

From: 15Dune <dave@dawbeach.com>
Sent: Friday, August 29, 2025 2:48 PM
To: Gregory Pichler
Cc: MBA BOARD
Subject: Association Documents Request

Greg: You have repeatedly questioned the process laid out in MBA Governing documents for electing Board members, which takes place each Labor Day weekend. It is therefore confusing that you bring up a February 28, 2023 email that I (as an individual who at the time was not a Board member) wrote discussing the recent vote at the Board level to recommend the annual assessment to the community.

Any general proxies that were assigned to me at any point in time, whether these were proxies assigned to me during my time serving on the Board (September 2001-2016; September 2023-present) or times when I was not, were legally mine to vote as I wished. Period. This applies to situations where someone informed me they had assigned me as their proxy and I should vote as I saw fit, and to those that were returned to our property manager's office with no candidate names checked off or filled in. If someone assigns me their general proxy, they are trusting me to make their decision for them or, if any candidates have been checked off or filled in, to vote in accordance with their choices.

For the sake of completeness, as I have told you on MANY occasions, the number of general proxies assigned in their entirety to the Board is traditionally quite small-usually in the low single digits. By "in their entirety", I refer to those submitted without voting for any candidates. Any proxies submitted with even one candidate's name checked off would have been voted exactly that way-for only the specific candidate or candidates checked off.

None of the above actions can in any way be construed as me having "admitted to a long history of doctoring ballots that entrusted you as proxy". I have admitted only to casting proxy votes in the way I saw fit at the time. My reasons for making these lawful decisions are irrelevant. There is a big difference between legally voting for those I believed would make good board members and illegally altering ballots to elect specific candidates.

And whatever it may be alleged that I did in 2020, when I was a non-Board member of the community, is irrelevant to the issue you continue to put forth, and has zero legal basis.

As for your corporate records request, although an allegation of mismanagement may be a proper purpose, a bare allegation is not sufficient. A requestor must show, by a preponderance of the evidence, a credible basis that possible mismanagement has occurred as would warrant further investigation. You have failed to provide any evidence whatsoever for your allegations and only rely upon what you "believe". What you believe is not enough to satisfy the credible basis threshold. Your request is the "fishing expedition" based on "mere curiosity" that corporate law seeks to avoid. With that being

the case, your records request is, once again, denied for failure to state a proper purpose. You also continue to fail to meet the requirements of 8 Del.C. 220, which is another basis for the denial of your records request.

--Dave Wiecking
President, for the Board of Directors
Middlesex Beach Association