

Helen Bowers  
EMHOA member

April 25, 2017

Elk Meadows Board,

The Board has not responded in any way to either of the emails I've sent (the first on 3/31/2017 and the second on 4/13/2017) requesting acknowledgment that the law was violated when my email and phone numbers were published without my consent. I never gave the written consent that is required by law for my phone number and email to be published and I twice submitted a written request asking that my contact information not be published.

In response to a previous email informing the Board that my information had been published, Board Secretary Maggie Guscot appeared confused about the law and denied violating the law. She said, "We believe the information that we publish is within regulations." Since the law states that personal information, including phone numbers and emails, must be withheld unless prior written consent to the disclosure is provided, it is clear that Maggie does not understand the law.

After emailing Board member David Mullings to ask if I could expect a response to my request for the Board to acknowledge the violation of the law, David said he wasn't able to find the part of CCIOA that addressed the disclosure of personal information even though I had already emailed that information to the Board and even though CCIOA statutes are readily available on the Colorado.gov website. It is confounding that multiple Board members aren't familiar with and/or don't understand CCIOA since the Board issued a statement to the community claiming they were compliant with CCIOA after a lawsuit involving allegations of failing to comply with the law. David also said he didn't think the Board had anything to do with the creation of a member directory. In the information below, there is clear evidence in the meeting minutes and in emails from the Board Secretary that shows otherwise. He then suggested that I was wasting the Board's time in requesting acknowledgment of this situation and threatened that this is "not going to end well" if I continue to be "adversarial."

Since the Board has not responded to my request and one Board member has made a statement in direct conflict with the law, I am submitting a formal dispute to request that the Board acknowledge the violation of Colorado CCIOA Statute 38-33.3-317(3.5)(b)(I) when my contact information was published.

Below is information relevant to this dispute.

Sincerely,

Helen Bowers

**Exhibit A.** C.R.S. 38-33.3-117(1.5)(m), copy attached to email. Applicability to preexisting common interest communities.

**Exhibit B.** C.R.S. 38-33.3-317(3.5)(b)(I), copy attached to email. Association records.

**Exhibit C.** Excerpt from a June 23, 2015 letter from the Elk Meadows Board to the community.

"Elk Meadows is in compliance with the Colorado statutes....Being committed to staying up to date on regulations and statutes...."

**Exhibit D.** Excerpts from emails I sent to Board Secretary Maggie Guscot asking that my contact information be withheld from a directory. After the first request, my information was published in a draft circulated at a Board meeting. I made a second request but yet again my contact information was published in March 2017.

July 18, 2015 "I would prefer that none of my contact information is listed in the directory."

September 11, 2015 "Like we discussed before, could you please make sure that none of my phone numbers or email are included in any directory that is published?"

**Exhibit E.** Directory published March 16, 2017 that included my phone numbers and email. Attached to email.

**Exhibit F.** Meeting minutes and emails showing Board involvement in creation of the Directory.

June 2015 EMHOA Meeting Minutes:

*"vi. Member directory: An HOA may now issue a directory to its members that includes contact information not allowed to this point. Action: Maggie will get clarification on details."*

July 2015 EMHOA Annual Meeting

Members present at this meeting were asked to provide consent for their information to be published in a directory.

July 14, 2015 Email from Board Secretary Maggie Guscot:

*"If you would like to be included in the homeowners directory please let me know as soon as possible, at latest by July 24th. We will publish the first edition of this directory as soon as we have feedback from the majority. And certainly we will publish updates as necessary thereafter... If you already gave us this information at the Annual meeting, you do not need to respond to this email. Only those who didn't attend!"*

August 2015 EMHOA Meeting Minutes:

*"b. Directory is in process (Maggie G)"*

October 1, 2015

Board Secretary Maggie Guscot emailed member directory to community

July 6, 2016 EMHOA

Board Secretary Maggie Guscot emailed member directory to community

March 16, 2017 EMHOA

Board Secretary Maggie Guscot emailed member directory to community

**Exhibit G.** Past examples of inappropriate and/or illegal disclosure of personal information

October 13, 2015 Board Secretary Maggie Guscot emailed me a PDF financial statement that included names and amounts owed on delinquent accounts, information normally discussed only in executive session. Multiple times during 2011 and 2012, Board Secretary Maggie Guscot mass emailed the community and included all emails in a CC. Personal emails of everyone on the list, roughly 94 members of the community, were disclosed to everyone that received the emails. Detailed information is not included here due to the sensitive nature of the information but can be provided upon request.