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Douglas files suit against Ruder, Adirondack Council

\$2.1 million sought in collusion claim

By Matt Bosley, Editor, Valley News

BLACK BROOK — The owner of a lakefront campground on Silver Lake has filed a lawsuit against an environmental advocacy group and its top official, seeking \$2.1 million in damages.

LeRoy Douglas and the Douglas Corporation of Silver Lake filed a civil action lawsuit in Essex County Supreme Court Nov. 23, claiming the actions of the Adirondack Council, and specifically the organization's board chairman, Brian Ruder, led to unnecessary Adirondack Park Agency enforcement against him and interfered with plans to sell some of his land.

Douglas now seeks \$2.1 million as relief for more than \$100,000 in legal fees he's incurred to have the enforcement matter settled and for money he's missed out on by not selling eight lakefront parcels.

In 2006, the APA issued Douglas a non-jurisdictional letter for his subdivision of seven lakefront lots, but began an enforcement file against him for allegedly widening a road on his property that passes through a wetland area.

"I did everything I could in the world to appease the Adirondack Park Agency when this first started," Douglas said.

A hearing on the matter led to a settlement, but the agency decided to re-open enforcement in March 2007, claiming he failed to follow through with his promise to narrow the road.

In late September, Douglas and his attorney, Matt Norfolk of the Lake Placid law firm Briggs & Norfolk, brought forth evidence they said points to illegal collusion between the Adirondack Council and the APA in regards to the case.

Included among the documents was a letter from the Adirondack Council legislative director Scott Lorey to APA Enforcement Committee Chairman Cecil Wray. It specifically refers to Douglas as a developer "most in need of deterrence" and urges the APA to "carefully investigate his developments and take decisive action against all infractions of the APA Act and Freshwater Wetlands Act."

The letter is dated April 7, 2008, just days before the APA enforcement committee rejected Douglas's application to have a prior APA enforcement proceeding against him thrown out.

Norfolk also cited a series of e-mails to APA enforcement program supervisor Paul Van Cott that spoke specifically about Douglas's enforcement matter and directed him to take specific action in order to find Douglas in violation.

"I am prepared to support whatever you can do here with my own legal team to back you up and help with research and other tasks," one of the e-mails states. "Please deal with this with all the force that the APA has in its arsenal."

The sender's identity in each of e-mails is blacked out with marker, but Norfolk says they came from Ruder, who owns land close to Douglas's on Silver Lake.

In a surprise move, the APA agreed to permanently withdraw the enforcement case against Douglas Nov. 9, provided his remediation of the road is confirmed by APA staff.

Now, Douglas is going after the non-governmental organizations he says purposely sought to tie up his assets in a legal dispute.

"All these organizations are in collusion with each other," said Douglas, "and I'm about to prove it in court."

Douglas admits there was nothing explicitly stopping him from selling his land, but he values the eight parcels at \$250,000 each and said he could not, in good conscience, sell them without the assurance that the APA would allow for their development.

"I just held off selling any of them for that reason," he said. "I would have been able to sell several lots by now."

Norfolk said proving that there have been damages will not be difficult; what will be proving Adirondack Council staff induced the APA to act as it did.

Adirondack Council spokesman John Sheehan said Nov. 23 that the organization had yet to receive any formal papers indicating the suit had been filed.

"We believe this is frivolous, that it will be dismissed, and that there is no grounds for any complaint regarding our complaint to the Adirondack Park Agency," Sheehan said.

Still, Douglas is convinced that something must be done to keep the APA from allowing private organizations to have too much influence.

"What they're doing to people has got to stop," said Douglas. "The APA is not God. They're supposed to be working with us, not against us."