

From: Paul A. Bradley <pab@maronmarvel.com>
Sent: Friday, April 28, 2023 11:49 AM
To: gregoryepichler@gmail.com
Cc: Bob Wood; Donald Deraska; Holly Fluty Dempsey; Jerry Kafka ; Kerry Hall; Margie Cyr; Nora M.
Alter ; Paul A. Bradley; Ronald Thomas
Subject: RE: [EXTERNAL] Association Documents Request

Greg,
Good morning. Your request to review MBA proxy ballots for the past six election cycles has been reviewed. Please be advised that your request is denied for failure to state a proper purpose under Delaware law. All books and records requests require that a proper purpose be stated to review the records and your request fails for the following reasons:

- a) A proxy gives the holder of the proxy the right to take the action specified in the proxy document or, if no particular action or instructions are specified, to take action as he or she deems appropriate on behalf of the member giving the proxy. You have stated that one or more unnamed proxy holders voted on behalf of certain unnamed members giving the proxies which, on its face, is a proper act. A mere curiosity about how proxy holders may or may not have fulfilled their duties, without any meritorious allegations or credible evidence of wrongdoing, does not constitute a proper purpose.
- b) Simply having an evaluative interest about the actions of certain proxy holders over the past 6 elections is a fishing expedition without a proper purpose.
- c) Your request is vague and, thus improper, in that you do not identify the "former board member and president" or any other board members who you claim used a proxy in an improper manner, when that event occurred or that it had an effect on an election.

Paul
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Board President

Paul A. Bradley
Member & General Counsel

Attorney At Law

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From: gregoryepichler@gmail.com <gregoryepichler@gmail.com>

Sent: Sunday, April 23, 2023 1:28 PM

To: Board@middlesexbeach.org

Subject: [EXTERNAL] Association Documents Request

Paul, Ron,

I would like access to all of the ballots for the board positions where the ballots are marked as proxy ballots and where a member of the board are designated as the proxy holder for the past six general election cycles (e.g., from 2018 through 2023).

Ultimately, I would like to audit the candidate selections on the proxy ballots to see if the selections match the intentions and wishes of the member who designated their ballot as a proxy ballot.

Again, in August, 2019 or thereabouts a former member of the board of directors contacted me, alleging that a former member of the board of directors of the Middlesex Beach home owners association had effectively over voted a number of mail in ballots that were in his/her custody.

Then in October, 2020 or thereabouts, another former board member of the board articulated his belief that there were indeed vulnerabilities in the mail in ballot and in particular the chain of custody of the mail in ballots.

More recently in March, 2023 a former board member and president reported that he/she did indeed exercise proxy ballots where he was named as the proxy holder with his/her own selections for board positions for years.

Greg Pichler
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