



An Open Letter Response To:

Beth & Dale Young
64 Deerwood Blvd.
Greenville, FI 32331

December 22, 2008

Dear Mr. & Mrs. Young,

Since you are recently published defenders of the AAPOA BOD, I hope you will take a moment to review the attached documents. I believe they will offer you insight into the AAPOA leadership issues that the Asheville Community Coalition are concerned about. I would also appreciate your explanation on why the current AAPOA board of directors, who you feel is doing such a stand up job, willfully refuse to comply with state statues and our governing documents. I'm concerned that you are allowing yourself to be duped by the very people who were tasked with oversight of Gail Joubert, the board officer who has been charged with theft of AAPOA funds.

Allow me to point out that our bylaws clearly state that it is the job of each board member to "supervise all officers, agents and employees of the Association" for the benefit of the community. At the very least this means that the directors who served on the board as officers with Gail Joubert during the time period she allegedly misappropriated funds (Sheppard Salter and Steve Weaver as Vice Presidents and Aramis Penton as Treasurer) should have been doing just that. A reasonable and prudent Vice President and Treasurer of a homeowner's association would know or should know the financial condition of the association, which certainly means reviewing the checkbook and bank statements occasionally. Copies of the 2004 – 2006 AAPOA bank statements obtained by the ACC clearly show that checks in excess of \$400 and \$700 respectively were being repetitively written from the account to two home mortgage companies; this alone should have been a red flag to alert responsible management. Also understand that this easily recognizable improper activity went on for over 24 months without their noticing!

Additionally, why would the AAPOA be paying apartment rent and utility bills to a Leon county apartment complex and power and television cable companies; and why wouldn't they question checks in excess of a \$1000 being regularly written to unidentified individuals and entities without any substantiating documentation to justify them? How could they not question a \$5,000 check written to a property owner for an automobile purchase? How is it possible that such a severe

misappropriation of funds occurred without those officer's knowledge unless they negligently failed to properly review the books, reconcile bank statements and verify the financial records? Isn't it reasonable to expect them to be diligent with the community's money. . . your hard-earned money? At the very least it should be considered a breach of their fiduciary duties under Florida law.

Another pertinent question is when exactly did they discover the missing funds? Salter would have you to believe that it was earlier this year (2008); but there is compelling evidence that it was in fact discovered much earlier in 2006.

Those who have taken the time to investigate the irresponsible un-noticed liquidation of our capitol asset equipment, question if it was an action taken by Salter in 2006 to replace money that he finally discovered had been drained off during his term as a director and officer; rather than facing up to and admitting his own and his fellow officer's fiduciary negligence in the matter. Not quite a perfect cover-up plan; because what he didn't anticipate was the tremendous member outrage when our road system began to seriously deteriorate from lack of proper machine maintenance.

Mr. & Mrs. Young, perhaps the condition of our 35 plus miles of roads is not of concern to you. Your address shows your home within 150 yards driving distance of CR 146, so I'm doubtful that you need to travel very deeply into our subdivision on a daily basis. You might even be completely unaware of the terrible conditions that exist for those of us who must traverse the deplorable and rapidly degrading road system which is now in the worst condition in the history of our association. This could have been avoided if our motor grader had not been liquidated and qualified volunteers were allowed to use it instead of being driven away by the current road department management. Who can blame the affected membership for being upset about the equipment losses?

The membership deserve answers to pertinent questions; answers that Salter and his cohorts certainly want to avoid giving because it could land the negligence that led to the financial losses and the current road maintenance debacle squarely on their shoulders.

Why else would President Salter repeatedly and willfully violate a combination of 42 state statutes and provisions of our governing documents, by conducting unscheduled, illegal director meetings, denying members access to those meetings and refusing to turn over legally requested financial records and documents? Why would Salter within four months of his writing the following in the AAPOA newsletter suddenly rush to liquidate the very equipment assets supporting his statement: ***“The roads have never looked better. One thing I've noticed in the past year is how easily the roads recover when we have a strong, quick downpour. The next day the roads are easily navigable. I remember some months back, David Harvey, Jefferson County road department, told me the roads out here are every bit as good as the roads he is directly responsible for and in many cases your roads are better.”*** (Sheppard Salter August 6th 2006 AAPOA Newsletter, pg 1)

Why would he and his loyalists remove a newly elected board treasurer that was looking into and questioning the covert sale of the motor grader and bulldozer? Was it because she discovered their misrepresentations and had the audacity to question and criticize their financial and record keeping procedures? Why did he have meeting minutes concerning their discussion of their unilateral decision to sell the motor grader removed from the AAPOA web site? Why would Salter have his wife fabricate a misleading maintenance report of our motor grader's condition, which every qualified person who operated it has denounced as absurd, and in total conflict with the buyer's own admission that he spent less than \$2,000 to make it fully operational? Why are Salter and his loyalists the only members allowed to publish articles in our newsletters and on the AAPOA web site; and why does he defy a board resolution that he voted for requiring the newsletter to be reviewed and approved by the entire board prior to publication? Why has Salter defied the legal advice of the association's attorney on multiple occasions? And finally, why have so many directors resigned from the board during the Salter years? Have they seen the light or are they abandoning a sinking ship?

Florida law requires that the standard of care exercised by directors and officers of the association be reasonable and prudent. Sheppard Salter did not exercise such care, as evidenced by his negligent actions and inactions resulting in huge financial losses for the association. At the very least, he, Weaver and Penton were asleep at the switch while money was being siphoned off by a fellow officer.

The liquidation sale of the motor grader and bulldozer brought with it an influx of fast cash allowing the association to continue to function without them having to consider calling for yet another special assessment. It certainly has the look and feel of an effort to avoid personal embarrassment and/or civil liability by not admitting to their primary reason for raising cash quickly.

I hope that you will set aside your preconceptions long enough to consider the verifiable facts as I and well over a hundred other property owner's have done. Our ACC ranks are growing day-by-day as people who care enough finally connect the dots.

Sheppard Salter and those past and present BOD officers who are complicit with his negligence and cover up are counting on people being apathetic and banking on members ignorance of all the facts. They plan their justification strategies around that ignorance and use it as a lubricant to try and slip away from their costly mistakes. Don't allow yourself to be fooled by AAPOA propoganda any longer. Sheppard Salter and his star chamber group are not the heros they would have you believe, they were and still are trying to slip away from their responsibilities. They have manipulated and misled us far too long; and now they are spending thousands of community dollars on their personal legal defense in hopes that the ACC will be financially drained and just give up. They're badly mistaken in that respect!

In closing we all want to believe that the people we have elected and entrusted with the responsibility of managing our community affairs were the right choices. Most of the time those choices are the correct ones; but occasionally our AAPOA governing system allows those we both nominate and elect to be replaced via the appointment process, which is ultimately managed by a small handful of people. If you can manipulate the absentee and special category member proxy ballot process effectively, those people can stay in control which usually leads to cronyism and collusion. We are often reminded that our Board of Directors are volunteers who unselfishly serve the community. Unfortunately, that isn't always the case. Rewards can come in a wide variety of forms; assessment waivers, debt forgiveness, free fuel, expensive clothing, gifts, access to equipment for personal use and most of all the power to control vital aspects of the community's services that can be directed or withheld as they see fit.

The harsh reality of law is that whether you are a volunteer or paid employee entrusted with corporate responsibilities, you can and should be held accountable for your actions. The litmus test is very simple. Have our AAPOA Director's actions raised up the community or are their actions tearing it down? It's really an easy call when you consider our horrible road conditions, a floundering infrastructure and mass community mistrust.

It is the opinion of the Ashville Community Coalition that the AAPOA leadership needs to be removed; the administrative and accounting procedures brought into statutory compliance and our governing documents updated. The question to you is; will you be a part of the solution or part of the continuing problem? We're counting on you to become informed and they're counting on you to turn a blind eye and not question them. What will you do?

The community anxiously awaits your answer. . . .

Supporting documentation concerning allegations made by the coalition were obtained through public record requests. We encourage you to visit our web site at: www.ashvillecommunitycoalition.org .

Sincerely,

Tom Pertierra
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