

January 29, 2025

By Mark Gavan

Impact of Violations Upon Autumn Lakes Community

- 1) The HOA Board of Trustees (“the Board”) including 6 named past and present Board Members, have caused numerous violations of the HOA Indentures, Bylaws, and Code Of Ethics for Autumn Lakes Association Board. These violations cover a broad range of issues that have undermined the trust and functionality of the Autumn Lakes HOA community. These violations include failures in maintenance, financial mismanagement, inconsistent rule enforcement, lack of transparency, and improper governance. Additionally, violations have arisen from poor communication, privacy breaches, insurance problems, unethical and illegal behavior, and ignoring homeowner/member concerns. Neglecting environmental responsibility, inadequate emergency planning, and improper meeting conduct are also significant areas of concern.

- 2) Overall, the Board's failure to adhere to the HOA indentures, bylaws, legal requirements, and ethical standards, along with selective enforcement and lack of transparency, have severely impacted the community's well-being. It's crucial that this HOA Board operates responsibly, transparently, and ethically to maintain a positive and functional community environment. This Board has not operated with a focus on the community's well-being and they need to be brought to justice for their actions and behavior.

Comprehensive list of HOA violations by the Board of Trustees

- 1) Failure to Maintain Common Areas (Folder F)
 - a) Neglecting the upkeep of shared spaces
 - i) Pool
 - (1) Leaking of pool
 - (2) Delinquent cleaning of child pool
 - ii) Basketball court
 - (1) No surface cleaning or repairs
 - iii) Tennis court
 - (1) No surface cleaning or repairs
 - (2) No replacement of net
 - iv) Recreation Vehicle (RV) lot
 - (1) Plastic garbage cans full of rain water
 - (2) Tarps, garbage, piles of dirt and debris
 - (3) Piles of tree debris upon removal of commercial yard waste can
 - v) Lakes
 - (1) Spraying of hazardous chemicals on shoreline destroying plant growth

January 29, 2025

By Mark Gavan

- (2) Spraying of hazardous chemicals in lakes destroying grass and lilly pads (depositions with subpoenas are being planned for lake companies to determine the chemicals and who approved/requested the applications)
- vi) Clubhouse
 - (1) Trash toters stored in public view
- vii) Maintenance shed
 - (1) Clutter and trash toters stored behind, in member view sides and the street
- 2) Financial Mismanagement (Folder C1)
 - a) Misusing HOA funds or assets
 - i) Funds drawn upon banks for payment to Board members (C1-1)
 - ii) Funds knowingly used to pay for water usage for member disallowed growing of commercial plants (C1-2)
 - iii) Personal clubhouse usage without Board Member paying rental fees (C1-3)
 - iv) Retaining an HOA attorney for not-for-profit usage at \$500/hour fee (C1-4)
 - v) Engaging HOA attorney to draft new Indentures, but instead contrary to member consent, only obtaining guidance on how to misinterpret the Indentures just to circumvent the upcoming 2024 Board Election composition of 3 condo seats and 2 house seats (C1-5; Folder E1)
 - vi) Long-term Board Treasurer has never been bonded in violation of Indentures (C1-6)
 - vii) Board Treasurer failed for years to disclose to members nor act upon dues delinquencies until eventually hiring an attorney to address the significant bad debt balance exceeding \$30,000 (C1-7)
 - b) Not maintaining proper financial reports
 - i) Months without any financial postings (C1-8)
 - ii) Material financial postings forgotten and then posted to subsequent year (C1-9)
 - iii) Board with SMG did not prepare financials for more than 6 months in 2022, and Board renewed the SMG contract for 2023 anyway (despite 51% owner petition not to renew) because the financials were in such disarray that the Board was scared (C1-10)
 - iv) Frequent and sometimes daily cash transfers from Reserves to Operating accounts, and vice-versa (C1-11)
 - v) Frequent and sometimes daily cash transfers from ALA to ALC legal entities, and vice-versa
 - vi) No prior or current financial audit (C1-12)
 - c) Not publishing proper financial reports to members
 - i) Years and months with no financial reports provided to members upon request (C1-13)
 - ii) Years and months with condo financial reports not provided to requesting house owning members (C1-14)
 - iii) Years and months with house financial reports not provided to requesting condo owning members (C1-15)
 - iv) Years and months when amenities (i.e. ACA) financial reports not provided to members
 - d) Failing to budget appropriately (C1-16)
 - i) Providing subsequent year operating budget reports when current year actuals financial reports have not been disclosed to members (C1-17)
 - ii) Failing to maintain a capital budget for spending of Reserves funds (i.e. treating of Reserves as a "piggy-bank" to fund operating expenses (C1-18)

January 29, 2025

By Mark Gavan

- e) Implementing unaffordable capital projects knowing the Reserves were insufficiently funded (e.g. new asphalt and/or concrete driveways, application of asphalt weatherproofing to driveways and HOA street and parking lots) (C1-19)
- 3) Discriminatory Practices and Selective Enforcement (Folder K)
 - a) Selective enforcement of rules, or targeting specific residents unfairly, and sometimes inconsistently for houses versus condos
 - i) Only certain members allowed to decorate common areas and from view of property
 - (1) Vendor signs in yards (e.g. renovation contractor signs, holiday lighting installers, goat grass-eating service)
 - (2) Signs viewable from HOA property (e.g. realtor marketing magnetic vehicle signs in driveways and streets, member picket signs attached to trees or on driveways)
 - (3) Business vehicles (e.g. box trucks)
 - (4) Flowers beneath trees
 - (5) Ornamental fencing, bricks, edging, around trees
 - (6) Sports flags and signs
 - (7) Lawn ornaments
 - (8) Bird and squirrel feeders
 - (9) Holiday inflatables
 - (10)Lawn furniture
 - ii) Rejecting work order requests -- incorrectly claiming that a common area repair is not HOA responsibility (e.g. landscape bricks repair and replacement)
 - iii) Repeated ignoring "tripping hazard" work order request for patching of a member driveway gap along garage
 - iv) Repeated ignoring of condo member work request for black mold ceiling damage and resulting breathing/health claims
 - v) Ignoring emergency work request of condo broken external water spigot causing HOA water waste and potential condo flooding
 - vi) Allowing HOA water usage for commercial activities (e.g. water-and-growing of plants for harvested product sales)
 - vii) Allowing specific individuals to work or perform commercial activities from their home (e.g. selling realty property, selling marijuana and fruits/vegetables, selling insurance, etc.) in violation of governing documents
 - viii) Allowing some condos to retain grills on their decks
 - ix) Allowing some condos to have decks in disrepair
 - x) Allowing some condos to have clutter on decks or patios, or on common ground
 - xi) No wheelchair ramp to clubhouse where HOA meetings are held
 - xii) No wheelchair ramp to pool or sports courts
 - b) Board hanging signs on HOA member's chair and the meeting venue door with Board member's court Order of Protection filing information, and extending of a 50 foot rope from that Board member's chair at the Board table to the member's chair outside of the building. Rope extended across every row of seating, across the entire room, across the doorway and the steps to the building. Not only hazardous, but unethical treatment of a member with the behavior being a violation of governing documents (Folder G2)

January 29, 2025

By Mark Gavan

- c) Three Board members filing a court Order of Protection against a whistle-blowing former Board member as retaliation for his speaking critically of the Board's behavior (Folders G2, G3)
- 4) Lack of Transparency (Folder L)
 - a) Not providing adequate notice of meetings
 - i) Conducting Board meetings without agendas (L-1)
 - b) Not disclosing adequate decisions
 - i) Conducting Board meetings without maintaining minutes of votes and decisions (L-2)
 - c) Not disclosing financial matters to members
 - i) Selecting insurance companies and coverage without member vote
 - (1) Board members claiming to members that the HOA has never had government-backed insurance carrier and there was no alternative to the insurance policy having been selected (L-3)
 - (2) Selecting insurance company without member vote, and selecting insurance policy coverage without member vote and with a material loss to members amenity usage (e.g. loss of deck grill usage and condo woodburning fireplace usage, loss of 2025 earthquake coverage) (B-9)
 - (3) Selection of property management companies without member vote (e.g. SMG, CPM) including the signing of a 3-year contract at a period of time of high inflation (L-5)
 - (4) Selecting a snow removal company without member vote including the signing of a 3-year contract at a period of time of high inflation, with material loss to members amenity usage (e.g. 50% increase in snowfall height before triggering snow removals; no snow and ice removal of sidewalks) (A-7)
- 5) Improper Use of Reserve Funds (Folder D)
 - a) Using funds set aside for emergencies or major repairs for non-essential expenses.
 - i) Reserves funds used to fund daily operating expenses (D-1)
 - ii) Reserves funds being transferred from condo financial statements (ALC) to house financial statements (ALA), and vice-versa (D-2)
 - iii) Reserves being inadequately funded for many years (D-3)
- 6) Conflict of Interest (Folder C2)
 - a) Board members making decisions that benefit themselves personally or financially
 - i) Conflicts of interest in escalating condo building repairs when that building contains units listed for sale that are being represented by a Board member realtor (C2-1)
 - ii) Board President serving the HOA having cognitive decline (C2-2)
- 7) Improper communications (Folder L)
 - a) Not keeping residents informed about important issues, changes, upcoming projects (L-1)
 - i) The Board failed to communicate to members of the upcoming city street replacement project and that the significant project would impact the neighborhood the entire summer of 2024
 - ii) No communications regarding daily plans for snow removal in January 2025
 - b) Harassing neighbors with HOA fine warnings (e.g. "you have 15 minutes" to rectify the matter, waving violation notices at member doorbell cameras, shouting through doors and on member doorbell cameras, knocking on doors with violation notices instead of mailing them
 - c) Board naming and/or defaming members on social media sites (H-2)

January 29, 2025

By Mark Gavan

- d) Gazette Newsletter consistently published late, and highly censored, with Board meeting minutes content modified/added/removed making it no longer reflect what transpired (L-2)
- 8) Unauthorized or improper Contracts (Folder A)
 - a) Entering into agreements or contracts without proper approval from the members.
 - i) Selecting insurance company and policy/coverage without member vote
 - (1) Board member incorrectly claiming that the HOA had never had a government-backed insurance carrier/policy (A-1)
 - (2) Board member claiming there was no alternative to the insurance policy and coverages having been signed without a member vote (A-2)
 - (3) Selecting new insurance company without member vote (A-3)
 - (4) Selecting new insurance policy/coverage without member vote, and members incurring a material loss of amenity usage (e.g. loss of deck grill usage and condo woodburning fireplace usage) (A-4)
 - (5) Board attempting to cancel Earthquake insurance coverage without member vote; Board later stated the coverage was fully earned and could not be cancelled. No coverage for 2025 (A-5)
 - ii) Selecting property management companies and services without member vote
 - (1) Selection of property management companies without member vote (e.g. SMG, CPM) including the signing of a 3-year contract at a period of time of high inflation (A-6)
 - iii) Selecting vendor companies and services without member vote
 - (1) Selecting a snow removal company without member vote, including the signing of a 3-year contract at a period of time of high inflation, with material loss to members amenity usage (e.g. having a 50% increase in snowfall accumulation before triggering snow removals; no snow and ice removal of sidewalks) (A-7)
 - iv) Fraudulently issuing Reseller Certificates to condo purchasers without disclosing upcoming capital expenditures from Reserves (e.g. lake dam replacement, driveway replacement and resurfacing, clubhouse renovations, pool renovation, and the need for sport courts renovations) (A-8)
- 9) Ignoring Homeowners' Concerns (Folder L)
 - a) Failing to address, respond, acknowledge member complaints, questions, suggestions
 - i) The Board failed to accept the 51% membership signed petitions to not renew the Smith Management Group Contract (SMG) for 2023 (L3)
 - b) Failing to respond to members submitted work order requests (L4)
 - c) Failure to act upon Communication Focus Group findings and recommendations (L5)
 - d) Failure to adequately respond to member requests to call a Special Meeting in October 2023 (L6)
 - e) Failure to adequately respond to member Questions & Suggestions in October 2023 (L7)
- 10) Improper Elections (Folder I)
 - a) Conducting Board elections without following proper procedures, resulting in unfair or invalid results.
 - i) Inadequate and untimely publication of upcoming Board member elections (I-1)
 - ii) Mailing ballots too late prior to election, causing members inability to cast vote prior to election (i.e. no time for mail-ins, and the Board wouldn't accept white-paper ballots but would accept faxes on white paper) (I-2)

January 29, 2025

By Mark Gavan

- iii) Change to ballot acceptance and counting rules the night of the 2024 Board member election (e.g. ballots not counted based on color or type of ballot paper, ballots discarded if no proxy name included, restrictions on method of ballot submittal, oversight of ballot count, etc.) (I-3; Folder E1)
 - b) Defaming election candidates in meetings, on social media, and amongst community (I-4)
 - c) Loss of 2023 and 2024 ballots preventing recounts (I-5)
 - d) Mailing of ballots too close to election night with some not received by members until after the election, and then refusing to accept/count ballot copies (on white paper) the night of the election (I-6)
 - e) Indentures prohibit two property owners with an interest in the same building from serving on the Board together (I-7)
- 11) Failure to follow and make amendments to HOA Indentures and Bylaws (Folder E1)
- a) Implementing or changing HOA membership rules without a member vote (E1-1)
 - b) Implementing or changing HOA membership rules without properly communicating to members (i.e. only a mention of the rule in the Gazette Newsletter) (E1-2)
 - c) Implementing or changing HOA rules without filing updates to governing documents at the courthouse (E1-3)
 - d) Board member failure to follow the Indentures, Bylaws, Code of Ethics for Autumn Lakes Association Board Members (E1-4) (reference governing documents in Folder E3)
- 12) Privacy Violations and improper communications (Folder H)
- a) Sharing personal information of members without their consent
 - i) Sharing names of members in HOA meetings who are leading efforts against the Board members (e.g. Facebook Group admins, website admins, authors of filings to Missouri Real Estate Commission, authors of filings to MO Attorney General, authors of filings to entities such as MO Water & Sewer and the EPA, members in legal disputes with Board members and other members (H-1)
 - ii) Naming individual members during meetings and social media to discredit the member (H-2)
 - iii) Defaming a former Board member claiming in multiple meetings that the member had stolen and improperly used HOA documents (e.g. member email distribution list, published financials, etc) (G1-1)
 - iv) Board hanging signs on HOA member's chair and the meeting venue door with Board member's court Order of Protection filing information, and extending of a 50 foot rope from that Board member's chair at the Board table to the member's chair outside of the building. Rope extended across every row of seating, across the entire room, across the doorway and the steps to the building. Not only hazardous, but unethical treatment of a member with the behavior being a violation of governing documents (H-3; Folder G2)
- 13) Insurance Mismanagement (Folder B)
- a) Failing to maintain adequate insurance coverage for the association, or failure to utilize the insurance coverage, leaving the community vulnerable
 - i) Selecting insurance company and policy/coverage without member vote
 - (1) Board member incorrectly claiming that the HOA had never had a government-backed insurance carrier/policy (B-1)
 - (2) Board member claiming here was no alternative to the insurance policy and coverages having been signed without a member vote (B-2)

January 29, 2025

By Mark Gavan

- (3) Selecting new insurance company without member vote (A-4)
 - (4) Selecting new insurance policy/coverage without member vote, and members incurring a material loss of amenity usage (e.g. loss of deck grill usage and condo woodburning fireplace usage) (A-5)
 - ii) Roofing storm damage negligently not filed as a storm insurance claim (B-3)
 - iii) Roofing damage years later filed as a fraudulent insurance claim when it was actually previous storm damage and wear-and-tear (B-3)
 - iv) Failure to file necessary HOA renewal papers for HUD, GNMA, etc., causing expiry of governmental programs impacting members ability to sell condos (B-4)
 - v) Failure to allow a former Board member to utilize the HOA professional insurance policy coverage to defend that member of HOA subject matter claims by another former Board member, putting both the defending member and the HOA at legal risk for damages (B-8)
 - vi) Failing to mediate and communicate a 3-week lapse in insurance coverage by ignoring written notification from former Board Member of potential insurance agent policy fraud. Members loss usage of clubhouse, pool, sports courts, lakes, and condo owners could only sell for non-mortgage cash (A-4)
- 14) Improper Meeting Conduct (Folders G1, G2)
- i) Many Indentures and Ethics violations have occurred with the Board's improper behavior in meetings and between meetings. Certain of these improper behaviors may also be deemed a crime, such as **discrimination and harassment**, including
 - (1) Disallowing members to speak on topics in which a Board member disagrees, or rudely cutting-off the member before finished speaking.
 - (2) "Banning" specific members from Zoom virtual meetings to restrict meeting attendance to only members that the Board favors (i.e. Pam Bell banned me)
 - (3) Selectively, or not responding to all member questions who are participating in-person and/or via Zoom virtual meetings
 - (4) Naming individual members during meetings and social media to discredit the member (e.g. frequently is done to me and others) (H-2)
 - (5) Board hanging signs on HOA member's chair and the meeting venue door with Board member's court Order of Protection filing information, and extending of a 50-foot rope from that Board member's chair at the Board table to the member's chair outside of the building. Rope extended across every row of seating, across the entire room, across the doorway and the steps to the building. Not only hazardous, but unethical treatment of a member with the behavior being a violation of governing documents to discredit me just prior to the Board election when I was on the ballot
 - (6) Calling the police on me multiple times for simply attending the meeting. Charlotte Smith repeatedly weaponizes her Order of Protection against to attempt to get me physically removed from meetings before they have even started, knowing that the police would not understand that my attending HOA Meetings is allowed per my 1st Amendment despite not being specifically denoted on the Order. This weaponization and the police's misunderstanding caused my arrest (without prosecution) twice due to the Board's weaponization of the court's Order, and my being removed for the meeting being to be questioned at EVERY meeting which was the Board's action to discredit me prior to the Board election when I was on the ballot

January 29, 2025

By Mark Gavan

- (7) Calling the police on me numerous times for lawful picketing of several HOA condos where the Board President was the listed realtor who was also expediting HOA repairs to those properties to the detriment of all other owners awaiting the same or similar repairs sometimes for years. Conflict of interest of that Board member
 - (8) Board instructing the insurance broker and lawyer not to engage in conversation with certain members at the upcoming meeting (i.e. with me and another member)
 - (9) Naming and harassing me in social media attacks (H-2)
- 15) Unapproved Assessments (Folder D)
- a) Implementing special assessments or fee increases without proper approval from members.
 - i) Board President claiming on social media that a special assessment is required, but the Board retaliating against members referring to his statement (D-4)
 - ii) Condo monthly dues increased 28% for 2024 without member vote, and exceeding CPI of 3% (D-5)
 - iii) Condo monthly dues increased 18% for 2025 without member vote, and exceeding CPI of 3% (D-6)
- 16) Failure to Address Safety Issues (Folder M)
- a) Ignoring, delaying, or causing action on safety concerns within the community.
 - i) Repeated ignoring my "tripping hazard" work order request to patch member driveway gap along garage (M-2)
 - ii) Collapsed water retention pond sewer went unrepaired for years (M-3)
 - iii) Unrepaired sinkholes (M-4)
 - iv) Additional safety concerns from another member: potholes, stumps, trees, driveways, etc. (M-5)
 - v) Asphalt burn injury from member (M-6)
 - vi) Defective sports court fencing is a tripping hazard (M-7)
 - vii) Discarded plastic trash cans in RV Lot accumulating diseased mosquito-rainwater (M-8)
 - viii) Board requests that condo members store their propane tanks in their garage (M-9)
 - ix) Fallen retaining wall with bricks and debris scattered on the ground and laying where initially toppled for more than a year causing a tripping hazard (M-10)
 - x) Fallen tree laying on the ground for months where it initially toppled causing a tripping hazard (M-11)
 - xi) Intentionally causing a hazardous condition - Board hanging signs on HOA member's chair and the meeting venue door with Board member's court Order of Protection filing information, and extending of a 50 foot rope from that Board member's chair at the Board table to the member's chair outside of the building. Rope extended across every row of seating, across the entire room, across the doorway and the steps to the building. Not only hazardous, but unethical treatment of a member with the behavior being a violation of governing documents by identifying member and personal information obtained while being a Board Member (M-12)
- 17) Unauthorized Rule Changes (Folder F)
- a) Making changes to community rules without following proper procedures; no notifying members except for possibly including in the Gazette newsletter of newly published rules without member vote, and not updated within governing documents filed at the courthouse
- 18) Unethical Behavior (Folder J)

January 29, 2025

By Mark Gavan

- a) Engaging in dishonest or unethical behavior that undermines the trust of the community
- 19) Lack of Record-Keeping (Folder C1)
- a) Failing to maintain accurate and up-to-date records of member issues, complaints, repairs by unit, violation and fine assessments (C1-21)
 - b) No HOA document repository—all HOA history resides on personal pc hard drives only (C1-22)
 - c) Loss of all property records in transition from one management company to next (i.e. AMC to SMG) (C1-23)
 - d) Board refusal to provide member email distribution list to members (and even to me while serving on the Board) (C1-24)
- 20) Unauthorized Rule Enforcement (Folder E1)
- a) Enforcing rules that have not been properly adopted or communicated to residents
 - i) Attempts to ban members from lawful picketing
 - ii) Attempts to ban members from hanging picket signs on common ground
 - iii) Attempts to ban members from leaving lawn furniture on their condo driveway
 - iv) Attempts to ban members from patio furniture on their condo driveway
 - v) Attempts to ban members from displaying sports flags on common ground
 - vi) Attempts to ban members from using bbq grills on their decks or within 10 feet of a condo building, or from storing their grills on their decks
 - vii) Attempts to ban members from using condo woodburning fireplaces
- 21) Lack of Training (Folder H)
- a) Board members failing to obtain necessary training on their roles and responsibilities
 - i) No training of Board members on approval process of work order requests, approvals, lists, priority, scheduling, closure, etc. (H-1)
- 22) Legal Noncompliance (Folder G1)
- a) Defamation of me by the Board at multiple Board Meetings regarding:
 - i) Shared unreleased financial statements with members (G1-1)
 - ii) Shared a member email distribution list with members (G1-1)
 - b) Open Meeting Law violations / Harassment (Folder G2)
 - i) Harassment of me by the Board by calling police on me despite knowing well from the court appearances and court orders that I was allowed to attend (Folder G2)
 - ii) Harassment of me by the Board by extending a rope across room to my chair where a sign was hanging with my personal information on that chair and the clubhouse door (Folder G2)
 - iii) Harassment of me by Laura Farkas – signage (Folder G3)
 - iv) Harassment of me by Pam Bell (Folder G3)
 - v) Other harassment and crimes (Folder G1)
 - c) Failing to comply with state or local laws governing HOA
 - i) No financial audit conducted in many years, spanning the contracts of 3 management companies preparing the financial statements (C1-19)
 - ii) Board ignoring for weeks the member's notification that the HOA was without property or liability insurance due to insurance agent fraud, resulting in the inability for members to transact condo sales, and causing the closure of member HOA amenities (e.g. pool, sports courts, etc.) (A-4)
 - iii) Failure to file necessary HOA renewal papers for HUD, FHA, GNMA, etc., causing expiry of governmental programs impacting members ability to sell condos (C1-20)

January 29, 2025

By Mark Gavan

- iv) Roofing damage years later filed as a fraudulent insurance claim when it was actually previous storm damage and wear-and-tear (B-3)
 - d) Failure to allow a former Board member to utilize the HOA professional insurance policy coverage to defend that member of HOA subject matter claims by another former Board member, putting both the defending member and the HOA at legal risk for damages (B-5)
- 23) Neglecting Environmental Responsibility (Folder N)
- a) Ignoring environmental guidelines
 - i) Spraying of hazardous chemicals on shoreline destroying plant growth (N-1)
 - ii) Spraying of hazardous chemicals in lakes destroying grass and lily pads (N-2)
 - iii) Discarded plastic trash cans in RV Lot accumulating diseased mosquito-rainwater (N-3)
 - b) Failing to maintain green spaces responsibly.
 - i) Removal of old large trees before organically necessary; the Board disregarding an independent arborist recommendation report that certain trees remain healthy (N-4)
- 24) Failure to Conduct Regular Inspections (Folders K, E1)
- a) Not performing routine inspections to identify and address maintenance and non-compliance issues.
 - i) Allowing some condos to retain grills on their decks
 - ii) Allowing some condos to have decks in disrepair
 - iii) Allowing some condos to have clutter on decks or patios, or on common ground
- 25) Ignoring Maintenance Requests (Folder L)
- a) Failing to address repair and maintenance requests from members in a timely manner
 - i) Work order requests went unrepaired or unresolved for years
 - ii) Work order requests were never acted upon and simply closed
- 26) Inadequate Emergency Planning (Folder M)
- a) Not having and not following an emergency preparedness plan for the community
 - i) No emergency plan exists (L-8, M-13)
- 27) Poor Vendor Management (Folder A)
- a) Hiring or retaining vendors who do not perform their duties adequately
 - i) TBD (A-9)
 - b) Failing to monitor vendor performance
 - i) Painting rotten wood siding and railings when replacement is needed (A-10)
 - ii) Replacing roof shingles when a new roof is needed. My building's damaged and missing gray shingles were replaced with unmatching brown shingles (A-11)
 - iii) Unnecessarily engaging snow removal crews three times the week in the week of January 12, 2025. Snow had not stopped falling for the 1st servicing so the service was premature and would need subsequent service. The 3rd servicing was following a two-inch dusting and was unnecessary especially considering that the next 2 days temperatures were predicted to be above freezing (A-12)
 - iv) Failing to timely pay Four Seasons Ground Maintenance (i.e. snow removal contractor) resulting in loss of contract renewal and consequential price increase. Services performed in February of 2022 were eventually paid on April 24, 2023 (A-13)
- 28) Violating Open Meeting Laws (Folder G1)
- a) Holding Board meetings in private without proper notification
 - i) Conducting Board Meetings without meeting agendas and minutes (G1-2)

January 29, 2025

By Mark Gavan

- ii) Conducting ad-hoc Board Meetings without inviting all Board members (excluding me) (G1-3)
- b) Excluding members from attending Board meetings
 - i) No wheelchair ramp at clubhouse meeting venue for elderly and disabled members (G1-4)
 - ii) Weaponizing Order of Protection against me—calling police to have me removed from meeting attendance (violating Open Meeting Law) (Folders G1, G2)
 - iii) Excluding members from attending Board meetings (Folders G1, G2)
 - iv) Disallowing member Zoom participation, and disallowing members to speak during meeting (G1-8, G1-9; Folders G1, G2)
- c) Conducting meetings or events in which all members have not been invited
 - i) Inviting house owning members but excluding condo owning members (e.g. a material decision/change to reorganize the Indentures and Bylaws without member vote and without filing at the courthouse) (G1-5)
 - ii) Icecream Social where certain member's grandchildren were denied free icecream (G1-7)
- d) Not allowing members to use the Clubhouse for ad-hoc HOA meetings where the Board disapproves with the agenda content (G1-6)
- e) No wheelchair at clubhouse where all meetings are held (G1-10)

Code of Ethics for Autumn Lakes Association Board Members, with cited violations by the Board of Trustees

29) Board Members Agree to:

- a) 1. Act within the boundaries of their authority as defined by law and the governing documents of the association
 - i) Violations
 - (1) The Board discriminated against me by ordering me at multiple HOA meetings where to sit while possessing no legal authority to do so, and calling the police on me on multiple occasions knowing that no law had been broken (i.e. weaponizing of Order of Protection (Folder G2)
 - (2) Numerous instances of selective enforcement of governing documents, and overreaching their authority as Board members (Folders E, H, J, K, L)
- b) 2. Strive at all times to serve the best interests of the association as a whole regardless of their personal
 - i) Violations
 - (1) The Board President (i.e. Charlotte Smith) had a conflict of interest by escalating condo building repairs for buildings containing listed condos for sale that were being represented by herself as both an HOA Board member and realtor, to the detriment of other members awaiting the same or other repairs submitted as work order requests for earlier (Folder C1, C2)
 - (2) Numerous instances of governing document and Ethics Policy violations including improper actions, and failure to act as mandated (all Folders)
- c) 3. Use sound judgement to make the best possible business decisions for the association, taking into consideration all available information, circumstances, and resources (all Folders)

January 29, 2025

By Mark Gavan

- i) Violations
 - (1) The Board made material business decisions impacting the member community without regard to the governing documents mandating a vote for such material decisions or changes that impact the community (e.g. insurance carrier, insurance policy/coverage, snow removal provider and services, selection of multiple property management companies) (Folders A, B, and all Folders)
 - (2) Board disregarded independent arborist recommendation that certain old large trees not be removed (N-4)
 - (3) The Board chose not to commission a financial audit despite an audit not having been performed for numerous years and also spanning three different management companies maintaining the financial books, having periods of time where financial reporting did not occur (i.e. months without postings), material incorrect postings across financial yearends, material reclass and transfer-postings from one HOA legal entity to the other, a realignment of the HOA legal structure requiring corresponding financial restructuring of the books, withholding financial statements from the members for months and years, not distributing financial statements to members and requiring them to visit the AMC property management office and pay a \$100 fee to view them and without being provided a hardcopy (C1-19)
- d) 4. Always speak with one voice, supporting all duly adopted Board decisions – even if the Board member was in the minority regarding actions that may not have obtained unanimous consent, and other improper communications by Board to the membership
 - i) Violations
 - (1) Board repeatedly named a former whistle-blowing Board member (and certain other members) at HOA meetings for having opposing views from their own, in an attempt to demean credibility and harm reputations amongst the HOA membership (Folders H, L)
 - (2) Board repeatedly naming members who had posted opposing viewpoints on social media or who were conducting HOA campaigns that the Board disagreed with (e.g. desires to oust the Board, the 51% petition to oust SMG as property management company, the filing of MO Attorney General complaints against the Board and SMG property management company) (H-2)
- e) 5. Provide opportunities for owners to comment or question Board actions during the open forum of any scheduled meeting (Folder L)
 - i) Violations
 - (1) Questions were submitted by certain members and not read
 - (2) Questions were submitted by certain members in the virtual meeting chat session and not read
 - (3) Members were cutoff by the Board while speaking, that there was not enough time or that the topic had already been addressed or decided or discussed or voted upon.
 - (4) Members were given opportunities to speak after key decisions were already made, vendors selected, management companies selected, contracts or policies already signed.
- f) 6. Perform their duties without bias for or against any individual or group of owners or non-owner residents (Folder J, K, L)
 - i) Violations
 - (1) Discriminatory Practices and Selective Enforcement

January 29, 2025

By Mark Gavan

- (a) Enforcing rules inconsistently or targeting specific residents unfairly, and sometimes inconsistently for houses versus condos
 - (i) Rejecting work order requests -- incorrectly claiming that a common area repair is not HOA responsibility (e.g. landscape bricks repair and replacement)
 - (ii) Repeated ignoring "tripping hazard" work order request for patching of a member driveway gap along garage
 - (iii) Repeated ignoring of condo member work request for black mold ceiling damage and resulting breathing/health claims
 - (iv) Ignoring emergency work request of condo broken external water spigot causing HOA water waste and potential condo flooding
 - (v) Allowing HOA water usage for commercial activities (e.g. water-and-growing of plants for harvested product sales)
 - (vi) Allowing specific individuals to work or perform commercial activities from their home (e.g. selling realty property, selling marijuana and fruits/vegetables, selling insurance, etc.) in violation of governing documents
 - (vii) Allowing some condos to retain grills on their decks
 - (viii) Allowing some condos to have decks in disrepair
 - (ix) Allowing some condos to have clutter on decks or patios, or on common ground
 - (x) No wheelchair ramp to clubhouse where HOA meetings are held
 - (xi) No wheelchair ramp to pool or sports courts
 - (b) Failure to allow a former Board member to utilize the HOA professional insurance policy coverage to defend that member of HOA subject matter claims by another former Board member, putting both the defending member and the HOA at legal risk for damages
 - (c) Board hanging signs on HOA member's chair and the meeting venue door with Board member's court Order of Protection filing information, and extending of a 50 foot rope from that Board member's chair at the Board table to the member's chair outside of the building. Rope extended across every row of seating, across the entire room, across the doorway and the steps to the building. Not only hazardous, but unethical treatment of a member with the behavior being a violation of governing documents
 - (d) Three Board members filing a court Order of Protection against a whistle-blowing former Board member as retaliation for his speaking critically of the Board's behavior
- g) 7. Disclose personal and professional relationships with any company or individual who has or is seeking to have a business relationship with the association (Folders A, B, C)
- i) Violations
 - (1) Depositions with subpoenas are being planned for key 3rd parties
- h) 8. Conduct open, fair, and well-publicized elections (Folder I)
- i) Violations
 - (1) Conducting Board elections without following proper procedures, resulting in unfair or invalid results.
 - (a) Inadequate and untimely publication of upcoming Board member elections

January 29, 2025

By Mark Gavan

- (b) Mailing ballots late, causing members inability to cast vote prior to election (i.e. mail-in return of completed ballots for members not able to physically attend in-person vote)
- (c) Change to voting and ballot rules the night of the 2024 Board member election (e.g. ballots not counted based on color or type of ballot paper, ballots discarded if no proxy name included, restrictions on method of ballot submittal, oversight of ballot count, etc.)

30) Board members agree not to:

- a) 1. Advocate or support any action or activity that violates a law or regulatory requirement (Folders B, G)
 - i) Violations
 - (1) Fraudulent storm insurance claim was filed (B-3)
 - (2) Discrimination against certain members and member classes (e.g. whistleblower, elderly, disabled, ethnic/asian/black (Folder K)
 - (3) Environmental infractions of polluting common grounds and lakes with chemicals (Folder M, N)
 - (4) Harassment and discrimination of me by the Board by extending 5 foot rope across room to my chair where a sign was hanging with my personal information on that chair and the clubhouse door (Folder G2)
- b) 2. Divulge personal information about any association owner, resident, or employee that was obtained in the performance of Board duties (Folders G, H, K, L)
 - i) Violations
 - (1) Sharing names of members in HOA meetings and amongst community who are leading efforts against the Board members (e.g. Facebook Group admins, website admins, authors of filings to Missouri Real Estate Commission, authors of filings to MO Attorney General, authors of filings to entities such as MO Water & Sewer and the EPA, members in legal disputes with Board members and other members (Folder K)
 - (2) Naming individual members during meetings and social media to discredit the member (H-2)
 - (3) Defaming a former Board member claiming in multiple meetings that the member had stolen and improperly used HOA documents (e.g. member email distribution list, published financials, etc) (G1-1)
 - (4) Board hanging signs on HOA member's chair and the meeting venue door with Board member's court Order of Protection filing information, and extending of a 50 foot rope from that Board member's chair at the Board table to the member's chair outside of the building. Rope extended across every row of seating, across the entire room, across the doorway and the steps to the building. Not only hazardous, but unethical treatment of a member with the behavior being a violation of governing documents (Folder G2)
- c) 3. Share preliminary/final financial information or preliminary/final decision making prior to an agreement by the majority of the Board that information is ready to be disclosed, and how to disclose it (Folder C, G)
 - i) Violations

January 29, 2025

By Mark Gavan

- (1) The Board accused former Board member of stealing financial statements while serving on the Board and distributing it to other members, when the Board had posted the financial statement themselves on the member portal (G1-1)
 - (2) The Board failed to produce accurate financial statements and also refused to distribute the financial statements to the member community upon their request (Folders C, G)
 - (3) The Board instructed the property management company (CPM) to not disclose financial statements to members, then only distributed the condo statements to the condo owners but not the house/ALA statements to the condo owners, and only distributed the house/ALA statements to the houses owners but not the condo statements to the house/ALA owners. This lack of transparency prevented any member from seeing the consolidated financial statements and knowing how much was “overall” being earned by dues, spent by operating expenses, and how much retained in Reserves (Folders C, G)
- d) 4. Misrepresent known facts in any issue involving association business (Folders J, K)
- (1) Board miscommunications regarding insurance status and coverages, loss of coverages, whether rule changes were included in the insurance policy or was only Board guidance, and other lack of transparency and mistruths
 - (2) Board ignoring written violation warnings to them and the Board President for her displaying vehicle realtor marketing signage in violation of indentures and bylaws. The warning letters and fine violation letters were issued to Board President and Board who all ignored them. Board included a note in the Gazette Newsletter that the vehicle signage was not a violation of the indentures and bylaws when clearly the Board was misrepresenting known facts and the governing documents
- e) 5. Reveal to any owner, resident, or other third party, the discussions, decisions, and comments made at any meeting or discussion of Board members regarding association issues (Folder)
- f) 6. Reveal confidential information provided by contractors or share information with those bidding for association contracts unless specifically authorized by the Board (Folders A, B)
- g) 7. Make unauthorized promises to a contractor or bidder (Folders A, B)
- h) 8. Use their positions or decision-making authority for personal gain (Fold)
- (1) Board President conflicts of interest in being a realtor member that created work requests and approved same requests, expediting building repairs for condos in which she was the listing agent or was trying to be the listing agent, putting her deals ahead of member repair requests (Folders J, K)
- i) 9. Spend unauthorized association funds for their own personal use or benefit (Folders C, G, K, L)
- i) Violations
- (1) Risks from Board receiving cash payments from members being issued pool keycards and sports courts padlock keys
 - (2) Board receiving payments from HOA bank accounts (e.g. for managing property management company app, HOA website, other reimbursements (C1-26)
 - (3) Deposits, payments, refunds, reimbursements, any transfer payments or any kind, to be addressed by subpoenas being planned for key 3rd parties
- j) 10. Accept any gifts – directly or indirectly – from owners, residents, contractors, or suppliers, except for inconsequential gifts (under \$25) given to all Board members (C1-25)
- k) 11. Make personal attacks on colleagues, staff, employees, owners or residents through any means (Folder G, H, K, L)

January 29, 2025

By Mark Gavan

- (1) Board hanging signs on HOA member's chair and the meeting venue door with Board member's court Order of Protection filing information, and extending of a 50 foot rope from that Board member's chair at the Board table to the member's chair outside of the building. Rope extended across every row of seating, across the entire room, across the doorway and the steps to the building. Not only hazardous, but unethical treatment of a member with the behavior being a violation of governing documents
 - (2) Board President repeatedly calling police on former whistleblower Board member for attending meetings in which she knew he was legally entitled
 - (3) Board President repeatedly calling police on former whistleblower Board member for legal picketing
 - (4) Harassing neighbors with HOA fine warnings (e.g. "you have 15 minutes" to rectify the matter, waving violation notices at member doorbell cameras, shouting through doors and on member doorbell cameras, knocking on doors with violation notices instead of mailing them
 - (5) Three Board members filing a court Order of Protection against a whistle-blowing former Board member as retaliation for his speaking critically of the Board's behavior
 - (6) Harassment of members via discrimination and selected violation enforcement
- l) 12. Harass, threaten, or attempt through any means to control or instill fear in any Board member, owner, resident, employee, or contractor (Folder G, H, K, L)
- (1) Board hanging signs on HOA member's chair and the meeting venue door with Board member's court Order of Protection filing information, and extending of a 50-foot rope from that Board member's chair at the Board table to the member's chair outside of the building. Rope extended across every row of seating, across the entire room, across the doorway and the steps to the building. Not only hazardous, but unethical treatment of a member with the behavior being a violation of governing documents
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 - (5) Three Board members filing a court Order of Protection against a whistle-blowing former Board member as retaliation for his speaking critically of the Board's behavior
 - (6) Harassment of members via discrimination and selected violation enforcement

31) Additional Policies Communicated on 6/23/23

- a) 1. All communications with SMG must go through the Board President unless coordination has been assigned to another trustee by the President (Folders J, K)
 - i) Violations
 - (1) Board's placing a gag order against Board member who then quit and became whistleblower of Board's improper behavior

January 29, 2025

By Mark Gavan

- b) 2. All vendor communications, for example, current contracts, bids, direction to workers, etc must go through SMG or the Board President unless coordination has been assigned to another trustee by the President (Folders J, K)
 - (1) Board's placing a gag order against Board member who then quit and became whistleblower of Board's improper behavior
- c) 3. Any trustee in violation of the Code of Ethics for Autumn Lakes Board Members will be assessed a \$50 fine per occurrence. Continued violations may result in Board sanctions (Folder)
 - (1) Board's placing a gag order against Board member who then quit and became whistleblower of Board's improper behavior (Folders J, K)

32) Questions for Board Members

- 1 How long have you lived in Autumn Lakes subdivision?
- 2 How long have you been serving, or served, on the Autumn Lakes Board as a Trustee, Officer, and/or Committee Member?
- 3 Does Autumn Lakes have Indentures, Bylaws, and/or Rules, (this collection furthermore referred to as "governing documents" that owners are to abide by? Please explain.
- 4 Are there any additional governing documents that owners are to adhere to? Please explain.
- 5 Do you ensure that any condo buyer receives a copy of Autumn Lakes Indentures, Bylaws, and/or Rules? Please explain. How are these governing documents issued to new owners?
- 6 Do Autumn Lakes Indentures, Bylaws, and Rules, occasionally get modified or updated? Explain this process. How do the modified versions of governing documents get provided to existing owners?
- 7 Where do the latest versions of Autumn Lakes Indentures, Bylaws, and Rules, reside for owners to access the current version of each governing document?
- 8 Have you ever mailed or delivered any realty marketing materials to any Autumn Lakes condo or house? For what reason? Who was the property owner? When did this occur?
- 9 Is there an Indenture, Bylaw, Rule, or Board Ethics Policy, regarding signage placed on, near, or visible from, an Autumn Lakes condo, house, or vehicle? Please explain. Is that Indenture, Bylaw, Rule, or Board Ethics Policy, currently filed at the St. Louis County Courthouse and considered a legal document? What is the filing date of the document?
- 10 Have you ever removed any type of signage that was placed on, near, or visible from, any Autumn Lakes condo, house, or vehicle? For what reason? Who was the property owner? When did this occur?
- 11 Have you ever requested an Autumn Lakes owner or resident remove their vehicle from their driveway or the street because it contained marketing signage? For what reason? Who was the property owner? For what reason? Who was the property owner? When did this occur?

January 29, 2025

By Mark Gavan

- 12 Have you ever Fined, or issued a Warning, to any Autumn Lakes owner or resident for signage placed or visible from their property? Please explain. Who was the property owner? When did this occur?
- 13 Have you ever placed realty marketing signage on a vehicle(s) that was parked in the driveway or street in front of a condo that you own? For what reason? When did this occur?
- 14 Has any Board of Trustee ever requested that any realty marketing signage be removed from your vehicle(s), or that you relocate the vehicle(s) containing the signage away from the front of your condo? Please explain. Was a Fine assessed or a Warning issued? Who made the request, assessed the Fine, and/or issued the Warning? When did this occur? What was the Fine amount and did you pay it?
- 15 Has any Autumn Lakes owner or resident ever requested that any realty marketing signage be removed from your vehicle(s), or that you relocate the vehicle(s) containing the signage away from the front of your condo? Please explain. Was a Fine assessed or a Warning issued? Who made the request, assessed the Fine, and/or issued the Warning? When did this occur? What was the Fine amount and did you pay it?
- 16 Are Board of Trustees (including Officers and Committee Leads) exempt from Fines and Warnings for failing to adhere to governing documents? Please explain. When is the last time a Board of Trustee (including Officers and Committee Leads) has paid a Fine. Please explain. Who was the Board Member, Who assessed the fine, for how much, on what date, and was it paid by the Board Member? Please explain.
- 17 Was Mr. Gavan issued a Warning or a Fine for displaying signage near his condo? Please explain.
- 18 Was Mr. Gavan issued a Warning or a Fine for carrying picket signs or displaying picket signs on common ground, his condo driveway, public sidewalks/streets? Please explain.
- 19 Did you call the police to report Mr. Mark Gavan's picketing? Please explain. What was the police's response to the picketing? How many times were the police called regarding the picketing?
- 20 Did you convey in an HOA meeting that owners and residents cannot leave their lawn furniture on their driveway for "extended periods of time"? Is this rule contained in the latest version of the governing documents filed at the courthouse? Please explain.
- 21 Did you convey in an HOA meeting that owners and residents cannot walk their dog on an extended leash reaching onto common ground, and is this rule contained in the latest version of the governing documents filed at the courthouse? Please explain.
- 22 Did you convey to the Landscape Lead that Mr. Gavan must remove his flowers and landscape ring from around his front tree on common ground while numerous other owners have precisely the same? Did you request the Landscape Lead remove/transplant the flowers in the summer heat of September 2022 where they then died, and the landscape ring removed the following day? Please explain.
- 23 Did the Board deny Mr. Gavan's 10-Day Demand Letter requesting a copy of the pool/clubhouse surveillance video of him being harrassed by the Board's Social Committee Lead, despite the matter having been discussed with the Board by the police and the complaint of the public intoxication and

January 29, 2025

By Mark Gavan

harassment by the Committee Lead? Please explain why Mr. Gavan was denied access to the HOA coverage that his monthly dues pays for?

24 Has Mr. Gavan ever been in your home or place of business--how many times and for what purpose? Please explain.

25 Has Mr. Gavan ever been in your vehicle, on your porch, garage, deck--how many times and for what purpose? Please explain.

26 Has Mr. Gavan ever shook your hand or physically touched you? Please explain.

27 Has Mr. Gavan ever had a phone conversation with you--how many times and for what purpose? Please explain.

28 Has Mr. Gavan ever sent you an email or other correspondence for a purpose other than HOA business? Please explain.

29 Did you obtain an Order of Protection against Mr. Gavan? Please explain.

30 Has Mr. Gavan been cited with any Violation of the Order of Protection against you? Please explain. Provide the Violation date

31 Have you ever called the police, or requested that someone contact the police, on Mr. Gavan for attending an HOA meeting? Please explain. What date(s) did this occur?

32 Were you advised, or did you hear, Judge Green say in court that Mr. Gavan attending HOA meetings is legal per the US Constitution, even despite the Order of Protection? Please explain.

33 Did Judge Green request that you measure the Clubhouse meeting room and to return to his court if you could not determine a seating configuration where Mr. Gavan could be seated 50-feet or further from Mrs. Smith? Please explain. Did you measure the meeting room and comply with his request if the 50-foot rule was not possible? Please explain.

34 Did you extend a 50-foot rope from your chair at the Board Table, across each row of owner/resident chairs, to the rear of the meeting room, around the corner, out the front door, down the steps, into the parking lot. The other end of the 50-foot rope tied to Mr. Gavan's chair that contained a sign with his name and the Order of Protection court case information affixed to his chair residing in the parking lot and another copy of the sign on the Clubhouse meeting room door for all members to see? Please explain. What date did this occur?

35 Would you consider this "50-foot rope" to be harassment of Mr. Gavan? Please explain.

36 Do any of the governing documents contain guidelines that no harassment of any other member is acceptable? Please explain.

37 Do any of the governing documents contain guidelines that no other member is to be named, defamed, or their personal information divulged, during member meetings? Please explain.

38 Was Mr. Gavan a Board member? For what period of time?

January 29, 2025

By Mark Gavan

- 39 Did Mr. Gavan resign as a Board member? Please explain. On what date did he resign from the Board?
- 40 Did Mr. Gavan become an Autumn Lakes Board Whistleblower, communicating his experiences, understandings, and beliefs, to other HOA members? Please explain.
- 41 How have you reacted/responded to and treated Mr. Gavan subsequent to his departing the Board and becoming a Board Whistleblower? Please explain.
- 42 Have you ever communicated to owners that Mr. Gavan stole an email distribution list while he was serving on the Board, and distributed it to owners? Please explain. When did this communication occur?
- 43 Have you ever communicated to owners that Mr. Gavan stole unpublished financial statements while he was serving on the Board, and distributed it to owners? Please explain. When did this communication occur?
- 44 Have you ever called Mr. Gavan a liar, or accused him of lying, to other owners and/or residents? Please explain. When did this occur?
- 45 Have you ever conveyed to other owners and/or residents that Mr. Gavan is dangerous to the community? Please explain. When did this occur?
- 46 Have you communicated to anyone in the past 3 years that Autumn Lakes is in its worst condition ever? To whom was it communicated, and on what date?
- 47 On July 26, 2023, did you convey in an owners/Board meeting that you and your husband never transact realty deals that are considered "Dual Agency"? Please explain.
- 48 On July 26, 2023, did you become irate and storm out of the meeting with owners when confronted with your transacting as realty "Dual Agency"? Please explain.
- 49 Have you or your husband ever committed to anyone that you could expedite condo building repairs so as to complete the repairs prior to the realty transaction Closing Date? Please explain. What were the names of the buyer and seller? On what date did this occur? Include all occurrences.
- 50 Have you while being a Board member or Committee Member ever expedited condo building repairs so as to complete the repairs prior to the realty transaction Closing Date? Please explain. What were the names of the buyer and seller? On what date did this occur? Include all occurrences.
- 51 To obtain a realty client or transaction, have you ever stalked, intimidated, and/or retaliated against anyone? Please explain.
- 52 To complete any Board or Committee assignment, task, or voting outcome, have you ever stalked, intimidated, and/or retaliated against anyone? Please explain.
- 53 While being a Board member or Committee member, have you ever stalked, intimidated, and/or retaliated against anyone? Please explain.
- 54 While being a Board member or Committee member, have you ever named and/or defamed another owner or resident on social media? Please explain.

January 29, 2025

By Mark Gavan

55 Have you ever communicated to a condo owner that their repair request would not proceed (i.e. treated as rejected or closed) because it was not HOA responsibility, when in actuality it was HOA responsibility and/or HOA property? Please explain. What was the name of the owner? On what date?

56 Have you ever communicated to a condo owner that their repair request would be addressed at a later date (i.e. treated as postponed or deferred) because you had disagreements or negative history with the owner. Please explain. What was the name of the owner? On what date?

57 Have you failed to act upon a work request in which it was communicated by the owner to be a hazardous or dangerous situation? Please explain. On what date did this occur?

58 Have you ever instructed that a subpar solution be implemented for an HOA task/activity/repair/replacement because of disagreements or negative history with the owner. Please explain. What was the name of the owner? On what date?

59 Have you ever postponed or denied a repair request because the owner or resident was elderly, a minority, or other stereotype or diversity? Please explain. What was the name of the owner? On what date?

60 Has the Gazette newsletter ever been published late--in the subsequent month(s) from which it is labeled? Please explain. On what date did this occur?

61 The Board conducted a Communications Focus Group in response to owner concerns over Board communication practices. Were their documented findings acted upon, and how? Please explain. On what date was the communication process improvement implemented?

62 Have you ever instructed the Insurance Broker, the HOA Lawyer, management company personnel, or any service provider, to not interact with certain condo owners because you had disagreements or negative history with the owner. Please explain. What was the name of the owner? On what date?

63 Have you ever knowingly allowed a condo owner to grow fruits, vegetables, plants, or marijuana, in their condo or on their patio/deck? Please explain. What was the name of the owner. On what date?

64 Have you ever knowingly allowed a condo owner to sell or transact their homegrown fruits, vegetables, plants, or marijuana, from their condo, porch, driveway? Please explain. What was the name of the owner. On what date?

65 How would you describe the current condition of the Clubhouse?

66 How would you describe the current condition of the swim pool?

67 How would you describe the current condition of the tennis court?

68 How would you describe the current condition of the basketball court?

69 How would you describe the current condition of the water retention lakes?

70 How would you describe the current condition of the shores of the water retention lakes?

71 How would you describe the current condition of the RV lot?

January 29, 2025

By Mark Gavan

- 72 How would you describe the current condition of the maintenance garage?
- 73 How would you describe the current condition of sinkholes?
- 74 How would you describe the current condition of condo lawns (i.e. grass)?
- 75 How would you describe the current condition of trees and bushes?
- 76 How many trees have been removed in the past 3 years (i.e. exclude city-removed trees on easements)?
- 77 How many trees have been planted on common grounds in the past 3 years (i.e. exclude city-planted trees on easements)?
- 78 Is a "licensed" arborist report obtained for any tree health/disease evaluation prior to their removal? Please explain.
- 79 Where are prior years property repair records archived for owner inquiry?
- 80 Have any property repair records in bulk ever been lost by the Board or property management companies? Please explain. When did this occur?
- 81 Have any financial records or financial statements in bulk ever been lost by the Board or property management companies? Please explain. When did this occur?
- 82 Has renewal paperwork ever failed to be submitted resulting in HUD or GNMA or other governmental programs expiring for the HOA that impacted owners ability to sell condos but for a cash sale? Please explain. When did this occur?
- 83 What is the Board's policy for formal inspections of the common grounds including condo exteriors?
- 84 On what dates were the formal inspections performed by the Board of the common grounds including condo exteriors over the past 3 years?
- 85 What is the name and contact information for the HOA insurance broker?
- 86 Has the HOA failure to carry insurance ever impacted owners ability to sell condos but for a cash sale? Please explain. When did this occur?
- 87 Has the HOA ever had government-backed or government-issued insurance coverage? Who was the agent and the name of the insurer? What dates was the policy effective?
- 88 Has the HOA ever forgotten to file an insurance claim for roof, siding, or gutter storm damage? Please explain. When did this occur?
- 89 Has the HOA ever filed a storm insurance claim that was denied for any reason? Please explain. Please name the insurer and the date of the rejection/denial.
- 90 Explain why roofing repairs to Mr. Gavan's condo building included replacing the gray roofing shingles with unmatching brown colored shingles?
- 91 How many realty Listings have you represented, by year: 2021, 2022, 2023, 2024, 2025?

January 29, 2025

By Mark Gavan

- 92 For the years 2021, 2022, 2023, 2024, 2025, has any year's average condo sales price decreased (or have average condo sales price increased year-over-year for all 5 years? Please explain.
- 93 Have you ever paid or incentivized a realty inspector to expedite the delivery of their report, or to overlook or minimize the importance of any finding? Please explain.
- 94 Have you ever closed on a realty transaction and then failed to complete the agreed-to or contractual repairs or maintenance? Please explain.
- 95 Have you ever seen a medical professional regarding cognitive issues, memory problems, or situational confusion? What was the diagnosis, date of diagnosis, doctor's recommendation regarding job or working? What date was the most recent visit?
- 96 Has anyone ever brought to your attention that you have memory issues, or that you are confusing and commingling attributes from multiple separate situation? Please explain.
- 97 Do you write and hang notes for yourself around your home as reminders due to your memory loss? In what other ways do you cope with this memory loss or cognitive decline? Please explain.
- 98 Have you ever been sexually assaulted? In what city/county/state did the assault occur? On what date did it occur? Was the attacker apprehended; sentenced? Have you sought emotional or psychological therapy or counseling, when, and does this treatment continue currently?
- 99 Have you ever instructed anyone to apply chemicals to the water retention lakes (into the water)? Please explain. Who was this requested of, and on what date?
- 100 Have you ever instructed anyone to apply chemicals to the water retention lakes' drainage pipes, spillway, shorelines? Please explain. Who was this requested of, and on what date?
- 101 Have you ever received a payment, gift, or incentive, from any prospective, current, or former business partner of Autumn Lakes? Please explain. On what date?
- 102 When receiving cash deposits for pool keycards and sport court padlocks, was all of these funds deposited into Autumn Lakes bank accounts? Please explain.
- 103 Now that pool keycards and sport court padlocks are no longer deposits and are considered permanent, how has this been reflected on the HOA bank statements and financial statements (i.e. reclass of receivable to income)? Please explain.
- 104 Have you received reimbursement from any property management company or person/organization/company/entity that led to a funds transfer (e.g. ACH, Wire), bank check, cash, or any other gift or remuneration, paid directly to you or a spouse or family member? Please explain.
- 105 Have you ever written yourself a bank check or withdrawn cash from the HOA bank account? Please explain.
- 106 Have you ever used the Clubhouse for personal reasons and not paid the unreturnable Rental Fee? Please explain.
- 107 Have you ever received Clubhouse unreturnable Rental Fees or deposits in cash or with a check written to you in your own name/surname? Please explain.

January 29, 2025

By Mark Gavan

- 108 Have you ever been bonded for any Board position or role? Please explain. What company issued the bond, and on what date?
- 109 Did you choose to renew the contract with SMG for a second year because the Autumn Lakes financials were in disarray? Please explain.
- 110 Were there any months or years in which the Board and/or the property management company failed to publish financial statements to all HOA members? Please explain. What months, years?
- 111 How can owners obtain monthly and financial financial statements for the past 10 years. Please explain.,
- 112 When was the last financial audit. Who was the auditor?
- 113 Why have we not had a financial audit subsequent to the previous audit? Please explain.
- 114 When is the next financial audit planned? Who will be the auditor?
- 115 What is the name and contact information for the HOA attorney?
- 116 What is the hourly billing rate of the HOA attorney?
- 117 Explain your justification for selecting an HOA attorney for our not-for-profit organization at that billing rate?
- 118 Has the HOA ever denied a Board member or former Board member legal representation for any HOA-related claims occurring during and/or subsequent to the Board member having served on the Board? Please explain. When did this occur?
- 119 Has the HOA ever used Reserves balances to fund operating expenses (i.e. financial statement cross-entity postings between ALA to-and-from ALC)? Please explain. When did this occur?
- 120 Does the HOA prepare annual Capital Budgets containing lists of projects, dollar amounts allocated? Please explain.
- 121 Does the HOA prepare annual Capital financial statements reflecting overage and underage capital spending for the year? Please explain.
- 122 If the HOA does not prepare annual Capital financial statements, then how are the capital expenditures reflected on the operating financial statements so as not to improperly skew operating revenues/spending and the calculation of net income for the year? Please explain.
- 123 Are current years financial statements used in preparing the subsequent year's budget? Is the subsequent year's budget to be approved before the current year financials have been published for owners' review? Please explain.
- 124 Do owners vote on all capital projects being budgeted for the upcoming year? Please explain.
- 125 Do owners vote on all material HOA organizational decisions and governing document changes before they are implemented? Please explain.

January 29, 2025

By Mark Gavan

126 Is there a shared centralized repository for HOA governing documents including Rules, vendor contracts, HOA and owner issues and decisions, Board voting results, Board Meeting Agenda and Minutes, owner election results and ballots, repair history by unit address, amenities repair history)? Please explain.

127 Are election ballots maintained for subsequent recount? What years of ballots remain available? Please explain.

128 Has any owner requested the ballots to perform a recount? Please explain. When did this occur?

129 Have all Condo financials ALC been provided to house owners? What months were they not published? Please explain.

130 Have all ALA amenities financials been published to condo owners ALC? What months were they not published? Please explain.

131 Have all ALA and ALC financials been published to all condo and house owners? What months were they not published? Please explain.

132 Have any year-end financial statements been closed for that year without all material transactions having been recorded? Please explain.

133 Is the Officer position titled "Treasurer" mandated by the governing documents? What years was a Board member designated as the Treasurer?

134 Have all governing documents' rules/regulations/policies been enforced consistently across all owners and residents without selective enforcement or discrimination based on age, ethnicity, mobility, or personal history/vendetta? Please explain.

135 Are wheelchair ramps installed at the sole location for HOA meetings (i.e. Clubhouse) and at the pool and sports courts? Please explain.

136 Do all HOA meetings have a prepared and centrally archived Agenda, Minutes, Board vote history? Please explain.

137 Are HOA social media sites, portals, applications, databases, available to all owners without bias or discrimination? Please explain.

138 Are insurance coverages voted upon by owners (e.g. earthquakes, grill usage on decks, woodburning fireplaces in condos? Please explain.

139 Was it communicated to owners that the insurance policy that the Board had chosen would prohibit owner grill usage on decks, woodburning fireplaces in condos, impact earthquake coverage, prior to selecting/signing the policy? Please explain.

140 Do governing documents allow for owner grill usage on decks, woodburning fireplaces in condos? Please explain.

141 Do governing documents mandate that insurance coverage be held at all times, and that natural disasters such as earthquakes be included in the coverage? Please explain.

January 29, 2025

By Mark Gavan

- 142 Does the HOA have insurance coverage for earthquakes in 2025? Please explain.
- 143 Are 3rd party services voted upon by owners (e.g. snow scraping of sidewalks, weed pulling, preemergent/fertilizer/pesticides, lake and shore treatment)? Please explain.
- 144 Is the Clubhouse available to all owners for HOA members? Please explain.
- 145 Are Board member positions restricted to only 1 member per condo building for any year? Please explain.
- 146 Are Board members allowed to conduct presentations during HOA meetings--in the general section and/or Owners Forum? Please explain.
- 147 Have you ever disallowed an owner or resident from speaking during an HOA meeting, or abruptly interrupted them from speaking before they had completed their message to other owners? Please explain. When did this occur?
- 148 Has the Board (i.e. Pamela Bell) ever banned an owner (i.e. Mr. Gavan) from attending an HOA meeting via Zoom? Please explain. When did this occur?
- 149 Have you ever failed to read Owners Forum questions submitted by any owner or resident, including those asked via Zoom? Please explain. When did this occur?
- 150 Are capital expenditure projects, goods, services, voted upon by owners (e.g. Indentures/Bylaws Redesign, Reserves Study, Financial Audit, Landscaping, Snow Removal, capital projects such as asphalt and sealant)? Please explain.
- 151 Have capital projects ever been implemented while knowing that capital reserves cannot support that level of spending? Please explain. What date did this occur?
- 152 Have you ever communicated in any way that monthly dues have never, and would never, be increased by more than CPI? Please explain. What date this this occur?
- 153 Were condo monthly dues increased approximately 28% for 2024 without member vote, and exceeding CPI of 3%? Please explain."
- 154 Were condo monthly dues increased approximately 18% for 2025 without member vote, and exceeding CPI of 3%. Please explain
- 155 Is training provided to Board members for work request submittal, work order creation, work approvals, work assignment, work status management, work order rejection / completion)? Please explain.
- 156 Is training provided for the Vendor/Contractor Bidding and Award process? Please explain.
- 157 Does an HOA Emergency Preparedness Plan exist and is it periodically updated and shared with owners and residents? Please explain.
- 158 Is insurance in effect at all times and with adequate policy coverage for all HOA assets? Please explain.

January 29, 2025

By Mark Gavan

159 Is Professional / Errors and Omissions insurance available for all Board members? Please explain.

160 Are all owners invited and allowed to attend to all owner meetings without bias or discrimination? Please explain.

161 Are Board elections open, fair, well-publicized, election rules conveyed, ballots timely delivered and collected, oversight of ballot counting? Please explain.