does not exist as yet. In the discussion of the Board reports R. Borysiewicz launched an attack on PulsPolonii , claiming that it was created only to destroy him and the Polish Club. He claimed that this portal publishes only anonymous discussions of Club's problems without consulting him or getting his approval. Mr Borysiewicz concluded that PP (**)) is a shame of the whole Polonia. The Chairwoman, Mrs Kwiatkowska allowed this well over the regular 3 min hate speech even though PP had nothing to do with the Board or its report.

Despite Mrs Kwiatkowska's attempts to interrupt, A. Kozek managed to reply that PP existed more than a decade prior to Mr Borysiewicz becoming Director of the Polish Club, that over four years 2013-2017 this portal, believing in Borysiewicz' good intentions, published interviews with him and presented his visions. Even when Borysiewicz started a war with Polonia, PP had and continues to have obligation to publish alternative views and discussions. Polish Club's Community announcements as well as development project reports submitted to PP by Mr Borysiewicz have always been duly published.

Does Mr Borysiewicz's behaviour qualifies him to be considered as a Polonia leader?
In my opinion he could be a good manager of a disco or a similar commercial business but his history of bullying disqualifies him as a community leadership. Over the last seven years he was not only unable to resolve peacefully any problem, but in fact he did divide Polonia in Sydney as nobody did in the past. This happened on top of multimillion losses to the Club and losing the right to the land purchased by the Polish DPs. Now he seems to dream to overtake Dom Polski along with the Polish Foundation.

Not surprisingly, the newly elected Fundacja Polska -Foundation Board overlaps with the Club's Board to a similar extend as in the previous year. Under creative leadership of the accountant, Dr Czemkowski, they may be able to twist the rules and feed Club members with their propaganda. They know that about 95% of the Foundation and Club members don't bother to try to have a look into the current Constitution text and even if they try, they do not have any easy access to it. Nowadays Polonia does not buy their stories. Polonia desperately needs to clear voting rules and make them transparent. This can be done and can contribute to healing of our community. It is so sad that both President Kwiatkowska and dr Czemkowski are not able to recognize how these manipulations ridicule our community.

Quo vadis Polonia with such leadership and wisdom?

I'd rather stop here though I wished to say much more.

Cronyism and Nepotism.Ursula Lang's Reflections from the AGM

Prof. Andrzej Kozek

Abbreviations used in the text:

KHI – Kosciuszko Heritage Inc

PP – PulsPolonii , internet portal, www.pulspolonii.com

PCCA – Polish Community Council, Rada Naczelna PoloniiAustralijskiej, RNPA

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