

July 26, 2010

The Board would like to inform the community of a sensitive homeowner matter. A member of our community has requested the names, addresses and telephone numbers of all members of the Association. The purpose stated was to use the information to distribute a petition. The member has the right to request this information per section 9.18 of the Association Bylaws. The Board was required to and has released the names and addresses of the Association members, as legally required.

The Board sought legal opinion as to whether the Board is required to release telephone numbers. Legal counsel advised that Civil Code Section 1365.2(d) (1) (D) states the Association may withhold information that “is reasonably likely to compromise the privacy of an individual member of the association.”. The Board made the decision to withhold telephone numbers and not disclose this private and confidential information based on the opinion of legal counsel. The Board believes this decision is in the best interest of the members. The member has already been provided with the name and address information, which is what would be needed to mail out a petition.

The member who is seeking the telephone numbers has also requested an Alternate Dispute Resolution (ADR) hearing to try to obtain the telephone numbers of the members. The Board will be working with legal counsel on our next steps regarding this request.

Please be on the lookout for a form coming in the August newsletter that is for “opt out” purposes. Our management company, Merit, would like to give each member the opportunity to indicate whether or not you would like your information withheld if this situation were to present itself again in the future. There are forms available to fill out at the clubhouse, should you prefer to take action before receiving the August newsletter. That same form will also have an “opt in” option if members desire to receive their HOA correspondence via email.

The Board does not want to alarm anyone. This notice is simply being distributed to keep members informed and provide tools to help keep your personal information private, if you so desire.