

January 7, 2021

Complaint submitted to Community Manager and Community Advocate by Terry Card:

Since the Board has not provided the Judicial Panel with the proper documentation of the Appeals Hearing and final decision in the Ellis case, I am formally registering a complaint in accordance with the SLWLA By-Laws Section 5.1 with the Community Manager and Community Advocate for violations against our governing documents. This complaint is specific to actions or lack of actions by the Board President and the Legal Director Liaison.

The Complaint is detailed as follows:

### **Judicial Panel Appeal**

#### **Section 9. Appeal to the SLWLA Board of Directors.**

**9.1** If the accused so decides, he or she may appeal the finding and ruling of the Judicial Panel to the SLWLA Board of Directors, which will review the recommendation of the Judicial Panel as to the finding of a violation, the guilt of the accused, and the recommended remedy.

**9.2** By a vote of two-thirds (2/3) of the Board of Directors, a decision will be rendered within thirty (30) days of receipt of the Panel's findings. Said decision shall confirm the Panel's findings and remedy, at which time the Board will provide notification of its decision to the accused.

**9.3** The Board may also decline to accept the Panel's findings and recommendations; at which time it will notify the accused that the ruling has been revised or the matter dismissed.

-The Board has not provided any formal documentation that a hearing was held; that a discussion and review of the evidence took place; that an official vote was taken; or that a determination was rendered. The only information provided concerning the appeal has been from the Legal Director in emails.

-The Legal Director, who is not an Officer of the Board, advised the JP Chair that the Board made a decision and the violations should be resent. The JP Chair on numerous occasions has requested documentation of the meeting and the decision from the Legal Director but no documentation has been forthcoming.

-The Legal Director instructed the CAS staff to resend the violation letters indicating the fines still needed to be paid or the individual could request another JP hearing. This in fact affirmed part of the judgement which requires a 2/3 vote by the Board of which no documentation has ever been received.

-The JP Chair requested the CAS staff not to send the violation letters until a Board decision was formally documented. The Legal Director insisted that the Board made a decision and the letters had to be sent, even though the Community Manager advised him the JP Chair needed proof of the meeting and decision.

-The Legal Director insisted CAS prepare the letter for Mr Ellis advising him of the still undocumented decision. The letter is not from the President or even an Officer of the Board. The letter was also predated to October 22, 2020 and the Legal Director personally delivered the letter to Mr. Ellis.

-If a hearing was held, a vote taken and a decision rendered, the Board should easily be able to provide such documentation. The reluctance to provide such documentation implies there might be some question as to whether or not a hearing was actually held. It also should be noted that if a hearing was held the JP Chair and Community Advocate were not asked to attend to present their side of the case and answer questions.

**By-laws 9.1** “The President shall be the principal executive officer of the Association and subject to the control of the Board, shall supervise and control the management of the Association. The President shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out”.

The Board is required to hear an appeal in 30 days and the President is responsible for scheduling that meeting, presiding over it and ensuring the Board’s decisions are carried out”. Based on the timeline the Board could easily have scheduled the appeal hearing for the October Board meeting. JP Hearings are public and appeal hearings are also open as they have been in the past. An appeal to a JP hearing is not private or confidential and it would be a violation of Robert’s Rules if held in Executive Session.

I ask that this complaint be investigated in accordance with our By-laws by the Community Manager and the Community Advocate and a finding be reported back to the community in open session as it has been in the past.