

EMAIL S-001

From: kzipperle@win.net
Sent: Wednesday, January 23, 2008 11:10 AM
To: marty haley
Cc: Cindy Richards; KenQuiggins
Subject: Re: pool diaper guy

Agree about the facilities. Told Gary that was something that we should deal with at the Board level. We can put it on our next agenda. KZ

Quoting marty haley <patokapirate@hotmail.com>:

mom told me about this guy [Don Maas, spouse of Complainant Edie Moss]. we should get into facilities use and transfered priveleges if a unit is rented. and proper attire is first rule for using facilities

EMAIL S-002

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>; <dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>; <schandler1@aol.com>; judy.finn@jefferson.kyschools.us
Sent: Friday, February 08, 2008 8:31 PM
Subject: building and grounds, and committee stuff in general

In my opinion, many of the mundane tasks of the building and grounds committee have been eliminated. Our annual budget now includes maintenance and upgrade expenses in line item form. There is no need for b&g to meet and address these issues in the same way we did before the capital reserve study was completed. Until just last year, b&g had at least one meeting per month. We heard a litany of reports on items that had broken, were about to break, or just looked shabby and needed repair. Now we have a capital expenses schedule. Part of the beauty of this document is that home owners approve the projects when they approve the budget. The b&g committee doesn't have to address a list of stuff that just came up every month. As a result, we don't have to meet nearly as often or urgently. I for one appreciate the break. If Ken and the board want b&g to prioritize the items on the yearly schedule we will. [Former property manager] is certainly capable of this chore and already works with [maintenance manager] on a daily basis. This is not a turf war from my perspective. Should the board want to task b&g with prioritizing these items, [former property manager] and [maintenance manager] would both be consulted and their opinions given weight by this committee.

I also agree with the concept of cross training individuals in different duties. I am sorry if new board members [*Doug Farnsley, Judy Finn, Tom Pike*] feel left out of the committee process or isolated. I don't believe this was the intention of any veteran board member [*Haley, Trautwein-Lamkin, Chandler, Zipperle, Ken Quiggins, Gary Davis*]. For the record, neither b&g or the insurance committees have met since the election, so you could show up at the next meeting and not have missed a thing this year. If any members want to volunteer, or just set in on a meeting and see how we operate drop me an email.

Finally, I guess I just want to say to our new members not to take it personally when the board seems reluctant to accept sweeping changes. From my point of view it shows we have faith in our procedures and they have served us well through past lawsuits, emergencies, and the more repetitive tasks of running this building. I don't think our organization has to mirror some form downloaded off the internet to be effective. In the corporate world rigid adherence to well documented procedures may be the only thing keeping a deserving scoundrel from the hangman's noose. In a volunteer situation I think a little flexibility is a good thing. I don't feel it is unreasonable to ask that you observe something in action that has worked in the past before you insist on changing it.

EMAIL S-003

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>;
<dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>;
<schandler1@aol.com>; judy.finn@jefferson.kyschools.us
Sent: Wednesday, February 13, 2008 6:18 PM
Subject: realtors

Look forward to discussing this issue at the next meeting. specifically the open house part. I thought the board had previously decided all potential buyers were to be escorted while on the property. Just like they were when the developer was selling units here.

EMAIL S-004

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>;
<dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>;
<schandler1@aol.com>; judy.finn@jefferson.kyschools.us
Sent: Monday, June 09, 2008 7:21 PM
Subject: parking issues

Tom, I think the biggest problem we have with parking in this building is the free parking mentality. There would be no cars to tow if people would park in the space they own. Spending association bucks to cover a few extra spaces so the free parkers can snag them on the weekend seems like a waste to me. Furthermore that issue will probably never come up in a B&G meeting while I'm chairman.

EMAIL S-005

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>;
<dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>;
<schandler1@aol.com>; judy.finn@jefferson.kyschools.us
Sent: Tuesday, June 10, 2008 4:41 PM
Subject: parking

I have no problem with a flashers must be on zone by the service elevator for residents with stuff they can't easily take in from the garage. But the ideal that this is an ongoing problem and we need special parking spaces people can write their own pass for is B.S. A cart of groceries will go through any door connected to the parking garage. The fact you must first take an elevator from the garage to the first floor, get a cart, and return to an automobile parked in a space you own for them does not seem like a hellish strain on the elderly and infirmed to me. This is not an assisted living center.

EMAIL S-006

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>;
<dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>;
<schandler1@aol.com>; judy.finn@jefferson.kyschools.us
Sent: Monday, June 16, 2008 10:09 AM
Subject: parking spaces

As chair of B&G I am done with the Cantrell bird crap issue. Any swapping of spaces falls under resolution or some other committee. Please don't email me on this issue again.

EMAIL S-007

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>; <dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>; <schandler1@aol.com>; <judy.finn@jefferson.kyschools.us>
Sent: Wednesday, July 02, 2008 4:49 PM
Subject: list of grievences

Why don't these folks the current board is supposedly blacklisting from committees, put this manifesto into a coherent platform and seek a board spot using an honest, out in the open, written agenda. Not a bunch of mudslinging, and secret unsigned innuendo letters as has been their campaign strategy in the past. If I read your [Tom Pike's] e-mail correctly, they already claim to have the support of ten percent or more of the membership. All they need is a little more than a third of the remaining ninety percent and they should be a lock. I guarantee their will be at least 1 seat in the next two elections without a running incumbent. I also don't plan to publicly endorse anyone. That fair enough for them.

EMAIL S-008

From: kzipperle@win.net
Sent: Thursday, July 03, 2008 11:29 AM
To: marty haley
Cc: thomashpike@cs.com; mltraut@insightbb.com; gary.davis@wellpoint.com;
dfarnsley@stites.com; crichards@win.net; kenquiggins@aol.com; schandler1@aol.com;
judy.finn@jefferson.kyschools.us
Subject: Re: List Of Crap Part Deux

To be convicted of "shooting the messenger", I'll maintain that you have to have a "messenger". I'm not sure who or what we have, and I believe that's one of Ken's issues. He was venting...understandably.

I forgot to point out that the last line in Thom's original email is quite plainly a threat. I doubt seriously that any Board should respond to threats. And seeing this, I ask that Thom enlighten us if there are any limits to what he feels compelled to communicate from the 10% group. Let's get crazy here...

Thom, if they give you a loaded gun and instructions, do you act?
You're an elected Board member--is there any point where your own analysis and credibility come into play? KZ

Quoting marty haley <patokapirate@hotmail.com>:

Ken shooting the messenger is not the issue. It's the constant repeating of a message the majority think is B.S. They [Complainants and friends] have been spewing this stuff since before the developer turned over the building, and will continue until the last shovel of dirt covers their casket. Funnier still, they seem offended that those of us who ran openly supporting [former property manager] and Kevin and the current staff have not now abandoned them. Why would I or anyone else for that matter, loose (sic) their integrity, abandon their principles and forget a promise to make this a better place to live for everyone, just to make these few miserable malcontents happy. These are the same old ideals (sic) that have been loosing (sic) elections for many years now. I have no intention of presenting them as my platform even though I'm a lame duck. Because the ideals (sic) and the changes this group wants benefits them more than the owners as a whole. I truly believe, and this keeps me going and makes it all worthwhile, that the majority of owners think this group is hateful, nuts or at best just plain wrong anyway.

EMAIL S-009

Date: Thu, 17 Jul 2008 20:51:23 EDT
From: Kenquiggins@aol.com
Reply-To: Kenquiggins@aol.com
Subject: Fwd: Civil Rights Complaint Appeal
To: kzipperle@win.net, crichards@win.net, THOMASHPIKE@cs.com, Gary.Davis@anthem.com, Schandler1@aol.com, patokapirate@hotmail.com, dfarnsley@stites.com, judy.finn@jefferson.kyschools.us, mltraut@insightbb.com

I agree with you on the I-65 Blow Up. My car on five has bird poop all over it. I do not know why one condo owner should get anymore relieve (sic) than the rest of us.

Date: Wed, 16 Jul 2008 17:15:41 -0400
Subject: RE: Civil Rights Complaint Appeal
From: marty haley <patokapirate@hotmail.com>
To: <kzipperle@win.net>, <thomashpike@cs.com>, <schandler1@aol.com>, <judy.finn1@gmail.com>, <dfarnsley@stites.com>, <mltraut@insightbb.com>, <kenquiggins@aol.com>, <gary.davis@anthem.com>

I agree this action should stop all negotiations with Betty [Complainant Cantrell] immediately. Despite the excellent work of Gary and the committee to come up with a space swap solution to her problem, she insists on pursuing meritless lawsuits that eat up meeting time and association resources. Fill my email box with gibberish. And make me want to put a bird feeder filled with white castles in the tree in front of her car. Maybe that isn't bird poop on her windshield, just the manifestation of her own bad karma.

On an unrelated issue, can we blow up the I-65 bridge? The birds from it poop on my red truck in my outdoor space on the corner of the fifth floor. The developer sold it to me without a written estimate of average annual bird poop accumulation. This is clearly someone else's fault, and I deserve relief.

Date: Wed, 16 Jul 2008 14:31:42 -0400
From: kzipperle@win.net
To: THOMASHPIKE@cs.com; Schandler1@aol.com; judy.finn1@gmail.com; DFARNSLEY@stites.com; patokapirate@hotmail.com; mltraut@insightbb.com; Kenquiggins@aol.com; gary.davis@anthem.com
CC: crichards@win.net
Subject: Civil Rights Complaint Appeal

Contrary to what I was told verbally last week, the Cantrells have appealed the finding (of no Association liability) by the Civil Rights Commission. I spoke to the investigator himself who assured me that an appeal had not been filed by the deadline. I'm therefore in the process of trying to confirm whether the appeal is valid.

We have sent letters to the homeowners with parking spaces in play that the finding may have been successfully appealed. I'll let you guys know when I hear back something definitive. I'm also trying to find out whether there is additional information that the Association should submit.

Under the circumstances, I'm not sure that we should continue discussing with the Cantrells anything related to parking. They obviously had an opportunity at the last Board meeting to disclose this information (their effort to appeal) and chose not to.

KZ

EMAIL S-010

From: "marty haley" patokapirate@hotmail.com
To: <kenquiggins@aol.com>; <kzipperle@win.net>; <crichards@win.net>; <thomashpike@cs.com>; <gary.davis@wellpoint.com>; <schandler1@aol.com>; <dfarnsley@stites.com>; <judy.finn@jefferson.kyschools.us>; <mltraut@insightbb.com>
Sent: Monday, July 21, 2008 10:40 AM
Subject: RE: Cantrells Double Parking

Who said we have to tow it and make the towing company rich. Since it is association property that is being misused by these folks I feel we should keep the revenue. Everyone check out www.tirelock.com. It shouldn't take too long to recoup our purchase price for one of these. I think a fifty dollar fine for an unclamping during regular business hours, and one hundred bucks for evenings, weekends and holidays is very reasonable. And as always, if the offender is in an owners space, not an association space, they get towed. Really obstinate people can even be charged a daily fee for parking space and wheel clamp rental after 48 hours.

I also want to revisit my previously posted ideal of annually auctioning the evening and weekend privileges for these highly coveted association owned vendor spaces. This would of course NOT INCLUDE THUNDER. And unlike my 1-65 bridge ideal I'm damn serious about this one.

From: Kenquiggins@aol.com
Date: Sun, 20 Jul 2008 22:33:37 -0400
Subject: Fwd: Cantrells Double Parking
To: kzipperle@win.net; crichards@win.net; THOMASHPIKE@cs.com; Gary.Davis@anthem.com; Schandler1@aol.com; patokapirate@hotmail.com; dfarnsley@stites.com; judy.finn@jefferson.kyschools.us; mltraut@insightbb.com

Well here is another good example of these people being "Good Neighbors". Always taking advantage of every opportunity that is presented to them. It does not matter whether [former property manager] told them they could not double park or not. Common Sense says you would not take advantage of that situation, if you are any kind of person with a conscious, you do not do the things these two people do. They act like they are interested in what's good for the Association, but they have proven time and again, that they are only interested in what they can get away with. [Former property manager] we need to make sure and have them either sign, that they will only use ONE of these spaces or we can always just tell them, the pass has expired. I am sure Betty was really waiting for us to tow one of her cars so she could sue us again for towing her illegally. Or at least make us pay for towing. Nice Neighbor.

--Forwarded Message Attachment--
Date: Sun, 20 Jul 2008 22:11:30 -400
From: kzipperle@win.net
To: kenquiggins@aol.com
Subject: Cantrells Double Parking

Late Saturday nite, I came back upstairs from the Fitness Center and noticed that the Cantrells had double parked in space 20 (the one they own) and space 29 (the vendor space they were loaned temporarily). My understanding is that [former property manager] told Betty that 20 and 29 were being reciprocally exchanged, and that they couldn't use both spaces--that 29 was not going to be their extra space.

Assuming that's true--[former property manager] will have to verify--they are breaking a rule of which they've been recently and explicitly informed. And for those of you who don't know, they've been moving back and forth between spaces regularly since 29 was temporarily assigned to them. One more example of their gamesmanship and, if they were told not to double park, their penchant for taking matters, rules, whatever into their own hands. Bear in mind if/when you're ever feeling generous about their situation.

Ken, I'd recommend that you, as President, handle this double parking problem with them after discussing with [former property manager]. Thanks.

KZ

EMAIL S-011

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>; <dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>; <schandler1@aol.com>
Sent: Friday, September 26, 2008 11:00 AM
Subject: disposing of old stuff

Why don't we just donate it to goodwill who will pick it up and take it away for free. Unless the item has a realistic market value that would make selling it ourselves seem like a good ideal. I doubt very many items would fall into the latter category. And any homeowners could buy the item from goodwill if they want it.

EMAIL S-012

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>; <dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>; <schandler1@aol.com>
Sent: Thursday, October 16, 2008 3:40 PM
Subject: improvements.

I feel we should stick with the improvement and upgrade schedule as planned. We don't want to be behind the curve when the economy picks up, and it will. We may miss some opportunities for cost savings when products and services are on "recession sale" in the upcoming seemingly bleak christmas shopping season. Like the flat panel tv's for example.

And I can't agree more that coming home to a gloomy building only worsens the effects of a bad economy. Besides how the hell can you get out of a recession if everybody stops spending money.

Finally, I think we would look like idiots after we spent all this time and effort to get homeowner opinions on projects and delivered squat.

EMAIL S-013

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>; <dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>; <schandler1@aol.com>
Sent: Thursday, October 30, 2008 1:05 PM
Subject: accounting policies

A few thoughts from last night's fiasco,

1. We are not a corporation and our survival does not depend on the whimsical forces of the invisible hand. We are here to serve the residents of this building and as long as it stands there will be a board. If they don't like us they can get rid of us.
2. Changing how we log annual expenses, like elevator service, is of little use and makes year to year comparison more difficult. What do we gain by doing it different? should be the first question we ask before fixing something that isn't broke. Consistency is even more important when you have annually recurring expenses, like elevator inspections, that are going to happen as long as we have elevators. When technology presents another option for interior floor transition we can look at how we log that system. :)
3. Didn't we just have an audit done where every receipt and disbursement were examined by a CPA. If they can't recommend one journal entry over another then there is no need to change how we do it now.
4. Every bank that just got a suitcase of dough from the feds had a floor of CPA's logging junk loans as good assets. In the end, your books are only as good as the integrity of the person keeping them. I feel we are well covered in this regard. Our residents are better served by consistent accounting principles that have been explained in detail at past budget meetings.

EMAIL S-014

From: kzipperle@win.net
Sent: Saturday, November 15, 2008 12:07 PM
To: Betty Cantrell
Cc: Quiggins Ken; Farnsley Doug; crichards@win.net; Davis, Gary
Subject: Re: Harbours Parking spaces status

Betty:

I'm sorry that the approach we are taking to handle this problem isn't to your liking. As you know, the opinions of homeowners like yourself are always important to us. Please feel free to forward your comments to me and other Board members in the future. We will always treat them with the respect that they deserve. KZ

Quoting Betty Cantrell <bettycan@insightbb.com>:

Kevin,

Exactly the answer that I predicted you would come back with. I won't sit on my hands while we lose another association owned handicapped parking space and will seek advice on the matter myself.

This has nothing to do with the CR case so I don't think you should be relying on that ruling to back you up when you give your advice to other board members. Of course I am sure they don't know a thing about any of this anyway other than Gary Davis. I see now that I shouldn't have trusted him and discussed my concerns with him about the problem. I knew you were hiding it from the members. Perhaps a letter should be sent to owners to explain all this?

The board ignored our requests for verification of parking spaces a long time ago, it appears now you do everything you can to keep things under wraps and the members are tired of it. You can only spin things for so long and it whips back on you.

More developer problems? That's interesting since you were in charge of the Transition Committee. Keep patting yourself on the back and the bruises will start showing for others to see for sure.

And FYI malicious threats from Marty Haley will not cause me to run me from my home.

Betty

On Nov 14, 2008, at 1:27 PM, kzipperle@win.net wrote:

Betty:

I checked the status on this parking space to get you up-to-the-minute information. You are correct in that space 101 was not properly transferred to Tim Agee at the time of his condo purchase. Apparently, Tim and another buyer closed on the purchases of their respective condos at about the same time, using the same closing attorney. When their paperwork was processed, the same two parking spaces ended up on both deeds, and two spaces (including 101) went unassigned legally to either condo and have remained that way.

As you may know, Tim has been using space 101 for years believing that he had clear and permanent title to it. Nobody knew anything to the contrary until just recently; for sure, the Association didn't know about the error. Our understanding is that Tim is, as we speak, in contact with that closing attorney to correct this error. Presumably, they will record a new deed for Tim's condo showing space 101 and the other space he was supposed to receive. And the other owner will retain her two spaces.

The Association doesn't really have a dog in this fight. One interpretation of our Declarations is that the Developer has retained legal title due to the error. My guess is that it will be the Developer or his successors who will have to sign off on the correction, not the Association. If the Association is called on to facilitate the process in some way, we will do so and honor the original intentions of the parties involved.

As far as parking space 101 having had a "handicapped" designation at one time, we know that our current plan for handicapped parking--which does NOT include this space--met with the approval of the Indiana Civil Rights Commission. That's our ultimate concern. It's my recollection that you were also offered a parking space very near space 101 in our attempt to resolve your civil rights complaint, and that you refused that offer. Space 101 has never been a part of our reciprocal exchange program as we never had access to it. It belongs to Tim, and hopefully in a couple weeks, the recorded documents will reflect that fact.

[Former property manager] advises that you have the list of parking spaces available for reciprocal exchange and a copy of the procedures for effecting such exchanges. Hence, I don't see a need for us to meet to communicate any of this.

Thanks for your interest, but it appears that we are well underway to fixing this problem. KZ

Quoting kzipperle@win.net:

I'll get back to you. KZ

Quoting Betty Cantrell <bettycan@insightbb.com>:

Kevin,

Considering your positions as the Vice-President of the Harbours Board of Directors and Chair of the Legal Committee, I am requesting to view any documentation concerning the current legal status of garage parking space #101 in the manager's office at a convenient time during regular office hours, and within the next 5 days.

After searching real estate transactions and records at the courthouse, I can find no recorded documents confirming that this association owned handicapped parking space has been permanently assigned to unit #410, owner Tim Agee.

As a member of the Association and an outspoken advocate for the protection and restoration of our Association's duly recorded handicap parking spaces (Refer to Harbours' Declarations 2nd amendment Exhibit C), I am requesting to view any and all documentation concerning the past and current ownership status of garage parking space #101.

I further ask that you disclose to the members the current status and use of parking space #101 as it stands today and the possibility that it could become available to any qualifying disabled resident for reciprocal exchange in the near future. It is my contention that since Mr. Agee is no longer a resident in the building, parking space #101 should be available for reciprocal exchange according to the Rules and Regulations that bind it.

I am also requesting to view the list of all parking spaces that are currently owned by the Association and the spaces that Association members have use of, due to a reciprocal exchanges with owners. Also, I would like to view the Rules and Regulations that have been constructed by the Board of Directors that regulates the use of all of these spaces, including the ones in a current reciprocal agreement.

Thank you,

Betty Cantrell
Unit #712

EMAIL S-015

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>; <dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>; <schandler1@aol.com>
Sent: Sunday, November 30, 2008 10:46 PM
Subject: appeal

Kevin,

I guess my original unanswered question remains, what do we get if we win on appeal? What is the most severe judgment that could be made against Shelia, and what is the much more likely less severe action from the court of Judge Realtor Bean? I'm thinking that unless you have someone specifically testifying they didn't buy a Harbours unit because of her actions or statements not much is going to come from this.

You have or had units for sale and rent in this building. Other board members past and present have had a commercial interest in this building as well. Several owners rented their units while they lived here or as an absentee landlord. If anyone of this group feels they have been harmed by the ranting or actions of Shelia or any other real estate people doing business in this building they should seek redress. As a board action, this fight is a waste of resources and credibility.

What I do feel like doing is telling realtors and owners alike, if they want to sell a unit here they can wait in the unit until their pre set appointment contacts them on the intercom. Then escort them to the unit and around the grounds before seeing them out and checking the door behind them. For a building where all the units were sold many years ago we seem to have a hell of a lot of marketing problems here. Or should I say the board spends a lot of time dealing with them. And if this pisses anybody off tough. If realtors and homeowners have a right to hang out in the lobby and solicit buyers for condos and proxies for elections I have an equal right to hang out in the lobby on sundays and clean shotguns. And I have a lot of dirty shotguns.

Date: Sat, 29 Nov 2008 22:04:56 -0500
From: kzipperle@win.net
Reply-To: kzipperle@win.net
Subject: Rudder Appeal
To: marty haley <patokapirate@hotmail.com>
cc: thomashpike@cs.com, mltraut@insightbb.com, gary.davis@anthem.com, dfarnsley@stites.com, crichards@win.net, kenquiggins@aol.com, schandler1@aol.com

Guys,

From the replies I've received, it occurs to me that I may not have given this enough coverage in my email advising of the appeal. (It was, however, enjoyable reading Marty's colorful message below!) Let me correct an impression that some may have: there is in my opinion a valid basis for an appeal. It's not just the continuation of a witch-hunt. At the risk of tipping my hand prior to an appeal, I'll explain my position...

The hearing lasted several hours, and Rudder brought five witnesses, most of whom had submitted letters of reference in advance. All of these witnesses were simple character references--only one had any involvement in the events in the complaint (two Realtor showings). This was not in conformance with evidence that the panel should have allowed, and that should have been obvious to the panelists simply by reading the letters that these witnesses provided in advance. Yet, they were allowed to testify, and worse, it appears that their off-subject testimony had some bearing on the panelists' decision-making. A comment from their report: "the complainant and respondent have a history of disagreements..." First, I question that they were presented with evidence to make that general finding, and even if true, none of that had any relevance to ethics breaches by Rudder. By their own admission, the panel's findings were based in this off-subject observation.

In that respect, there was also no recognition of the fact that I was there representing The Harbours and other Realtors with Harbours listings, as I clearly stated in the first sentence of my presentation. The panel had the opportunity to interview Ken, who was also in attendance at the hearing, to confirm this but declined that opportunity as not germane to the hearing. All the while allowing Rudder's witnesses who had no more standing in the hearing than Ken did.

One step in the hearing process was for the panel to question Rudder and me after each side presented evidence, and after cross-examination was completed. During a four-hour hearing, which evidently was inconclusive as far as evidence that I presented, this panel inexplicably did not ask me any questions. Not only did the hearing last that long, but I also submitted over twenty pieces of evidence for the panel to analyze and understand. But no questions--understandable if the results had gone the other way, but hard to explain based on what they decided, and clearly not in line with their declared procedures.

The panel was also silent on the specific request that we made: to bar Rudder from Harbours real estate transactions. And this gets even more bizarre. Rudder herself during testimony said that she does not directly conduct business here anymore, and perceived some sort of "liability" in doing so. This is obviously the very liability that we are bringing to light with this complaint. Of course, I don't for a New York minute believe a word out of her mouth, and I have recent evidence to further support that view. But Rudder gift-wrapped for the panel an easy finding and recommendation on which they were silent. Thus, we have no guarantee that she won't simply recant what she said and go back to business as usual. Wouldn't that be her style?

This appeal process is straightforward, but we have a window of only a couple weeks to act. I would like to hear back from each of you, for sure if you want to vote in the affirmative now that you know more. I recognize

that there is a risk in disclosing this information to all of you, a risk that it could get back to Rudder. But I don't think there's anything Rudder can do to stop an appeal as far as counterarguments; that's not part of the appeal process. In this time frame, we won't be meeting again as a Board except for the Annual Meeting, and this would likely be Executive Session territory anyway.

By the way, all of this needs to be held in confidence as prescribed by KAR procedures.

I would need four people besides me to vote an appeal, and if you want your vote held in private, just copy me. Before anyone complains about that step, keep in mind that I could file this all by myself if I wanted to. The Realtor panel made that clear in two challenges made by Rudder. Obviously, I could no longer claim to be representing The Harbours if a simple majority of Board members do not support it. But I will almost always defer to the Board voluntarily on matters that I want to pursue involving The Harbours, even if I am at odds with the Board. (How much better would it be if all homeowners behaved that way?)

This is bringing resolution to a matter that we started and that we should finish. Sometimes, you don't get it right the first time. Respond back to me ASAP if you vote "appeal". Thanks...KZ

Quoting marty haley <patokapirate@hotmail.com>:

I think it's time for the board to let this go. First, we had our day in court. If you call a hearing about a realtor in front of a board of realtors a fair shake. I think the movie, "The Judge Roy Bean" pretty much sums up our situation here. Second, even if we win what do we get? Pursuing losing causes and petty stuff with no tangible payout should be left the domain of the Cantrells and Rudders of the world. I see no sense in dragging out something that costs us credibility, and isn't going to result in some real federal prison, breaking rocks time for these bastards.

EMAIL S-016

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>; <dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>; <schandler1@aol.com>
Sent: Monday, December 15, 2008 4:42 PM
Subject: fox news

On the story as aired on Fox 41 and recent wave of email, I'll offer a few of my thoughts.

1. Vicki Hack was not running for president of the board. The president is chosen by the board from it's members. She was running for the board.
2. I saw no ballots or documents of any kind in Ken's hand in the video. And I didn't hear any audio from the Hack hall cam on the fox news story. So whose ballots are they claiming were stolen? I can't tell what is going on there. I could claim Ken was giving c.p.r. to Elvis in that video and a fox affiliate would probably air it.
3. An envelope is included with each election packet to mail your stuff directly to the accountant. The association pays a lot of money for the services of an accountant. I think the first change we should make is that all ballots must be mailed to the accountant or turned in by the owner in person the night of the election. Any ballot turned in by another person is null, void and assumed fraudulent. This is where a lot of the us vs. them stuff comes from. The days of people hanging out in the lobby soliciting proxies from owners and treating this building as a corporation that needed raiding using the good old proxy battle is where that sentiment comes from.

I feel nobody but you, the mailman and the accountant should ever touch your ballot!!!! And only you and the accountant need see it.

4. I'm still not quite willing to let go of the issue that preceded the out come of the election. The claim that some people didn't get an election packet or complete one or what ever that claim was.

EMAIL S-017

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>; <dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>; <schandler1@aol.com>
Sent: Tuesday, December 16, 2008 6:23 AM
Subject: fox news story

I want to meet on this issue too. Just finished with the night shift project that kept me away from the elections and I'm looking forward to a little vacation time. Therefore my schedule is open.

Executive session or open meeting is fine. I would like for us to be able to view the footage from this incident at the meeting. Maybe one of our technologically savvy members will step up. By the way, if we don't start calling this "The Hackruder Film" we are taking ourselves way too seriously.

I want to hear any related audio associated with this clip. I have not heard any audio from this deal so I apologize for my lack of computer skills. If there is raw Vicki cam footage with audio that was sent to me in an email enclosure I can't get it to play on my computer. When I looked up the story on Fox 41 website the hallway video was silent. That's what I get for spending more money on my pontoon boat's gps and fish finder unit than a home computer. Then tossing a coin to see which manual to read.

Please don't mistake my sense of humor about this stuff as a sign I don't take it seriously. I think that stealing ballots or denying voting rights to anyone is about as despicable a thing as a person can do. It turns citizens into subjects or slaves and that fact doesn't change whether you are talking about countries or condos. Therefore anyone accused of this must be dealt with accordingly and the proof must be absolute. The video I have seen so far is a long way from absolute proof, but I may not have seen all the video or have all the facts. That's why I want them all shown to the board at the meeting.

Democracy is not a glamorous business but it leads to great viewing material. I've seen film of white people throwing rocks at black people who wanted to go to a good school. I've seen Germans hammering on a concrete wall with fists, ball peen hammers, meat tenderizers and what looked like a croquet mallet. I've seen a Chinese student stop a column of soviet made tanks with no more than a rolled up sweater in his hands. Unfortunately, nothing like that happened this week in the greater Louisville metro area, so Fox aired what it could get and we have to deal with the aftermath and inaccuracies.

EMAIL S-018

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>; <dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>; <schandler1@aol.com>
Sent: Tuesday, December 16, 2008 4:37 PM
Subject: meeting

I think we need to do as much as possible in open session. We also need to know what we are meeting for, and what is going to be presented at this meeting. It should definitely include a list of what ballots were allegedly stolen. We could then compare that list to the ballots that were counted and go from there. Some Vicki cam footage of the listed people actually sliding their ballots under her door would also be helpful. The only people fox showed pausing by her door looked like Betty Cantrell and Ken.

As for the burglary allegations against Ken, claiming he removed ballots from under Vicki's door with tools or implements, I'll need the full video of that. Because fox news did not air that part in their broadcast. I found it curious they would choose not to air footage of an actual election related burglary. Especially when you consider how excited journalists were over that watergate deal.

The board must ensure our election process is fair, secure and secret. Privacy of our residents should be given high priority in this matter. I'm afraid that what ever happens friday will only be a prequel to a civil suit or another round of mudslinging against the entire board.

EMAIL S-019

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>; <dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>; <schandler1@aol.com>
Sent: Saturday, December 27, 2008 12:13 AM
Subject: RE: Election of Board officers

What is Betty's point? That since the board didn't elect officers at the first meeting after the annual meeting, we are forbidden to do it in the future. Fine with me, the officers can stand from the previous board, or we could just not have officers and adopt a more parliamentary structure. Although I doubt either outcome would please Betty.

Subject: FW: Election of Board officers
Date: Fri, 26 Dec 2008 14:27:57 -0500
From: DFARNSELEY@stites.com
To: crichards@win.net; kzipperle@win.net; thomashpike@cs.com; schandler1@aol.com; judy_finn@IPSD.org; patokapirate@hotmail.com; mltraut@insightbb.com; Kenquiggins@aol.com; gary.davis@anthem.com

Dear Friends,

Please see the email string below. For the reasons set forth in my email to Betty, I don't see any problem.

Best wishes for the holidays!

Doug

Douglas Farnsley
Stites and Harbison

-----Original Message-----

From: Betty Cantrell [mailto:bettycan@insightbb.com]
Sent: Friday, December 26, 2008 11 :01 AM Eastern Standard Time
To: Farnsley, Doug
Subject: Re: Election of Board officers

Doug,

Call it what you want, a board meeting was announced in the posted flyer, there was nothing 'special' about it...it was the first board meeting after the election.

Our By-Laws clearly state that the election of the officers 'shall' take place at the first meeting after the election. Since you are an attorney, you would be better educated on the legal interpretations of documents. help me out here, I am just a lay person, I assumed that 'shall' means it is mandatory. Correct me if I'm wrong.

Simply because the election of officers was not announced as an agenda item does not give the board the right to ignore an action that our By-Laws state must take place.

Again I will say, throw our governing documents in the river, in my opinion they are useless pieces of paper.

Regards,

Betty Cantrell
#712

On Dec 26, 2008, at 9:54 AM, Farnsley, Doug wrote:

Betty,

I am writing in reply to your December 26 email below. The December 19 meeting was a special board meeting open to all homeowners. It was called to address the type of questions raised in your December 15 email and the allegation made in the Fox 41 news report and to determine whether to accept the election results. There were no other agenda items.

I am not able to speak for other Board members. However, this is my view of the situation.

Sincerely,

Douglass Farnsley
dfarnsley@stites.com
400 West Market St., #1800
Louisville, KY 40202
direct dial: (502) 681-0426
direct fax: (502) 779-8268

-----Original Message-----

From: Betty Cantrell [mailto:bettycan@insightbb.com]
Sent: Friday, December 26, 2008 1: 50 AM
To: Farnsley, Doug
Subject: Election of Board officers

Doug,

Article IV Section 4.02 of our By-Laws states that the officers of the association shall be elected annually by the Board at the first meeting of the Board following each election of Directors.

Could you explain to the members why the election of our board's officers did not take place at the December 19th meeting? It was the first board meeting following the election, therefore the election of officers should have been considered a mandatory event.

Thank you for any information you can give the members concerning this matter.

Sincerely,
Betty Cantrell
#712

EMAIL S-020

From: "marty haley" patokapirate@hotmail.com
To: "Kevin Zipperle" <kzipperle@win.net>; "Tom Pike" thomashpike@cs.com
Cc: "Gary Davis" <gary.davis@anthem.com>; "Mary Lou" <mltraut@insightbb.com>; <judy_finn@ipsd.org>; "Sharon Chandler" <schandler1@aol.com>; "Doug Farnsley" <dfarnsley@stites.com>; "Ken Quiggins" <kenquiggins@aol.com>; "Cindy Richards" <crichards@win.net>
Sent: Sunday, January 25, 2009 9:03 AM
Subject: RE: Election Housekeeping Item

I have no problem with neutral observers either as long as they are neutral. Having one of the most vocal and unwavering critics of all things done by this board hovering over a person while they prepare election packets is a lot to ask. Too much I would say. Perhaps in the future a better solution could be found. Besides my thought that the accountants can prepare the ballots and no person from this organization except the voter from each unit need see them. That could get expensive.

The very nature of our elections, voting by square footage, eliminates truly secret ballots. But our goal should be to get as close as possible. We include an envelope in each ballot package for mailing directly to the accountant. Their office is less than ten miles from here, I dropped mine off in person. And of course a person may turn it in personally at the election. I see no need for anyone except the accountant, and I mean anyone period, to see a ballot after the voter makes their selections.

I have already said this but now it's on written record. I'm tired of living in a building that feels like a company being raided in a hostile proxy battle. Especially when the raiders have never made a positive suggestion for change I can recall. They have only criticized what has been done and the people who did it.

If you want something painted blue, ask the painter to paint it blue. Don't tell the painter yellow and orange suck then leave him to figure it out.

Date: Sun, 25 Jan 2009 01:51:06 -0500
From: kzipperle@win.net
To: THOMASHPIKE@cs.com
CC: Gary.Davis@anthem.com; mltraut@insightbb.com; judy_finn@ipsd.org; Schandler1@aol.com; dfarnsley@stites.com; patokapirate@hotmail.com; kenquiggins@aol.com; crichards@win.net
Subject: Election Housekeeping Item

Tom,

I wanted to mention something at Friday nite's meeting at an appropriate point, but time ran short...

You asked two homeowners to assist the office in mailing the election ballots a couple months back. I had a major problem with one of them, Betty Cantrell. As far as I'm concerned, she is persona non grata in the office for anything other than necessary personal business, e.g., dropping off checks, writing work orders, picking up deliveries, etc. Insofar as she is a big-time Association troublemaker, the LAST thing we need is her meddling in Association business.

Truth be told, I don't believe their productivity was enhanced one iota with the two extra helpers, but I'll leave that question to [former property manager] if she cares to comment. All I care about is getting things done without interruption and undue cost to homeowners.

Betty is one of several homeowners with whom I have major issues trying to serve in that capacity. Next time, I ask that you provide the Board with a list of homeowners in advance. If you want the full Board to discuss this matter, I suggest you have it added to next month's agenda.

Thanks ... KZ

EMAIL S-021

From: "marty haley" patokapirate@hotmail.com
To: <thomashpike@cs.com>; <mltraut@insightbb.com>; <gary.davis@wellpoint.com>; <dfarnsley@stites.com>; <crichards@win.net>; <kenquiggins@aol.com>; <kzipperle@win.net>; <schandler1@aol.com>
Sent: Sunday, January 25, 2009 5:32 PM
Subject: Observers

If we are going to have observers for routine chores they should report to the board after the event they observed. Either in person at the meeting or by written report to be included in the minutes. If everything seemed on the up and up it would be a short report. If they have concerns the minutes would reflect that also. This would put our processes out in the open and hopefully shut down the tin foil hat club rumor mill.

The extra layers of people added to our processes should bring something to the table and carry their own weight. By having their report made in open at the meeting the association may get some benefit out of it. Open forums and sunshine are good for all, board, committee and observer alike. Otherwise the observers have no one to hold them accountable for their actions. Giving them fuel for private personal criticism without improving the underlying process.

EMAIL S-022

From: "marty haley" <patokapirate@hotmail.com>
To: "Cindy Richards" <crichards@win.net>
Cc: "Kevin Zipperle" <kzipperle@win.net>; "Ken Quiggins" <kenquiggins@aol.com>
Sent: Saturday, January 31, 2009 4:28 PM
Subject: RE: issue to address

People should park in their parking space and not in the driveway. We have ask and warned now it's tow time.

From: crichards@win.net
To: Kenquiggins@aol.com; patokapirate@hotmail.com, kzipperle@win.net
Subject: Re: issue to address
Date: Sat, 31 Jan 2009 16:12:07 -0500

This is the space directly opposite the service door. It is being blocked by those unloading their vehicles and then leaving the vehicles unattended.

----- Original Message -----

From: Kenquiggins@aol.com
To: patokapirate@hotmail.com
Cc: crichards@win.net, kzipperle@win.net
Sent: Saturday, January 31, 2009 3:01 PM
Subject: Re: issue to address

At what time of day is this?? It should not be blocked at all. I am like Marty, if it is really blocking his way, tow it. Is this the same person doing this??

From: "marty haley" patokapirate@hotmail.com
To: "Cindy Richards" <crichards@win.net>; "Kevin Zipperle" <kzipperle@win.net>; "Ken Quiggins" <kenquiggins@aol.com>
Sent: Friday, January 30, 2009 8:46 PM
Subject: RE: issue to address

TOWTRUCK

From: crichards@win.net
To: kzipperle@win.net, kenquiggins@aol.com, patokapirate@hotmail.com
Subject: issue to address
Date: Fri, 30 Jan 2009 18:12:16 -0500

The homeowner who owns space #13 in the surface area is frequently blocked by homeowners who disappear into the building. He is then unable to move his car from his own space. Understandably, his patience is wearing thin.

Cindy Richards
Community Director
The Harbours Condominium Association, Inc
One RiverPointe Plaza
Jeffersonville IN 47130
(812) 288-1100 fax (812) 282-9153
www.theharbours.com

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EMAIL S-023

From: marty haley [mailto:patokapirate@hotmail.com]
Sent: Tuesday, February 03, 2009 10:04 PM
To: Kevin Zipperle; Davis, Gary
Cc: Ken Quiggins
Subject: RE: Committees

I will stay on the B&G committee as long as I can be a benefit to this group or till asked to resign by someone I respect. I feel Kevin would be a fine chairman of this committee.

As for the insurance committee I could not understate my belief that Claire or Fred should be asked to chair. The insurance committee meets only two to three times per year but their job needs to be approached without preconceived alliances or dogma. Claire has been on the committee since it was formed. Fred came aboard last year. And as with B&G I will stay on the insurance committee if needed or asked.

Date: Tue, 3 Feb 2009 21:43:33 -0500
From: kzipperle@win.net
To: Gary.Davis@anthem.com
CC: patokapirate@hotmail.com; kenquiggins@aol.com
Subject: RE: Committees

Marty,

You did say that you would still serve on the B&G Cmte. along with Ken and me, right? Or was I hearing things? Let me know...thanks. KZ

EMAIL S-024

From: "marty haley" <patokapirate@hotmail.com>
To: "Tom Pike" <thomashpike@cs.com>; "Kevin Zipperle" <kzipperle@win.net>; "Sharon Chandler" <schandler1@aol.com>; <judLfinn@ipsd.org>; "Doug Farnsley" <dfarnsley@stites.com>; "Mary Lou" <mltraut@insightbb.com>; "Ken Quiggins" <kenquiggins@aol.com>; "Gary Davis" <gary.davis@anthem.com>; "Cindy Richards" <crichards@win.net>
Sent: Thursday, February 05, 2009 2:09 PM
Subject: RE: Minutes

The approval of the minutes require a motion to approve, a second, then a majority vote. Can we save this fight until the minutes are not approved on the first vote, and then we have to edit and delete items to get a passing number of votes. Like some closed door congressional meeting where our tax dollars are being squandered. No action of this board requires a unanimous vote to my knowledge. If you don't approve the minutes ask for a recorded vote to be put in the minutes on the approval of the minutes. I will usually second and vote for a recorded vote on any issue. This allows for dissent without giving any person editorial control of this association. Play nice and take your meds guys, I'll see you all tonight.

From: THOMASHPIKE@cs.com
Date: Thu, 5 Feb 2009 13:24:39 -0500
Subject: Re: Minutes
To: kzipperle@win.net; Schandler1@aol.com; judy_finn@ipsd.org; DFARNSLEY@stites.com; patokapirate@hotmail.com; mltraut@insightbb.com; Kenquiggins@aol.com; gary.davis@anthem.com

Kevin,

It's ok, easy. :-) See the last pg. 4, par.2 for the minutes reflecting the Kindler concern. I am stating this is the first anyone has seen the letter asking quit a bit more than just looking at the camera situation (letter to FOX, demands of this/that...). I think Doug had stated some time ago his opinion on the legality of recording both video and audio in the common areas. It just needs to be looked at much further before stirring the pot at the board meeting. By all accounts, these meeting should be a matter of discussion and then motion to take action. Not just a fire side chit chat about the good, bad and ugly. Action to accept or reject what comes from committee recommendations. This is not a procedure new to us as SOP states "drop a letter in the secretary's box and we will look at it". We got a letter dated 1/25/09 that has made it all the way to an agenda topic of discussion before laying out facts ahead of time to the board members. I know the Kindler's were given access to the Rules Committee to discuss their opinions (as reflected on pg.3, Rules-of the minutes) or are they on the committee? Unprecedented access? Should others not be granted this same access to the rules committee to express their opinions? And I mean the committee, not just a member of the committee.

It just feels like someone is pushing rather hard on this subject when there seems to be other issues at hand. What about all the talk of an Election Committee. I see a suggestion on Pg.4, par.4 last sentence but it all ends there??? No new discussion on the agenda??? What's up with that???

See you tonight,

Thom Pike

In a message dated 2/5/2009 12:30:40 PM Eastern Standard Time, kzipperle@win.net writes:

And I forgot to mention, if we made a procedural mistake discussing the Kindler's letter--Thom's opinion, not necessarily mine--you don't address that oversight by acting like it wasn't discussed. It WAS discussed and the minutes should reflect that...

Quoting kzipperle@win.net:

Speaking generally as far as minutes go, I don't have a problem with too much information being documented as long as it's accurate. For example, when Norma takes minutes (vs. Mary Lou), she documents everything under the sun. Just as long as it's accurate. Objections based on "to go further is not necessary" or "point is taken without the extra strong language" are irrelevant if that is (close to) what was said. In my opinion, I only give latitude to the SPEAKER being quoted to amend their comments after the fact. That's not for the listeners.

Also in my opinion, if a homeowner-at-large speaks, they accept the risk that they are being (mis)quoted. Unlike Board members, homeowners choose to come to these meetings and choose to speak. This is a BOARD meeting, and our practices should serve Board members first. As much as I expect certain of our homeowners to take advantage of an opportunity to speak, I sure as hell am not advocating that these individuals be copied on minute drafts prior to issue. Again, they always have the choice of not speaking ... KZ

Quoting THOMASHPIKE@cs.com:

Hey Mary Lou,

I ask you to consider changing the following on the minutes:

Pg.1, par. 6, line 5: "asking that the minutes reflect that Vicki Hack said "ballots were stolen"." I THINK THE POINT IS HE MADE AN OBJECTION. TO GO FURTHER IS NOT NECESSARY.

Pg.1, par. 7-10: PLEASE REFLECT THE CONSISTENT 2 NOT IN FAVOR BE TOM PIKE AND [FORMER BOARD MEMBER]. I THINK IT NECESSARY TO REFLECT WHO VOTED ON EACH OFFICE.

Pg., last par, line 8 "is inappropriate and premature". I WOULD ASK DOUG, BUT AGAIN THE POINT IS MADE THAT AN OBJECTION EXIST AND "Ken Quiggins is presumed innocent until proven guilty" IS THE THRUST OF DOUG'S OPINION. I DON'T THINK DOUG USED THAT STRONG OF LANGUAGE IN HIS OBJECTION AND I MUST ALSO STATE THAT MY WORDS WERE "until Ken is cleared of all alleged charges". AGAIN, THE POINT IS TAKEN WITHOUT THE EXTRA STRONG LANGUAGE.

Pg.3, par.6-Rules: "The pool rules will be the most pressing matter". I AM SURE GARY SAID THAT WAS SOMETHING MUCH FURTHER DOWN THE ROAD WE CAN ADDRESS LATER. AGAIN, ASK GARY BUT I DON'T THINK IT WAS HIS URGENCY BUT KEVIN'S REGARDING THE POOL.

Also, I think we need to be very careful of how we quote people in the open forum or if we even need to make quotes or be part of the minutes. This will only make more objections to minutes. Perhaps discussion of how to record comments in this new open forum is warrant

Finally, I think the letter from the Kindler's should not be discussed. If this is a rules committee issue, they should forward to the legal committee and possible input from our legal counsel. This is very dangerous ground (on either side of the issue) and does not need to be brought forward until it is in the form of a motion based on sound review. Of which I don't think exist in my mind as of yet. I also feel it is without precedence one of our owners/members has this much direct access to get a letter/suggestion of this magnitude in front of the board (asking FOX to retract,...) this quickly. I mean the letter is dated 1/25/09 and they already have it in front of the board and part of our package??? I say that because [former Board member] and myself ask for an item be included on the agenda last month and neither of us were granted that opportunity. And this was a related issue (slice it as you may, it is very much related) to that of the Kindler letter and of much discussion over a period of several weeks with the board and furthered discussion based on official police actions. If I as a member of the board can't get on the agenda with all that going on but an owner can send a letter of complaint and get this much attention over the same issue, what message is that sending? I am not saying the Kindler's can't express their opinion. I am saying that their letter be the device, along with those of other members as input for/against for discussion and review as suggested above. The last thing we want is to continue kicking this whole incident and trying to shotgun something through the board that could have further legal implications.

Respectfully,

Thom Pike

EMAIL S-025

From: "Marty Haley" <patokapirate@gmail.com>
To: "Cindy Richards" <crichards@win.net>; "Doug Farnsley" <dfarnsley@stites.com>; "Gary Davis" <Gary.Davis@anthem.com>; "Judy Finn" <judy_finn@ipsd.org>; "Ken Quiggins" <kenquiggins@aol.com>; "Kevin Zipperle" <kzipperle@win.net>; "Mary Lou" <mltraut@insightbb.com>; "Sharon Chandler" <schandler1@aol.com>; "Tom Pike" <thomashpike@cs.com>
Sent: Monday, March 09, 2009 6:15 PM
Subject: Re: Election Committee

I'm still waiting on the specific details of Tom's proposed agenda for the election committee. Are we looking at another meeting to work on this issue or is this a topic for the next scheduled meeting? I volunteered to take over a committee that hadn't been given marching orders yet because no decision of this committee will have any effect on my future election plans. Tom volunteered to take it over and even came up with an agenda for the committee to consider without a single bit of input from the board. That's taking initiative I guess.

Unfortunately, the feeling I'm getting here is that people who have not had a great deal of success winning elections on a platform of their issues want to tweak the process to gain an edge. Yes everyone has a right to be heard. Not everyone has the right to make policy. You have to win elections for that. Letting people make election rules that plan to run for election gives us no transparency, no true critique of past issues. It merely continues a partisan fight over turf. And special elections only require a 10% owners group to call and cost no more than a regular election which Tom says we can have for no cost to the association anyway. Viva democracy. However the last time this was tried it didn't go so well for the people that called for it. Are they really stupid enough to think doing it again would make them seem like heroes. That would be a whole new level of stupid there.

Let me state as clearly as I can. I will not seek reelection on this board. I have seen organizations stagnate and feel smart people with fresh ideals are the only way to keep that from happening here. There are previous candidates for this board I would never under any circumstance vote for because I feel they have hidden agendas and lack the basic integrity to do what they know is right. Some of them won't park in their own spaces that came with the condo they bought. Others resort to smear campaigns and mud slinging innuendo. But they never state an actual ideal or reveal the things they can do better and how they would do them. For crying out loud, open the curtain a bit wizard. I'm already on my way back to Kansas.

I will continue to serve on any committee the board may ask me to for as long as I'm needed. But I'm not singing Kum Ba Yah, and we already know I do not suffer fools well. But unless you really want to turn the asylum over to the inmates J may be able to help,

On Mon, Mar 9, 2009 at 4:48 PM, <kzipperle@win.net> wrote:

You're absolutely right, [former Board member]. I'm looking for transparency here--not hidden agendas. Thanks for reminding us of that again! :-) KZ

Quoting "Finn, Judy" <judy_finn@ipsd.org>:

Hey guys your at the negative side once again. This is a community, not a gestapo. We are here to serve, not rule.

From: kzipperle@win.net [kzipperle@win.net]
Sent: Monday, March 09, 2009 3:19 PM
To: THOMASHPIKE@cs.com
Cc: crichards@win.net; Schandler@aol.com; Finn, Judy; DFARNSLEY@stites.com; mltraut@insightbb.com; Kenquiggins@aol.com; gary.davis@anthem.com; patokapirate@gmail.com
Subject: Re: Election Committee

I'm not sure old Abe had to deal with some of the people here...

If I'm forced to operate and make decisions in the dark, I'll do so from the most conservative perspective. In other words, if I don't know what's up for consideration, I'll assume the worst--flawed agendas and all. If someone wants to tell me what type of matters are in question, maybe I can have a more open mind.

And if the threat of a Special Meeting is the outcome, so be it. I'm willing to let the rank and file decide whether this Board is operating properly, or whether this is just another crusade driven by the usual cast of characters. I'm confident that the average homeowner can see things as they really are.

([Former property manager]-- Thorn accidentally omitted you from the prior email...)

KZ

Quoting THOMASPIKE@cs.com:

Members,

Unless I am mistaken, the board approved the formation of the Election Committee. The Pres. should appoint a chair and the chair submit the members as customary with all the committees to the board for approval (or not). The legitimacy of this committee will start with whom is chosen as the chair and subsequent appointments of members. If the perception is SOS, then we will continue to have elections similar to those of past and certainly more Special Meetings and associated cost. I am not concerned personally with those having axes to grind, disgruntled ... as that door swings both ways only some have access and others don't. That is the problem in a nut shell. Participation cannot be limited and must be inclusive of ALL. I think as adults, the committee will weed out the nonsense. To quote Pres. Lincoln, "Am I not destroying my enemies by making them my friend?"

Thom

In a message dated 3/9/2009 3:13:05 PM Eastern Daylight Time, kzipperle@win.net writes:

I appreciate already busy people volunteering for yet another committee. And at the risk of repeating myself, I maintain that it's impossible to decide who should and should not serve on a committee, project team, whatever, until we identify and agree what our issues are, IF ANY. Forming the team and then focusing on the issues is putting the cart before the horse, and it may mean that the committee needs to be restaffed once steps are put in the right sequence.

I will not vote on any committee members until I understand what needs to be done, if only in concept. This Association has its share of homeowners in the minority, with their agendas, who have been rebuffed time and again. If this proposed Election Committee is simply another forum for them to advance their flawed agendas, this effort is DOA with me. If there are genuine issues to deal with, fine. But we ought to be able to identify them NOW. KZ

From: "Marty Haley" <patokapirate@gmail.com>
To: "Cindy Richards" <crichards@win.net>; "Doug Farnsley" <dfarnsley@stites.com>; "Gary Davis" <Gary.Davis@anthem.com>; "Judy Finn" <judy_finn@ipsd.org>; "Ken Quiggins" <kenquiggins@aol.com>; "Kevin Zipperle" <kzipperle@win.net>; "Mary Lou" <mltraut@insightbbcom>; "Sharon Chandler" <schandler1@aol.com>; "Tom Pike" <thomashpike@cs.com>
Sent: Monday, March 09, 2009 11:02 AM
Subject: Re: Election Committee

Tom all this sounds swell to me. But a couple simple direct questions need answered first.

1 Do you feel it is a good ideal to let people looking to be elected set on the committee making the rules for the elections? Because that sounds like a conflict of interest to me.

2 Are these as yet unnamed independent third parties we can turn this process over to more dependable than the volunteers charged with setting up our board conference calling? Because the wheels fell off that one really fast. Creating yet more work for a Kevin and a few who already do a lot. And I would like to state for the record we already had a CPA firm of good reputation donating not only vote counting but use of their meeting room as well. But that was before the special election fiasco. Were you here for that because I forget?

3 Has any board member or owner made a single suggestion for a procedural change in our election process we can implement? I know there were observers to the envelope stuffing. However, they never made a report to the board about their observations, or concerns. It seems some type of report would have been in order after observing an election process.

On Mon, Mar 9, 2009 at 10:33 AM, <THOMASHPIKE@cs.com> wrote:

All Members:

Certainly, a big thanks for Marty's 6 years (?) on the board and I don't know but at least that many chairing the B&G Committee. And I agree. Let those who have not served serve. If we do not become inclusive of ALL then our issues will never go away. If this committee is to have any legitimacy, it must be inclusive of those even if they have an ax to grind. Some of our best ideals can come from those who may be considered adversaries.

I forward to the members some time ago CAI guidelines/best practices for an Election Committee (EC) and I have ask to chair this in the past and again here. I understand totally the procedures currently in use by observing the preparation of the ballots last year and their mailing. After that, it is pretty much academic. You either show up with your ballot at the annual meeting or mail/fax it to the auditors.

I have prepared an agenda that will not only save the assoc. money, it will save the office staff hours of time as it takes this process totally to an outside uninterested third party. In the end, keeping this process out of the hands of a few and forming an EC made of diverse members will ease the tensions surrounding our elections. I know I can build this committee and make this process easy, fair, economical, time saving and most importantly above any suspicion.

Thanks,

Thom

From: "Marty Haley" <patokapirate@gmail.com>
To: "Cindy Richards" <crichards@win.net>; "Doug Farnsley" <dfarnsley@stites.com>; "Fred Strom" <phila3224@bellsouth.net>; "Gary Davis" <Gary.Davis@anthem.com>; "Judy Finn" <judy_finn@ipsd.org>; "Ken Quiggins" <kenquiggins@aol.com>; "Kevin Zipperle" <kzipperle@win.net>; "Mary Lou" <mltraut@insightbbcom>; "Sharon Chandler" <schandler1@aol.com>; "Tom Pike" <thomashpike@cs.com>
Sent: Friday, March 06, 2009 9:47 AM
Subject: Election Committee

I would like to formally offer my services to chair the Election Committee and make a case why I would be a good choice for this position.

First, is the fact I will never seek another term as a board member of this association until everyone else in this building has done their turn. Read their fair share of the work. This should occur somewhere around 2075 if everyone serves one or two terms. You can't get more not having a dog in this fight than that. To load this committee up with failed candidates and ax grinding malcontents does no service to the association. I would ask anyone serving on this committee to not seek election for one year after they or their spouse leave it.

Second, I'm pretty familiar with our election procedures having been elected to the board twice in non consecutive terms. In what I would consider some of the most contested elections since Judge Ito became a household name.

Third, I truly believe that even a broken clock is right twice a day. You just have to be smart enough not to give it your full faith and attention the other 23 hours and 58 minutes.

Fourth, I don't have a preconceived notion that our procedures are perfect or flawed. I understand a lot of our bylaws are taken straight from the Indiana Laws governing horizontal property regimes. And not only would major changes have to be legal they would require a change in the by laws. Something that has only happened once since I have lived here. And I lived here when the first board was elected, in fact I was on it.

While I could go on I'll close here with a final thought. Whether the election committee is actually staffed and given an assignment by this board I feel it should also respect the right of a voter to chose apathy over involvement. The privacy issues surrounding our elections are complex and difficult ones. A list of declared voters needs to be kept and given to the accounting firm charged with counting the votes. It should not be passed out like a church directory and used to solicit or harass people into any course of action. It is not a prospect list. I feel it is the job of the board to encourage owners and residents to learn about the issues in our home and be involved in the process. But you have a right to be stupid, and disenfranchise yourself if you want. You are free to let someone else think for you.

EMAIL S-026

From: "Marty Haley" <patokapirate@gmail.com>
To: "Cindy Richards" <crichards@win.net>; "Doug Farnsley" <dfarnsley@stites.com>; "Gary Davis" <Gary.Davis@anthem.com>; "Judy Finn" <judy_finn@ipsd.org>; "Ken Quiggins" <kenquiggins@aol.com>; "Kevin Zipperle" <kzipperle@win.net>; "Mary Lou" <mltraut@insightbb.com>; "Sharon Chandler" <schandler1@aol.com>; "Tom Pike" <thomashpike@cs.com>
Sent: Thursday, March 12, 2009 1:17 PM
Subject: Re: Sacred parking list

That sounds like a very good item for a recorded vote to me. The gist of which I will sum up here, Motion: I move that any member of this association be allowed access to all records kept by the office and staff of this association. Including but not limited to assigned parking spaces, date of dues payments, (somebody insert some more stuff here, I'm out of ideals) relating to any unit of the Harbours Condominium Association. The member requesting this information need not state a purpose for seeking it and shall be granted access to such information on a timely basis after such request is presented in writing.

We could work out whether copies of this info will be allowed to leave the office or if it is an "Eyes Only" type communication as in a black ops file.

This should clarify where each board member draws the line between right/need to know and protecting the privacy of our residents.

Can I get a second.

On Thu, Mar 12, 2009 at 11:44 AM, <THOMASHPIKE@cs.com> wrote:

Hey Marty,

I fully appreciate your comments and think we agree on many points. My pea brain interpretation of In. Law is only that members who view these "private list" are not to disburse them in a way such as selling the list (1800, junk mailers...). We ARE NOT a church protecting the donor list of our members. That is different and addressed in the law. So I guess it comes down to: The information is available for the public, the law allows you to view it, our association accumulates it, your dues pay people who hold, accumulate and keep this data accurate. IT DOES NOT say only a few can read or only a few determine who can access or only a few can decide who can/can't based on the "they will abuse the info" or "they don't need this info" or "they are trouble makers and are only trying to harm the community". Its legal, its public, WE members pay our staff for the accumulation of the data and WE as members should ALL have access to it.

Sorry folks, this is America and your privacy, or lack there of is the American way.

From: "Marty Haley" <patokapirate@gmail.com>
To: <crichards@win.net>; <dfarnsley@stites.com>; <gary.davis@anthem.com>; <judy_finn@ipsd.org>; <kenquiggins@aol.com>; <kzipperle@win.net>; <mltraut@insightbb.com>; <schandler1@aol.com>; <thomashpike@cs.com>
Sent: Thursday, March 12, 2009 10:06 AM
Attach: SCAN0001.PDF
Subject: Sacred parking list

I feel there is a total difference of opinion on this board where privacy issues are concerned. My feeling is that the association should ask for as little information from owners and residents as is nessecary to do their job. I further feel this information should not be widely distributed.

The property and public records available at the courthouse must be distributed and available for public review per law. The board of this association has no obligation to disclose a lot of information the court house has. The argument that it is available at the court house does not hold water for me.

For a time there were signs in the surface lot identifying which space was assigned to a particular unit. The board, in a far from unanimous decision, voted to remove these signs due to privacy issues and asthetic reasons. I don't know who voted to remove the signs for a particular reason but both issues were discussed. I want to note the signs were only in the surface lot not in the garage structure itself.

If a person feel that all information kept by the office should be available for review by any association member I respect that view. Let's vote on it. Let a candadate for the board run on a platform of revealing all data kept by the office about every other association member. What date did someone pay their association dues on. When do they fob into the garage or building. What is their primary mailing address? And so on.

It's funny, and probably ironic that I care as much as I do about other peoples privacy rights and have done so little to protect my own. I'm listed in the phone book. I serve in a public capacity on this board and have been raked over the coals as have we all. People have my email address I sure didn't give it too. Truth is if it were allowed my parking spaces would be clearly marked with my name and unit number. That isn't how the vote went down though. So in the interest of full disclosure I will attempt to now make public record the spaces I have and how I got them. Space 521 came with my unit. Spaces 643 and 645 were supsequently bought from the developer. Mom actually handeled that deal because I was in Phoenix, AZ. helping a friend set up a recording studio.

EMAIL S-027

From: "Marty Haley" <patokapirate@gmail.com>
To: <kzipperle@win.net>; "Cindy Richards" <crichards@win.net>; "Doug Farnsley" <dfarnsley@stites.com>; "Gary Davis" <Gary.Davis@anthem.com>; "Judy Finn" <judy_finn@ipsd.org>; "Ken Quiggins" <kenquiggins@aol.com>; "Mary Lou" <mltraut@insightbb.com>; "Sharon Chandler" <schandler1@aol.com>; "Tom Pike" <thomashpike@cs.com>
Sent: Thursday, March 12, 2009 3:41 PM
Subject: Re: Thom's 5 questions

Thom I don't know if that was for me but if it was my answer is this. I will continue to send each board member and [former property manager] a copy of anything I have to say regarding this building. If you say you want honesty and transparency then go and stick your head in the sand because you don't like the point of view being expressed we are never going to have an honest open discussion of policies and procedures. Why we have them, how we formed them and why we haven't changed them.

I truly get the feeling Thom that you and [former Board member] are mad because we didn't make you two president, vice president, secretary and treasurer at our first meeting after you two were elected. I don't believe in a two person mandate for drastic changes. Perhaps the December 2009 election will prove me wrong. I don't hide my email address on anything I send out. If asked I will give a clear reason why I take a stance on any issue. If you don't want to read it delete it. As an elected member of this board you have a right to be included in meetings and board correspondence. I am not going to let it be said I conspired to keep someone out of the loop on any issue that this board addresses.

Mar 12, 2009 at 3:40 PM, <kzipperle@win.net> wrote:

Nice, evasive answer. Until I hear something more than the same shrill song, the same worn-out agendas from people we all know and love, you can expect the same responses (from me, at least).

And as far as the vote to form the committee... Since we're getting the type of subject matter I expected when this election boondoggle started, you can expect my motion at the next Board meeting to DISBAND that committee before it's formed. That's what happens when you don't provide transparency, and I mean that with all of the "professionalism and courtesy" that I can muster...KZ

Quoting THOMASHPIKE@cs.com:

Until I see some professionalism and common curtesy you don't need to include me in your emails. Go CARDS.

In a message dated 3/12/2009 3:00:07 PM Eastern Daylight Time, kzipperle@win.net writes:

" .. I will not go into great detail about each one but call me and lets sit down and I can discuss each point with you. My only hope is this committee gets rolling and people get some better transparency of our process ... " -- Thorn Pike

Thorn, the transparency starts HERE AND NOW. I asked for examples of your issues. Instead, we get rhetoric and cutesy quotes from our nation's forefathers. Put it in writing for all Board members--and our property manager--to see. That should be easy for you.

If you or your buds have problems with the integrity of our staff and Board members like Mary Lou handling election details, I don't know why your gripes stop with elections. You ought to have issues with MOST of what the staff does. If they'll help rig an election, why wouldn't they rob, cheat, and steal to benefit those in charge??

The only real solution for the concerns you guys have is to contract out the property management function. (Wait...where have I heard that before??)

And thanks for your concerns. I'm relaxed and breathing comfortably. :-)

KZ

Quoting THOMASHPIKE@cs.com:

Kevin,

The board voted to have AN ELECTION COMMITTEE. IT PASSED. Who chairs, sits,IS NOT UP TO YOU OR ME. So just relax, take a breath. "Foosbobbal" dude. I am putting it in the hands of Gary as he requested and I am not promoting anyone other than myself to chair. For Pete's sake, I am not protesting anyone NOT to be the chair. My opinions are just that and nothing more. As I said, I will not go into great detail about each one but call me and lets sit down and I can discuss each point with you. My only hope is this committee gets rolling and people get some better transparency of our process.

Thom

In a message dated 3/12/2009 12:02:01 AM Eastern Daylight Time, kzipperle@win.net writes:

Let's recap Thorn's issues verbatim:

- 1-Unequal access to the voting members favoring incumbents.
- 2-Using official Harbours mailings to support incumbents opinions of rules and criticize candidates.
- 3-Use of staff for preparing the official labels, envelopes and mailing.
- 4-Interpretation of and use of Designated Voter forms.
- 5-Ten day window for mailing to go out and be returned.

ONE needs clarification. An incumbent in any race has an inherent advantage being out in front of the voting populace as part of his/her job. The question is, is that an unfair or unreasonable advantage? Do we (the Board) allow it to be? I need to hear specific examples of where that's the case. No committee needed.

TWO is mostly if not totally off base. Again, examples can argue the other side, but I know of none. Perhaps an agreed definition of "official Harbours mailings" will clear this one up, again, without a committee.

THREE is, in essence, an attack on the credibility of our staff. This isn't a manpower issue as our "helpers" were supposed to address this past mailing. Let's call a spade a spade: this one is an allegation of impropriety on the part of our office staff. A committee sure as hell ain't gonna address that issue.

FOUR and FIVE, as Marty correctly points out, are Decs/Bylaws questions that neither a committee nor the full Board can address. Counsel has already told us that our interpretation of the Voter Designate process is typical of most Associations and in conformance with our governing documents. Hence, it needs no amending. The "ten day" provision is a hindrance, one we all recognize, but also one that will require a formal amendment. That won't be easy, and it may not be worth the trouble. A committee will not resolve that problem.

I see nothing in any of this that warrants a committee nor that a committee can address. Marty would be a great Chair, but I feel Marty's talents can be better used elsewhere (with his consent).

Conspicuously absent from this laundry list is the question of politicking norms of conduct. This is something that, once again, went totally out of control on this past election. However, I think an existing committee (Rules) can handle this assignment. I'd like to see Walter and his guys take the lead.

KZ

Quoting Marty Haley <patokapirate@gmail.com>:

I've been reading our bylaws and believe the board can work on Number 1, 2 and 3. Number 4 and 5 may possibly need some type of legal interpretations. The first three are policy and procedure issues and well within the scope of the board to act on.

Number 4) Designated voter forms. Article II section 2.05 sub sections a,b and c all deal with the assignment of voting rights for a unit. Sub section d refers to proxy assignment. We will need more specific concerns about these policies before they can be addressed. Are the policies not being followed? Are they too vague? (more specific)

Number 5) The 10 day mailing period. Article II, section 2.05. sub section f sub sub section 4. In pretty plain English states that nominations are open until 10 days before the election, and ballots must have the names of all candidates on them. That is where the 10 day window to mail the ballots before the election came from. Changing this would require a change to the bylaws. This requires a 67% vote. Only happened once since I have been here. Could happen again.

EMAIL S-028

From: "Marty Haley" <patokapirate@gmail.com>
To: "Cindy Richards" <crichards@win.net>; "Doug Farnsley" <dfarnsley@stites.com>; "Gary Davis" <Gary.Davis@anthem.com>; "Judy Finn" <judy_finn@ipsd.org>; "Ken Quiggins" <kenquiggins@aol.com>; "Kevin Zipperle" <kzipperle@win.net>; "Mary Lou" <mltraut@insightbb.com>; "Sharon Chandler" <schandler1@aol.com>; "Tom Pike" <thomashpike@cs.com>
Sent: Thursday, March 12, 2009 7:08 PM
Subject: unprofessional conduct

Folks I'm an Iron worker if I think it I say it. Blame my mom and dad too. I plan on making the motion I put forth in a previous post at our next meeting. The one about releasing all records to any member that asks. I don't know if I'll get a second. I plan on voting against it after what I expect will be a vigorous open forum discussion if I do. This will clearly show which board members favor owner privacy and which board members don't. Nothing more. Privacy rights of association members is an actionable/vote kinda thing a board can address. It is making and applying policy at the ground floor level. No grandiose obscure ideals, flowery rhetoric or bible quotes. Just how much info your neighbor can get on you with a trip to the association office. Funny how full disclosure sounds like a good idea until you are the one bent over the table with your drawers on the floor while the doctor lubes up the scope.

If I offend anyone with my written correspondence take my word that is not my goal. I'm trying to save meeting time by having a frank, candid, and open discussion about the principles I hold, act on and that will be reflected in my vote on a given issue. And believe me, anything I actually email has been toned down at least twice from my original draft.

If I don't agree with you on an issue it doesn't mean I think you are an idiot or bad person, It means the board votes on it and we go to the next item on the list. That's it.

Agendas are good it's what you want to accomplish. HIDDEN AGENDAS are where I have a problem. Just tell me what the end goal is, and you may have an ally, maybe not. Clearly state what is a win and we go have a beer. Don't piecemeal out a bunch of the same old disjointed complaints I have heard since the turnover and think I'm going to take you seriously. Especially if your largest and most vocal supporters are all absentee landlords that only materialize for board meetings, and people who have sued this association and slandered it's board members.

EMAIL S-029

From: "Marty Haley" <patokapirate@gmail.com>
To: "Cindy Richards" <crichards@win.net>; "Doug Farnsley" <dfarnsley@stites.com>; "Gary Davis" <Gary.Davis@anthem.com>; "Judy Finn" <judy_finn@ipsd.org>; "Ken Quiggins" <kenquiggins@aol.com>; "Kevin Zipperle" <kzipperle@win.net>; "Mary Lou" <mltraut@insightbbcom>; "Sharon Chandler" <schandler1@aol.com>; "Tom Pike" <thomashpike@cs.com>
Sent: Friday, March 13, 2009 7:38 AM
Subject: privacy policy of the condo association

I find it strange that a person can't even get a customer discount card from a gas or grocery store that does not include a privacy statement and yet on my single largest investment and monthly expense no such policy formally exists. I think we need a privacy policy here at the condo association and I plan on working on one and having it ready for vote at our next board meeting. If any body wants to weigh in feel free. Or if we want to send this to a committee that's fine. I'm not looking for a turf war, I just feel we need to take a stand either for or against protecting the privacy of our members. And we better do it soon.

I know the following info is kept by the association because it is needed for the office staff to do their jobs. Number and location of parking spaces assigned to a particular condo or member. Any parking spaces involved in a reciprocal exchange. Date of payments of association dues, special charges or work orders. Times of entry into garage or building made by fob or code entry. Images of members and guests recorded on surveillance cameras owned by the association. Mailing address, phone number, email address and emergency contact information of owners and designated voters. I think there are others so I'll keep working on it.

Some legit committees may have need of some this info. It would be reasonable for the audit committee to examine payment records in the course of their duties. This must be allowed to continue. However I don't think they need to know what time I fobbed into the building after the UConn Syracuse game. The board or a committee must have a valid reason for requesting the information before it will be presented. No expanding your committees duties without prior board approval.

As for the issue of homeowners using recording equipment I don't want to get into that in this privacy statement. I just want owners to know their information will not be given out, sold to solicitors, be made public by the organization their dues pay for, or be examined and scrutinized by anyone not charged by the board to do so. Or unless a court officer or law enforcement agent presents a valid court document requiring it be given.

Some of this stuff is available at the courthouse, so what, that does not mean we have to provide it here. The staff you pay for should not have to give out your information. State law may say otherwise so be it. Go to the courthouse and take up their time there.

That's it in a nutshell folks. Did I and my neighbors buy a home in a secure private gated building or just the emperors old birthday suit?

EMAIL S-030

From: kzipperle@win.net
Sent: Tuesday, March 24, 2009 8:48 PM
To: Marty Haley
Cc: Cindy Richards; Doug Farnsley; Gary Davis; Judy Finn; Ken Quiggins; Mary Lou; Sharon Chandler; Tom Pike
Subject: Privacy policy

The biggest concern I have is a viewpoint justifying the release of information, as one Board member recently put it, that "our association accumulates it [information], your dues pay people who hold, accumulate and keep this data accurate." That's a frightening glimpse of a future that we need to fight like hell to ensure never happens.

Marty, I'm cool--and always have been--with the "Wall of Shame" concept. That's one exception where we can readily attribute a benefit, and one that a majority of homeowners would likely support. Raise it again at an upcoming Board meeting...KZ

Quoting Marty Haley <patokapirate@gmail.com>:

I guess that is another way of looking at it. Once again with the warm feelings and the Board wants to control everything.

The privacy policy is to protect peoples right to privacy. Nothing more. If an owner is paying their fair share of common expenses and not creating a problem why would another owner or third party be entitled to the information this policy would protect. I would like anyone seeking this information on their neighbors to explain to me how having it will ease their mind.

I think the majority want more privacy for themselves. My proposal just makes it official policy. The people who can't live without these details about their neighbor are not good neighbors in my opinion and should consider a detached single family dwelling to comfort them. As long as my co owners are paying their fair share of common expenses that is all the info I need about them. I don't care what deal they made with the developer or past owner of their condo or their current landlord for that matter.

I'm also tired of having the fact I favor privacy rights of owners and residents spun to look like I'm part of some conspiracy. If future candidates for the board feel so strongly that this info is community property and should be freely distributed they can clearly say so in their campaign and run on it. It would be a nice change of pace from the past elections with campaigns full of job resumes and broad nonspecific feel good stuff about getting along, saving money and whatever else is popular at the time. A candidate could stand up and say "I want to release all the records in the office for any owner to look at and that includes personal info about you and me."

Funny thing is there is one public disclosure I have fought for and been soundly defeated on by the board at every turn. I wanted a Wall Of Shame in the mail room. Here the association could post the name and unit number of any owner 30 days late on their HOA dues. The board has always opted for a more private means of encouraging payment. Wimps.

On Wed, Mar 18, 2009 at 10:37 PM, Finn, Judy <judy_finn@ipsd.org> wrote:

Thanks so much for your efforts, but I am already overwhelmed with HARBOUR rules. I personally know of no other condo association that wants such control of its residents. It is getting quite hard to live in this establishment with such an aggressive group of leaders. Just my take on all of this controversy. Just wish everyone would back off and work to create a warm climate with less control. This is supposed to be a residential community and not a continuously policed arena. It is amazing the change in the past five years.

From: Marty Haley [patokapirate@gmail.com]
Sent: Wednesday, March 18, 2009 7:22 PM
To: crichards@win.net; dfarnsley@stites.com; gary.davis@anthem.com; Finn, Judy; kenquiggins@aol.com; kzipperle@win.net; mltraut@insightbb.com; schandler1@aol.com; thomashpike@cs.com
Subject: Privacy policy

Thanks to the people who weighed in on this, and [former property manager] for explaining a few Hoosier condo laws to me. This [attachment] is my proposal, and I plan on making a motion on it at the next meeting.

EMAIL S-031

From: "Marty Haley" <patokapirate@gmail.com>
To: "Cindy Richards" <crichards@win.net>; "Doug Farnsley" <dfarnsley@stites.com>; "Gary Davis" <Gary.Davis@anthem.com>; "Judy Finn" <judy_finn@ipsd.org>; "Ken Quiggins" <kenquiggins@aol.com>; "Kevin Zipperle" <kzipperle@win.net>; "Mary Lou" <mltraut@insightbbcom>; "Sharon Chandler" <schandler1@aol.com>; "Tom Pike" <thomashpike@cs.com>
Sent: Thursday, April 02, 2009 8:17 PM
Subject: meeting agenda

This board refuses to set a realistic agenda where any new business can be considered and instead prefers to rehash old business with no actionable motion or resolutions as a result. I'm tired of it. Especially since I had one ready for a vote or at least a good discussion that EVERYONE on the board knew about in advance and had been asked to weigh in on.

I live and park on the fifth floor so I don't need an elevator. City water pressure, unassisted by our buildings pumps, will still provide me with good water pressure for a brisk shower. I don't use the pool enough to even care if it works let alone who uses it. The carpet in my hall still looks good. In fact, I can't think of a single thing I've done on this board in the last few years that really improved my quality of life. I was already leaving, this just makes it a little early.

As of 9:00 pm Thursday April 02, 2009 I resign from the board of directors of this association and all committees.

EMAIL S-032

From: "Marty Haley" <patokapirate@gmail.com>
To: <kzipperle@win.net>; <crichards@win.net>
Sent: Saturday, April 25, 2009 9:16 AM
Subject: Fwd: Bearno's zoning

I sent this to Mr. Urban regarding the April 14 letter attached to the April 22 homeowner communication. They emptied the damn garbage cans at 5:00 this morning (Saturday April 25) and with shuffling them around to empty all 4 it takes about 10 minutes. Furthermore the beeper on the truck does not shut off the entire time of this operation.

Moving the dumpsters to the west side of the hotel property would improve the quality of life for residents of The Harbours. If the board has time for any real business this would be a good issue for them. My confidence is not high though, and I will be at the zoning board meeting on the 28th myself.

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

From: **Marty Haley** <patokapirate@gmail.com>
Date: Thu, Apr 23, 2009 at 12:21 PM
Subject: Beamo's zoning
To: jurban@cityofjeff.net

I have several questions and concerns about the proposed deck for Bearno's and the Riverside Drive restaurants located in the hotel in general. First, will loud, amplified music be a part of the activities on this proposed deck? And if so are there local ordinances concerning hours of operation for the deck?

The second concern, and possibly not directly related to the deck issue, is about the placement of dumpsters for all these restaurants located in the hotel. Since moving into my condo at The Harbours in the spring of 2001 more restaurants have opened in the hotel across the street from my home. Each one adding a dumpster that I have to look at from my balcony each and every day. The total of dumpsters has now grown to four, plus some grease container type thing. These refuse containers provide a symphony of clanging beer bottles being placed into them by restaurant personnel throughout the day as well as after closing time when the restaurant cleans up from the day's business. Harbours residents are provided with an encore performance of the beer bottle symphony as the dumpsters are emptied each and every morning into an apparently empty dump truck with a fully functioning back up alarm. If these dumpsters were relocated to the west side of the hotel property they would not be visible or audible to condo residents. In fact, they could only be seen and heard by patrons of the hotel and restaurants they serve. I ask that dumpster relocation issues be addressed along with and made a part of any variances or special considerations being sought by the businesses that are located next to my home.

I would be much more inclined to overlook the possibility of music from a deck in the evening, if I didn't have to look at the dumpsters and listen to them being emptied every morning. And, for the record, I was here before any of the restaurants currently located at the hotel, so I don't think a little give and take is too much to ask for.

Thanks for your consideration. Marty Haley, 1 Riverpointe Plaza #503, Jeffersonville, IN. 47130. Phone (812) 280-7901.

EMAIL S-033

From: "Marty Haley" <patokapirate@gmail.com>
To: <kzipperle@win.net>
Cc: <dfarnsley@sites.com>; <crichards@win.net>; <mltraut@insightbb.com>
Sent: Monday, February 21, 2011 11:40 PM
Subject: Re: The pool

Well I would have had no way of knowing the status of officers since it was not posted on the site. Nor was there a meeting schedule or any previous board meeting minutes.

On Mon, Feb 21, 2011 at 11:30 PM, <kzipperle@win.net> wrote:

Good question, and I probably should have reiterated why Mary Lou was copied...

As my earlier letter to you today stated, Mary Lou is now Board President. Officer positions for 2011 were elected last week, and we're in the process of sending out a communication to all homeowners. FYI, among the other addressees, Doug was re-elected VP, and I was elected Secretary. Also, I found that a copy of your email without my reply was forwarded in error. My bad ... KZ

Quoting Marty Haley <patokapirate@gmail.com>:

Kevin I noticed you forwarded this to Mary Lou without a response to me. Why didn't you forward it to the entire board? I didn't send it to the entire board because I had to look up the people I sent the original to on the condo website. I deleted all board addresses when I resigned. And the only signatures I recall on any letters were Your's, Doug's and [former property manager's].

On Mon, Feb 21, 2011 at 10:35 PM, <kzipperle@win.net> wrote:

Quoting Marty Haley <patokapirate@gmail.com>:

It has come to my attention the board has banned my mother from the pool. As a result of this, my access code has been changed without my permission.

First, I want my code returned to the number I had previously selected.

Secondly, I don't appreciate the squandering of association resources used to send a lawyer letter to my mom telling her she is banned from the pool. I read the letter from Jack and looked at the attached photos of an old woman splashing in the pool and saw no evidence of any damage done to association property. If you have evidence that she damaged association property I suggest you call the police and report it. I don't feel it is in the powers of the board to ban someone from association resources when they have not broken or damaged any, and have done nothing other than upset members of the current board.

I have advised her to seek legal council and I feel this board is engaging in harassment against her because of her friendship with Betty Cantrell. As well as reporting suspicious activities to the authorities Such as, board members claiming improper exemptions for property tax purposes.

As for the statement her and my father refused to appear before the board as asked. When did this board get authority to require any homeowner to stand before it? I missed the subpoena powers of the board in my homeowners book.

Funny thing is if called to testify in this matter, should mom sue you guys, neither my mom or this board, particularly Kevin, is going to look very good. Yes I know mom is a handful. However the board is currently being used as an agent to silence dissent and punish people who have stood in opposition to it.

In short, Kevin you are acting like a hateful little tyrant protecting a fiefdom for financial gain. My first choice was to be left alone when I resigned. If this board thinks I will set by while it harasses my family they are sorely mistaken.