

Thursday, August 5, 2021

Association of Angel Fire Property Owners, Inc.  
Attn: Board of Directors  
P.O. Box 21  
Angel Fire, NM 87710

**Re: Recent Facebook Posts & Reactions**

President Davey,

I am writing in my capacity as an AAFPO Director. I am deeply troubled by your recent inaccurate posts to AAFPO's Facebook page and your systematic removal of negative comments from members. I don't understand how AAFPO can claim to serve as the voice of its membership, when it works so hard to stifle its members' voices.

Beginning last Saturday, July 30<sup>th</sup>, you posted various diatribes attempting to explain your positions on the lawsuits in which you have embroiled AAFPO. When the membership began responding, you countered by furiously removing their posts. When the onslaught became too difficult to contain, you simply terminated the members' access. This, despite a representation made at the December board meeting not to selectively curate Facebook posts. It is only the latest in a string of promises to the membership you have broken.

Your own posts advance a number of falsehoods, which I would like to briefly address:

- Judging by the number of posts removed, it does not appear to be a "very small group" of members. But as various members have pointed out in the posts that you have scrubbed, there is only one way to know for sure – hold the election that Judge Chavez has ordered.
- Your claim the Resort gave you no choice but to sue is simply false. No attempt was made to work through the issues.
- Your claim the Resort has failed to provide information is also false; the Resort has provided this Board with the 1%-Administrative and 4%-Discretionary Reports every month, every year, as required by the bankruptcy plan. The 95% Report has been provided to you under the Court's protective order, since you refused to sign a simple NDA designed to protect the value of the amenities from the Resort's competitors, not from scrutiny by the board.
- Conflating the membership database with the Resort's criticism of your failure to inform the members of your misguided lawsuit is especially cynical. Without any member input or even awareness, you filed your lawsuit, and then did not even mention the lawsuit on the very next published meeting agenda.
- Your claim that AAFPO owns the membership database is unfounded. The Resort has owned and maintained the database for the past 25 years. For details, see the brief that the Resort has filed in AAFPO's lawsuit. <http://www.angelfireresort.com/wp-content/uploads/2021/08/Response-to-Motion-for-Preliminary-Injunction-Membership-Database-August-5-2021-002.pdf>
- AAFPO's Bylaws do not permit appointees Michael Morache and Gene Knight onto the ballot. Despite full and fair opportunity, neither chose to submit a candidate application and petition of member signatures necessary for certification, as did the legitimate candidates, including appointed directors Hank Rennar and Trevor Moore. Your unilateral claim Messrs. Morache and Knight "will run for the unexpired term of their predecessor in office" is an intentionally obtuse misreading of Judge Chavez's Order.
- The Resort has provided AAFPO with an electronic list of every member eligible to vote and the Chairman of Elections was satisfied with what the Resort provided. Blaming the Resort for not holding the election is simply wrong and untrue.

- Your suggestion that the list provided on December 20<sup>th</sup> contains ineligible members, as well as omitting eligible members, is pure smokescreen. Of course it does. Many members have come current since December, and unfortunately a few have also fallen into delinquency. AAFPO has not requested an updated list of eligible members, even though the Resort offered to provide one.
- While you do not own the database, this voter list contains everything requested by the Election Committee Chairman and the 3<sup>rd</sup> party election company, Inspectors of Election LLC, chosen to facilitate the election by this board.

Nothing stands in the way of the members exercising their right to vote for a board of their choosing, except your obstructionism.

Finally, I want to address the two most egregiously false representations you made:

1. THE RESORT DID NOT PROVIDE EMAIL ADDRESSES OF THE MEMBERS TO THE CANDIDATES WHO ARE SUING YOU. In fact, the Resort denied their request. The candidates came by their email list the old-fashioned way, through an Inspection of Public Records Act request to the Village, ...the same way AMRAC did. But you probably already knew that.
2. Your claim that the candidates' lawsuit against the board has anything to do with delaying the election is disgraceful, and needs no further comment, ...other than the election should have happened on June 26<sup>th</sup> with 7 open positions as ordered by Judge Chavez.

As an AAFPO director, I am asking you to act in good faith and let the members speak their minds and vote for the people they want to represent them.

Regards,



Mark Manley  
Director, Ex-Officio  
AAFPO Board