

## LLHOA Concerns Regarding ACC Actions

September 13, 2021

ACC Responses are in red. It should be noted here that this HOA meeting of Sept. 13, 2021 was very unprofessional. By doing nothing, the actions of Board members have condoned these alleged allegations as they were read by Bill Trimarco leaving little or no time for any rebuttal to his accusations. Yet Bill Trimarco wanted an instant vote to rid the ACC of the Chair, Jo Myatt, without regard to hearing “the rest of the story” from the ACC. Jo believes Mr. Trimarco’s allegations are not based on facts but on opinions. Jo Myatt feels she is being harassed because she had filed a written complaint against Mr. Trimarco for his breach of code of ethics and behavior in a previous Executive Board Meeting and that perhaps he is seeking revenge. Nevertheless, the following is an ACC collaboration. We do not wish to rehash this issue but only to make sure that the other side of the story is recorded since no time for rebuttal was officially allowed by the Board. Trust needs to be re-built in all aspects of our community, and we need to move forward with new leadership in the new year. Some issues need to be resolved before that can come about. A “clearing the air” so to speak and in that light the ACC responds to the alleged allegations.

Notable instances of arbitrary rule enforcement:

- 2018 road built between 423 San Juan and 1458 Loma Linda Dr.
  - No approval from ACC
  - >20 foot grade change
  - Slope exceeds County specs for driveways
  - Spouse of ACC Chair encouraged this road building project by supplying road building information to the resident.

Taken from Jo Myatt notes of Aug. 15, 2018, 7:55 pm. I received a phone call from Bill Trimarco swearing and yelling at me to “Do something about it!” I had no idea what he was talking about. Bill told me his neighbors were building a road between their two adjacent properties and Bill was going to sue them for trespassing on his property. His rant continued for 5 minutes while I was holding the phone away from my ear because of his yelling and swearing which was heard across two rooms. I repeatedly told him I would take care of it. (This was my first encounter with Mr. Trimarco’s confrontational behavior and wrath.) I printed off copies of the ACC form Request for Review and a copy of the CC& R’s and arrived at 423 San Juan at 8:22 pm that evening to find out what was going on. The owners had no idea that they needed permission to build a snowmobile/walking trail on their own property. They told me they would stop all work. It was nearly 9:00pm when I left their house. They said they would talk with Bill. They wanted to be good neighbors and not cause any problems. When I arrived home, I found an email from Bill Trimarco in my inbox, addressed to the three members of the ACC and cc to Mark Douglass, HOA Board President and Don Haywood HOA Sec./Treas. Part of Bill’s letter states

“I do not believe he has any permission from the ACC to do this. **I am asking the ACC to look into this serious matter immediately.** And I will be calling the authorities about the trespassing on my property.” (Could this email be construed as confrontational?) The next day, August 16, 2018. Al and I went to see the couple at 423 San Juan; they told us they went to visit with Bill and Lisa the night before after talking with me. We brought along a copy of a book which included information on Best Management Practices, explaining once again the importance of preventing erosion on his hillside. We had never met them before this encounter nor had the ACC known about this snowmobile/walking trail. In the following days the ACC received additional emails resulting in Curt Grindal, an ACC member, and myself meeting with the property owners of 423 San Juan and their neighbor to mediate a dispute that had arisen because of this issue. While the road was being repaired and re-seeded Al and I donated erosion mat and wattle to lessen the effects of the erosion. What was encouraged was supplying the owners with information not in road building information, but in erosion prevention. This took place after “the road” damage had already occurred. Numerous possible litigations were avoided by the actions of the ACC.

- Variances:

- More variances have been issued in the past 3 years than in the previous 20 years Where is the documentation for this? What is the number of variances issued in the past three years or in the previous 20 years? Do you have the past 20 years of documents? Why can we not have access to them? We have been told they were lost or destroyed. Since Jo Myatt has been on the ACC for the past five years, there have only been 2 actual variances given. There have been 4 pseudo-variances given but those were for garages that really didn't need them because the CC&R's state in Article IX, Section 3(b) *no residential building shall be located closer than fifty (50) feet from any parcel boundary line* and a detached garage is not a residential building; it is a garage.
- Within 24 hours of appointing 2 new ACC members, an emergency meeting was called in April 2021 to issue a variance for one of the new members. A new ACC member submitted plans the week before she was appointed an ACC member, but it was after the ACC had already met for the month of April. A special meeting was called to approve the addition, not an emergency meeting as stated above. Since we have such a short building period, we on the ACC have tried to accommodate owners by granting approvals quickly. Special meetings have been called to approve other buildings over the past five years. The adjacent neighbor was contacted and in

return sent a letter stating they had no issues with the ACC granting a variance. The new member recused herself from voting.

- The swift calling of this meeting and undocumented reports that the lot owner stated that a variance was needed because the owner refused to remove any trees on the property, has caused some residents to question ACC behavior. No documentation here, just rumors. Our documentation is shown by a letter by the architect and by the elevations in topography on topographic maps.
- Antagonistic attitude towards the Board
  - On July 6, 2021, Jo Myatt sent a letter, signed by the other four ACC members plus two other lot owners, encouraging them to cease following the Approved Policy on Amendment proposals and to instead follow a different procedure of their own choosing. The Board members were given a deadline to respond. Jo Myatt was asked since she was the last signature of this July 6<sup>th</sup> letter to scan it into the computer and send it. She did so. She was not the author of this letter merely the sender. The letter was signed by 13 residents. This letter was also addressed to Bill Trimarco and sent to his personal email address, not the Loma Linda HOA address. The letter was not encouraging Board members to follow a different policy procedure, but asking for the rules of the policy to be followed by Mr. Trimarco. Because of the timing of the 8 proposed amendments, a response in a timely manner was suggested. How can this be an antagonistic attitude towards the Board when it is not even an ACC action.
  - While this action is not a direct violation of any laws or Covenants, it is suspicious and confrontational when the Committee tasked with enforcing the rules is actively advocating the Board to not follow its own rules. This is opinion on the part of Bill Trimarco and his interpretation of the letter must be misplaced. Nothing about the letter was suspicious or confrontational. The ACC had nothing to do with this letter. As stated previously there were 13 signatures on the letter, 4 of which happen to be ACC members, but not signed as an ACC. 13 residents concerned that Bill was playing both sides of the fence. As HOA President with the responsibility to work for the best interest of the Loma Linda Community, this letter was asking Bill to make sure he was following the rules. Once again this was not a committee letter, nor was it written as such.
- Complaints: *Note: The Board has received 5 written complaints in the past 6 years. 4 have been about ACC behavior. So where is the documentation. If there are complaints one would think someone would have heard about them by now. If the Board indeed believes in open communication and transparency between the HOA, the ACC and our Loma Linda Community should this not have been shared with them? This sounds like it has been an ongoing problem for six years. Thank goodness, Jo Myatt has only been on the ACC for five years.*

Why wait so long to inform us that there might be concerns from the residents? How can any issues be solved if they have not been made known? The ACC has been trying to build trusts and relationships within our community, but it is futile if we are never told any issues. Perhaps these are comments and concerns but not complaints, these words do begin with the same letter.

- The Board received a written complaint on May 12, 2021, regarding fence placement. As outlined in the Procedures, the Board directed the ACC to investigate and provide the Board with details. The ACC member with the fence in question said that 3 surveys had been conducted and the fence was in the proper location. The member refused to allow the Board to inspect the latest survey. At the June 2021 ACC meeting, it was announced that the matter was closed. The Board was not consulted prior to that decision. An email was sent to the Board members dated June 2, 2021 with the summary of the fence dispute letting them know it was to be addressed at the June 7, 2021 ACC meeting. At the ACC meeting of June 7, the committee reviewed the communications between the two parties involved and the summary previously sent to the Board. Based on this information, the fence issue was considered closed as far as ACC involvement in this matter. Every email prior to this about the fence from the ACC Chair was cc to Board members so they were kept informed. On June 29, 2021 a letter was sent to the person doing the complaining with a cc to the ACC from the LLHOA Board President Bill Trimarco stating, "The consensus of the Board is that the fence is in compliance and the matter is closed at this time." My question is when did that consensus take place as there being no reference to a vote taken in the June 14, 2021 HOA minutes. Are there "Secret Meetings" by the HOA Board that we do not have information about?
- The Board has received 4 written complaints in the past 2 months regarding ACC behavior at meetings. The following items were brought up I am hereby requesting the four written complaints in the past be sent to the ACC to address. Are we not allowed to see the complaints and the names of our accusers? The ACC is supposed to be investigating complaints but not if they are not given to us.
  - Rude and confrontational behavior of Committee members, in particular Annie Pack and Jo Myatt Part of this statement may be true. There may have been rude and confrontational behavior displayed on the part of an ACC member. However, Lisa Jensen wife of the Board President and Bill Trimarco, Board President, also failed to show any self- control during their alleged rude and confrontational behavior as well. As for myself, Jo Myatt, Chair for

the ACC, I tried to regain control of the ACC meeting during the shouting match between the three mentioned residents. I was not the one showing confrontational behavior as mis-stated above and would like a retraction to that effect.

- Meeting minutes that do not reflect what occurred Once again this is a matter of opinion. There are witnesses to what is being said and what actions are occurring. The ACC is not meeting in secret. Our meetings are open with an invite to public comment with time for residents to be heard on whatever subject they deem necessary, welcoming their opinions, concerns, comments, or complaints. Communication can be the key to better understanding, if used correctly. There does need to be open communication if we are to move forward.
- July 5, the committee voted to provisionally approve two horse shelters. The minutes say that the structures and number of horses allowed were rejected. The ACC minutes are correct. The ACC took a role vote, Annie Pack, Nancy Dorenkott and Bill Milligan voted to reject the motion of the provisional request for the two animal shelters, and Jo Myatt voted to accepted them, but not the 3 horses because the CC&R's say only 2 grazing animals per lot are allowed. Perhaps in all the shouting Mr Trimarco heard the final part of the vote and not the whole vote .Also minutes are always given to the Board before posting. Any questions about the minutes could have been done at that time.
  - There was no request regarding number of horses  
The committee asked how many horses the prospective buyer owned. He said he had three and was buying two lots, allowing 2 horses per lot.
  - The Committee chair told him that would not be allowed. Committee members agreed while shouting and talking over each other. Committee members were not shouting over each other. An ACC member was talking loudly while Bill Trimarco and Lisa Jensen were shouting back at her.
  - The Board president was on the meeting and stated that the Board had previously ruled that two horses were allowed per lot and that the owners could move them back and forth for pasture management and that they did not have to spend all their time on each lot respectively. The President reminded Jo Myatt that he had informed her of this decision previously. Mr.Trimarco we believe is

in error here about her previous knowledge of the horse decision. The facts here are that Rita Jensen (Board member) and Jo Myatt received an email from Bill Trimarco on July 7 2021 with the decision of the horse issue of the HOA Board in the HOA minutes of January 9,2012, based on the legal opinion of Hindman Sanchez. This document was sent after the July 5<sup>th</sup> ACC meeting, not previously as stated above. Bill Trimarco's statements that a precedent had been set does not mean that it applies to every situation. Each situation must stand on its own merits. The decision of the Board in 2012 was for one landowner on one lot, not for every lot from then on or it would be in the CC&R's. It was in effect a variance that was given in 2012.

- Jo refused to follow the directive of the Board with the result that the prospective buyer backed out of a cash deal that was under contract to purchase two lots. The directive of the Board should be to uphold the CC&R's, I believe this is what Jo Myatt has been and will continue to do as well as the members of the ACC. What Mr. Trimarco might be suggesting with his opinion is by trying to uphold the CC&R's, the ACC Chair may have been a contributing factor to the buyer leaving the meeting. However, the Buyer left the ACC meeting before he even heard a vote on his Request. In our opinion the prospective buyer left not on Jo's account, but because of a Board President who may have overstepped his authority by informing the perspective buyer before the ACC meeting that he could have 3 horses and move them between lots even though they may not be adjacent and keep them on one lot. We suppose the future buyer didn't want to live in a community with such turmoil.

The deal was worth approximately \$1M. It is the right of a future property buyer to change his mind about a future purchase no matter the reason or the price. But it is not right in our opinion to give "bad information" to a perspective buyer that he can have 3 horses on one lot when the CC&R's permit only 2. This false information could have ultimately led to a lawsuit.

- The committee voted on the barn structures after the contracted buyer said he was done. The structures were approved (Contrary to the Minutes) This request was for 2 animal shelters. Contrary to what Bill Trimarco is writing.  
The vote was heard by people who witnessed the confrontation and confirm that it was a decision against allowing the structures, and the minutes of the ACC meeting are correct.
- July 5, Bill Trimarco and Lisa Jensen applied for a revision to the breezeway connecting two sheds and a time extension to complete it. One of the committee members went on a tirade over the request. The time extension was not an issue. Changing the connecting breezeway to a height 8" lower than the original request took a half hour of heated debate. There was not a mention of how many inches the new connection was to have been lower than the original drawing nor was it indicated on the revised drawing or request except for putting an arrow on the original drawing to show it would be attached under the eaves instead of attaching the eaves of two buildings. Confrontational behavior was again displayed by Mr. Trimarco when asked if ACC members could see the breezeway on this construction when it was completed. I believe Mr. Trimarco indicated that this was trespassing and would not allow it.
- ○ It was noted that it has been easier for some residents to obtain 30 foot variances than for this 8 inch revision. Again, this is an opinion, not a fact.
  - Observers at the meeting commented that the process appeared to be a witch hunt against Trimarco and Jensen. Opinions. We believe, the only person who mentioned the word "witch hunt" was Mr. Trimarco, himself.
- Nancy Dorenkott of the ACC has hired an attorney who has accused the Board of numerous infractions of Colorado Statutes. Give us the facts, not undocumented accusations. Which statutes have been violated? And since when is it against the law to hire an attorney? This is not an ACC issue as stated in your agenda. Nancy Dorenkott did this as a homeowner, not as an ACC member. When joining a committee, no homeowner gives up their rights to hire an attorney. Also, had Mr. Trimarco responded to the July 6<sup>th</sup> request, this might not have occurred.
- ○ The attorneys for the LLHOA have verified that the Board has followed all procedures according to statute and to the HOA Bylaws. The HOA is paying for this attorney. Previously it was only an attorney, now they are multiple attorneys? Has the HOA even hired an attorney or attorneys? We do not believe we have

ever heard a motion on this. Give us the paperwork so we can read it for ourselves. How can attorneys verify that you are following procedures when these attorneys may not have heard that you wanted Rita Jensen (a Board member) to make a motion to send the 8 proposals to the attorney without numerous discussions occurring? Policy was broken when you refused to include all the cons in the proposals. Also, that you, Mr. Trimarco were changing and writing the intents after signatures were gathered. (See Policy on Proposing Amendments). Then, we were to see the review that the attorney had written on these proposals and instead at 8:00am on Aug. 25,2021 you only showed us what the proposals were going to look like before they were voted on and not the attorney review. (See August 9,2021 HOA minutes) This is how you follow your own policy? It sounds like you did what was in your best interest, not the best interest of the community. A violation of Duty? These attorneys can only verify what they have been told by you. May we see your correspondence to these attorneys and their responses and the attorney review?

- Repeated actions by the Dorenkott's attorney, one of which was in violation of attorney ethics procedures, have been causing expense and harassment of the Board. Give us the facts, all this is rhetoric and your opinions but without any facts. And as you said, this is the Dorenkott's attorney not an ACC attorney nor is he on the ACC which this addendum is supposed to be about. The Dorenkotts know that the HOA attorney violated ethics with a wrongful accusation of the Dorenkotts. Once again, the expense would have been avoided and an attorney would not have been involved if the July 6 letter had been answered in a timely manner and agreed to have met with the Dorenkotts as requested.
- Weed violation warning letters were sent out to 51 residents by the ACC.
  - Some people who received letters only had a few weeds. How many are some people and how many are a few weeds? Archuleta County and Colorado want to eliminate all noxious weeds. A few weeds this year increase to many weeds next year. Give the ACC the number of weeds you want us to begin counting at.
  - Most of the people on the County list to be sprayed were sent letters. Which county list were you making reference to? The list in July or the two additional lists in August? In July when Jo Myatt prepared the original 51 initial warning letters all these landowners had weeds. Jo called for a spray list. The first list contained six names. The properties were not sprayed by the county and had weeds. As Jo has done in the past when properties are sprayed, names are removed from the list. Letters were prepared and sent to the HOA dated July 20,2021. When the letters



arrived in mailboxes, someone had changed dates and now the letters were dated August 2, 2021. An additional two weeks had gone by. But weeds had still not been sprayed by the county. I called for a second update on the spray list and received a new listing with 11 names. The next day another update came in making the final count at 12. When the county sprayed October 9 the same day Jo received the second list, Jo removed landowner names from the noxious weed listing for the 2021 season. None of the 12 names were on the list for a second weed letter and fine. If math is correct the term “most” indicates a number being more than half. In this case 7/12 or more, however only 6/12 were on that list.

- Certain people who have infestations were not cited. Did you inform the ACC of all these infestations so they could be cited? When it comes to citing these noxious weeds, we need all the help we can get.
- The letters did not follow proper procedures to inform the residents of their right to appeal. The letters were written and approved by the Board and given the ACC to use. Granted Jo Myatt did send out an earlier version of the letter, but it did reference their right to appeal. She has acknowledged her mistake and apologized to the Board. Evidently the Board did not review these letters.
- One irate resident came to the Board President’s home threatening a \$300K lawsuit based on arbitrary rule enforcement. If we are talking about the same gentleman, I believe you sent him to my home after he visited you. The fact is that he received an initial warning letter. When I explained his property lines were not marked and I had made a mistake, he understood. He did not threaten to sue me and left in a much better mood than he arrived. In years past, fine letters developed by the ACC took those errors into consideration that mistakes might occur due to unmarked property lines and to contact the ACC if they believe a mistake happened. Current letters written and approved by the HOA do not take that into account.
- Resident comments have questioned the threatening tone of the letter. The letters as well as the sign policy and structures policies have been developed by the HOA and then approved by the HOA., with the ACC name on them. As the ACC has said before if the HOA doesn’t like it anymore then they can change it. (See HOA Meeting Minutes of 5/11/2020, 6/8/2020, 9/14/2020, 4/8/2019, 9/9/2019, 10/14/2019) Also where are the comments from the residents? How are we to respond if we do not know about these comments?

## Responses

- The Board called two Executive Sessions in August to address legal opinions regarding various concerns.
  - The decision was made to remove Annie Pack from the ACC. **The fact is that the Board met July 28,2021, not August in a session that we believe would not have been legally sanctioned because of your agenda, for it only listed review of or discussion relating to any written or oral communication from legal counsel were to be discussed. (See Executive Session July 28,2021). In essence we believe a secret vote was taken and without prior knowledge given to anyone in the community, before or after the fact of a vote in that executive session. I believe that items can be discussed but the vote to dismiss Annie from the ACC should have been made in the following regular HOA open meeting. And we believe a vote was taken with a bias toward Annie Pack by an HOA Board member if three votes were cast. Was this illegal vote a Negligence to the Duty of Loyalty, a fiduciary duty of an HOA Board member?**
  - The Board chose to warn Jo Myatt about the gravity of the actions of the ACC. **Once again, this August 4, 2021, Executive Board Meeting was to have been about a review of or discussion relating to any written oral communication from legal counsel, nothing was written on the HOA agenda about warning Jo Myatt about the gravity of the actions of the ACC. The first because Jo sent a letter to the Board supposedly on behalf of the ACC because 4 of the ACC members signed it out of the 13 signatures. I explained this was not an ACC issue but believe it must have fallen on deaf ears. The second issue Jo believes was because a buyer for a property withdrew his offer on a home after the Board member and his wife started a shouting match. See above. On this day, August 4, 2021, I believe that home was already under a new contract to be sold. By using threats to fire Jo like Bill Trimarco did another ACC member, by his intimidations, and threats of lawsuits, his swearing and yelling, Mr. Trimarco thought he could get Jo to quit the ACC and suggested she should think about resigning. His bully tactics didn't work. So Mr. Trimarco is continuing his harassments through his listing of alleged ACC allegations.**
    - The confrontational behavior and misleading statements have continued. **In our opinion this confrontational behavior and misleading statements are continuing on the part of Mr.Trimarco.**
    - Jo Myatt prepared 2<sup>nd</sup> weed violation notices for 13 residents. The letters contained false and misleading statements and were not sent out by the Board because of this. **Enlighten us so the ACC can**

change these false and misleading statements in your HOA letters. We cannot change what we do not know.

- The ACC has continued to operate without regard to the approved procedures.
- Less than 30 day comment periods for rule proposals. Items posted on the website are posted by the Board President. Currently under Draft ACC Rules, Regulation or Standards is posted: “The Following Policy will be on the agenda for approval at the September 2021 ACC meeting”. What we have learned by Mr. Trimarco’s posting is not to believe everything you read. This was not written by the ACC it was written and posted by the HOA President Mr. Bill Trimarco. This was posted sometime after the HOA Meeting of August 9,2021 meeting but does not indicate when it was posted. The ACC had no knowledge of when it appeared on the website. If Mr. Trimarco had posted it when it was approved by the HOA to post after their HOA Board meeting , the ACC would have met the 30day time period. Accordingly, Mr. Trimarco has said that he didn’t post it until August 15<sup>th</sup>, this is 7 days after the HOA agreed to post it for the next ACC meeting. Now one would think when Mr. Trimarco received my request to post the Agenda for the ACC on September 2, for the upcoming ACC meeting of Sept. 7,2021 that he would have noticed the ACC was going to approve our complaint form and the Structures Policy and would have sent a communication saying he had delayed posting to the website by 7 days, and we shouldn’t approve yet. Why wouldn’t he communicate that to the ACC?
- Establishing ACC rules in ways that would effectively act as changes to the CC&R’s regarding structures. [ACC Rules, Regulations or Standards regarding Structures Allowed on Any Lot; ACC Rules, Regulations or Standards Regarding Structure Approval Requirements, and ACC Rules, Regulations or Standards Regarding Approved Signs and Billboards](#) were given the ACC to make as their own by the HOA. Once again, the ACC was in compliance with what the Board members wanted to do. The Board approved their own rules after the ACC signed them. See HOA signature on all three documents signed by Board President Bill Trimarco (See HOA Meeting Minutes dated 11/11/2019, 12/9/2019,2/12/2018).

- ACC minutes are not reliably accurate descriptions of what occurs at meetings. This is a matter of Mr. Trimarco's own personal opinion once again. Those attending ACC meetings will vouch that the minutes are accurate.
  - At the August ACC meeting, it was stated that the Committee intends to expand its duties beyond what is listed in the governing documents. Once again, Mr. Trimarco isn't quite right. This was not the August 2, 2021 meeting. It must be a typo. Bill must be referencing the September 7, 2021 meeting. We talked about the organizational process of the ACC whereby someone had the responsibility of being Sergeant at Arms in case of a disruptive meeting or being an IT person should we continue to zoom. This is not expanding our duties but assigning responsibility to various members.
- **The ACC Committee has repeatedly overstepped their authority and acted without regard to Board decisions and directives. The minutes of their meetings cannot be relied upon for accuracy. The ACC would like to know where the documentation is in overstepping our authority. You have mistakenly confused this entire addendum with false accusations and innuendoes. Without any facts on which to substantiate any of these claims. People often confuse facts and opinions.**
- **The actions listed above have placed the Association in legal jeopardy. To date, we are not sure if any suits will be filed. The one regarding the contracted property could easily result in a lawsuit that would exceed our liability coverage. If one or both of those suits are filed, the Association would have difficulty obtaining Directors and Officers insurance in the future. Any action by any person could easily result in a lawsuit. Slander, harassment, misrepresentation of opinions in place of facts, ethics code violations, could all lead to future, potential lawsuits.**
- **Our attorney has advised us that we are well within our rights to remove any of the ACC members from their positions if they are confrontational or cannot work cooperatively with the Board that appointed them. By merely mentioning various times in an addendum that a person is confrontational does not make it so. Actions speak louder than words. Look up the various definitions of confrontational. A person who yells loudly and swears and wants to "get in your face" may better reflect the image of who you see in your mirror, Mr. Trimarco. That is our opinion. But then, you don't seem to like our opinions**

because they have been questioning your opinions which you claim as facts. Once again, that is our opinion.

- **Our insurance agent has advised that we should take action and document what measures we have used to keep the Association out of these types of situations.** Surely your insurance agent is knowledgeable in telling you to document, but what you have written above includes no factual documentation on the part of the Board.
- **Because of the above mentioned confrontational, arbitrary actions and failure to follow procedures and Board directives, it is the Board's fiduciary responsibility to take action to ensure that these situations do not occur in the future. Failure to do so could be construed as negligence on the part of the Board.** Negligence on the part of the Loma Linda HOA Board, we believe, has already occurred. As an HOA Board member, you have the **Duty of Care**. This Duty requires the HOA Board members to make informed decisions regarding HOA matters. You are charged with thoroughly reviewing information related to each decision you make. Yet you published these ACC alleged accusations whose dates and information were inaccurate. You have a **Duty to Loyalty** to act in good faith to promote the best interests of the entire association not of your own interests. Is it in the best interest of the community or of yourself to negatively impact our community with your decision to publish your own personal opinions regardless of facts or rebuttal? You have the **Duty to Act** within the scope of your authority. You have the responsibility to all homeowners and need to act accordingly. By interpreting the Hindman Sanchez document and applying one case to all cases calling it a "precedent" we believe you have over-stepped your authority, Mr. Trimarco. You upheld the CC&Rs of 2 horses per lot in the August 10, 2020 HOA ruling when a resident was required to remove his 3<sup>rd</sup> horse. Now you say it's alright to have three horses on a lot because of a precedent. We believe your interpretation is overstepping your authority. It is not our intent to punish, with this response; it is to establish the need to move forward. We all make mistakes, but we believe we can learn by these mistakes. It is not hard to forgive, but it is hard to forget. As we enter into a new year with new leadership, perhaps a new trust can be formed. We as members of the ACC are in favor of this.

**ACC Members:**

Jo Myatt  
Nancy Dorenkott  
Bill Milligan  
Steve Hendrix

