

Dog-owner charged for co-op's legal fees, without ever going to court

BY Nicholas Hirshon, DAILY NEWS WRITER

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David Teitelbaum, 47, said he was stunned at the charge tacked onto his monthly bill at Dayton Towers in Rockaway Beach.

A building manager told him the fee covered the co-op's legal fees - for two letters he received from the board's attorney.

The co-op later dropped the fee. But tenant advocates say the case highlights a flaw that makes co-op rules ripe for abuse.

They say shareholders have little recourse if a spiteful board charges legal fees for cases without merit - even if the matter goes to court, or if the board loses in court.



David Teitelbaum with his dog Aphrodite. never Teitelbaum was threatened with eviction if he kept the pit bull. Debbie Egan-Chin

"There are no checks and balances," said Larry Simms, the president of the **Alliance of Condo and Co-op Owners**. "There are too many times when board members or managing agents are inclined to be abusive."

The co-op first threatened to evict Teitelbaum unless he gave up his pitbull Aphrodite, who he says helps him cope with depression and other ailments.

He refused, and he soon received the letters that led to the legal fees.

"Lawyer's fee for what?" said Teitelbaum, who added he's short on cash while being treated for bipolar disorder and back and knee problems. "I basically can't afford this right now. I'm in and out of hospitals," he said.

A building manager vowed to drop the fee when the Daily News called to inquire.

Legal eagles differed on whether Teitelbaum should have paid the fee if the co-op had refused to drop it.

Tenant attorneys Sam Himmelstein and Kevin McConnell said that if Teitelbaum did not pay \$1,000, the board would keep it on his account and demand payment if he ever decided to sell the co-op.

They suggested Teitelbaum could have sent the co-op a \$1,000 check but write "without prejudice to my right to contest charges" on the memo line and in a cover letter. They said he could have then tried to recoup the cash in Small Claims Court, where tenants tend to fare better than in housing court.

But lawyer Jamie Fishman said Teitelbaum could have taken his chances in Housing Court because his lease specifically says the co-op can recover legal fees only if the case goes to court.

The \$1,000 spat is just the latest development in a stormy relationship between Teitelbaum and the board.

Teitelbaum was placed on probation for two years in February in a city decision that determined he "behaved inappropriately" towards board members, according to a report obtained in a Freedom of Information Act Request.

Despite the bad blood, co-op manager Richard Nardo said the \$1,000 charge was a mistake.

"He shouldn't have gotten a bill," Nardo said. "I can check that out. If it's on there, we'll remove it."

Teitelbaum said the board's change of heart left him both elated and disgusted. "I'm very happy," he said.

"But it's to the point where you have to threaten people to do the right thing."