

January 23, 2021

To: Seven Lakes West Board members:

The attached complaint was filed regarding the Board's handling of the appeal to the Board made by the Ellis family. Please accept this communication as constructive criticism of your actions in the hope that in the future the Board, the Judicial Panel and the Community Advocate may work together in accordance with our Rules and By-Laws for the benefit of the community.

There is no disagreement with the Board's resolution of the appeal as there were numerous issues involved with the case, not the least of which were those of Grand Manor and Covid. However, I have determined that the Board did not conduct a proper hearing of the Ellis appeal as required by our By-Laws. The purpose of this letter of reprimand is to document the resulting errors and to ensure that proper procedures required by our By-Laws are adhered to in the future.

It is understood that this was an unusual situation that had not previously occurred and that all parties involved may have been unfamiliar with proper procedural matters. However, it is the responsibility of each Board member, including the President and Legal Director, to follow our governing documents and to only proceed with matters when the procedures are fully understood and can be carried out properly.

The Judicial Panel Chairman, who filed the complaint as a community member, concurs with this letter and further, is committed to continuing to conduct Judicial Hearings strictly following our governing documents.

My concerns, as Community Advocate and in support of Mr. Card's complaint to myself and the Community Manager are as follows:

- Prior to the receipt of the appeal, Board members and committee members inappropriately became involved in this case thru e-mails and phone calls thus tainting all the Board discussions and communications that followed. This was highly inappropriate and should have resulted in recusals. Board members are the appellate judges in these cases so they cannot start prejudging these matters as they did in this case.
- Neither the Community Advocate nor the Judicial Panel Chairman were contacted by the Board President regarding the appeal or the process that was to be followed.
- Board discussions regarding the appeal took place in executive session rather than in an open meeting. There was a clear lack of transparency and neither the Ellis' nor the Judicial Panel had a fair hearing of the matter on appeal as required by our rules.
- It is questionable whether a formal vote of the Board requiring a two-thirds vote ever occurred regarding the appeal. In any case there is no documentation. When votes are taken in executive session it is the obligation of the Board to then in an open meeting affirm that vote by ratification. But this never happened.
- The result of the Board discussion was not communicated to either the Community Advocate or Judicial Panel Chairman.
- The Community Manager was not present at any time during Board discussions or meetings.
- No documentation was created nor provided to the Community Advocate or Judicial Panel when repeatedly requested.

- Outside counsel conversations were not documented nor presented to the Community Advocate or Judicial Panel Chairman.
- The Ellis family requested the Board's ruling on their appeal on at least two occasions. The dates of these requests were outside the 30-day time period specified in our By-Laws for review. This brings to question whether or not the Board discussions took place within the proper time frame.
- The Legal Director, not an officer, acted without authority and passed the Board's decision to the Ellis family.
- The Board President neglected his duty to properly conduct the hearing, communicate with the Community Advocate and Judicial Panel Chairman, document the Board proceedings and outcome, and to deliver the outcome to the various parties.
- The record of the case on appeal was incomplete and unprofessionally pursued in a haphazard way.

The Judicial Panel is composed of volunteers who like other community volunteers take their positions seriously. The proper procedure on the part of the Board would have been to contact the Judicial Panel, or, at the very least the Chair, to share with the Board the results of the deliberations that took place at the original hearing. Instead, the Board chose to disregard the rules and handle the matter without regard to those deliberations and the sensitivities of the Judicial Panel members.

These failings of process should not be repeated. In the future, I trust that our By-Laws will be strictly adhered to by Board members. I would ask that the Board take this letter of reprimand to heart and consider issuing a statement to both the Judicial Panel and to the LAC indicating that in the future they will redouble their efforts to treat these matters more appropriately.

Respectfully,

Ron Shepard
Community Advocate

CC: Judicial Panel Chair
Community Manager

Attachment: Complaint to Community Manager and Community Advocate