

**Addendum to the Preliminary Findings of the
LCPOA Election Security Committee
03/25/2025**

Committee Members at the Time of Addendum Approval:

Mark McLeavy (Chair)	David Boyd	Fletcher Satterwhite
Robert Fairfield	Steve Cooper	Jeff Wax

Addendum to Preliminary Report

The Committee's request and recommendation to have a formal letter written by the LCPOA counsel and sent to the Inspector of Elections was not approved by the Board. Instead, the Board requested that Powerstone reach out via email to the Inspector of Elections requesting a written explanation detailing why LCPOA rules were not followed, even though such rules were expressly incorporated into the contract between LCPOA and the Inspector of Elections.

Summary of the Inspector of Elections Written Response

The following are key points from the email from Ms. Lynn Colclough to Ms. Elisa Garibay, dated January 29, 2025:

- Her belief was that the LCPOA voting rules were followed according to California Civil Code and the Association's governing documents.
- Her belief was that the Inspector of Elections is not obligated to distribute proxies as such documents constitute a "specific power of attorney."
- Proxy holders, as authorized agents to the proxy givers, cannot be denied a ballot to vote on behalf of the proxy giver.
- She noted that each proxy received was determined to be unique per the lot/address within LCPOA.

Summary of LCPOA Legal Counsel's Response to the Inspector's Email

The following are key points from the email from LCPOA's counsel to Ms. Elisa Garibay, dated February 5, 2025:

- The LCPOA proxy rules are broader than the minimum legal requirements for proxies.
- These rules are justifiable in court if subject to a lawsuit.
- California law gives the Inspector final authority to decide all questions regarding proxies and voting in general.
- The law also requires the Inspector to follow election rules as long as they do not conflict with the law, which implies that the Inspector has the authority to make a judgment call that is protected under California law.
- It seems that the Inspector took the position that the LCPOA proxy rule conflicted with California law.

- This conclusion is far from certain and may be wrong. Other inspectors do provide proxy forms as a convenience for Members. However, each inspector is entitled to make this decision for themselves.
- While it can be fairly asserted that Accurate Voting technically breached its contract with LCPOA, a proper remedy is to ensure that such an outcome is avoided in future years through detailed discussions and revised contract language.

Additional Findings

Committee Chair Mark McLeavy reached out to Mr. Steve Brown to get his perspective on the 109 proxies that identified Mr. Brown as the proxy holder. The following are the key points from that discussion held on February 14, 2025:

- Mr. Brown felt that the LCPOA election and proxy rules were not legal and unfair to the members of the community. He also indicated that he had spoken with several attorneys who supported his position. Mr. Brown did not choose to substantiate this statement in any way, even though he was requested to do so by the Committee Chair.
- Mr. Brown confirmed that he did not personally solicit or collect the proxies but stated it was legal for others to gather them on his behalf. He could not comment on what was discussed with the proxy giver at the time it was given.
- Mr. Brown did not provide any details as to any advance discussions with the Inspector of Elections regarding the potential acceptance of proxies that did not conform to the validly adopted LCPOA Election Rules.

Committee Chair Mark McLeavy had discussions with a proxy giver and several other eyewitnesses. Based on this investigation, the Committee believes:

- Sitting Board members Mr. Michael Ghafouri and Vincent Scarpino participated in the gathering of the non-compliant proxies and appeared to use their positions of influence to help in this effort.
- Mr. Vincent Scarpino was contacted for comment and refused to discuss what transpired during the 2024 election and/or his involvement with the collection of the proxies on behalf of Mr. Brown.
- Mr. Ghafouri was also contacted for comment. Mr. Ghafouri stated that Mr. McLeavy's position as Chairman, and the entire Election Security Committee, were illegitimate. He then stated that he had no additional comments.

Conclusion and Recommendations

The Election Security Committee determined that pursuing legal action was not in the best interest of the community, as it would require additional time, resources, and expenses for the POA. Although the Committee believes that legal action might demonstrate that the election was not conducted properly or in accordance with the adopted rules, it has chosen to focus its efforts on ensuring that future elections are conducted fairly and consistently. By strengthening election procedures, the Committee aims to prevent irregularities and promote transparency.

To achieve this, the committee recommends implementing the following changes:

- Updating election rules to include electronic voting procedures after an appropriate study period to ensure fair and secure elections that are free from intimidation and harassment and will protect voters' trust in the results even when their preferred candidates lose.
- Changing the proxy delivery timeline to a minimum of five days before the election to accurately validate proxy forms, signatures and other necessary documentation.
- Ensuring that the Inspector of Elections fully understands and agrees to abide by the LCPOA adopted election rules.
- Requesting legal counsel to be present during vote counting at annual and the adjourned meetings.
- Requiring legal counsel to provide contract language obligating Inspectors of Elections to certifying their understanding of, and commitment to, the validly adopted LCPOA election and proxy rules.
- Enhancing education for all POA members and Board members on the importance of adhering to election and proxy rules to ensure fair and transparent elections.
- Requesting that the final report be available to all members of LCPOA and uploaded to the property owner portal on the LCPOA website.

It is the hope of this Committee that these measures will help uphold the integrity of future elections while fostering confidence and trust within the community.

Unanimously adopted on 3/25/2025