
Formal Complaint

Buck Hammond <buck.hammond@gmail.com>
To: Andrew Mowery <andrew.p.mowery@gmail.com>
Cc: Irve Denenberg <ibdp04hoa@gmail.com>, Keith Knight <send.keith@gmail.com>

Mon, Dec 17, 2018 at 7:11 PM

Wow, this is just amazing. Let's everyone breathe in deeply and step back. Remember this is just a little HOA and not the US government. We are going to focus on just the agenda tomorrow night and not waver so please come prepared.

On Mon, Dec 17, 2018 at 6:32 PM Andrew Mowery <andrew.p.mowery@gmail.com> wrote:

Irve,

Will you be responding before the meeting tomorrow? Have you resigned from the board?

Andy

On Fri, Dec 14, 2018 at 5:23 AM Andrew Mowery <andrew.p.mowery@gmail.com> wrote:

Irve,

We are all busy. Its not an acceptable excuse for your behavior.

Your response is not addressing the core issues in your email thread comments:

1. You accused Keith and I, in a full-board forum, of acting without authority, when, in fact, it was in writing. Not only in writing, but in the same email thread.
2. You had been given advance notice of the email going out, and were asked if you had any comments or input.
3. Your comments were an unprofessional ad hominem attack.
4. You repeatedly acted outside of the Nonprofit Act, CCIOA, and governing documents. Since you had been given prior notice, it's willful.
5. You are violating your Duty to Act within Scope of Authority and follow due process.
6. You are engaging in ex parte communications with the Board on a matter for which there may be future adjudication.
7. You are not in compliance with Invasion of Privacy provisions of CCIOA.
8. You threatened to cancel the meeting reservation at the Senior Center.

Furthermore, you are making the mistake of using whataboutism to change the subject to enforcement of covenants on a non-architectual matters. You are then supplementing that deflection with additional false claims and characterizations, which are not relevant to the subjects of the formal complaint.

I offer this friendly advice: It would be appropriate to ask you to take your hearsay report and verify all the facts before proceeding. If after reviewing the hearsay, you have direct or circumstantial evidence, then make sure you are following your duty to act within scope of authority. If you do not have any evidence, I would suggest you carefully consider your options before proceeding. You might be embarrassing yourself again.

If you choose to proceed with notice because you have evidentiary proof of a violation of a covenant, please make sure that you cite the covenant you feel is being violated along with your notice to the owner who is violating an HOA covenant. When you give your notice, make sure that you are not violating any CCIOA statutes regarding invasion of privacy by broadcasting the information through email to other board members. That would also be ex parte communications with a body that would participate in an adjudication process (appeals), and would prejudice that body. Well, prejudice them more than you already have. It is unethical, at a minimum, and it may actually violate statutes or our governing documents. This is notice, again, not a threat.

I disagree with your characterizations and sequence of events. I would urge you to revisit your letter after reviewing the time stamps on the emails, and the time of our 2-minute call at 607pm on 12/11. When you look at the actual sequence of events, your letter would need to be edited to reflect the actual sequence of events. Let me know if you are willing to make those corrections, or whether you will disrespect my time further by forcing me to detail how you've got it wrong.

If you would like to vaguely accuse me of a threat, please specify exactly what you feel is a threat. Again, there's a written record between us, and others may be reviewing whether your characterization matches the documentation. We should be respectful of anyone who is acting of mediation, and not waste their time or ours on irrelevant side issues.

Remember, when ***the proposed resolution to the issue is an apology***, it undermines the overall negative characterization you are attempting to make. I was and am reacting to your ad hominem attacks while performing a board duty that I was instructed to perform. You did, in fact, violate the law (more than once). We confirmed at the CCIOA class on Wednesday (with Melissa Garcia at Altitude Law) that we are required by duty to notify another board member when they are not in compliance with the law. It's truly problematic that you absolutely refuse to become familiar with it - which you told me explicitly after the last Special meeting.

If notice of your violations of law is perceived as a threat, I can't help you. If you have something else that your vague comment is referring to, you'll need to be more specific. Also, stylistically, casting a cloud without providing the specifics is not a deescalation technique. It's provocative and abusive, and generally used by authoritarians who gaslight. It's becoming clear to me from this experience, and how I've observed how you treat others, that this is a pattern that undermines us as a board. That is why I've chosen to address your escalation with a formal complaint in which I may ask for actions from the officers.

I need to hear your side of the story regarding the emails first.

So, please refocus, respond to the actual complaints I'm making about your behavior, and use proper due process for your other complaints. Your response is inadequate to resolve my concerns. You are spending an awful lot of time and effort to simply apologize for an unnecessary ad hominem attack. It's beginning to feel intentionally malicious.

In the meantime, we all need to know whether you have or have not resigned from the Board. It affects how we all proceed with this complaint.

Sincerely,

Andy

On Fri, Dec 14, 2018 at 12:24 AM Irve Denenberg <ibdpo4hoa@gmail.com> wrote:

Please see the attached reply.

Best Regards,

Irve

On Thu, Dec 13, 2018 at 2:27 PM Andrew Mowery <andrew.p.mowery@gmail.com> wrote:

From: **Buck Hammond** <buck.hammond@gmail.com>

Date: Wed, Dec 5, 2018 at 6:30 AM

"Keith please contact either the Senior Center or the room you told me about on Harmony to see if we can get a room on the 18th. Andy after we get a room let's post the meeting time and place on our website."

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Full Email below

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Buck,

I am making a formal complaint regarding Irve's actions on 12/11/18 in response to the email notification of the upcoming Board meeting. While Walker initially participated in the email thread, he and I have open communication, and I believe we are making progress to narrow the issues that may be reasonable to bring before the Board regarding our board meeting policies going forward.

Irve, on the other hand, has aggravated the original offense with additional and ongoing behavior, and has not responded to any communications. When I tried to speak to him by phone, he said the point was moot because he was "no longer on the board", and then hung up on me.

Unfortunately, even if Irve has truly left the board (I've seen no announcement), this does not resolve the matter. I am requesting a hearing to resolve the matter amicably. I am unable to resolve the matter on my own because of Irve's non-communicating disposition. Therefore, I believe your mediation is necessary.

After going to a CCIOA 101 class given by an attorney last night, the material from the class, along with responses to questions with the attorney give me full confidence in my actions, as well as yours and Keith's. Irve's conduct was unprofessional, outrageous, and must be addressed officially if he is unwilling to resolve by simple communication. I have given him advance notice that I planned to make a formal complaint, and he has not responded. I advised him today I was following through, prior to sending this email.

I think there is urgency in advance of the meeting next week, but will accept your discretion on how and when to handle it. I hope you understand that Irve has repeatedly said "Why didn't you complain about it then?" in efforts with others to claim either waiver or some statute of limitations equivalent. I want to make sure that I have established notice of the issue in a timely manner, as a result. I apologize for having to formalize it in this way, but Irve's refusal to respond and his past behavior warrant this manner.

To be clear, at this juncture, a full written apology, published to the board would resolve the matter at this time.

Sincerely,

Andy

cc: Irve
Keith
Buck

----- Forwarded message -----

From: **Buck Hammond** <buck.hammond@gmail.com>

Date: Wed, Dec 5, 2018 at 6:30 AM

Subject: Re: Agenda

To: Irve Denenberg <ibdpo4hoa@gmail.com>

Cc: Maryann Goyn <goynm@outlook.com>, Keith Knight <send.keith@gmail.com>, walker flanary <wgflanary@gmail.com>, Ben Johnson <WindsorBen@gmail.com>, Andrew Mowery <andrew.p.mowery@gmail.com>, Heather Phillips <purpleheather@ymail.com>, Clay & Gloria Jones <joneswv@gmail.com>

Dear Board of Directors:

1. Irve: Thank you for your email however we can update committee reports when we meet again in January which is only two weeks after the meeting.

2. Andy:

a) The Brucker's lawyer provided them with the information.

b) The ACC process is outlined in the CCR's (we just need to be more diligent in our efforts to follow those processes) therefore no need to discuss the process. It does not effect the election of Officers which is a Board decision not a community decision.

c) As Walker once pointed out it would be impossible without a stenographer to capture every word at a meeting. The information was captured and is now on record.

d) You bring up a good point about homeowner participation. It is not practical to have Board meetings in our homes with large groups. **Keith please contact either the Senior Center or the room you told me about on Harmony to see if we can get a room on the 18th. Andy after we get a room let's post the meeting time and place on our website.** Since this is a new process we will need to detail spectator

comments - how, when and how long they can speak.

Buck

On Tue, Dec 4, 2018 at 12:40 PM Irve Denenberg <ibdpo4hoa@gmail.com> wrote:
ACC would like to give a report

On Tue, Dec 4, 2018 at 9:12 AM Buck Hammond <buck.hammond@gmail.com> wrote:
Attached is the Agenda for the board meeting. I would like us to focus on planning our goals for the community for 2019. There will be plenty of time in 2019 to address tactical issues, let's focus on our goals.

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Ciao,
Buck

1. ----- Forwarded message -----

From: ibdpo4hoa@gmail.com <ibdpo4hoa@gmail.com>
Date: Tue, Dec 11, 2018 at 2:22 PM
Subject: Re: Agenda
To: andrew.p.mowery@gmail.com <andrew.p.mowery@gmail.com>, Buck Hammond <buck.hammond@gmail.com>
Cc: Maryann Goyn <goynm@outlook.com>, Keith Knight <send.keith@gmail.com>, walker flanary <wgflanary@gmail.com>, ben johnson <WindsorBen@gmail.com>, Heather Phillips <purpleheather@ymail.com>, Clay & Gloria Jones <joneswv@gmail.com>

Not sure **where you got the authority to change meeting and send a message out**. Apparently, **people** have received over 10 emails and are quite upset. **You have caused to many issues...** someone asked if you are running a B&B out of your house. ARE YOU?
Irve

2. ----- Forwarded message -----

From: **walker flanary** <wgflanary@gmail.com>
Date: Tue, Dec 11, 2018 at 3:39 PM
Subject: Re: Agenda
To: Andrew Mowery <andrew.p.mowery@gmail.com>
Cc: Irve Denenberg <ibdpo4hoa@gmail.com>, Buck Hammond <buck.hammond@gmail.com>, Maryann <goynm@outlook.com>, Keith Knight <send.keith@gmail.com>, <WindsorBen@gmail.com>, <purpleheather@ymail.com>, Gloria .J <joneswv@gmail.com>

I am confused, **have we now become a board of one?**

3. ----- Forwarded message -----

From: ibdpo4hoa@gmail.com <ibdpo4hoa@gmail.com>
Date: Tue, Dec 11, 2018 at 3:43 PM
Subject: Re: Agenda
To: andrew.p.mowery@gmail.com <andrew.p.mowery@gmail.com>
Cc: Buck Hammond <buck.hammond@gmail.com>, Maryann Goyn <goynm@outlook.com>, Keith Knight <send.keith@gmail.com>, walker flanary <wgflanary@gmail.com>, ben johnson <WindsorBen@gmail.com>, Heather Phillips <purpleheather@ymail.com>, Clay & Gloria Jones <joneswv@gmail.com>

Who opened this up like this. I don't think we have a Board, That needs Board members. I could have held the meeting at my house. **Way to speak for the board Kieth ...**

4. ----- Forwarded message -----

From: ibdpo4hoa@gmail.com <ibdpo4hoa@gmail.com>

Date: Tue, Dec 11, 2018 at 3:52 PM

Subject: Re: Agenda

To: andrew.p.mowery@gmail.com <andrew.p.mowery@gmail.com>, walker flanary <wgflanary@gmail.com>

Cc: Buck Hammond <buck.hammond@gmail.com>, Maryann Goyn <goynm@outlook.com>, Keith Knight <send.keith@gmail.com>, ben johnson <WindsorBen@gmail.com>, Heather Phillips <purpleheather@ymail.com>, Clay & Gloria Jones <joneswv@gmail.com>

What board decided to change the meeting? **A board of 1**

5. ----- Forwarded message -----

From: ibdpo4hoa@gmail.com <ibdpo4hoa@gmail.com>

Date: Tue, Dec 11, 2018 at 3:56 PM

Subject: Re: Agenda

To: andrew.p.mowery@gmail.com <andrew.p.mowery@gmail.com>, walker flanary <wgflanary@gmail.com>

Cc: Buck Hammond <buck.hammond@gmail.com>, Maryann Goyn <goynm@outlook.com>, Keith Knight <send.keith@gmail.com>, ben johnson <WindsorBen@gmail.com>, Heather Phillips <purpleheather@ymail.com>, Clay & Gloria Jones <joneswv@gmail.com>

I am cancelling the reservation at the senior center. As this **meeting was not approved or sanctioned by this board.**

ACC Chairman

6. ----- Forwarded message -----

From: **walker flanary** <wgflanary@gmail.com>

Date: Tue, Dec 11, 2018 at 4:06 PM

Subject: Re: Agenda

To: Irve Denenberg <ibdpo4hoa@gmail.com>

Cc: Buck Hammond <buck.hammond@gmail.com>, Maryann <goynm@outlook.com>, Keith Knight <send.keith@gmail.com>, <WindsorBen@gmail.com>, Andrew Mowery <andrew.p.mowery@gmail.com>, <purpleheather@ymail.com>, Gloria .J <joneswv@gmail.com>

I agree with Irve and **second his motion.**

On Tue, Dec 11, 2018 at 4:05 PM ibdpo4hoa@gmail.com <ibdpo4hoa@gmail.com> wrote:

Rather than having a meeting a week before Xmas that has not importance on any major decision agenda
I make a motion to cancel Dec meeting all together, and hold our regular meeting in January.

ACC

7. ----- Forwarded message -----

From: **Irve Denenberg** <ibdpo4hoa@gmail.com>

Date: Tue, Dec 11, 2018 at 6:07 PM

Subject: Re: Agenda

To: walker flanary <wgflanary@gmail.com>

Cc: Buck Hammond <buck.hammond@gmail.com>, Maryann <goynm@outlook.com>, <send.keith@gmail.com>, Ben Johnson <WindsorBen@gmail.com>, Andrew Mowery <andrew.p.mowery@gmail.com>, Heather Phillips <purpleheather@ymail.com>, Clay & Gloria <joneswv@gmail.com>

First, I apologize to Keith, and want to say that Keith (VP) had nothing to do with the choices made. The December meeting had to be changed because he was unable to host it at his home.

In regards to this meeting, I think it was **handled inappropriately with total disregard to all the Board members.** Andy's proposal that our Board is required to send an email blast to the entire community regarding Board Meetings has never been validated by this "Board". Our meetings and minutes are always posted and include the date and time of our next Board meeting. We have never turned away any community members who would like to attend. This email blast that was signed by "The Board of Directors",

was not approved by "The Board of Directors".

Respectfully,

Irve

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Ciao,
Buck