

From: Lee Freedman <lfreedman@pwflegal.com>

Date: June 21, 2021 at 5:12:15 PM MDT

To: "Jessica H. Miller" <jessica@jhmillerlaw.com>

Cc: Wes Wollenweber <WWollenweber@pwflegal.com>, Keely Garcia <KGarcia@pwflegal.com>

Subject: Re: Nolan / Roosevelt Ridge HOA

Jessica:

I am confirming that I arrived at Mr. Coats's office at 4:15 pm to review the ballots, envelopes and related records per my several communications with you. The front door was locked. I left a voice message with his assistant as to my presence. Mr. Coats came out and requested my business card. I provided it to him. However, he said he did not know anything about our request and would not allow me to come in and review the records without your agreement. You did not answer the phone when I called you from my cell phone. However, you did answer the phone when Mr. Coats called you from his cell phone.

You refused to agree to allow me to review the received ballots and related records. You claimed that our client did not have the right to inspect these records at this time because (1) they were not received until today and under Section 317 of CCIOA and the Bylaws the time to produce such records would not begin until today, (2) no statute gives an owner or his representative the right to inspect the opening of the returned ballots (or the envelopes containing the ballots) if done by an independent person outside of the Annual Meeting, (3) no statute gives an owner the right to supervise or otherwise be present during any part of the election process if done outside of the Annual Meeting, (4) our client only has the right to be present for reading of the results in the election process but no other part of the election process when such other parts are handled by an independent person selected by the Board during the Annual Meeting, and (5) our client only has the right to review the ballots and related records after the Annual Meeting is over.

You claimed I did not provide you with any statute providing authority for my client through us to be present during the opening and counting of ballots or any part of the entire election process when done outside of a meeting. Beyond what I have sent you, I explained our client has the right to be present during the open meeting at which the election process is to take place per CCIOA and the Bylaws and has that same right, under your position that whatever act can be taken during the Annual Meeting, can be taken outside of a meeting.

The Board may not act at an annual meeting of the members, only the members can. The members control the election process. Our client, having the right to be present and see the election, has the right to take such an act.

What legal authority do you have that says the Board can prohibit a member from overseeing the opening, determination of validity, and counting of ballots. Our clients have the rights they have in the open Annual Meeting even if part is performed outside of the Annual Meeting.

If you continue to refuse to agree to allow me to review this process, then the entire process must take place in front of the entire membership at the Annual Meeting in order to satisfy the open Meeting requirement.

Mr. Coats agreed to keep the ballots closed in their envelopes or emails and to not make any decisions with regard to the election process. He clearly can present them to the entire membership at the Annual Meeting and perform his duties in front of the Membership at the Annual Meeting - that is unless the Board members are trying to hide something and not be transparent. I hope that is not the case.

Again, if the Board refuses to have the remaining process take place in front of the entire membership at the Annual Meeting, then I request your agreement that I am allowed to review the opening of the ballots, the determination of validity of the ballots, and the counting of the ballots tomorrow at Mr. Coats' office at an agreed-upon time. I hope you would be present as well.

Lee Freedman

Sent from my iPhone