

March 6, 2025

Daniel Parcher,

Your email request for records has been received by the Aspen Brook Board. As always, the Board appreciates feedback and questions from owners. A response to your questions are listed below.

Your comments/questions are followed with a response:

I'm a homeowner in Aspen Brook [REDACTED] and I'm submitting a records request. I request the complaint log data and rules violation records that are the basis of recent Board actions.

Response: Pursuant to CRS 38-33.3-317(3)(f) and the Association's Inspection of Records Policy, Section 2(e), the Association is not required to provide records concerning individual units or lots that are not owned by the requesting owner. To the extent the Association has received complaints and rules violations specific to property that is owned by you, then the Association may provide those records to you. However, the Association is not required to provide you with information regarding other properties.

The AB Board has taken several actions toward banning 1-night rentals within the neighborhood. These actions include conferring some time before the Feb 3 Board meeting on shared views about 1-night rentals, presenting this view as a resolution of the new Board (item 10 in the Feb. 3 agenda), stating in writing to homeowners that there is a "very strong correlation between transient rule violations and one-night rentals" (Feb. 3 agenda), drafting and distributing a neighborhood survey, and meeting with an attorney to discuss the legality of doing this (mentioned at the prior Board meeting). And maybe other actions I'm not aware of. The Board is claiming that these actions are based on complaints and rule violations within the neighborhood. I request those records.

Response: The Aspen Brook Board has taken no actions prior to the February 3 Board meeting. This issue was included in the February 3 Board meeting agenda and all owners are invited to attend and express their views at future Board meetings.

Homeowners are entitled to records regarding Board actions. See our Inspection of Records policy at least at section 1 (d), (e), (f), (w), (x), and (bb). I'm not asking for details about specific units (specific complaints, names, addresses, etc) (CRS 38-33.3-317(3)(f)), but the aggregated data, trends, and reports that the Board is using and basing their actions on. I am asking to see the correlations. I also request the complaint log presented at the 2022 owners meeting and the documentation of that.

Response: The Board does not maintain any aggregated data, trends, or reports on complaints. The last known summary of complaints was in 2022. A Board member prepared the summary of complaints and this summary was presented at the 2022 Owners meeting. The summary of complaints from the Board minutes is included below for your reference. The pie chart mentioned in the minutes is also included for your reference.

*From HOA Owner Meeting minutes of 2022: "Mark shared that a log was created to shed light on possible patterns of complaints. He noted that 12 complaints were logged in 2022. There were 3 for dogs, 2 for parking, 2 for smoking, 2 trespassing, 1 for lighting, and 2 other miscellaneous topics. Of note, there were no documented complaints for speeding. A pie chart is posted on The Vine under Documents/2022 Annual HOA Meeting/complaint journal."*

No annual logs have been maintained by the Board after the 2022 Owners meeting. Several complaints were noted in 2024 but these pertained to properties that you do not own. As mentioned above, the Association is not required to disclose complaints concerning individual units or lots that are not owned by the requesting owner in accordance with CRS 38-33.3-317(3)(f) and the Association's Inspection of Records Policy, Section 2(e).

I acknowledge that my wife is on the Board and has access to more detailed information. I am also NOT asking for that information. I'm requesting information that any other homeowner is entitled to, and I plan to share this information with other homeowners.

If the Board claims not to be in the possession of a complaint log, this would conflict with the above actions. To the extent the complaint log exists in the form of emails sent by any member of the Board, I request copies or summaries of those emails.

Response: After 2022, the Board no longer maintained a complaint log. Some complaints have been noted as mentioned above but these do not pertain to your property and cannot be disclosed.

The Board is claiming in Board meetings and surveys and written communications that you are basing actions on this data. It is your responsibility under our policies and CO law to provide this information to homeowners at our request.

- Dan Parcher