



## HSVPOA Defying Court Ruling

### Description

By Stephen Rust and Robert Busse

#### Stephen Rust said:

Quote from the judge's ruling in the case requesting access to association records: "**MEMBERS** should have reasonable access to **ALL OF THE RECORDED INFORMATION HELD BY THEIR ORGANIZATION** as long as they have some kind of **MINIMAL, NON-MALICIOUS** purpose for wanting the information. To deny **ANY MEMBER** of the association access to **ANY** and or **ALL** recorded information, can only mean that those denying access determined that the member did not have a minimally reasonable purpose or that they determined the member had a malicious purpose. This is insulting to those that requested and were denied access to information. My opinion is that present leadership has once again proven that they have every intention of controlling the village in order to accomplish their desired purpose.

#### Did leadership read the Judge's ruling?

Maybe leadership also did not read the part of the court ruling that states "if giving information raised the risk of identity theft, and negatively affected the security of HSV community they would still be required to provide access to inspect the records."

I haven't read the form people sign to get information, but nothing forbids giving info to those that aren't property owners. In my opinion, leadership, without a doubt has defied what the court ruled.

#### Robert Busse's response to Stephen Rust

I overwhelmingly agree with Mr. Rust. In a letter to Mr. Leeming, our BOD Chair indicated the appeal for information by the CEO was being upheld. It further indicated that THEY had determined he was going to use information in a manner detrimental to HSV.

## **Cindi Erickson's denial to Frank Leeming**

Erickson's letter– "Frank, the board upholds Lesley's denial of access to POA records, as reflected in your January 5 request, for these reasons:

- "Despite indicating that you do not intend to make the records available to those who are not members of HSVPOA, there is evidence that your email distribution list, which has been used to supply acquired records to others, includes some who are not HSVPOA members. Distributing records to those without regard to membership standing extends well beyond your stated purpose "to learn more about the operations of the POA." (Note: In a phone conversation with you that just concluded, you ascertained that you intend to distribute the information to your email distribution list.)
- "Despite indicating that you do not intend to use the information to the detriment of the Association or others, the board feels that you have in fact done so in at least one prior records access request. As a result, this board has chosen to avoid this risk by denying your January 5 request as submitted. Please contact Lesley directly if you would like to know which of the documents you request do not exist. Cindi Erickson"

## **Directors upheld denial**

At the February BOD meeting, the four directors present voted unanimously to uphold Nalley's denial of information requested by Frank Leeming and a different request by Lloyd Sherman. I did not see anything in the judge's ruling that said that the CEO/BOD had the right to, or was supposed to determine the actual (in their eyes) intended use of an individual's request. Nor did I see in the judgment that any information, obtained by an individual, could NOT be seen by anyone who is not a member of our Association. Therefore, denial of information requested by Lemming is in contempt of court and should be filed with the court!

## **POA violating their own policy/restriction?**

I would like to also remark that our Leadership and POA quite regularly violate their own policy/restriction quite often. How many businesses or outside individuals, looking to engage with the POA in some manner, come to the POA to get information on some matter so they may pursue a relationship with us. Or, the POA may ask them to come to perform some action or project. When those folks start asking questions does the POA deny them information because they are not owners? Or when there is a delegation of POA leaders/management attending a conference, convention or trade show, etc., do they deny any information to those nonmembers who may have inquisitive questions about our community??

## **POA's actions contrary to court judgment?**

This denial of POA information is illegal, unlawful and I would hope to be brought to the court system soon. A Contempt of Court ruling will certainly be made generating a Cease and Desist Order, and possible fines or jail time for certainly the CEO and BOD who have voted to deny owners access to

reasonable information. This has got to stop and these actions are contrary to the spirit of the court judgment.

### Summary Judgment (7/8/19)

[embeddoc url="https://hotspringsvillagepeople.com/wp-content/uploads/2020/02/Order-Granting-Summary-Judgment-7.18.19.pdf" download="all" viewer="google"]

\*\*\*

### Video of Rust speaking at 2/19/20 Board Meeting

By [Stephen Rust](#) and [Robert Busse](#), February 21, 2020

Thank you for reading.

### Category

1. HSV Villager's Opinion

### Tags

1. hot springs village ar
2. hot springs village arkansas
3. hot springs village court case
4. Hot springs village people
5. hot springs village robert busse
6. hsv poa hot springs village poa
7. hsv robert busse
8. hsv robert herzfeld

### Date Created

02/21/2020

### Author

lynn