

Aspenbrook Board Misconduct Part 2 - Misrepresenting Facts to the Community (AB Conflict of Interest Policy (7)(F))

Daniel Parcher [REDACTED]

Mon, Mar 17, 2025 at 8:30 AM

Board Members,

Under the Aspenbrook Alternative Dispute Resolution Policy, we request a meeting with the Board of Directors to resolve this dispute.

Section 7(F) of the AB Conflicts of Interest Policy prohibits Board members from misrepresenting facts to advance personal causes. This is exactly what the Board is doing in spreading false information to advance a ban on 1-night rentals. You cannot lie to advance your preferred policy, and you cannot lie to influence the neighborhood to carry out a personal vendetta.

Stating to the community that there is "a very strong correlation between transient rule violations and one-night rentals" (Feb. 3), is a misrepresentation of the facts when you know that "[t]he Board does not maintain any aggregated data, trends, or reports on complaints" (email to D. Parcher Mar. 7). The Board made it clear that many Directors personally prefer a one-night rental ban in the neighborhood. Thus it appears that the Board is lying about one-night rentals to influence the community to enact such a ban. **This is expressly forbidden in our Conflict of Interest Policy (7)(F), and is a breach of Board duties and responsibilities.** It should come as no surprise that you cannot mislead your neighbors into voting for a policy you like.

Additionally, there is a long-standing personal dispute between [REDACTED] and [REDACTED], including a contentious incident between them last summer. We think it's no coincidence that the policy the Board is aggressively pushing of banning one-night rentals disproportionately harms smaller houses like [REDACTED] cabin (we can demonstrate this in rental data). Lying to support this ban has every appearance of being tailor-made to enact a personal vendetta against [REDACTED]. The history between [REDACTED] and [REDACTED] neighbor would appear to bar this particular Board from enacting this particular policy under Section 7(F). It should come as no surprise that the Board cannot mislead homeowners into enacting a ban that has every characteristic of carrying out a personal vendetta.

Any HOA should expect to be sued for this misconduct. Out of care for the neighborhood, we would like to avoid that outcome, but we are determined to hold this Board accountable.

The damage will be difficult to undo. Your statements have no doubt influenced the opinions of the neighborhood homeowners - who should be able to rely on factual statements from their Board. You have recently conducted an opinion survey of homeowners on this subject, but your misrepresentations about one-night rentals were made before the survey, and will no doubt influence the outcome. Here are the steps that this Board can and should immediately take to start to mend the harm you have caused the community:

1) Publicly acknowledge the truth - that you do not have complaint logs and do not see a correlation at all between one-night rentals and complaints.

This was privately acknowledged to Dan Parcher as a result of a records request, but your statements to the contrary should be publicly disavowed immediately.

2) Commit to a detailed investigation of neighborhood problems before considering policy changes

After you acknowledge that you do not see a correlation between one-night rentals and complaints, you should drop the personal crusade to enact a one-night ban - because there is no factual basis for it, and it represents a conflict of interest for this Board in particular. Since you have lied about problems in the neighborhood, it will be essential to meticulously document any problems that you wish to enact policy around in the future.

We do not want this conflict to escalate further. Please do not continue to lie about the facts as you have done. Please take steps to repair the harm you have caused. If you feel that you are unable to operate on the Board without misleading the neighborhood, you should resign from your position on the HOA.

Sincerely,

Dan Parcher
[REDACTED]