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## Greater Los Angeles

2002-03-22

### Rabbi vs. Rabbi

*Shots are fired at a Chabad center at the height of a dispute between two rabbis.*

**By Gaby Wenig**

Last Monday night, shots were fired into the front window of the Living Judaism Center (LJC) in Marina del Rey and into a car belonging to center board member Harris Toibb.

Toibb is a major supporter of LJC, which is involved in a public legal battle for control of the property at 2929 Washington Blvd. in Marina del Rey, currently occupied by LJC and formally known as Chabad of the Marina. The struggle has pitted two charismatic leaders against each other, and brings into question the right to dissemination of Chabad Torah teachings in Los Angeles.

At press time there was an active effort within the Chabad community to bring both parties to a mutually agreed beit din (rabbinical court), which will bring a resolution between the sides. If both parties agree to go to the rabbinical court, all civil litigation will be revoked.

The skirmish between Rabbi Shmulik Naporstek of the LJC and Rabbi Boruch Shlomo Cunin of Chabad of California has been percolating for some years. The trouble began in October 2000 when Barron's magazine published the article "Unholy Gains: When stock promoters cross paths with religious charities, investors had best be on guard," in which Naporstek admitted that he received a gift of stock from Australian financier Joseph Gutnick. (No charges were

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ever filed against Naporstek, and he denies any wrongdoing.)

For the next year, Cunin and Naporstek traded letters over the matter, and in January, Cunin fired Naporstek. Naporstek then filed for control over the synagogue, and on March 4, Cunin's legal team filed a counter-complaint in the Los Angeles Superior Court accusing the Chabad of the Marina of ties to "an alleged international stock manipulation scheme." (Both men commented through their lawyers for this article: Rex Julian Beaver, attorney for Naporstek, and Marshall Grossman, chief counsel to Cunin and Chabad of California.)

Cunin's counter-complaint also alleges that Naporstek was conducting unauthorized Chabad activities at the Toibb Gan Israel Preschool in Playa del Rey on Nov. 13, 2001, when Friends of Chabad of Marina del Rey hosted a mixed-seating gala banquet honoring former Israeli Prime Minister Benjamin Netanyahu and Gov. Grey Davis. The complaint accuses Naporstek of knowingly violating Cunin's policy prohibiting banquets where men and women sit together.

Because Naporstek did not act in accordance with the directive given to Chabad rabbis in California, according to the counter complaint, he would no longer be considered a Chabad shliach, or emissary, and should consequently vacate the LJC's facilities and turn over all books and records to Chabad of California.

Naporstek denied the accusations. In a fax obtained by The Journal that Naporstek sent out on March 10 to "fellow shluchim and members of Anash [the Chabad community]," Naporstek alleges the "unauthorized activities" at the Playa del Rey school were well within the range of traditional Chabad activities, and that the money raised to build the school had been earmarked by its donor, Toibb, to go to outreach activities as well. "At the time," Naporstek wrote, "the only known charge against me by Rabbi Cunin was my crime in succeeding to disseminate Yiddishkeit in Playa del Rey."

Toibb, who sponsored the dinner that resulted in Naporstek's dismissal, said that he was aware of Cunin's directive that Chabad Houses not hold dinners with mixed seating. "That is why the event that took place was hosted by my wife and myself. We hosted the event, we paid for the event and it was for Friends of Chabad of the Marina," as opposed to Chabad of the Marina itself, Toibb said. "I went so far as to get advice from rabbis that were close to Cunin to make sure that the procedure that I did would not result in anything controversial."

In Naporstek's first complaint filed in the Superior Court on Jan. 31, 2002, and in the aforementioned fax, Naporstek alleges that Cunin abused his power as head Chabad rabbi in firing Naporstek without due cause and attempted to take over properties that Naporstek had raised the vast majority of funds for and are controlled by an independent board of directors. (According to Beaver, Naporstek allegedly

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resigned from the LJC board of directors eight months ago, and though Naparstek is president of the LJC, he does not have a vote on the board.)

Both parties claimed through their lawyers and in the documents that the other subverted the Jewish judicial system imposed to deal with disputes, resulting in complaints being filed in civil court.

The issues, however, are about more than just property. This battle for power underscores larger concerns about Cunin's role as the chief Chabad rabbi in California, and what it means to be a Chabad institution in California. It also raises questions about the ownership of synagogue buildings when the synagogue is disassociated from its parent group.

Cunin came to California in the mid-1960s, appointed by the Lubavitcher Rebbe as the head shliach, and set about changing the landscape of Judaism in the West Coast. He opened the first Chabad house in Westwood, and has since, with the Rebbe's permission, appointed hundreds of emissaries to more than 100 Chabad centers, reaching communities as diverse as Fresno and Las Vegas. To millions across America, he is the dancing bearded man in the spotlight at the Chabad Telethon, a televised fundraising event that raises millions of dollars for Chabad's projects in California, which include a drug rehab facility and other social welfare and educational programs.

Naparstek arrived in California from Israel in 1984, and began work as Cunin's personal assistant. In 1987, he worked part time for Cunin while running Shabbat services in the Marina on the weekends. He did so with Cunin's blessing, and eventually he left Cunin's employ to begin working full time setting up a community in Marina del Rey.

Beaber alleges that Cunin urged Naparstek to make Chabad of the Marina a separate corporate entity to Chabad of California. Chabad lawyer Grossman confirms that like many Chabad houses in California, Chabad of the Marina is a separate corporate entity, but Cunin is still its chief spiritual leader.

Among other things, Naparstek set up a preschool, a synagogue, an after-school Talmud Torah, and a day camp for his congregants in Marina del Rey, acquiring some \$2 million worth of property along the way for those purposes.

Grossman contends that even if Chabad of the Marina were a separate corporate entity, Cunin acted well within his rights as head shliach of California to request that Chabad House act in accordance with the directives handed down by the late Lubavitcher Rebbe, and to fire those that did not.

"The code of conduct that Chabad rabbis are required to respect, has been set forth over several years, by a succession of Chabad Rebbes, such as Rabbi Schneerson and these teachings guide Chabad rabbis all over the world," Grossman said. "Occasionally, there is a Chabad rabbi who thinks he

knows how to do it better, but when you are part of an organization, particularly a religious organization, your responsibility is to follow the dictates of that organization, and that is true whether you are a Chabad rabbi or Reform rabbi or Conservative rabbi. It is not uncommon for rabbis in any branch of Judaism, who sway, to be relieved of their duties."

Yet, even if Cunin had the right to relieve Naparstek of his duties, Beaber contends that he has no right to take over the properties of the LJC. Beaber told The Journal that he has sworn declarations from all but two of the people (who Beaber could not reach because they were on vacation) who donated to Chabad of the Marina over the years, that their intention now, and that their intention when the money was donated, was that it go only to Naparstek to fund his buildings and activities at Chabad of the Marina. The donors said that they knew of Cunin and Chabad of California, and did not want their donations to be used by them. The declarations also maintain that the motivating factor in their donations was Naparstek, not the name Chabad.

Grossman alleged that the properties belong to Chabad of California, since Chabad of California provided seed money to Chabad of the Marina and gave Chabad of the Marina \$15,000 grants on two separate occasions, and since it was always known that even though Chabad of the Marina was a separate corporate entity, it has always been part of Cunin's Chabad empire. "Whatever funds were raised in the name of Chabad, were Chabad funds. Period," Grossman said. "Whatever funds were raised in the name of the LJC, unassociated with Chabad, are not Chabad funds. This is not some free-standing McDonalds that is operating independent of every other McDonalds, this is a Chabad synagogue."

Beaber maintains that Chabad of California did not provide the seed money for Chabad of the Marina.

The shootings that occurred on March 18 came at the height of the dispute, but whether they were related to the conflict or were simply random acts of vandalism remains to be seen. Toibb believes that the shootings were acts of unrelated neighborhood violence. Beaber told The Journal that the LJC identified to police agents acting on Cunin's behalf as their primary suspects in the vandalism. On behalf of Chabad and Cunin, Grossman issued the following response: "Whoever committed this criminal act should be prosecuted to the full extent of the law. Any accusation by the LJC that Rabbi Cunin had any knowledge of these events is false and made for an ulterior purpose."

Word within the Chabad community is that neither party in this case is completely blameless, and that it is imperative for the well-being of the community that this dispute be settled in a fair and unbiased manner. Given Chabad's history of dynamic entrepreneurialism, observers hope both parties will achieve a mutually satisfactory resolution.

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