



Andrew Mowery <andrew.p.mowery@gmail.com>

Formal Complaint: Board and ACC/CCR Committee Statutory and Governing Document Violations

Andrew Mowery <andrew.p.mowery@gmail.com>

Wed, May 15, 2019 at 4:47 PM

To: Buck Hammond <buck.hammond@gmail.com>, Pete Dauster <pdauster@gjmlawfirm.com>

Hi Buck and Pete!

Pete, I want to make clear that I am copying you on this formal complaint because I believe that due to historical and ongoing violations of our governing documents and CCIOA statutes, we are risking a slip into the "wanton and willful" area that might affect indemnity for Board Members. I believe the issue is urgent, and attempts to resolve by working with the Officers and then the Board overall has not been effective in relieving the concern.

In general, there are promises to improve and come into compliance, but this is combined with opaque actions by some Board members. I believe we are still not in compliance regarding, for instance, notices to owners about meetings. This lack of transparency, combined with a negative attitude, defensiveness, inaccurate recollections of events, and false characterizations of past events creates even greater concern.

In good faith, I am taking this action to preserve indemnity of the Board members.

However, the purpose of copying you is to give you notice that on this date, I have exhausted all other options available to me to resolve the matters in a timely manner. It may be necessary to seek your consultation, but that decision will be made by the Board or other Officers in the future. Please only take note of the date of notice here.

I do not have authorization to create expense for the HOA, so please take no action that would generate any expense.

Buck,

As discussed, I am following our Policy for Enforcement Section 4.2(a) which guides me to a statement telling me I "should" submit a written report of a violation. I have done my best to provide all necessary facts for the review that is required both by statute and our Policy Section 4.5(b).

I do expect a written response, consistent with the decision to formally respond in writing to Irve Denenberg's formal complaints, and do believe this should occur within the same timeframe as we have given others (approximately 7 days) to be consistent with our past actions on reports of violations by owners. If it is urgent to remove a temporary fence, a multi-lingual peace sign, this is equally or more urgent.

I do believe that due to the fact I am advocating this action, I may have the appearance of being impartial, so I should be recused. Because Maryann and Walker are also directly involved with ACC/CCR actions mentioned, I believe that they too should be recused from decisions related to this complaint. This is the reason I am sending the concern to you, as you are the only remaining Officer who would be outside of recusal status.

I want to remind you that a written response about whether violations have occurred is required regardless of whether or not Notices of Violations are sent to individuals, the committees, or the Board. This is a fact-finding effort to ensure that control of the Board agenda and attempts to quash documentation in the minutes does not avoid or prevent documentation of the violations altogether. These violations are the foundation of understanding precisely what we have done wrong, so we can avoid making the same mistakes again. Because the parties involved refuse to even admit that such actions were violations (as evidenced at last night's board meeting), it is necessary to determine this in an impartial manner.

I do hope this is received positively, and not seen as anything more than a requirement to proceed forward with our risking the indemnity protection for all Board members, past, current, or future.

Sincerely,

Andy

25 attachments

-  **Exhibit 2 - Violation Temporary Fence.docx**
175K
-  **Exhibit 3 Roofing Violation.docx**
129K
-  **19-0515 Notice of Violations.docx**
148K
-  **Exhibit 1 - Architectural Control per the Governing Documents.docx**
309K
-  **18-1002 Architectural Committee Bruckers.pdf**
61K
-  **18-0916 KevinBruckner roof.docx**
15K
-  **18-0129 SPLit Rail Fence Notice.docx**
19K
-  **18-1022 Roof Bruckers.pdf**
112K
-  **18-1029 SINGLE TOPIC BOARD MEETING.pdf**
59K
-  **18-1024 LETTER Wick and Trautwein re Bruckers.pdf**
363K
-  **18-1025 Linda & Kevin Brucker, 1386 Tributary Court, Fort Collins, Colorado 80521.pdf**
120K
-  **18-1103 Bruckner's.pdf**
44K
-  **18-1025 Poudre Overlook Letter Bruckers Roof.pdf**
103K
-  **18-1108 Re: Covenant Enforcement.pdf**
103K
-  **18-1112 LETTER Wick and Trautwein re Bruckers.pdf**
100K
-  **18-1112 Poudre Overlook Letter Bruckers.pdf**
94K
-  **18-1113 Request for Hearing - Linda & Kevin Brucker, 1386 Tributary Court, Fort Collins, Colorado 80521.pdf**
158K
-  **18-1128 Poudre Overlook HOA : Brucker (1386 Tributary Court).pdf**

81K

 **18-0129 Sullivan first Notice.pdf**
545K

 **18-0205 Sullivan Fine Notice.pdf**
541K

 **18-0504 Animal Violation Milligan-Cornelius.pdf**
529K

 **18-0504 Animal Violation Campbell.pdf**
527K

 **18-0504 Basketball Goal Olson-Young.pdf**
536K

 **18-0504 Sign Violation Guter.pdf**
530K

 **18-0504 Sign Violation MacMorris.pdf**
530K