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Advice to the board re the Pool Ballot-Revote Demand

From: **Dustin Frederick** (dustin@local519.org)

Sent: Fri 8/09/13 12:56 PM

To: Dan Jones (dan_serv@hotmail.com) (dan_serv@hotmail.com); Ed Delahanty (whshed@live.com); Elsa Palmer (suzypalmer1@me.com); Jean Salls (jean_salls2000@yahoo.com); karen shaak (karenshaak@gmail.com); Maria Chamberlain (hermitanamaria@gmail.com); rapeetz@gmail.com (rapeetz@gmail.com)

Board members:

Our group was advised to give the ACBC board the opportunity to conduct a revote prior to taking further action. This gives the ACBC Board the option to do the right thing---now that you have notice of the flaws in the voting process. If you choose not to conduct a revote ---after due notice ---you are intentionally refusing to allow the full democratic process to be exercised and thus denying members their rights under the governing documents. Whether you agree with the 2/3rds requirement or not---the voting process was flawed and should be redone. Prior to a revote you should thoroughly investigate the 2/3rds claim and make sure you are on solid legal ground if you do not apply it in the next vote.

Conducting a revote does not deny any member their rights---but refusing to conduct a revote does.

Therefore, I suggest you do the following as part of your due diligence:

Take immediate action to preserve the pool as requested.

Obtain at least two legal reviews of our demand letter to assess the legitimacy of our claims

Conduct a secret ballot revote using a security envelope and mailing envelope that requires the signature of the member for validation to avoid vote tampering

Announce your intent to do the above at the board meeting tomorrow august 10th.

I know---you are going to argue that you do not have to do this---it is another delay---it will cost money to conduct the revote---the community has spoken, etc. While these concerns may be genuine---they are minute compared to the cost of litigating this matter. Therefore---ACBC is well served if the Board does everything it can do to demonstrate that you are not biased, do not have an agenda to close the pool and are just wanting to insure the community has every opportunity to exercise their voting rights now that a question has been raised.

I strongly urge you to put yourself in the place of a third party reviewer who will ask---why did you object to a revote on a ***matter of this significance?***