

From: John Harbison <harbisonjohn@gmail.com>

Subject: Re: Palos Verdes Homes Association

Date: December 18, 2015 at 9:15:45 AM PST

To: Eric Castro <Eric.Castro@lewisbrisbois.com>

Cc: Jeff Lewis <jeff@broedlowlewis.com>, "Ms. Renata Harbison"

<renata_harbison@yahoo.com>, Sid Croft <sfcroftlaw@aol.com>, Brant Dveirin

<Brant.Dveirin@lewisbrisbois.com>, Kim Robinson <kim@pvha.org>, Mark Paulin

<mark.paullin@gmail.com>, Jason Ebbens <jason@broedlowlewis.com>

Eric,

Thank you for your email of 12/14/15. The ROBE Steering Committee met last night and would like to confirm our next steps so there is no misunderstanding:

- 1 We interpret 7522 (a) differently, because the beginning of that clause says "The corporation's articles or bylaws shall set a date for the close of nominations for the board." As you know, no such language exists in PVHA's By-Laws or Articles. So while such a limitation would be enforceable if it were in the By-Laws or Articles, it is not enforceable under 7522 (a) because it is not in the By-Laws or Articles.
- 2 We are disappointed that PVHA has chosen not to send out subsequent mailings. We understand as many as three mailings have been sent in previous years, and given the community's heightened current interest in this election, a follow-on mailing with the names of all 9 nominees would be a constructive step to signal that PVHA's interests in good government and a free and open election are manifest.
- 3 In lieu of an official mailing from PVHA, ROBE will elect to send out its own mailing using the database that you have provided. The \$12,000 estimated cost for PVHA to send it out is excessive.
- 4 The ballot we will use in that mailing (and make available on the www.pvegoodgov.org website) has been modified (as you have asked) by eliminating the PVHA logo, making it clear that it does not come from PVHA, nor has it been approved or authorized by PVHA. Please confirm that this amended ballot (attached) meets your conditions and that votes submitted on this form to PVHA will be counted. In any situations where more than one ballot is returned by a member, we presume PVHA will follow normal corporate procedure of counting the last vote submitted, including ballots submitted at the Annual Meeting. This would be important because some people were unaware of the additional nominees when they returned the original ballot.

The vendor ROBE will be using for the mailing is closed from December 23rd to January 4th, so we need to commit to the materials in the mailing today in order to meet the short timeframe between now and the Annual Meeting. Therefore, if you have any issues with the ballot and process we will be using, please let us know by close of business today, Friday December 18th.

Please acknowledge receipt of this email.

Best regards,
John

John Harbison

