

Jeannie Martens

June 24, 2015

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

COLETTE MCNALLY, an)	
individual,)	
)	
Plaintiff,)	
)	
vs.)	NO. CV2014-009496
)	
SUN LAKES HOMEOWNERS)	
ASSOCIATION #1, INC., an)	
Arizona non-profit corporation))	
)	
Defendants.)	
)	

DEPOSITION OF JEANNIE MARTENS

Phoenix, Arizona
June 24, 2015
9:00 a.m.

Plaintiff 11.106 adds

Defendants Designating

Reported by:
Christine Johnson
Registered Professional Reporter
Registered Merit Reporter
Arizona CR No. 50383

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Certified Reporters
4032 North Miller Road
Suite A-100
Scottsdale, Arizona 85251
(480) 429-7573

Page 2

1 INDEX

2 WITNESS EXAMINATION PAGE

3 JEANNIE MARTENS

4 BY MR. CHEIFETZ 4, 52

5 BY MS. WINKLER 39

6

7 EXHIBITS

8 DEPOSITION DESCRIPTION PAGE

9 EXHIBITS

10 1 Letter dated 12/8/2010 8

11 2 Letter dated 7/29/2013 12

12 3 E-mail from Jeannie Martens to

 Ray, Tom & Colette 18

13

14 4 Document 20

15 5 Cover letter with Exhibit 4 attached 27

16 6 E-mail Chain 40

17 7 E-mail dated 7/24/2013 46

18 8 E-mail Chain 49

19 9 E-mail Chain 50

20 10 E-mail from Jeannie Martens to

 Ray, Tom & Colette 53

21

22

23

24

25

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Page 4

1 JEANNIE MARTENS,

2 a witness herein, having been first duly sworn by the

3 Certified Court Reporter to speak the truth and nothing but

4 the truth, was examined and testified as follows:

5

6 EXAMINATION

7 BY MR. CHEIFETZ:

8 Q. Good morning, Ms. Martens. My name is Steve

9 Cheifetz. I am an attorney for Ms. McNally. I will be

10 taking your deposition today.

11 Have you ever had your deposition taken before?

12 A. I have not.

13 Q. I will try to explain to you. Basically, we're

14 just trying to create a written record and so we have the

15 court reporter here. She's going to take down what you say

16 and what I say and what Ms. Winkler says and so in large

17 part, I just want to make sure that we're clear on, you

18 know, creating a record and make sure you understand the

19 question.

20 If you ever have any concerns with the question I

21 ask, please, by all means, feel free to speak up and let me

22 know. I'm not trying to trick you or mislead you. I just

23 want to try to get a clear record.

24 So -- and your nod just reminds me of another

25 issue. Try to answer verbally with -- and avoiding "uh-huh"

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Page 3

1 DEPOSITION OF JEANNIE MARTENS

2 was taken on June 24, 2015, commencing at 9:00 a.m., at the

3 law offices of Cheifetz Iannitelli Marcolini, P.C., 111 West

4 Monroe Street, 17th Floor, Phoenix, Arizona, 85012, before

5 CHRISTINE JOHNSON, RPR, RMR, CARRIE REPORTING, LLC, 4032

6 North Miller Road, Suite A-100 Scottsdale, Arizona, a

7 Certified Reporter in the State of Arizona.

8

9 COUNSEL APPEARING:

10 For the Plaintiff:

11 Cheifetz Iannitelli Marcolini, P.C.

 By: STEVEN W. CHEIFETZ

12 111 West Monroe Street

 17th Floor

13 Phoenix, Arizona 85003

14

15 For the Defendant:

16 Grasso Law Firm

 By: JENNY WINKLER

17 2121 West Chandler Blvd.

 Suite 201

18 Gilbert, Arizona 85224

19

20

21 ALSO PRESENT: Colette McNally

22

23

24

25

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Page 5

1 or "uh-uh" because they don't come across well on the

2 record. So, you know, "yes," "no" or an explanation is

3 fine, but -- and then if, you know -- then if you need to

4 take a break, we can always take a break, you know. If I

5 ask you a question, I'd like you to answer the question, but

6 after you answer the question, if you need to take a break,

7 you know, by all means, speak up. Does that sound fair?

8 A. It does.

9 Q. Okay. Maybe you can tell me a little bit about

10 your background. Can you tell me a little bit about your

11 educational background, what type of education you have?

12 A. I graduated high school in Minnesota with honors.

13 I attended University of Morris, Minnesota, just like the

14 first semester. I didn't care for the big university, just

15 general courses. And then later in life when I was about

16 36, I went to legal secretarial school; was on the

17 president's list.

18 Q. Is that the extent of your education?

19 A. Other than just educating myself on the Internet

20 with different Microsoft products and going to different

21 classes, you know, for my job.

22 Q. Okay. And can you maybe just run through your

23 employment background, just history, real quick?

24 A. Going back how far?

25 Q. Oh, well, maybe what happened after legal

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1 secretary school? Did you ever become a legal secretary?
 2 A. I did not. I worked briefly for six months in
 3 Salt Lake City at the juvenile court as a court clerk and
 4 then I worked as an office manager at Karman Kitchens, their
 5 showroom. They make cabinets.
 6 Q. Okay.
 7 A. And when we moved to Arizona, I worked at The
 8 Lakes, the HOA in Tempe.
 9 Q. And what was your position there?
 10 A. I was the office administrator.
 11 Q. And how long were you working at The Lakes?
 12 A. '99 to 2002.
 13 Q. Okay. What happened after that job?
 14 A. We relocated to Sacramento, California for my
 15 husband's job and we lived there until his office closed for
 16 about eight months, and then we moved to Pueblo, Colorado
 17 where my husband's parents lived. His father was terminally
 18 ill, so we lived there briefly before we relocated back to
 19 Arizona --
 20 Q. And --
 21 A. -- in 2003.
 22 Q. Great. And when you came back in 2003, did you
 23 obtain a job at that time?
 24 A. I did. I worked at RHL Design Group, which was an
 25 architectural firm in Scottsdale.
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1 Q. How long were you with RHL Design Group?
 2 A. Two years.
 3 Q. And what did you do after that?
 4 A. I went to work for K. Hovnanian Homes in Mesa. I
 5 was the land development administrator.
 6 Q. And what happened after that?
 7 A. Then I was unemployed. There was a large layoff.
 8 That was during the time of when everything went south for
 9 home building, and I was unemployed for two years, just a
 10 stay-at-home housewife. And then in 2010, June 7th, 2010 is
 11 when I became employed at Sun Lakes.
 12 Q. Okay. What was your initial position at Sun
 13 Lakes?
 14 A. Administrative assistant.
 15 Q. Who were the assistant to?
 16 A. Clint Warrell.
 17 Q. And that's when he was general manager?
 18 A. Yes, he started the same day I did.
 19 Q. Who hired you?
 20 A. Roberta Laird.
 21 Q. So Roberta was there before Clint?
 22 A. Yes.
 23 Q. How did things go initially with Sun Lakes Country
 24 Club?
 25 A. Great.
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1 (Whereupon, the court reporter marked for
 2 identification Exhibit No. 1.)
 3 BY MR. CHEIFETZ:
 4 Q. Showing you what's marked as Exhibit 1, do you
 5 recall that letter?
 6 (Whereupon, the witness was reading.)
 7 A. Yeah, I guess -- yeah, I do. I do. I haven't
 8 seen it for a long time.
 9 Q. But I mean, at least --
 10 A. Probably for five years.
 11 Q. At least according to the letter, it sounds like
 12 things started off pretty well at Sun Lakes.
 13 A. Yes.
 14 Q. At some point, did your employment with Sun
 15 Lakes -- your relationship maybe with other management
 16 personnel seem to take a turn for the worse?
 17 A. I'm not sure I understand that question.
 18 Q. Well, I don't mean to put words in your mouth. At
 19 some point, you resigned from your position; right?
 20 A. I did.
 21 Q. And I assume you resigned because you were unhappy
 22 at your job?
 23 A. I did. It was an incident that occurred with
 24 upper management.
 25 Q. Right. And prior to -- was that incident in 2013?
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1 A. Yes.
 2 Q. Prior to that incident, were things going fine or
 3 was there other concerns or how -- how was your relationship
 4 with your employer at that -- you know, prior to that
 5 incident?
 6 A. It was -- it was okay.
 7 Q. What was the incident that caused you concern?
 8 A. A document that I had been working on on the
 9 website, because I was the manager of the website,
 10 disappeared. When I came back from vacation, it was gone.
 11 And I asked the human resource manager, Roberta Laird, and
 12 the general manager, Clint Warrell, if they knew anything
 13 about it and they said they did not.
 14 Q. And I saw some e-mails about that. So I guess
 15 there was -- is it fair to say that I guess just because of
 16 that incident, the relationship soured?
 17 A. Yes, because they lied to me.
 18 Q. And why do you say they lied to you?
 19 A. Because I found out from the website manager,
 20 Association Voice, they were able to track how it was
 21 deleted and it was deleted from Roberta Laird's computer.
 22 Q. And when you say someone lied to you, had someone
 23 told you -- had you asked somebody did they delete it or
 24 raise this issue and they misled you or why do you say that
 25 they were --
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Page 10

1 A. I asked them if they knew anything about it and
 2 they told me "no." And then when Association Voice tracked
 3 it to her computer - Clint Warrall actually said, "Well,
 4 maybe - "maybe the website manager will be able to find
 5 out what happened to it."
 6 So I was e-mailing them back and forth and they
 7 e-mailed me once they found out that it was deleted, and I
 8 asked them if it could accidentally be deleted and they
 9 said, "No, you have to manually go up on top, hit the delete
 10 button in order for the document to disappear." And I felt
 11 that they lied to me. I don't know why. I don't know why.
 12 Q. So as you sit here today, you have no - you have
 13 no explanation as to why they would delete - I'm sorry.
 14 Back up a little bit.
 15 What was the document that you believe they
 16 deleted?
 17 A. It was a document that I was creating so that
 18 people could reserve rooms online. They could register
 19 online. It was for online registration through our website.
 20 Q. When you say "rooms," what rooms do they reserve?
 21 A. The different meeting rooms --
 22 Q. Okay.
 23 A. - that they have at Sun Lakes.
 24 Q. And do you have any - can you think of any
 25 incentive they would have to delete that? That's a "no"?
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Page 11

1 A. No.
 2 Q. That's all right. So, anyway, was it because of
 3 that incident that you - and had concerns you had had over,
 4 I guess, the handling of that incident, I guess, is that why
 5 you resigned?
 6 A. Partially that and then like the next day, I was
 7 trying to discuss it with them and when I found out that it
 8 was deleted from Roberta Laird's computer, I went to the
 9 general manager and let him know and I even talked to
 10 Roberta about it and Roberta said she didn't remember doing
 11 it. And Clint became very angry at me and said that I had
 12 hurt her feelings. And I said, "Well, I talked to Roberta
 13 and she said everything was okay." So I wasn't sure why he
 14 was so angry at me until later, and this is just my opinion.
 15 When we were trying to get the agenda ready for
 16 the next Board meeting, he said, "Oh and by the way, we need
 17 to add Roberta to the agenda." And I said, "Okay." And he
 18 said, "Well, I nominated her for an award through human
 19 resources. She did not win, but she took second place and
 20 we just want to recognize her for that."
 21 So then --
 22 Q. Was this right after you had expressed your
 23 concerns about the website issue?
 24 A. Yes.
 25 Q. So did you - did it trouble you that she was
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Page 12

1 getting an award at the same time you felt that she may have
 2 taken actions that interfered with your job?
 3 A. It didn't trouble me that she was getting the
 4 award. What troubled me is I felt they were trying to make
 5 me leave it alone, not talk about it anymore, just let it
 6 go, and I felt it was because of this award and her
 7 recognition and that they maybe felt I was creating a
 8 problem with the website issue and maybe tainting her
 9 reward. I don't know for sure. I'm not positive, that's
 10 just my opinion.
 11 Q. Did you think it was important to determine what
 12 had happened to the - why -- how the page got deleted I
 13 mean, what the truth was?
 14 A. I just felt like they weren't being honest with
 15 me, just call it a gut feeling, because they seemed so
 16 defensive when I asked them about it and -- and they tried
 17 to turn it around, I felt, and make me look like the bad
 18 person and I didn't understand that because it was something
 19 that had happened to my work and they could never even
 20 explain to me why it happened.
 21 MR. CHEIFETZ: Go ahead and mark that.
 22 (Whereupon, the court reporter marked for
 23 identification Exhibit No. 2.)
 24 BY MR. CHEIFETZ:
 25 Q. Yes, next I'd like to show you what's marked as
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Page 13

1 Exhibit 2. Are you familiar with Exhibit 2?
 2 A. Yes.
 3 Q. Is that a letter you wrote?
 4 A. Yes.
 5 Q. And was this your resignation letter?
 6 A. It was.
 7 Q. Now, in this letter, you say that, "It was with
 8 great sadness, under duress that I effectively resign my
 9 position." What type of "duress" were you referring to?
 10 A. Well, after we had discussed the website issue and
 11 Clint became very angry with me about Roberta deleting the
 12 document, they didn't speak to me for the next two days at
 13 all. They totally ignored me.
 14 Q. Did you feel they were punishing you for bringing
 15 up the issue?
 16 A. I don't know.
 17 Q. Is that the extent of your - I guess of the
 18 meaning of the term "duress" you used in your letter, was
 19 there any other type of duress you felt at that position?
 20 A. Other than I just was uncomfortable with how some
 21 employees were treated or ignored.
 22 Q. Are you speaking about yourself or other
 23 employees?
 24 A. Other employees.
 25 Q. How - what concerns did you have about how other
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Page 14

1 employees were treated?
 2 A. Other employees felt like they were ignored by
 3 general management.
 4 Q. Also in your letter marked Exhibit 2, you indicate
 5 that you will "no longer continue your employment in a
 6 hostile work environment."
 7 What did you -- what were you referring to when
 8 you said "hostile work environment," just the fact that they
 9 weren't speaking to you at that time or did it go beyond
 10 just that recent incident?
 11 A. No, it was just that incident.
 12 Q. Okay. And it was just the fact you felt
 13 uncomfortable after the incident and the fact that they
 14 weren't speaking to you?
 15 A. That, and I saw the temper of the general manager
 16 and I didn't realize that he could become so angry or why he
 17 was so angry at me because I didn't feel like I had done
 18 something wrong, I felt like I was the victim.
 19 Q. So you saw a different side of Mr. Warrell that
 20 caused you concern?
 21 A. I did.
 22 Q. Also in your Exhibit 2, you indicate that there
 23 were secrets that I guess were of concern to you at the time
 24 you resigned, or concerned to you at the time you resigned.
 25 What were the -- what secrets? What were you
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Page 15

1 referring to there?
 2 A. I was referring to the incident that happened with
 3 Ray Smith's document.
 4 Q. And I'll be getting to that, but I guess around
 5 the time that you would have resigned, you also sent an
 6 e-mail to -- addressed to Ray, Tom and Colette. I guess it
 7 was also sent to Cindi Morcin; correct?
 8 A. Yes.
 9 Q. And you describe an incident in that document. Is
 10 that -- is that what you're referring to now when you're
 11 suggesting there were secrets?
 12 A. Yes.
 13 Q. And so is it fair to say at the time you resigned,
 14 that there was an underlying secret that had been troubling
 15 you for some time?
 16 A. Yes.
 17 Q. And that secret would have been what you allege
 18 occurred in this e-mail to Ray, Tom and Colette and
 19 Ms. Morcin?
 20 A. Yes.
 21 Q. Were there any other secrets that you were
 22 concerned about at that time?
 23 A. No.
 24 Q. Now, you also used -- the next term you used is a
 25 term "lies." What were you referring to when you used the
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Page 16

1 term "lies"?
 2 A. Well, I guess lies is because we didn't tell the
 3 Board what really happened in that incident with Ray Smith's
 4 document and also the lies that Clint and Roberta told me
 5 regarding deleting my document.
 6 Q. Anything else you were thinking of?
 7 A. No.
 8 Q. And then you used the term "employee favoritism"
 9 What were you referring to there?
 10 A. Because I felt that Clint favored some employees
 11 over others and I was one of those employees for a long time
 12 and Roberta and --
 13 Q. You're saying both you and Roberta, at least at
 14 one time, were the favorite employees?
 15 A. Yes, it seemed that way because he liked to be
 16 with us all the time.
 17 Q. At some point, that changed?
 18 A. It did.
 19 Q. With Roberta or just with you?
 20 A. Just with me.
 21 Q. And that's -- is that what you referred to as
 22 employee favoritism, you just didn't feel he treated
 23 employees equally?
 24 A. That's correct.
 25 Q. When was the last time you spoke with Mr. Warrell?
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Page 17

1 A. I believe it was July 24th of 2013.
 2 Q. Okay. So since you resigned, you haven't spoken
 3 to Mr. Warrell?
 4 A. I have not.
 5 Q. When was the last time you spoke with Ms. Laird?
 6 A. I have not spoken to her, other than I sent her an
 7 e-mail giving her my new address to send my W-2 and that's
 8 all I said.
 9 Q. So you have not had a verbal conversation with
 10 Ms. Laird since you resigned, as well?
 11 A. I have not since probably the same day.
 12 Q. Okay. And have you spoken to any Board members
 13 from Sun Lakes Country Club since you resigned -- since you
 14 resigned?
 15 A. Spoken verbally to them?
 16 Q. Yes.
 17 A. No.
 18 Q. Have you --
 19 A. I was just at a trade show recently and Rick
 20 Schwartz and Bill Townsend, I turned around and there they
 21 stood. I said, "Hi. How are you?" Rick said to Bill,
 22 "Bill, look who's here."
 23 Q. Was that the extent of your conversation?
 24 A. I go, "How's it going? Are you still president?"
 25 He said, "Yep, I have nine more months." I said, "Okay."
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1 And I just told them where I was working and that was it.
 2 Q. And where are you currently working?
 3 A. I'm working at Anthem at Merrill Ranch in
 4 Florence, Arizona.
 5 Q. And what is your position there?
 6 A. Administrative assistant.
 7 Q. And that's for a homeowners' association?
 8 A. It's a community association. It's declarant
 9 owned or controlled.
 10 Q. Controlled?
 11 A. Sorry.
 12 Q. Which trade show were you at?
 13 A. Glendale.
 14 Q. Was it --
 15 A. April 17th.
 16 Q. You mean a community association-type trade show?
 17 A. Yeah, AACM.
 18 Q. Right. Okay. Very good. All right.
 19 A. And I saw Roberta from a distance, but I never
 20 spoke to her.
 21 Q. Okay. So is it fair to say since you've resigned,
 22 you really haven't had any communications with anybody at
 23 Sun Lakes County Club?
 24 A. I have not.
 25 (Whereupon, the court reporter marked for
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1 Q. And -- and that didn't happen, correct?
 2 A. It did not.
 3 Q. And then going through this Exhibit 3, it looks
 4 like you then start going through the story, and tell me a
 5 little bit about this. You said, "Two years ago in 2011,
 6 when Bernadette resigned and Jean Toiar became president, I
 7 was cleaning out the Board books as I usually do to prepare
 8 for the Board meeting."
 9 Was -- so was this before the meeting occurred or
 10 after the meeting occurred or when were you going through
 11 the Board books?
 12 A. Before a meeting.
 13 Q. Okay. And had Bernadette already resigned?
 14 A. Yes.
 15 Q. And Jean Toiar was now president?
 16 A. Yes.
 17 Q. And what happened when you were going through the
 18 books?
 19 A. I came across a document that didn't look familiar
 20 as any Board document for a meeting, and I glanced at it and
 21 I saw what it was and I didn't know what to think of it.
 22 MR. CHEIFETZ: Let me go ahead and get this
 23 marked.
 24 (Whereupon, the court reporter marked for
 25 identification Exhibit No. 4.)
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1 Identification Exhibit No. 3.)
 2 BY MR. CHEIFETZ:
 3 Q. Are you familiar with Exhibit 3?
 4 A. Yes.
 5 Q. Is this an e-mail you wrote, I think we mentioned
 6 early, that you sent to Ray, Tom, Colette and Cindy Morcin?
 7 A. I did write this.
 8 Q. Is there anybody else that you sent this e-mail?
 9 A. There is not.
 10 Q. Is everything you said in this e-mail, to the best
 11 of your recollection, true and correct?
 12 A. It is true and correct.
 13 Q. All right. I'm going to -- I'm going to walk you
 14 through it, all right?
 15 A. Uh-huh.
 16 Q. All right. In the first paragraph, you indicate
 17 that you felt the need to confess something that had weighed
 18 heavy on your conscience for the past two years. What did
 19 you mean by that?
 20 A. I didn't like what had happened. I -- when I
 21 brought this to the general manager's attention, I thought
 22 it would be brought to the Board to discuss.
 23 Q. And why did you think that?
 24 A. Because in my mind, that was the normal channel of
 25 how things should have been done.
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1 BY MR. CHEIFETZ:
 2 Q. Now, is -- is Exhibit 4 the document that you're
 3 referring to?
 4 A. Yes.
 5 Q. So when you were going through -- and whose book
 6 was it in when you found it?
 7 A. Ray Smith.
 8 Q. And was there anything else that was with this
 9 document or was it just this document alone that caught your
 10 attention?
 11 A. I don't recall. I remember this document.
 12 Q. In the -- in the Exhibit 3, you then talk about
 13 the document caught your eye because it wasn't something you
 14 originally inserted. You said it was information written by
 15 Steve Wolfel instructing Ray Smith, Tom West and Colette
 16 McNally what to say to an outside attorney. And Steve
 17 Wolfel's suggestions on how the attorney should write a
 18 letter and how Ray Smith should present the letter.
 19 How did you -- all that information that you put
 20 in this Exhibit 3, where did you obtain that information as
 21 far as who was involved and what they were supposed to say?
 22 A. There might have been an e-mail with this
 23 attachment.
 24 Q. Was it just -- I mean --
 25 A. Or just from what I read in it.
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Page 22

1 Q. As you sit here today, you're not sure?
 2 A. I'm not sure. I don't recall.
 3 Q. Okay. All right. So then you know you're under
 4 oath today; correct?
 5 A. I do.
 6 Q. And you know this e-mail is the subject of much
 7 controversy?
 8 A. Okay.
 9 Q. And you recognize the importance of only telling
 10 the truth regarding this e-mail; correct?
 11 A. I do.
 12 Q. All right. So you say next in the Exhibit 3 that
 13 you -- due to the nature of information, you felt that you
 14 should show it to Manager Clint Warrell.
 15 Tell me about that. What -- what -- as far as
 16 giving me the details, what time of day did you find the
 17 document? How long did it take for you to -- to the best of
 18 your recollection?
 19 A. I don't know the date or time of the day.
 20 Q. Okay.
 21 A. If I recall correctly, I believe it was later in
 22 the afternoon when I was cleaning out the Board books, and
 23 brought it in to him and showed it to him and asked him if
 24 this was ethical and if there's anything that we should be
 25 doing with this and he said -- he didn't think there was

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Page 23

1 anything we could do, even if it was unethical, so --
 2 Q. So as you indicated in the Exhibit 3, you brought
 3 it to his attention and at least on the day you brought it
 4 to his attention, he did not think there was anything you
 5 should do about it?
 6 A. Correct.
 7 Q. And then what happened next? I guess, just what
 8 you say in Exhibit 3?
 9 A. Yes. The next morning, he said he had thought
 10 about it and that, yeah, we should do something about it,
 11 that it was unethical, the Board members to be doing this,
 12 and that we should do something.
 13 Q. And whose -- who suggested what should be done?
 14 A. I don't recall if it was Roberta or Clint. I know
 15 I didn't.
 16 Q. Okay. And what was the suggestion as to what
 17 should be done?
 18 A. That the information be put in a blank envelope
 19 and put in Roberta's mailbox out in the front office and
 20 then she would call Bill Hoyt, a community member, and give
 21 it to him saying it came from an anonymous person.
 22 Q. So the discussion was is that Ms. Laird was to,
 23 under false pretenses, suggest that she got this document
 24 anonymously?
 25 A. That is correct.

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Page 24

1 Q. And it's your testimony today that she was fully
 2 aware that the document was not received anonymously, but
 3 rather that you had taken it from Ray Smith's Board book?
 4 A. That is correct.
 5 Q. At that initial discussion when you discussed this
 6 plan, did anybody express any concern that maybe that wasn't
 7 an ethical thing to do?
 8 A. They asked me to put it in the envelope and put it
 9 in Roberta's box and I said, "I don't feel comfortable doing
 10 this" and I walked out and I did it.
 11 Q. You did it anyway you're saying?
 12 A. I did.
 13 Q. And did you do it -- how soon after the meeting
 14 when you met with Clint and Roberta did you put this Exhibit
 15 4 in Roberta's box?
 16 A. It was done right away.
 17 Q. Did they witness you put it in an envelope?
 18 A. No.
 19 Q. And what you put in the envelope was Exhibit 4?
 20 A. Yes.
 21 Q. Was there anything else in the envelope?
 22 A. No.
 23 Q. You indicate in Exhibit 3 that when you were
 24 meeting, that there was brainstorming going on as to what
 25 could -- what you could do. Was there any discussions about

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Page 25

1 doing anything else? I mean, did this come -- did this
 2 plan -- was it arrived at after a discussion of alternatives
 3 or was this just kind of the first thing that you guys
 4 thought of?
 5 A. That was just the first thing that came up.
 6 Q. Okay.
 7 A. I don't recollect any discussion about any other
 8 options.
 9 Q. Now, why was it -- why do you think it was -- it
 10 was -- how could you know that -- well, I guess you're
 11 saying the reason you knew it would go to Bill Hoyt is
 12 because the plan was for Roberta to contact Bill Hoyt?
 13 A. Correct.
 14 Q. Why would Ms. Laird -- why would she contact Bill
 15 Hoyt and not another Board member? Do you know?
 16 A. Because she had been friends with Bill Hoyt and
 17 talked with him often.
 18 Q. But, in effect, she would be misleading Mr. Hoyt;
 19 correct?
 20 A. Correct.
 21 Q. So why would she want to mislead a friend of hers?
 22 A. Because she -- she felt that he would put the
 23 information out into the community.
 24 Q. And is that something that Ms. Laird thought would
 25 be appropriate to do with that information?

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Page 26

1 A. I don't know if she thought it was appropriate or
 2 not.
 3 Q. Was there a reason -- I mean, was -- is it fair to
 4 say that there were power struggles going on at the Sun
 5 Lakes Country Club between Board members?
 6 A. I don't know if it was power struggles or just
 7 disagreements, differences in personalities.
 8 Q. Is it fair to say there was a lot of infighting
 9 between Board members?
 10 A. Some.
 11 Q. I guess what I'm getting at is was there -- did
 12 they -- you know, why didn't they give this to -- I guess
 13 they didn't feel they could give it to -- well, let me ask
 14 that question: Why wouldn't Ms. Laird just give it to Ray,
 15 Tom and Colette to say, "This is what we found"?
 16 A. I don't know.
 17 Q. Was the intent to assist in attacking Ray, Tom and
 18 Colette?
 19 A. I don't know.
 20 Q. What about giving it -- who was the Board
 21 president at that time? Was it Ms. Tolar?
 22 A. Yes.
 23 Q. Why not give it to Ms. Tolar? Was it given to
 24 Mr. Hoyt because you felt Mr. Hoyt was the one most likely
 25 to distribute it to the community?
 CARRIE REPORTING, LLC - Certified Reporters
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Page 27

1 A. Yes, he was friends with Bernadette Halpin.
 2 Q. And she was the one that had resigned?
 3 A. Yes.
 4 Q. And did she resign, in part, because of a
 5 disagreement with Ray, Tom and Colette?
 6 A. I don't remember why she resigned.
 7 Q. Okay. But was it because you -- her name was
 8 mentioned that you thought Bill Hoyt may be more sympathetic
 9 to distributing it in the community because he would want to
 10 protect Bernadette, or do you know?
 11 A. I don't know.
 12 Q. At the time she -- Roberta provided the document
 13 to Mr. Hoyt, do you have any knowledge as to what
 14 discussions would have occurred between Ms. Laird and
 15 Mr. Hoyt about the document?
 16 A. I do not.
 17 Q. Did you hear anything from Mr. Hoyt or others
 18 about the document prior to it being distributed to the
 19 neighborhood?
 20 A. No.
 21 Q. How was Exhibit 4 distributed? Do you know?
 22 A. I don't.
 23 (Whereupon, the court reporter marked for
 24 identification Exhibit No. 5.)
 25 (Next page, please.)
 CARRIE REPORTING, LLC - Certified Reporters
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Page 28

1 BY MR. CHEIFETZ:
 2 Q. Are you familiar with Exhibit 5?
 3 A. I have seen this, yes.
 4 Q. When would you have seen Exhibit 5?
 5 A. When it was brought to Clint's office with this
 6 document -- with Exhibit 4.
 7 Q. It was attached to Exhibit 5. Is that your --
 8 A. Yes.
 9 Q. And do you know how Clint obtained a copy of this
 10 document?
 11 A. I don't recall who gave it to him.
 12 Q. Do you have knowledge as to what was done with
 13 Exhibit 5? I mean, it says, "To the residents of Sun Lakes
 14 Country Club," but do you know was it distributed to the
 15 residents of Sun Lakes? What do you know about that?
 16 A. I don't. I don't know if it was. I'm assuming it
 17 was, as it was brought in attached to this.
 18 Q. And this is based on your discussions with Clint
 19 and Roberta, this is exactly what you had expected would
 20 occur if the document was given to Mr. Hoyt; correct?
 21 A. Well, that he would have probably distributed
 22 Exhibit 4, but I don't even know who wrote this.
 23 Q. When you say "who wrote this," you're referring to
 24 Exhibit 5?
 25 A. Yes. I don't know where this came from.
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Page 29

1 Q. Okay.
 2 A. Or who it came from.
 3 Q. Very good. Now, you next indicate in Exhibit 3,
 4 you say you were very uncomfortable doing this and that
 5 you -- you said you were nervous about doing this and you
 6 voiced to Clint and Roberta, quote, "I was very
 7 uncomfortable doing this."
 8 Did you make that statement to Clint and Roberta?
 9 A. I did before I walked out of the office to put it
 10 in her mailbox.
 11 Q. So is that whenever that discussion occurred,
 12 which you think was the next morning, after you found the
 13 document; correct?
 14 A. Yes, it was.
 15 Q. And you said before you did it, "I feel
 16 uncomfortable doing it"?
 17 A. I did.
 18 Q. Was there any response to that?
 19 A. No.
 20 Q. And then at the top of the second page of
 21 Exhibit 3, you apologize profusely for being involved. Is
 22 that because of what you say in the next sentence, that
 23 you -- that you believe it was unethical and unprofessional
 24 to do this?
 25 A. I do. I didn't think it was the right thing to
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Page 30

1 do.

2 Q. And you indicate that it would cause first

3 distrust in the community and turn homeowners against each

4 other. Do you know if it had that effect?

5 A. I don't.

6 Q. You then make a comment. You say, "So, no, Ray,

7 your computer was not hacked into and now you know who is

8 responsible for the information getting out to the

9 community." What were you referencing there?

10 A. After the information got out to the community,

11 Ray told us that his computer had been hacked and that's the

12 only way that people could have seen this.

13 Q. How did Ray know that he had been the source of

14 the leak of information? Do you know?

15 A. I don't think he did, to my knowledge. He never

16 said he did.

17 Q. You next mention that out of fear of losing your

18 job, you kept quiet. What did you mean by that?

19 A. I felt that if I had said anything -- I always

20 felt guilty about it and if I ever said anything, I felt

21 that the Board would let me go as an employee.

22 Q. So your fear wasn't that Clint Warren would let

23 you go as much as the Board would let you go?

24 A. He probably would. If I would have said anything,

25 he probably would have fired me.

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Page 31

1 Q. Why do you think the Board wouldn't have backed

2 you up for telling the truth?

3 A. Just because it was wrong. I mean, it's very

4 possible the Board could have let all three of us go, Clint,

5 Roberta and myself.

6 Q. Did this taint your relationship with Clint and

7 Roberta after that -- after this incident and, I mean, did

8 it kind of make the relationship awkward?

9 A. Not awkward. We pretty much maintained the same

10 relationship, but I was nontrusting. I didn't really voice

11 that to them, but there were times where I tried to step

12 away and go have lunch with other employees, and then I kind

13 of felt that I was looked at as, "Why are you not having

14 lunch with us?" Well, if you just -- I wanted to have lunch

15 with everybody. I wanted to be friends with everybody, I

16 guess, and I kind of felt like I was -- I don't know how to

17 explain it.

18 Q. Was there -- when Exhibit 5 became public

19 knowledge and spread throughout the community, which

20 includes -- which had Exhibit 4 attached, was there ever any

21 questions by the Board as to how this would have occurred,

22 where this document came from?

23 MS. WINKLER: Fom.

24 THE WITNESS: We had to have discussed it in

25 executive session, I believe.

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Page 32

1 BY MR. CHEIFETZ:

2 Q. But you don't have a recollection of what was

3 discussed or -- I mean, was there ever discussion about the

4 need to investigate how this happened?

5 A. I think everyone assumed that when Ray said his

6 computer was hacked, that's what happened, except the cover

7 letter -- this Exhibit 5 wasn't with Exhibit 4, so -- but I

8 don't know where this came from (indicating). I don't know

9 who wrote this.

10 Q. And -- and when you say "this," you're referring

11 to Exhibit 5?

12 A. I am.

13 Q. So as far as you recall, there was never any need

14 by the Board members expressed to you that, "We need to find

15 out how this document got leaked to the public?"

16 A. I don't recall that.

17 Q. Did anybody ever ask you what happened about how

18 this document -- whether you had any knowledge about this

19 incident?

20 A. No.

21 Q. About when did this incident occur? Do you know

22 when -- you have any idea when you would have found that

23 document in Ray Smith's file?

24 A. I don't.

25 Q. You said in your Exhibit 3, I think you said it

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Page 33

1 was for like two years earlier, but you don't -- you said in

2 2011. Is that --

3 A. It was 2011. I just don't remember what month it

4 was.

5 Q. Okay. After -- after the incident in 2011 when

6 you, I guess, made a plan with Roberta and Clint Warren to

7 put this in Mr. Hoyt's box, did you ever discuss this issue

8 again with Roberta Laird?

9 A. We just mentioned it briefly just in passing, like

10 when we went out to lunch or something or I would say when

11 talked to Ray, and then I would say, "You know, I feel

12 really bad because I'm the one that took that out of his

13 book and I just" -- "I really liked Ray and I thought if he

14 ever knew that I am the person that took it out and gave it

15 to the general manager, that he would be really upset and I

16 wouldn't blame him."

17 Q. So you just expressed that to Ms. Laird?

18 A. In front of Clint and Roberta, both of them.

19 Q. Okay. So which was my next question. So you, you

20 know, I was going to ask if you ever discussed it with

21 Clint, so you say that at times, you would have discussed it

22 with both of them?

23 A. Yes.

24 Q. And do you have any idea how many times you

25 discussed it after it occurred?

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Page 34

1 A. Maybe three.

2 Q. I think you said something to the effect that as

3 your role as administrative assistant, what – did you

4 assist with the planning of Board meetings?

5 A. With the planning of Board meetings as in planning

6 the agenda?

7 Q. Yes. Maybe not planning it, but distributing the

8 agenda. Did you ever – I thought you maybe mentioned

9 something –

10 A. I typed the agenda and I placed it in the Board

11 books.

12 Q. Okay. Who would give you information to type into

13 the agenda?

14 A. It would usually be the Board president or the

15 general manager.

16 Q. So at this point, it would have been – well, I

17 guess at least in 2011, it would have been Jean Tolar or

18 Clint Warrell that would have given the agenda items?

19 A. Uh-huh; correct.

20 MS. WINKLER: Form.

21 BY MR. CHEIFETZ:

22 Q. If she objects, she's just raising issues with my

23 poorly worded question. So you don't have to – you can

24 still answer, which you're doing.

25 Did you – did you ever prepare agendas for

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Page 35

1 executive session meetings?

2 A. I did.

3 Q. And were these agendas distributed to the

4 community?

5 A. No.

6 Q. So it was just an agenda that was distributed to

7 the Board members?

8 A. Correct, in their Board packets.

9 Q. What about the agenda that you prepared for the

10 general meetings? Were those distributed to the community?

11 A. Yes, well, they were placed on the bulletin board.

12 Q. Okay. And was there ever a time when the agenda

13 for the executive session was placed on the bulletin board?

14 A. No.

15 Q. Was there a rule or understanding that the agenda

16 for the executive sessions would not be shared with the

17 community?

18 A. No.

19 Q. Why didn't you share it with the community then?

20 Why didn't you put that in the executive session agenda on

21 the bulletin board, as well?

22 A. I was never asked to do that, just an open meeting

23 agenda.

24 Q. Did you have any substantive input as to what went

25 into the agenda or you just pretty much typed what they told

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Page 36

1 you to type?

2 A. I just typed what they told me to type.

3 MR. CHEIFETZ: I'm going to take a quick break.

4 (Whereupon, a recess was taken from 9:48 a.m. to

5 9:53 a.m.)

6 MR. CHEIFETZ: Go back on the record.

7 BY MR. CHEIFETZ:

8 Q. Ms. Martens, were you ever – did anybody ever

9 suggest to you that your e-mail, Exhibit 3, was false and

10 defamatory?

11 A. Suggest to me?

12 Q. Yes.

13 A. No.

14 Q. Do you know what "defamatory" means?

15 A. Yes.

16 Q. It's a legal term for potential claim for

17 defamation. Are you're aware of that?

18 A. (Nodding).

19 Q. Is that a "yes"?

20 A. Yes.

21 Q. Are you aware of the fact that Ms. McNulty was

22 threatened with a defamation claim for talking about your

23 Exhibit 3 e-mail?

24 A. Just – I only found out about that through an

25 e-mail that you sent me.

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Page 37

1 Q. Okay. And were you ever contacted by an attorney

2 for Ms. Laird or Mr. Warrell regarding that e-mail?

3 A. I was not.

4 Q. Were you ever contacted by Ms. Laird or

5 Mr. Warrell directly about that e-mail?

6 A. I was not.

7 Q. Did Mr. Laird or Ms. Warrell at any time ever

8 express any objection to you for your writing of that

9 e-mail?

10 A. They did not.

11 Q. Did any Board member from Sun Lakes Country Club

12 contact you about your Exhibit 3 e-mail?

13 A. When I wrote the e-mail, Coletta, Tom and Ray all

14 responded to – to me thanking me for the information and

15 they were sorry to see me leave Sun Lakes, that I was going

16 to be missed.

17 Q. Was there any other Board members that contacted

18 you –

19 A. No.

20 Q. – about that e-mail?

21 A. No.

22 Q. Was there any other representative for Sun Lakes

23 County Club that would have contacted you about that e-mail?

24 A. No.

25 Q. Were you ever – as far as you know, were you ever

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Page 38

1 reprimanded at your job with Sun Lakes County Club?
 2 A. Reprimanded for doing my job?
 3 Q. No, for -- did you ever -- did you ever have --
 4 you know, I know you felt -- you testified earlier that you
 5 thought that they gave you the cold shoulder after you
 6 expressed concern about the e-mail -- I'm sorry, about the
 7 website deletion.
 8 But was there ever a time, for instance, you
 9 received a reprimand from Clint or some other management
 10 supervisor saying that you were not performing your job
 11 adequately?
 12 A. No.
 13 Q. How do you think you performed at your job?
 14 A. Very well.
 15 Q. And we saw Exhibit 1 where they were complimenting
 16 you at least six months into it about the good job you're
 17 doing; correct?
 18 A. Correct.
 19 Q. Was there ever a time after that when either Clint
 20 or Roberta communicated to you that they did not believe
 21 you're doing your job adequately?
 22 A. No.
 23 (Pause.)
 24 MR. CHEIFETZ: I have got nothing further. I
 25 don't think you're out of the woods yet.
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Page 39

1 MS. McNALLY: There was an e-mail that was --
 2 (Whereupon, a discussion was held off the record.)
 3 BY MR. CHEIFETZ:
 4 Q. If I could, back on the record. Do you recall an
 5 e-mail between you and Janice Colnoyer (phonetic).
 6 A. Regarding?
 7 MS. McNALLY: I don't remember off the top of my
 8 head, but that's the only thing that comes into my head on
 9 the connections, that she was giving you some kind of --
 10 MS. WINKLER: Okay. I'm going to object to this.
 11 MR. CHEIFETZ: Very well.
 12 MS. WINKLER: She's testifying. She's not
 13 testifying today. So if you need to talk with her, let's go
 14 off the record and you can go out of the room and do that.
 15 MS. McNALLY: Okay.
 16 MR. CHEIFETZ: We've got nothing further. We're
 17 good. Thank you.
 18
 19 EXAMINATION
 20 BY MS. WINKLER:
 21 Q. Ms. Martens, I introduced myself to you earlier.
 22 I'm Jenny Winkler and I represent the Sun Lakes Homeowners
 23 Association in this case.
 24 Prior to today, have you had any meetings with
 25 Mr. Cheifetz or anyone from his firm?
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Page 40

1 A. No.
 2 Q. Have you spoken with Mr. Cheifetz or anyone from
 3 his firm by telephone prior to today?
 4 A. I don't recall. I remember an e-mail.
 5 (Whereupon, the court reporter marked for
 6 identification Exhibit No. 6.)
 7 BY MS. WINKLER:
 8 Q. Okay. Is this -- we've just handed you what the
 9 court reporter has marked as Exhibit 6. Is this an e-mail
 10 exchange between you and Mr. Cheifetz?
 11 A. Yes. Correct.
 12 Q. And other than this e-mail exchange, have you had
 13 any other e-mail correspondence with Mr. Cheifetz or anyone
 14 at his firm?
 15 A. No.
 16 Q. Now, when we took a break earlier, I observed you
 17 and Mr. Cheifetz speaking in the lobby. What did you talk
 18 about?
 19 A. Oh, he just said there was a trial in August, but
 20 he didn't know if I would have to be there or not, and I
 21 asked him if it was concerning the document -- I couldn't
 22 even think of the name of it -- the Complaint, which I
 23 received when I was subpoenaed.
 24 Q. Okay. Anything else?
 25 A. No.
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Page 41

1 Q. Are you married?
 2 A. Yes.
 3 Q. What is your husband's name?
 4 A. Jeffrey Martens.
 5 Q. And how long have you and Jeffrey Martens been
 6 married?
 7 A. 22 years.
 8 Q. And what is your current residence address?
 9 A. 11102 East Grove Street, Mesa, Arizona 85208.
 10 Q. I want to ask you a couple of questions about the
 11 employment history that you gave to Mr. Cheifetz earlier.
 12 You mentioned that you worked as a court clerk in
 13 Utah; correct?
 14 A. Correct.
 15 Q. What was the name of your supervisor there?
 16 A. I can't even think of her name. I worked for
 17 Judge Matheson.
 18 Q. Okay. That's all right. Why did you leave that
 19 position?
 20 A. My Judge was going to retire and also the workload
 21 was just too much, and we couldn't work overtime.
 22 Q. And then I think you said your next job was Karman
 23 Kitchens?
 24 A. Correct.
 25 Q. And what was the name of your supervisor there?
 CARRIE REPORTING, LLC - Certified Reporters
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Page 42

1 A. Dwayne Murphy.
 2 Q. And why did you leave that position?
 3 A. We were relocated to Arizona for my husband's job.
 4 Q. All right. And then I think after that, you said
 5 that you were at The Lakes Homeowners Association in Tempe,
 6 Arizona?
 7 A. Correct.
 8 Q. And who was your supervisor there?
 9 A. John Millar was the community manager.
 10 Q. And why did you leave that position?
 11 A. We relocated to Sacramento, California.
 12 Q. And I don't -- I don't believe you gave us any
 13 employment history while you were in Sacramento. Were you
 14 employed when you lived there?
 15 A. Yes, it was called Cal SAE. California Society
 16 Association of Executives.
 17 Q. And what was your position with them?
 18 A. What was my title? I believe it was office
 19 manager.
 20 Q. And why did you leave that job?
 21 A. We relocated to Pueblo, Colorado.
 22 Q. Okay. And then did you work while you were in
 23 Pueblo?
 24 A. No.
 25 Q. And then I think the -- the next job you gave us
 CARRIE REPORTING, LLC - Certified Reporters
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Page 43

1 was RHL Design Group?
 2 A. Correct.
 3 Q. And was that in Arizona?
 4 A. Yes, in Scottsdale.
 5 Q. And who was your supervisor there?
 6 A. Jesse Macias.
 7 Q. And why did you leave that position?
 8 A. I was offered employment at K. Hovnanian Homes.
 9 Q. When you say you were offered employment at K.
 10 Hovnanian, did they -- did they approach you and offer you a
 11 job or did you go and apply for a job there?
 12 A. A friend of mine worked there and she told me
 13 about an open position, so I went and applied there because
 14 it was three minutes from my house at the time. It was very
 15 close.
 16 Q. All right. And what was your position at K.
 17 Hovnanian?
 18 A. Land development administrator.
 19 Q. And who was your supervisor there?
 20 A. Kent Flake.
 21 Q. And why did you leave that position?
 22 A. Because of the building crisis. Basically it was
 23 corporate layoff.
 24 Q. And who is your current supervisor at Anthem
 25 Merrill Ranch?
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Page 44

1 A. Sharon Wenzel. She's a community manager.
 2 Q. If I could direct you back to Exhibit 3, in
 3 Exhibit 3 you're talking about this information that you
 4 found in a Board book in 2011 and you -- in the second
 5 paragraph, you write, "It was information written by Steve
 6 Wolfer"; correct?
 7 A. Uh-huh.
 8 Q. How did you know that the information that you
 9 found was written by Mr. Wolfer?
 10 A. I just assumed it was.
 11 Q. Why?
 12 A. There may have been a -- an e-mail cover letter to
 13 Exhibit 4 that was from Steve Wolfer.
 14 Q. Any other reason why you would think that -- that
 15 Exhibit 4 was authored by Mr. Wolfer?
 16 A. No.
 17 Q. I want to direct your attention to the second page
 18 of Exhibit 4. Will you read the last paragraph to yourself,
 19 and let me know when you're done.
 20 (Whereupon, the witness was reading.)
 21 A. Okay.
 22 Q. Did you have some understanding that the author of
 23 this document and others were involved in an effort to
 24 remove Bernadette from the presidency of the Board?
 25 A. I did.
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Page 45

1 Q. And was that Bernadette Halpin? I may have
 2 butchered that, Halpin, Bernadette Halpin?
 3 A. Yes.
 4 Q. And did you know anything about this effort to
 5 remove Ms. Halpin other than what you discovered in
 6 Exhibit 4 when you found it?
 7 A. I did not.
 8 Q. Now, is it fair to say that you and Bernadette
 9 Halpin became friends while she served on the Board?
 10 A. Yes.
 11 Q. Are you still friends?
 12 A. Yes.
 13 Q. When is the last time that you talked with
 14 Bernadette?
 15 A. Actually spoke with her?
 16 Q. Yes.
 17 A. I don't recall. It had to be in 2014. I haven't
 18 spoken to Bernadette for a very long time.
 19 Q. So it was sometime last year you think?
 20 A. Yeah.
 21 Q. When is the last time you saw her?
 22 A. 2013.
 23 Q. Was that while you were still employed at Sun
 24 Lakes Homeowners Association?
 25 A. No, we went out for lunch. I don't remember what
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Page 46

1 month it was, though. It was in the fall of 2013.
 2 Q. So it was after you had left your employment?
 3 A. Correct.
 4 Q. And did you invite Bernadette to lunch or did she
 5 invite you?
 6 A. She invited me.
 7 Q. And was the purpose of the lunch just purely
 8 social?
 9 A. Yes.
 10 Q. Did you discuss anything relating to Sun Lakes
 11 Homeowners Association?
 12 A. Yes.
 13 Q. What did you talk about?
 14 A. Why I left Sun Lakes, why I resigned.
 15 Q. Okay. And did you -- did you tell her anything --
 16 well, what did you tell her about why you left and resigned
 17 from Sun Lakes?
 18 A. I explained to her what had happened -- what had
 19 happened with my document being removed from the website and
 20 that I felt Roberta lied to me and treated me poorly. I
 21 just didn't feel like I could work there any longer.
 22 (Whereupon, the court reporter marked for
 23 identification Exhibit No. 7.)
 24 BY MS. WINKLER:
 25 Q. Our court reporter has handed you what she has
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Page 47

1 mark as Exhibit 7 and I'll just give you a moment to read
 2 through it.
 3 (Whereupon, the witness was reading.)
 4 A. Okay.
 5 Q. All right. Is Exhibit 7 an e-mail that you sent
 6 to Roberta Laird?
 7 A. Yes.
 8 Q. And the e-mail -- the first sentence of the e-mail
 9 mentions what we've talked about today as the "website
 10 incident"; correct?
 11 A. Correct.
 12 Q. And you state in there that you "never meant to
 13 accuse anyone of maliciously doing anything to me"; correct?
 14 A. Correct.
 15 Q. And so did you believe when you wrote this e-mail
 16 that Roberta had maliciously deleted your document from the
 17 website?
 18 A. I didn't know why it was deleted.
 19 Q. But did you have any reason to believe it was
 20 malicious?
 21 A. No.
 22 Q. Is it fair to say that during the three years that
 23 you worked at Sun Lakes Homeowners Association that you,
 24 Roberta Laird and Clint Warrell were close with one another?
 25 A. Yes.
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Page 48

1 Q. Let's go back to Exhibit 4 for a moment. When you
 2 discovered Exhibit 4 in the Board book and you brought it to
 3 Mr. Warrell's attention --
 4 A. Uh-huh.
 5 Q. -- do you recall him telling you that you should
 6 put it back?
 7 A. No.
 8 Q. And if I could direct your attention to Exhibit 3,
 9 which is your e-mail, do you -- this e-mail, Exhibit 3, does
 10 not have a date on it. It references that you resigned from
 11 your position on Monday, 7/29/13.
 12 Do you remember the date that you actually sent
 13 this e-mail?
 14 A. August 4th I printed it.
 15 Q. Okay. Very good. We'll take a copy of that today
 16 and mark it as an exhibit to your deposition when we're
 17 done.
 18 In Exhibit 3 on the first page of Exhibit 3, the
 19 very last sentence of the last paragraph, you say, "Roberta
 20 passed on the documents to Bill Hoyt as planned and you know
 21 the rest of the story." You wrote that; correct?
 22 A. Yes.
 23 Q. Okay. Did you see Roberta pass the documents to
 24 Bill Hoyt?
 25 A. I did not.
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Page 49

1 Q. Did she tell you that she had passed the documents
 2 to Bill Hoyt?
 3 A. Yes.
 4 Q. When did she tell you that?
 5 A. I don't remember if it was that day. It was
 6 probably that same day that she did it, but I don't recall
 7 what day that was.
 8 (Whereupon, the court reporter marked for
 9 identification Exhibit No. 8.)
 10 BY MS. WINKLER:
 11 Q. I've handed you what our court reporter has marked
 12 as Exhibit 8 to your deposition and this is an e-mail
 13 exchange between Clint Warrell and Roberta Laird and
 14 Mr. Warrell is responding to an e-mail that you sent to him
 15 and he's also attaching a document to it.
 16 So I'm going to give you a moment to read through
 17 this document and just let me know when you've had a chance
 18 to look through it.
 19 (Whereupon, the witness was reading.)
 20 A. Okay.
 21 Q. Okay. Is -- on Exhibit 8 -- is Exhibit 8 an
 22 e-mail exchange between you and Clint Warrell?
 23 A. It is.
 24 Q. And it appears that on the first page of
 25 Exhibit 8, you sent an e-mail responding to an e-mail that
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1 Mr. Warrell sent informing managers that he would be out of
 2 the office, correct?
 3 A. Correct.
 4 Q. Were you a management-level employee at the
 5 association?
 6 A. Yes.
 7 (Whereupon, the court reporter marked for
 8 identification Exhibit No. 9.)
 9 BY MS. WINKLER:
 10 Q. Our court reporter has handed you what we've
 11 marked as Exhibit 9 to your deposition and this is an e-mail
 12 exchange -- appears to be an e-mail exchange between Rick
 13 Schwartz, the president of the Board, and -- well, I don't
 14 know if he was the president at the time that this e-mail
 15 was sent, but between you and Mr. Schwartz. So I will
 16 give you a moment to look through it.
 17 (Whereupon, the witness was reading.)
 18 A. Okay. I remember this.
 19 Q. Okay. So would you just confirm, please, that
 20 this -- this is an e-mail exchange between yourself and Rick
 21 Schwartz?
 22 A. It is.
 23 Q. And on the second page of Exhibit 9, there is an
 24 e-mail from you to Mr. Schwartz dated July 27th, 2013 and I
 25 want to direct your attention to, oh, about one-third of the
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1 way down. It says -- the sentence says, "Jean, as the Board
 2 president at the time, was involved with the three of us
 3 when another issue happened several months ago."
 4 Do you see that?
 5 A. Yes.
 6 Q. What issue were you referring to there?
 7 A. Actually, I don't recall what it was about, but I
 8 remember that I was upset with Clint and Roberta.
 9 Q. Do you think it was the website incident or -- or
 10 something else?
 11 A. No. No, it was prior to that.
 12 Q. Okay. And then you say -- you say, "This
 13 situation is different." So what was the situation that you
 14 were contacting Mr. Schwartz about?
 15 A. The reason why I left Sun Lakes and my document
 16 was deleted and Clint was very upset with me.
 17 Q. Okay. So this e-mail exchange with Mr. Schwartz,
 18 you were contacting him about the -- the incident with your
 19 document being deleted from the website?
 20 A. Correct.
 21 Q. But there had been some other incident earlier
 22 that Board president Jean Tolar had gotten involved in
 23 resolving between you and Clint and Roberta?
 24 A. Yes.
 25 Q. And you don't remember what that incident was
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1 about?
 2 A. I don't remember what the source of it was. I
 3 just remember that Clint and Roberta and I were having some
 4 issues and that I was not feeling well at the time due to
 5 hormone issues and Jean -- I -- I don't know if Clint and
 6 Roberta talked with Jean about it prior or not, but I just
 7 know that Jean called me into the office and Clint and
 8 Roberta, and she just wanted us to get along and not have
 9 any problems and -- and I said that I was not feeling well
 10 and I was upset and that -- and then we just -- everything
 11 was fine.
 12 Q. Okay.
 13 MS. WINKLER: I don't have any further questions.
 14 MR. CHEIFETZ: I'm going to ask a couple more, if
 15 you don't mind.
 16 MS. WINKLER: Sure.
 17
 18 FURTHER EXAMINATION
 19 BY MR. CHEIFETZ:
 20 Q. This exhibit -- the incidents that you discuss in
 21 Exhibit 3, do you have any reason to believe that -- so
 22 basically the notes taken from Ray Smith's file, do you have
 23 any reason to believe that that incident was ever known by
 24 the Board of Directors at that time?
 25 MS. WINKLER: Form.
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1 THE WITNESS: I don't understand what you're
 2 asking me.
 3 BY MR. CHEIFETZ:
 4 Q. Well, we know that you knew about the issue,
 5 Roberta knew and Clint knew. Did -- about this plan to take
 6 the notes of Mr. Warrell and put them in --
 7 MS. McNALLY: Smith, Ray Smith.
 8 MR. CHEIFETZ: Well, they're Mr. Warrell's,
 9 though. Please, refrain from speaking.
 10 BY MR. CHEIFETZ:
 11 Q. Were these -- did any of the Board members know
 12 about this whole thing where you were taking the notes and
 13 putting them in Roberta's box and then Roberta was going to
 14 give them to Mr. Hoyt?
 15 A. No.
 16 Q. And at the time that you wrote this e-mail two
 17 years later, did you have any reason to believe that the
 18 Board members knew about it at that time?
 19 A. No.
 20 MR. CHEIFETZ: I've got nothing further.
 21 MS. WINKLER: Before we go off the record, let's
 22 go ahead and mark this and Steve can get a copy for us.
 23 MR. CHEIFETZ: Sure.
 24 (Whereupon, the court reporter marked for
 25 identification Exhibit No. 10.)
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Page 54

1 MS. WINKLER: Okay. Just for our record today,
 2 we've marked as Exhibit 10 a copy of an e-mail that you
 3 brought with you today. Will you just confirm that this is
 4 an e-mail that you sent on August 4th, 2013?
 5 THE WITNESS: That is correct.
 6 BY MR. CHEIFETZ:
 7 Q. And is it fair to say that Exhibit 12 is basically
 8 just another version of Exhibit 3 just that it has the date
 9 and to who it was sent?
 10 A. Exhibit 10?
 11 Q. Exhibit 10, I'm sorry. I can't read.
 12 A. Could you repeat the question, please?
 13 Q. Is it fair to say that Exhibit 10 is the same as
 14 Exhibit 3, just that it has the date and to whom it was
 15 sent?
 16 A. Yes.
 17 MR. CHEIFETZ: Very good. Thank you.
 18 MS. WINKLER: Thank you.
 19 THE COURT REPORTER: Read and sign?
 20 MR. CHEIFETZ: Yep. They will give you an
 21 opportunity to review the deposition if you'd like and
 22 confirm its accuracy.
 23 THE WITNESS: Okay.
 24 (Proceedings adjourned at 10:30 a.m.)
 25

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Page 58

1 CERTIFICATE
 2 I HEREBY CERTIFY that the foregoing deposition was taken
 3 by me pursuant to notice; that I was then and there a
 4 Certified Court Reporter for the State of Arizona, and by
 5 virtue thereof authorized to administer an oath; that the
 6 witness before testifying was duly sworn by me to testify to
 7 the whole truth and nothing but the truth; pursuant to
 8 request, notification was provided that the deposition is
 9 available for review and signature; that the questions
 10 propounded by counsel and the answers of the witness thereto
 11 were taken down by me in shorthand and thereafter
 12 transcribed through computer-aided transcription under my
 13 direction, and that the foregoing typewritten pages contain
 14 a full, true, and accurate transcript of all proceedings had
 15 upon the taking of said deposition, all done to the best of
 16 my skill and ability.
 17 I FURTHER CERTIFY that I am in no way related to nor
 18 employed by any of the parties hereto, nor am I in any way
 19 interested in the outcome hereof.
 20 I FURTHER CERTIFY that I have complied with the ethical
 21 obligations set forth in ACJA Sections (J)(1)(a)(1) and (2).
 22 DATED at Phoenix, Arizona, this 7th day of July, 2015.

 CHRISTINE JOHNSON
 Registered Professional Reporter
 Registered Merit Reporter
 Certificate No. 50383

I CERTIFY that this Registered Reporting Firm has
 complied with the ethical obligations set forth in ACJA
 Sections (J)(1)(a)(1) and (2).
 DATED at Phoenix, Arizona, this 7th day of July, 2015.

 Registered Reporting Firm R1084
 CARRIE A. CARIATI, Owner

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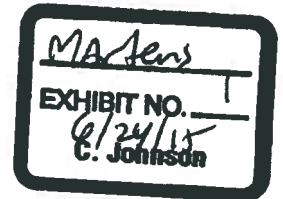
Page 55

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 JEANNIE MARTENS

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December 6, 2010

Dear Jeannie:

It has been 6 months since your arrival at Sun Lakes Country Club as the new Executive Assistant to the General Manager. The time has just flown by so quickly. I don't know if it's due to your quiet efficiency or if it's your cheery smile and attitude that makes time fly.

All the changes you have made from the format of the board books to the system of their delivery, to the posting of minutes and agendas, to the set up of the rooms for meetings has been so beneficial and has aided in the smooth running of board meetings.

Every task I give you is done quickly and efficiently. Even when you cannot do something right away, your response lets me know that you have something else more pressing and that you will do the task as soon as it is feasible. The interactions you have with homeowners are respectful and courteous.

I truly enjoy working with you, whether it is in person, by phone or by email. I hope you will have a wonderful career here at Sun Lakes Country Club.

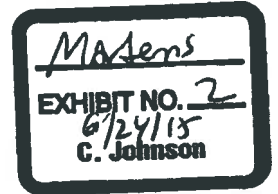
Warm regards,

A handwritten signature in cursive script that reads "Bernadette M. Halpin".

Bernadette M. Halpin,
President BOD

/bmh

cc: HR File



July 29, 2013

To: Board President Rick Schwartz and General Manager Clint J. Warrell

It is with great sadness and under duress, that effective immediately I am resigning my position as the Executive Administrative Services Manager at Sun Lakes HOA1.

I no longer wish to continue my employment in a hostile work environment with secrets, lies, and employee favoritism.

Jeannie Martens

Martens
EXHIBIT NO. 3
6/24/15
C. Johnson

JeannieMartens@aol.com

8:17 PM (18 hours ago)

to rglazieraz, west_thomas, me, morrcin

Ray, Tom, Colette:

If you are not already aware, I resigned (under duress) from my position at Sun Lakes on Monday 7/29/13. Now that I am no longer employed at Sun Lakes, I am relieved that I may finally confess something to you that has weighed heavy on my conscious for the past two years.

Two years ago, in 2011 when Bernadette resigned from the Board and Jean Tolar became President, I was cleaning out board books as I usually do to prepare them for the next board meeting. I came across some questionable information in Ray Smith's board book. It caught my eye because I knew it wasn't something I had originally inserted in the board book. It was information written by Steve Wolfer instructing Ray Smith, Tom West, and Colette McNally what to say to an outside attorney (Steve Chiefetz), Steve Wolfer's suggestions how the attorney should write a letter, and how a board member (Ray Smith) should present the letter to the public at a community meeting regarding Bernadette's "illegal actions" (Steve Wolfer's opinion) to catch Bernadette off guard and try to ensure that Michael Hern was appointed to the Board. Cindi Morrcin was also involved in this scheme and was the person who was paying the attorney.

Due to the nature of the information, I felt that I should show it to General Manager Clint Warrell to make him aware of the situation as I thought it may be unethical of board members to be planning something like this, in secret, to do to another board member. Clint read it and said yes, it may be unethical but there really wasn't anything we could do about it.

However, the next day, Clint said he had given much thought to the situation and decided it was unethical of board members to do this and yes, we should think of something to do about this. Roberta Laird, Human Resources Manager was called over to Clint's office, told the situation, and the brainstorming began as to what we could do. Even though the plan was not mine, I am still guilty for being involved in it. The plan was for me to place the documents in an unmarked envelope and place them in Roberta's mailbox at the front office. She would then give them to Bill Hoyt and tell him she found them in her mailbox and that they were from an anonymous person. We felt this may be a good plan as Bill Hoyt was a friend of Roberta's at the time and trusted her. We assumed that Bill Hoyt would probably distribute this information out to the community, which he did. Clint agreed we should do this. I was really nervous about this whole thing and I voiced to Clint and Roberta that "I was very uncomfortable doing this". However, I placed the documents in Roberta's mailbox even though I felt that it wasn't the right thing to do. Roberta passed on the documents to Bill Hoyt as planned and you know the rest of the story.

PL 00050

I apologize profusely that I allowed myself to be involved in any part of this plan. In my opinion, it was unethical and unprofessional for us to do this, especially the General Manager and Human Resources Manager, the trusted upper management of the corporation and the community, to deliberately plan something that could initiate further distrust in the community and turn homeowners against each other and against board members; definitely not a good "lead by example" action by management. We should have done nothing and remained neutral. So no, Ray, your computer was not hacked into and now you know who was responsible for the information getting out to the community. I knew it was wrong but in fear of the possibility of losing my job, I kept quiet. Now that I am no longer employed at Sun Lakes, I feel obligated to tell the truth so I can clear my conscious once and for all and move on. What I learned from this experience is that I will never again allow myself to be involved in doing something that I know is not ethical. I know I am a better person than this and I really want to reclaim my integrity and dignity in being a trustworthy professional executive. If any of this is denied or anything said to the contrary, it will not be the truth. What I have just told you is 100 per cent the truth. I will miss my job at Sun Lakes and I am truly very sad that it had to end this way.

Jeannie Martens



This is what I would want from the attorney and the strategy that occurs to me:

1. **Get a letter from the attorney that matches these requirements:**
 - a. **Written on the letterhead, with the signature of a named partner.**
 - b. **That makes it clear that the bylaws were studied.**
 - c. **That makes it clear that the arguments given for and against the proposition that the president or chair of a board meeting could vote on filling a vacancy were also studied.**
 - d. **That the letter is written in a neutral, professional tone, not adversarial, but strong.**
 - e. **That it is clear in stating that the president does NOT have the right to vote except to break a tie and that in any other case it is not a legal vote.**
 - f. **The letter should be fairly short so that it can read in full at the appropriate public meeting**
2. **I'd not spend any of the time with the attorney -- to start with -- talking about anything but the president-can't-vote issue to hold down the cost for Cindy, and to keep the letter focused on just one thing. You have to tell him about the history of Bernadette's illegal actions to control who is on the board, but it shouldn't take more than 5 to 10 minutes, and none of that should be in the letter (if it is, it forces Bernadette to dig her heels in, reject it and turn to Charles Maxwell).**
3. **The letter should not be leaked, or made available, or mentioned to anyone until the moment it is made public during the Community Meeting. Even that a lawyer has been consulted should be kept quiet. If it is leaked, then Bernadette will attempt to get an offsetting letter from Charles Maxwell and in addition, she will be prepared to argue instead of being caught off-guard.**
4. **The attorney should be told that under no circumstances is he to let any information get to Charles Maxwell before this letter is read by a board member at a meeting. Remember, all attorneys love to go to court -- that is exciting and a big payday, he would like to let Maxwell know and to set up a court battle -- it's what lawyers do.**
5. **It might be possible to settle this now with the following steps:**
 - a. **I'll send out a mass email that tells everyone about Bernadette voting illegally and I'll also talk about Larry Smith saying that he is going to talk to a lawyer to try to overturn the new cap on the dues -- that will bring some people to the meeting!**
 - b. **Using the letter, having it be a surprise, at a public meeting, and the mass emailing should give a small but definite edge and that edge might be enough.**
 - c. **Start right off with a motion to get a vote on whether or not the presidential vote is legal except when it is to break a tie.**
 - d. **Read the letter during the discussion of that motion to rule out the presidential-vote-except-for-tie-breaking.**
 - e. **I think Ray should read it since Colette has been attacked too often and will draw too much flack from board and audience, and Tom appears to be a new target for attacks. There are those on the board who still think they can sweet-talk Ray onto their side.**
 - f. **And with success on that motion, go directly to a motion to accept Michael -- that's the way to go... In my not so humble opinion.**

- g. If Bernadette and Jean and Larry vote against the legal opinion, they put themselves in a worse place. And it justifies all of you from ever voting on any other applicant – You position is clear that Michael is on the board now – any attempt to put another person on would be illegal and open up massive HOA liabilities. If you guys ever accept any applicant they put up, you have ensured a majority for Bernadette.
6. Court has risks and it takes years and lots of money gets spent and only the lawyers are guaranteed a good outcome. So, the lawyers might love it, but I'm not excited about that.
 7. Bernadette will schedule interviews and they should include Michael. Keep in close touch with each other, and with Clint to make sure there is no "accidental" failure to notify one of you about a scheduled exec session.
 8. Bernadette might schedule an executive session to vote on the appointment – this must either be changed to be an appropriately noticed open meeting. If you can't kill the closed meeting, then don't reveal your strategy, just be sure you show up and vote no on everything.
 9. If you ever find yourself at a meeting where one of the opposition is late or doesn't show up, make the motion to appoint Michael and take the vote.
 10. Again, if there is a motion at anytime to appoint anyone else, just vote no, and say that the president voted illegally and Michael is currently a legal board member and that must be so recognized. If it does go the court, then you don't want anyone else to have been appointed making this a moot point.
 11. If this strategy fails after the letter, then everyone needs to meet again and decide about pursuing it in the courts – that's a more complex question and one that involves more upfront costs. There are a number of different strategies that can be discussed in that area, but it's too soon now. Keep your fingers crossed that a letter turns things around.

Please let me know what you think I might have missed, or that doesn't appeal to you, or any better ideas. You guys will be doing the heavy lifting. It is all totally your decision. I'll never do anything but make suggestions, tell you what I think and then respect your decisions.

You guys are not puppets – you know that and I know that. And you can tell me at anytime to back off if you think my participation is generating more conflict than my efforts are help.

When Bernadette is removed from the presidency, I believe it will turn many things around. Much of the motivation to attack you guys will disappear and the nasty, behind the scenes toxin spreaders can be dealt with (but I don't think things will be all sweetness and light for a long time – just better).



TO THE RESIDENTS OF SUN LAKES COUNTRY CLUB:

The attached documents were prepared by one home owner, Steve Wolfer. They contain instructions to three newly elected HOA Board members: Colette McNally, Tom West and Ray Smith. The intent is very clear - to create a one sided board majority that will continue to take direction from Mr. Wolfer. The e-mail gives directions to Ms. McNally's attorney, not the HOA'S attorney (Charles Maxwell). These three directors and one home owner planned to meet with counsel, without the other board members or the GM present. Please study these documents carefully. Is this illegal – probably not, but it is unethical and unprofessional behavior for an elected official, at any level.

Item 1 - Notice how he even plans to tell the attorney what to do.

Item 2 - He talks of a past president's "illegal" actions but fears her "digging her heels in".

Item 3 - Don't leak the letter. Spring it at the Community Meeting. Where is the openness?

Item 4 - Their attorney should not talk to the HOA's attorney.

Item 5 - More mass e-mails. "Get a definite edge." Who should read the letter at the meeting. Then vote Michael in.

Item 9 - Very interesting. "where one of the **OPPOSITION** is late or doesn't show up make the motion to appoint Michael and take the vote"

Item 10 - This is how to vote!

Item 11 - Is this one of the hated "secret meetings"?

And, last but not leastremember... "you guys are not puppets"!

Who is the "real" behind the scenes toxin spreader?

HOME OWNERS....LISTEN UP.....PAY ATTENTION. This is not how a board represents US. If these directors continue to take direction from one home owner, why do we have elections? These three directors owe Bernadette Halpin and every homeowner an apology for their behavior and should publicly denounce any future professional involvement with this man, immediately.

This is what I would want from the attorney and the strategy that occurs to me:

- 1. Get a letter from the attorney that matches these requirements:**
 - a. Written on the letterhead, with the signature of a named partner.**
 - b. That makes it clear that the bylaws were studied.**
 - c. That makes it clear that the arguments given for and against the proposition that the president or chair of a board meeting could vote on filling a vacancy were also studied.**
 - d. That the letter is written in a neutral, professional tone, not adversarial, but strong.**
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- 2. I'd not spend any of the time with the attorney – to start with – talking about anything but the president-can't-vote issue to hold down the cost for Cindy, and to keep the letter focused on just one thing. You have to tell him about the history of Bernadette's illegal actions to control who is on the board, but it shouldn't take more than 5 to 10 minutes, and none of that should be in the letter (if it is, it forces Bernadette to dig her heels in, reject it and turn to Charles Maxwell).**
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 - f. And with success on that motion, go directly to a motion to accept Michael – that's the way to go... In my not so humble opinion.**

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 10. Again, if there is a motion at anytime to appoint anyone else, just vote no, and say that the president voted illegally and Michael is currently a legal board member and that must be so recognized. If it does go the court, then you don't want anyone else to have been appointed making this a moot point.
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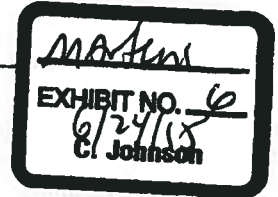
Please let me know what you think I might have missed, or that doesn't appeal to you, or any better ideas. You guys will be doing the heavy lifting. It is all totally your decision. I'll never do anything but make suggestions, tell you what I think and then respect your decisions.

You guys are not puppets – you know that and I know that. And you can tell me at anytime to back off if you think my participation is generating more conflict than my efforts are help.

When Bernadette is removed from the presidency, I believe it will turn many things around. Much of the motivation to attack you guys will disappear and the nasty, behind the scenes toxin spreaders can be dealt with (but I don't think things will be all sweetness and light for a long time – just better).

Steve Cheifetz

From: Steve Cheifetz
Sent: Friday, October 25, 2013 9:52 AM
To: 'JeannieMartens@aol.com'
Subject: RE: Follow-up



Thank you for your response. I understand your concerns. However, if Colette signed a retraction letter she would be required to say that your representations were false. You have clearly stated repeatedly they are true. Whether Colette addressed this issue in the best manner is open to debate, but I think the last thing anyone needs in the community is more lying. As far as I know, Colette has always sought to proceed openly and honestly and I think those are traits that this community needs more of.

If anyone threatens you please let us know. I think they will leave you alone, as I think the threats against Colette are meant to shut her up rather than to truly file a lawsuit. We hope to avoid any further disputes over this issue and will do what we can to keep you out of this mess. Thanks.

Confidential/Privileged e Mail
 From Steven W. Cheifetz
 Cheifetz Iannitelli Marcolini P.C.
 111 West Monroe 17th Floor
 Phoenix, Arizona 85003
 Phone: (602) 952-6000
 Fax: (602) 952-7020
www.cimlaw.com

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From: JeannieMartens@aol.com [mailto:JeannieMartens@aol.com]
Sent: Thursday, October 24, 2013 10:12 PM
To: Steve Cheifetz
Subject: Re: Follow-up

I do not agree with how Colette handled this situation. Because my email contained information regarding association employees, this issue should have been strictly addressed, discussed, and resolved in Board Executive Session in accordance with AZ State Statute 33-1804, open meeting exceptions. As a board member, she should not have showed my email to others in the community nor should she have tried to read my email in an open board meeting. I understand if the Board, Clint, and Roberta were upset with her actions. Maybe Colette should sign a retraction letter just to keep peace and harmony. That would not affect me as I know what I wrote was the truth and to me that is all that matters. However, that being said, I have an issue with Clint Warrell and Roberta Laird stating that the representations in my email are false. I have an issue with people who lie to me which is the reason I resigned my position from Sun Lakes in the first place. I find it peculiar that they are demanding Colette to sign a retraction letter acknowledging that the statements in my email were false in order to avoid the lawsuit. I am the person who wrote the statements in my email and yet I have not received anything from their attorney requesting me to retract my statements. Of course, I would assume that could still happen. Personally I feel that the Sun Lakes community should stop all their drama, act like adults and agree to disagree to keep harmony in their community.

Jeannie Martens

in a message dated 10/24/2013 11:19:08 A.M. US Mountain Standard Tim, swc@cimlaw.com writes:

Jeannie, my name is Steve Cheifetz and I have been retained to represent Colette McNally. Unfortunately, we had to trouble you about this matter due to the threatening letter received from attorney Robert Frisbee who represents Mr. Warrell and Ms. Laird. Mr. Frisbee threatened to file a lawsuit against Ms. McNally for providing copies of your e mail to others in the community. They assert that the representations in your e mail are false. They are demanding Ms. McNally sign a retraction letter acknowledging that the statements in your e mail were false in order to avoid the lawsuit.

I simply wanted to receive your confirmation that you believe the allegations in your e mail to be true, which you have now provided. As such, Ms. McNally does not intend to provide a retraction letter. It is our hope that a lawsuit is not filed and that we do not need to defend against these allegations. However, if they actually file a lawsuit, we may have no choice but to trouble you again about this unfortunate incident.

Thank you for your cooperation. Should you have any questions or concerns, please feel free to contact me.

Confidential/Privileged e Mail
From Steven W. Cheifetz
Cheifetz Iannitelli Marcolini P.C.
111 West Monroe 17th Floor
Phoenix, Arizona 85003
Phone: (602) 952-6000
Fax: (602) 952-7020
www.cimlaw.com

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From: Colette Mc Nally [mailto:colettemc9412@gmail.com]
Sent: Wednesday, October 23, 2013 4:23 PM
To: JeannieMartens@aol.com
Cc: Steve Cheifetz; Jacob Kubert
Subject: Follow-up

Hi Jeannie, How are things going for you? I hope you have found a good position and are feeling your usual cheerful self.

Here I am having a heck of a time with the Board and with Clint and Roberta. I have had to once again get a lawyer. He would like to talk with you just to confirm that what you wrote in your email is true.

He didn't want to send you an email out of the blue. Would you contact him by phone or email to confirm the message you sent in your email to Tom, Ray and I? I feel fully that what you wrote is what happened and just need your confirmation. Thanks

email: swc@cimlaw.com
Ph: 602 952 6000
Steve Cheifetz or
Jacob Kubert jak@cimlaw.com

Martens
EXHIBIT NO. 7
8/24/15
C. Johnson

Roberta Laird

From: Jeannie Martens <jmartens@sunlakescountryclub.com>
Sent: Wednesday, July 24, 2013 7:48 PM
To: Roberta Laird
Cc: cwarrell@sunlakescountryclub.com
Subject: I Get It Now and Will Agree to Disagree

I will never mention the website incident again. However, I want to make something perfectly clear. I never meant to hurt anyone or accuse **ANYONE** of maliciously doing anything to me. If anything I preferred to think it had to be an accident because to think of it any other way was very degrading and hurtful to me. I thought I was supposed to be able to talk to you if something happened at work that was distressing to me. I guess I take things more serious and personal than you do. Sometimes it's not easy for me to just laugh things away and say "Oh well". And **NO** my purpose was not to get someone in trouble or get them fired but simply to find out the truth of what happened. Now all of a sudden I am the one being accused; interesting.

So, bottom line is you may have taken offense to my discussion with you yesterday but I am more than offended by what you said to me today. I am backing off, not because it was suggested to me to basically let it go and move on because I got my deleted form back, but for another reason. It is what it is.

Jeanne Martens
Executive Administrative Services Manager



SUN LAKES HOMEOWNERS ASSOCIATION #1

25601 N. Sun Lakes Blvd., Sun Lakes, AZ 85248
Ph. (480) 895-9270 x221 Fx. (480) 718-0657
www.sunlakescountryclub.com

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McNelly v. Sun Lakes HOA #1
Case No. CV2014-009160
HOA000831

Martens
EXHIBIT NO. 8
6/29/15
C. Johnson

Roberta Laird

From: Clint Warrell <cwarrell@sunlakescountryclub.com>
Sent: Tuesday, March 19, 2013 6:14 PM
To: 'Laird Roberta'
Subject: RE: Clint Out of the Office
Attachments: JMartens Response 03192013.docx

Roberta:

Please see attachment JMartens Response 03192013.docx for Jeannie Martens file. I sat down and discussed this response with her "face to face" at 6:05 PM today.

Thank you!

Clint J. Warrell, CMCA, AMS, LSM, PCAM
General Manager

Sun Lakes Homeowners Association #1, INC.
25601 North Sun Lakes Blvd. Sun Lakes, AZ 85248
PH: 480.895.9270 FX: 480.895.1136
www.sunlakescountryclub.com

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-----Original Message-----

From: Jeannie Martens [mailto:imartens@sunlakescountryclub.com]
Sent: Monday, March 18, 2013 2:02 PM
To: 'Clint Warrell'
Cc: Roberta Laird
Subject: RE: Clint Out of the Office

Finding out this way is a little uncomfortable and not very acceptable in my mind. You didn't even bother to ask if I had anything else that was important to discuss with you today before you left. I am your Executive Assistant, not anyone else, and I feel that I at least deserve the courtesy and professionalism to be treated as such. If you have a legitimate reason why you are keeping me out of the loop of information or have an issue with my professional job performance, then let me know and I will correct it. But I need to be kept informed so that I may continue to do my job in a professional manner. Personal feelings need to be put aside if we are to work together in a friendly, productive manner or at least for past friendship sake, please have the decency to let me know to my face if I need to be seeking other employment and not do it behind my back. I have no intention of treating you with disrespect, you are my Manager and I will continue to defend you and "watch" your back as I always have. It is apparent that personal distancing of myself is not being accepted well and I am starting to feel that I am being punished in a weird and uncomfortable sort of way. I am trying to keep to myself and do my own thing so that I stay out of trouble. I feel that it doesn't do me any good to speak my mind or disagree about anything so I am trying to keep my mouth shut, act positive and only speak about work related items. I have a lot of pride in doing my job well and I will remain friendly, courteous and professional at all times

as I should be in my position. If you and Roberta feel it is necessary to meet and discuss this matter, then by all means let me know.

-----Original Message-----

From: Clint Warrell [mailto:cwarrell@sunlakescountryclub.com]

Sent: Monday, March 18, 2013 1:07 PM

To: Roberta Laird; Larry Brooks; Jeannie Martens; tkelly@sunlakescountryclub.com; Ryan Brandt; Rick Howell; Jack McNulty; Bill Collier

Subject:

Managers:

I'll be out of the office but available by phone, text, or e-mail the balance of the afternoon.

Thanks! And have a great afternoon,

Clint J. Warrell

Please see below answers to your e-mail.

Clint J. Warrell, CMCA, AMS, LSM, PCAM
General Manager

Sun Lakes Homeowners Association #1, INC.
25601 North Sun Lakes Blvd. Sun Lakes, AZ 85248
PH: 480.895.9270 FX: 480.895.1136
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-----Original Message-----

From: Jeannie Martens [mailto:jmartens@sunlakescountryclub.com]
Sent: Monday, March 18, 2013 2:02 PM
To: 'Clint Warrell'
Cc: Roberta Laird
Subject: RE: Clint Out of the Office

Finding out this way is a little uncomfortable and not very acceptable in my mind.

I'm sorry you feel that me taking a few hours off in the afternoon yesterday and notifying the managers via e-mail makes you little uncomfortable and not very acceptable in your mind but it is the proper way in which I need to inform Management when I will be away. I would have spoken to you as I have always in the past "face to face" but if you think back to yesterday, I returned to my office at 12:35 PM and you immediately got up and closed your door between us. I assumed you were in the middle of something important since you rarely close your door and had no idea you would react in this manner to a simple e-mail.

You didn't even bother to ask if I had anything else that was important to discuss with you today before you left.

Again I returned to my office at 12:35 PM and you immediately got up and closed your door between us. I assumed you were in the middle of something important since you rarely close your door and had no idea you would react in this manner to a simple e-mail. You know as well as not you can e-mail me, text me and call me ANYTIME. There has been nothing in the past that has required a face to face meeting and couldn't be handled via e-mail, text, and or phone.

I am your Executive Assistant, not anyone else, and I feel that I at least deserve the courtesy and professionalism to be treated as such.

I HAVE NEVER - and I REPEAT - NEVER treated you without courtesy or in an unprofessional manner. Please do not infer that I have as this is untrue.

McNally v. Sun Lakes HOA #1
Case No. CV2014-009488
HOA000826

If you have a legitimate reason why you are keeping me out of the loop of information or have an issue with my professional job performance, then let me know and I will correct it.

I have not kept you out of the loop of anything - I share everything that pertains to you and or your department with you. I'm perplexed that this statement is even coming from you.

But I need to be kept informed so that I may continue to do my job in a professional manner.

I would agree!

Personal feelings need to be put aside if we are to work together in a friendly, productive manner or at least for past friendship sake, please have the decency to let me know to my face if I need to be seeking other employment and not do it behind my back.

I'm very sorry you feel this way as I have no "personal feelings" about any of this and need further clarification as to what exactly I am doing behind your back? I thought we are working together in a friendly, productive manner.

I have no intention of treating you with disrespect, you are my Manager and I will continue to defend you and "watch" your back as I always have.

I have no intention of treating you with disrespect NOR HAVE I EVER!!! I will continue to defend you and "watch" your back as I always have as well.

It is apparent that personal distancing of myself is not being accepted well and I am starting to feel that I am being punished in a weird and uncomfortable sort of way.

I'm really not comfortable with this statement - and will not comment on it as I don't feel it is professional and is a very open ended comment.

I am trying to keep to myself and do my own thing so that I stay out of trouble. I feel that it doesn't do me any good to speak my mind or disagree about anything so I am trying to keep my mouth shut, act positive and only speak about work related items.

I respect that, but I would encourage you to speak your opinion professionally as you are a Manager and I need your input!

I have a lot of pride in doing my job well and I will remain friendly, courteous and professional at all times as I should be in my position.

As do I and the entire management team, and expect as well to be treated courteous and professional at all times as well.

If you and Roberta feel it is necessary to meet and discuss this matter, then by all means let me know.

I am always available to meet at anytime!

—Original Message—

From: Clint Warrell [mailto:cwarrell@sunlakescountryclub.com]

Sent: Monday, March 18, 2013 1:07 PM

To: Roberta Laird; Larry Brooks; Jeannle Martens;

tkelly@sunlakescountryclub.com; Ryan Brandt; Rick Howell; Jack McNulty; Bill
Collier

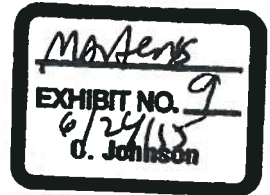
Subject:

Managers:

I'll be out of the office but available by phone, text, or e-mail the
balance of the afternoon.

Thanks! And have a great afternoon,

Clint J. Warrell



Roberta Laird

From: Rick Schwartz <servtype@yahoo.com>
Sent: Monday, July 29, 2013 11:28 AM
To: Roberta Laird
Subject: Fw: Jeannie and a Work Related Issue

here you

Rick Schwartz
480.332.5439

----- Forwarded Message -----

From: "JeanneMartens@aol.com" <JeannieMartens@aol.com>
To: servtype@yahoo.com
Sent: Saturday, July 27, 2013 5:27 PM
Subject: Re: Jeannie and a Work Related Issue

Don't get me wrong Rick, I care about Jean, respect her and consider her a dear person and friend also. I also know that Jean cares about me too. However, I am just trying to follow protocol according to the employee handbook. The incident that took place several months ago when Jean was President was something totally different and has absolutely nothing to do with what happened last week. I do have a medical issue and I am on prescription medication to keep me in balance. It's a woman thing. TMI. Either that or it's because I have lived with a Marine for too many years! Yikes! Ha ha. :o) I am sure that Jean will be told anyway but I don't feel she needs to be present at the meeting. I would prefer that you do not forward my confidential emails to Clint and Roberta or anyone else. This is a very sensitive issue right now and I will express how I feel to them on Monday. My issue is actually more with Clint than it is Roberta. Thank you for listening and I know you are not taking sides and just want us to all work together amicably as I do. I will be to work very early on Monday to catch up on some things so whatever time you want to meet is fine with me. Just send Clint and Roberta an email telling them that you want to set a meeting with the 4 of us on Monday morning to talk this through to resolve the issue. You can tell them that you were in contact with me and that I agreed to a meeting on Monday at whatever time is set. Thanks again Rick. You are awesome!

Jeanne Martens

In a message dated 7/27/2013 3:50:36 P.M. US Mountain Standard Time, servtype@yahoo.com writes:

Yes Jeannie just the 4 of us is fine. I was under the impression that some of this took place when Jean was President. But anyway I know we can get this all taken care of and move on. You do know I need to forward this to Clint & Roberta letting them know what the meeting is about. And another reason I think you expressed you feeling very well in you email. But with that being said I respect you enough not to send it on if you don't want me to. We can wait for Monday. Just let me know.

Also keep in mine that friends sometime over react when they really want to help someone and your not being portrayed as being



the bad person. I know we can work this out on Monday and it may not be the same for awhile but it will get back to normal. So try and have a good weekend.

Rick Schwartz
480.332.5439

From: "JeannieMartens@aol.com" <JeannieMartens@aol.com>
To: servtype@yahoo.com
Sent: Saturday, July 27, 2013 2:40 PM
Subject: Re: Jeannie and a Work Related Issue

Thanks for your response Rick. Yes, I would like to set up a meeting preferably between the 4 of us, (Clint, Roberta, you, and me only) first thing Monday if possible and get this resolved once and for all because I feel that defenses instantly went up when I first tried to talk about this and now I am being portrayed to be the bad person. It doesn't make any sense to me. However, I am a bit surprised that Jean knew about this because I asked Roberta and she told me that they hadn't discussed this with Jean and that she didn't know about it and that if anything I would be the one to discuss it with her if I wanted her to know. Especially when I thought it ended up turning into a confidential H.R. issue that I am not sure may be discussed with anyone except the Board President if it can't be resolved between the employees and Manager. Jean, as the Board President at the time, was involved with the 3 of us when another issue happened several months ago. Jean really raked me over the coals but I probably had it coming to a certain degree. This situation is different. Clint, Roberta, and Jean all know that I eventually realized I may have a medical issue and went to my doctor and obtained medication. I feel I am much better now and once again can think clearly. But just because I take "happy" pills doesn't mean that I don't have feelings and things can't affect me, upset me, or get my feelings hurt. Clint and Roberta did not request that the 3 of us get together and discuss this and try to resolve this first but instead went around me and voiced concerns to board members. According to the employee manual an issue should try to be resolved between an employee and a Manager first. If it can't be resolved, then it would go to the General Manager and H.R. Manager. In that Executive Management is in a unique situation where the issue I am having is with the GM & HR Mgr., I assumed that if it could not be resolved between the 3 of us, then I could present it to you, the Board President, because the GM reports to the President of the Board. Then if the employee feels the issue is still not resolved to their satisfaction, the employee has the right to request that the issue be reviewed by the Board of Directors. But yes, I would like to meet, find out what is going on and why they think I would be a vindictive person, especially to Roberta, and Clint too for that matter, whom I consider to be my friends. We won't always think alike and will have differences of opinions but I for one know I need to handle issues in a more rational way than I do. It is in my opinion that all 3 of us

have not acted in the best objective and professional manner and should have been more respectful of each others feelings. I know we are better than this and work well as a team so I just want to work through this, let bygones to be bygones and move on. I know I need to work on finding my inner fun kid self again and lighten up and laugh more like I used to. We have enough drama with homeowners and board members without adding drama between each other. LOL :o) See you on Monday.

Jeannie Martens

In a message dated 7/27/2013 1:02:59 P.M. US Mountain Standard Time, servtype@yahoo.com writes:

Jeannie,

I was made aware of your situation Friday by Clint, Roberta, and Jean. I didn't forward you email to anyone but Jean and as a past President I feel she should be involved because I do look to her for advice.

No one wants to lose you but I think it's time to get it all out on the table and all of us sit down and get this taken care of. We can not let this fester because it will get in the way of our jobs and that's not fair to the members or fellow workers. We have a very good administration now and working very well with the board and you are part of that. If the 5 of us can sit down and get this resolved, that's what we need to do. As you know I can't get involved in management issues but since it was brought to me by management asking for suggestions then that's what I would like to see done. I hope this will answer your questions. Let me know and I will setup a meeting between the 5 of us if you feel that will help.

I will tell you this much after talking to Clint & Roberta on Friday and your email today both sides of the story are very much the same. Hope this helps.

Rick Schwartz
480.332.5439

From: "JeannieMartens@aol.com" <JeannieMartens@aol.com>
To: servtype@yahoo.com

Subject: Jeannie and a Work Related Issue

Hi Rick,

I hope you can help me because who am I supposed to go to when I have a problem with both Clint who is my supervisor and Roberta who is H.R.? I really didn't want to discuss this issue with anyone else but it seems like it is not getting resolved. I don't want to resign from my position or get terminated for that matter, because I love my job and always strive to do a really good job. However, I have felt a lot of tension this past week and I do not wish to work in a hostile work environment. I am not aware if you know anything about this but there are always two sides to every story. We have stressful jobs. As with board members, there is a very diverse group of personalities among employees at Sun Lakes Country Club and there are always bound to be conflicts; we are all human and will make mistakes from time to time. I know and will admit that I am far from perfect. Please let me explain.

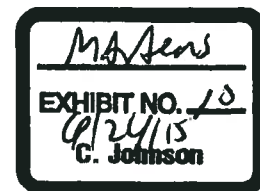
The second day upon my return to work from vacation, I discovered that a web site project that I had worked on, prior to my vacation, had disappeared from the web site. I was very upset and thought the best thing to do would be to report it to Clint and Roberta. Clint suggested that I check with Association Voice, our web site company, to see if maybe they could restore the document and find out what happened. I did as he suggested. As the web site company tracks all transactions on the web site, they were able to tell me the date, time, and who deleted the document. Clint had asked me to let him know what I found out but when I showed him and Roberta the results, it was vehemently denied and I felt that Clint was very upset with me, like I was accusing Roberta, who he knew would never do such a thing. Web site tracking showed that Roberta had deleted the document. I did not accuse her of deliberately doing something wrong because I know in my heart that she wouldn't do that, but I did say that I thought it possibly could have just been an accident but she said no. I also considered and asked Roberta if she thought that someone else could have logged in under her name from another computer but she didn't feel that anyone else would know her web site login password. The web site company told me they could pinpoint it back to the computer the deletion had originated from by providing me the IP address of the computer but I emailed them and told them I did not wish to pursue this any further. Facts I received can't be denied but I know it wasn't done intentionally and decided it would be best for all concerned to let it go. I was not angry at Roberta at all. However, Clint seemed angry at me because he told me I really hurt Roberta. I didn't understand that because after Roberta and I spoke about this whole issue, I emailed her and all was OK; (email response to me from Roberta), "Jeannie: I'm not upset at all. You got the form back all is good let's move on". Feelings seemed to change after Clint talked to Roberta. I tried to talk with Clint but tempers flared, words were exchanged between Clint and me and then I went to Roberta's office to talk with her alone. Per Roberta, she and Clint discussed the issue in her office (I don't know all details discussed) and she told me that she told Clint that maybe she could have deleted the form but wasn't aware that she did it. Now Roberta seemed upset with me and I was told by Roberta that it looked like I was intently and maliciously trying to find out who deleted the document and what was I expecting to gain from this; trying to get someone in trouble or possibly fired? I said "No, I just wanted to know the truth of what happened and I didn't feel there was anything wrong with that". I was told that I got my form back so what was the problem? Why couldn't I just let it go and move on, it doesn't have to be this way. Roberta also told me that on numerous occasions that she felt like she was being questioned by me as if I thought she was lying. I was really surprised by all this and wasn't quite sure how an upsetting work related issue for me turned into an "all about Roberta issue" and now I was the person who was in the wrong. But when I was later told by Clint that I needed to add a special presentation to Roberta on the 8/7 board meeting agenda, it then became clearer to me what was maybe going on. Maybe they felt threatened that somehow I was going to spoil her recognition. Not at all true. I would never do that. I am happy that Roberta is being recognized because she works hard, puts up with a lot of crap, and she deserves it. I would never want to deliberately hurt Clint or Roberta. Then the next day I felt that Clint was very distant with me and was only speaking to me because he didn't have a choice. It seems to me that this has become way too personal and biased. I spoke with Roberta that same morning and I thought all was fine between us.

been friends besides co-workers. We have had a few bumps along the way but have always been able to work through them. Maybe it's not in one's best interest in business to become good friends but for the most part, we have had a good relationship. I feel that this situation has not been handled objectively and I am really confused as to what is going on. It kind of turned into a "he said, she said" thing where the three of us have never gotten together to talk it through and work it out. I feel that this has all been a huge misunderstanding and I don't know what to do. If I don't feel comfortable going to my Manager and the H.R. person to discuss a work related problem which ends up being turned against me, then that puts me in a very awkward position.

I take pride in my dedication to my position at Sun Lakes and it is a great learning experience and rewarding challenge for me. I have a goal to further educate myself about the HOA industry so I can move forward with my career and become certified. I am counting on Clint to be my mentor to help me keep on track with this. This whole mess all seems so petty and childish. I don't want to feel like I am back in grade school and my two best friends decide they don't like me anymore and want to kick me out of the circle of friendship. I just want to better understand why this is happening, resolve this like adults and concentrate on doing my job in the best interest of the corporation and the community.

Jeannie Martens

Subj: Please Read Regarding 2011 Board Member(s) Incident
Date: 8/4/2013 8:17:47 P.M. US Mountain Standard Time
From: JeannieMartens@aol.com
To: rglazieraz@hotmail.com, west_thomas@msn.com, colettemc9412@gmail.com
CC: morrcin@aol.com



Ray, Tom, Colette:

If you are not already aware, I resigned (under duress) from my position at Sun Lakes on Monday 7/29/13. Now that I am no longer employed at Sun Lakes, I am relieved that I may finally confess something to you that has weighed heavy on my conscious for the past two years.

Two years ago, in 2011 when Bernadette resigned from the Board and Jean Tolar became President, I was cleaning out board books as I usually do to prepare them for the next board meeting. I came across some questionable information in Ray Smith's board book. It caught my eye because I knew it wasn't something I had originally inserted in the board book. It was information written by Steve Wolfer instructing Ray Smith, Tom West, and Colette McNally what to say to an outside attorney (Steve Chiefetz), Steve Wolfer's suggestions how the attorney should write a letter, and how a board member (Ray Smith) should present the letter to the public at a community meeting regarding Bernadette's "illegal actions" (Steve Wolfer's opinion) to catch Bernadette off guard and try to ensure that Michael Hern was appointed to the Board. Cindi Morrcin was also involved in this scheme and was the person who was paying the attorney.

Due to the nature of the information, I felt that I should show it to General Manager Clint Warrell to make him aware of the situation as I thought it may be unethical of board members to be planning something like this, in secret, to do to another board member. Clint read it and said yes, it may be unethical but there really wasn't anything we could do about it.

However, the next day, Clint said he had given much thought to the situation and decided it was unethical of board members to do this and yes, we should think of something to do about this. Roberta Laird, Human Resources Manager was called over to Clint's office, told the situation, and the brainstorming began as to what we could do. Even though the plan was not mine, I am still guilty for being involved in it. The plan was for me to place the documents in an unmarked envelope and place them in Roberta's mailbox at the front office. She would then give them to Bill Hoyt and tell him she found them in her mailbox and that they were from an anonymous person. We felt this may be a good plan as Bill Hoyt was a friend of Roberta's at the time and trusted her. We assumed that Bill Hoyt would probably distribute this information out to the community, which he did. Clint agreed we should do this. I was really nervous about this whole thing and I voiced to Clint and Roberta that "I was very uncomfortable doing this". However, I placed the documents in Roberta's mailbox even though I felt that it wasn't the right thing to do. Roberta passed on the documents to Bill Hoyt as planned and you know the rest of the story.

I apologize profusely that I allowed myself to be involved in any part of this plan. In my opinion, it was unethical and unprofessional for us to do this, especially the General Manager and Human Resources Manager, the trusted upper management of the corporation and the community, to deliberately plan something that could initiate further distrust in the community and turn homeowners against each other and against board members; definitely not a good "lead by example" action by management. We should have done nothing and remained

neutral. So no, Ray, your computer was not hacked into and now you know who was responsible for the information getting out to the community. I knew it was wrong but in fear of the possibility of losing my job, I kept quiet. Now that I am no longer employed at Sun Lakes, I feel obligated to tell the truth so I can clear my conscious once and for all and move on. What I learned from this experience is that I will never again allow myself to be involved in doing something that I know is not ethical. I know I am a better person than this and I really want to reclaim my integrity and dignity in being a trustworthy professional executive. If any of this is denied or anything said to the contrary, it will not be the truth. What I have just told you is 100 per cent the truth. I will miss my job at Sun Lakes and I am truly very sad that it had to end this way.

Jeannie Martens