

LAKE LIMERICK COUNTRY CLUB, INC.
BOARD OF TRUSTEES
ELECTION OF OFFICERS
April 23, 2005

The meeting was called to order by Vice President Scott Carey at 3:10 p.m.

Members attending were: Esther Springer-Johannesen, Tony Paradise, Shirley Toner, Mike Powter, Keith Smith, Scott Carey, Lee Dormuth, and Dave Kohler

The purpose for this meeting was to elect officers, no other business was conducted.

Nominations were open for the position of President.

A motion was made by Esther Springer-Johannesen and seconded by Tony Paradise to nominate Scott Carey for President:

A motion was made by Shirley Toner, seconded by Tony Paradise and passed as follows:

To close the nominations

Scott Carey was elected President by acclamation, it was passed unanimously.

Nominations were open for the position of Vice President.

A motion was made by Esther Springer-Johannesen, seconded by Shirley Toner to nominate Tom Taylor for Vice-President:

A motion was made by Esther Springer-Johannesen, seconded by Tony Paradise and passed as follows:

To close the nominations

Tom Taylor was elected Vice President by acclamation, it was passed unanimously.

Nominations were open for the position of Treasurer.

A motion was made by Shirley Toner, seconded by Mike Powter to nominate Esther Springer-Johannesen for Treasurer:

A motion was made by Dave Kohler, seconded by Tony Paradise and passed as follows:

To close the nominations

Esther Springer-Johannesen was elected Treasurer by acclamation, it was passed unanimously.

Nominations were open for the position of Secretary.

A motion was made by Mike Powter, seconded by Esther Springer-Johannesen to nominate Shirley Toner for Secretary:

A motion was made by Esther Springer-Johannesen, seconded by Dave Kohler and passed as follows:

To close the nominations

Shirley Toner was elected Secretary by acclamation, it was passed unanimously.

A motion was made by Esther Springer-Johannesen, seconded by Tony Paradise and passed as follows:

To adjourn the meeting at 3:30 p.m.

Respectfully Submitted by:

Sheila Hedlund

Executive Administrative Assistant

Preliminary Minutes, not approved by the Board of Trustees. For Review Only.



Lake Limerick Country Club, Inc.

Annual Meeting

April 23, 2005-2:00 p.m.

Agenda

1. Opening Comments
 - a. Thank you for Board Members and Volunteers
2. Financial Report
3. Water Department
4. Questions from Membership
5. Introduction of Candidates
 - Board of Trustees:* Peter Candelin, Dale Haughian, Don Johnson, Lee Dormuth, Joe Flores, Tracy Taylor, and Dave Kohler
 - Water Committee:* Bill McDonald, Nan Stricklin, Incumbent, Paul Goetsch, and Don Nichols
7. Recess for Voting
8. Reconvene: Announce Results of Election
9. Recess to Closed Officer Election Meeting
Board of Trustees
10. Return to Announce New Officers
11. Adjourn



BOARD OF TRUSTEES - LAKE LIMERICK COUNTRY CLUB

April 16, 2005

MINUTES

Vice President Scott Carey to call the meeting to order at 9:00

I. ROLL CALL:

Vice President Scott Carey, Treasurer Esther Springer-Johannesen, Secretary Shirley Toner, & Trustees, Pat Chaussee, Mike Powter, Tony Paradise, Keith Smith, and Water chairman Kirk Osborne. Trustees Dick Sirokman, Pat Feist, Don Nichols, and President Tom Taylor were excused.

Employees: Marianne Koch

Guest attending: Tom Penski, Paul Goetsch, Fred Bierward, Rob & Georgia Koenig, Dave & Karen Kohler, Jack Betterley, Janice Vocke, Dele Elmund, Theresa Taylor, Ron Gruszuzenski, Glen Zevenberger, Nan Stricklin, Irv Layton, Joe Flores, Hollynn Asbjornsen

II. GUESTS FROM THE FLOOR: Fred Bierward requested that a licensed electrician do all electrical work. That other wise this could be a dangerous situation. The board agreed, and thanked Fred for his feedback.

III. APPROVAL OF MINUTES:

A motion was made by Pat Chaussee seconded by Shirley Toner and passed as follows, with 0 nays:
To approve the minutes of March 2005.

IV. FINANCIAL REPORT: Esther Springer-Johannesen Treasurer

Esther reported that the receivables are coming down, discussion was held on interest charges, late fees. The treasurer pointed out that of 40 accounts over 90 days 38 are still receiving water and not paying for it. Emphasizing the need to have the ability to shut off the water. End of month and Year to date figures were reviewed. Health insurance cost are higher then expected and she will report next month on findings. L & I insurance has also gone up.

A motion was made by Shirley Toner, seconded by Tony Paradise and passed as follows, with 0 nays:
To approve the financials as presented with the following changes.

V. CONSENT AGENDA: (Committees motions)

Nan Stricklin and Kirk Osborne responded to the BOT with regard to the Brihn letter as mentioned within the Water Committee minutes.

The park hosts were again discussed, both pro and con. The board recognized the work the lake/dam committee put into suggestions for the park host, and again emphasized that this is a liability decision to temporary remove the park host, until proper procedures are in place. The board stated that they are waiting for the attorneys to return with a contract, which will cover LLCC and the park host. When that is done further discussion will be held and input requested on what is needed.

Youth committee's request that the children of renters have use of the club facilities, parks and lakes was discussed. None of the children renters or otherwise are turned away from any of the children's activities now.

A motion was made by Pat Chaussee, seconded by Tony Paradise and passed as follows, with 0 nays:

To approve the consent agenda, with the exception of Lake/Dam motions 2 & 3 and youth committee meeting motion.

A motion was made by Esther Springer Johannesen, seconded by Pat Chaussee and passed as follows, with 0 nays:

To approve the final 3/12/2005 version of the Dock float Guidelines.

VI. OLD BUSINESS:

1. **By law changes:** deferred.
2. **Shriver Letter update (Shirley Toner)** The board has agreed to take back this property. Div 4 lot 166.
3. **Devore property 04-135.** The board discussed the choices our attorney suggested and after some discussion voted to take back the property clear title and sell.

A motion was made by Tony Paradise, **seconded by** Keith Smith **and passed as follows, with 0 nays:**

To approve taking div4-lot135 title back from the owner clearing the title and selling.

4. **Park Host,** update. () Discussed above in the consent agenda

VII. NEW BUSINESS:

1. **Nominating committee:** none
2. **Churchill property** The board asked Keith Smith to look into removing the trailer so the property could be cleaned up and sold.
3. **Neighborhood watch: Dale Emlund:** Mr Emlund requested of the board fund for new jackets and signs. He announced hat had been happening in the meetings, and encouraged all to attend. Again explaining that Neighborhood watch is not a committee but a group of neighbors that patrol their neighborhoods and work the sheriffs office to help stop crimes happening in their neighborhoods.

A motion was made by, Pat Chaussee **seconded by** Tony Paradise **and passed as follows, with 0 nays:**

To approve the funds of \$350.00 for new jackets and \$30.00 for new signs for the neighborhood watch program.

4. **Kirk Osborne:** wished to inform the board of the sanitary survey (required every 5 years) just completed and the positive results. This is posted in the lobby. He stated that the personnel working for the water department is responsible for the good report. He also invited the board and members to Well 6 after the meeting, as this project is now complete. He wished to remind every one of the cranberry creek road closure in July. The backhoe situation was discussed and Scott Carey stated he would take care of it, and that the backhoe would be fixed.

VIII CORRESPONDENCE: Shirley Toner none

Scott Carey read out loud to the meeting the letter from Madge Shotwell.

A motion was made by, Tony Paradise **seconded by** Shirley Toner **and passed as follows, with 0 nays:**

To acknowledge the receipt of the letter, that the letter was read out loud at the meeting, and to take no further actions.

Scott Carey wished to thank the out going board members for their input and involvement.

IX. ANNOUNCEMENTS:

Mothers day, crab feed, fashion show

X. MOTION TO ADJOURN

A motion was made by Esther Springer Johannesen, **seconded by** Tony Paradise **and passed as follows, with 0 nays:**

To adjourn the meeting at 11:00

**The board of trustees has not approved these minutes
For review only, respectfully submitted by Marianne Koch**

CONSENT TO AGENDA

WATER COMMITTEE:

A motion was made by Vern Hadsall, seconded by Nan Stricklin and passed with no nays as follows:

To accept the minutes of March 2005 with the following changes:

Old Bussiness should read as:

Scott & Shelle Brihn, Dive.1, Lot 134, requested credit rather than refund. Not happy. Second letter

received March 9th demanding full refund to 1999. The committee instructed the acting chair to

send a letter to the Brihn explaining their right to appeal to the board of trustees.

A motion was made by Vern Hadsall, seconded by Nan Stricklin and passed with no nays as follows:

To accept the financials of March 2005, with the following exception, the CD has been moved to the savings account, and an explanation of the lock out fees reporting.

LAKE/DAM COMMITTEE

Motion #1: "I move that the final 3/12/05 version of the Dock Float Guidelines be submitted to the BOT for adoption." Motion made by Dave Kohler, seconded by Tom Penski. Motion carried.

Motion #2: "I move that when the BOT rewrites the Bylaws that they officially sanction the Lake/Dam Committee to avoid the untimely process of passing motions and issues through the Architectural Committee." Motion made by Jack Betterley, seconded by Glen Zevenbergen. Motion carried.

Motion #3: "I move that the BOT immediately reinstate a structured Park Host Program." Motion made by Glen Zevenbergen, seconded by Jack Betterley. Motion carried.

GREEN COMMITTEE: none

MAINTENANCE COMMITTEE: none

INN COMMITTEE:

Motion by Evelyn, second by Nan, to raise the fee for a social membership to \$35 per year. Approved unanimously. The fee has been \$25 for at least 10 years.

YOUTH COMMITTEE: no meeting

A motion was made by Juanita Castelluccio, second by Mike Powter.:

Motion as follows:

Children of Members **and** renters to have Social membership to be involved with youth committee events **and** use of country club facilities, parks, and lakes at no cost. The youth committee should be the coordinator of the pass system.

ARCHITECTURAL COMMITTEE: none

EXECUTIVE COMMITTEE:

Number	Issue/Item	Motion
1.	Moved to proceed with law review of park host contract issues by an employment attorney.	Motion by Esther Springer-Johannesen 2 nd by Scott Passed – no nays.

FILE



LAKE LIMERICK COUNTRY CLUB, INC.
790 East Saint Andrews Drive, Shelton, WA 98584
Phone 360.426.3581, FAX 360.426.8922, e-mail lakelim@hctc.com

April 10, 2005

Luce, Lombino & Riggio, P.S.
4500 Pacific Avenue East, Suite A
Tacoma, Washington 98424-2638

Re: Carey, Bonnie S.
113 East Ballantrae Drive
Shelton, WA 98584

To Whom It May Concern:

We are in receipt of your correspondence dated April 5, 2006. Please be advised that Ms. Carey may remain until June 5, 2005. During this period, she is in no way acting as our agent in any matters regarding Lake Limerick Country Club.

Ms. Carey had only to call us and we would have been happy to allow flexibility concerning the vacating date.

Sincerely,

Shirley Toner, Secretary
Lake Limerick Country Club, Inc.

Cc: Ms. Bonnie Carey

Law Offices of
LUCE, LOMBINO & RIGGIO, P.S.

Kenyon E. Luce~•
Joseph J.M. Lombino *≈
Michael V. Riggio, LL.M.
Gordon A. Scraggin
Sandra L. Allen
Sandra Kindig Adams
Randall S. Martino ♦
Sherrie Boswell
Peter R. Osterman*
Rosalie Hansen
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Elsie S. Ackerman
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Loren W. Merrywell
Mark S. Knapp
Gary L. Shenkle, D.D.S., J.D.
Steven M. Bobman
Herman C. Brewer
Ernesto Jack Piza, LL.M.
Kenlynn Gallinger
Jeffrey B. Lucas
Wendy M. Howe
Renee F. Lee

April 5, 2005

Lake Limerick Country Club, Inc.
790 East Saint Andrews Drive
Shelton, WA 98584

Re: Carey, Bonnie S.
113 East Ballantrae Drive
Shelton, WA 98584

To Whom It May Concern:

Ms. Carey has contacted this office regarding her current tenancy at the Lake Limerick Country Club in an RV she owns. Ms. Carey has informed me that in the middle of March she received a 30 day notice to vacate. Please be advised that Washington state law requires a tenant to be given 20 days notice no later than 20 days prior to the end of a given month. As such, your notice to vacate is invalid and unenforceable. Ms. Carey has further informed me that she will need until June 5, 2005 to find alternative accommodations.

Please contact Ms. Carey at your earliest convenience but no later than five business days following receipt of this correspondence to confirm that she will be permitted to stay through the aforementioned date. There is no need to contact this office other than in writing at this time. You may contact Ms. Carey directly at the above address. Thank you in advance for your anticipated cooperation and prompt attention to this matter.

Sincerely,

Luce, Lombino & Riggio, P.S.


Peter R. Osterman

PRO:dmd

cc: Ms. Bonnie Carey

lt\careyb220552.pro

April 10, 2005

Mr. Tom Taylor, President
Lake Limerick Board of Trustees
790 E. St. Andrews Dr.
Shelton, Wa. 98584

Dear Mr. Taylor,

As you know I firmly believe in my right to voice my opinion. I also believe communication is the key in attempting to resolve any misunderstandings.

Your message in the April 2005 LLCC Newsletter has prompted me to voice my opinion once again. The membership did have the right to know the legal case had been resolved and I believe the Court's decision must be reported correctly. The Judge did rule RCW 64.38 applied to pre-existing corporations such as Lake Limerick. To embellish or interject your opinions into the Judge's decision is inappropriate, disturbing and misleading when reporting to the membership. Had you stated your opinion that the Board was doing everything perfect is one thing but it is quite another to claim that the Judge ruled it so.

The purpose and core issue for us filing legal action was based on the fact that the Board, from 1995 forward, did not meet their responsibility to this community in taking the appropriate actions in seeking the Courts decision on if RCW 64.38 applied and revising the bylaws accordingly. This fact is extremely important for many reasons certainly not just on the amendments issue alone. Had the bylaws been revised, as they should have been, members would not have attempted to amend those bylaws in the first place. When you were presented with the petitions your attorney did offer his opinion and also advised a Courts decision was in order on this matter and yet, you placed them on the ballot. After the members approved three of those amendments, you voided two. In early 2004, based on the advice of your attorney, the Board elected to file a declaratory judgment at the expense of the association, then rejected that motion. Obviously you knew the importance of seeking a Courts decision and yet you placed the responsibility and the financial burden onto the members. At best, that decision raises the question if the Board made a good faith effort in responding to the legal issue.

Yes, this case is over. In my opinion, because of our ineffective attorney compounded with the "over kill" (the judge's words) of the LLCC attorney, the core issues were not addressed, remain controversial and unresolved. Setting aside the self serving attorneys' approach to this case, I was disappointed the Court did not address the fact LLCC board had not revised the bylaws when that statute was enacted and the damaging effects of that failure. Like many others, I bought a home here believing the existing bylaws were legally correct. They were not. Had those bylaws included RCW 64.38 I would not have bought here. I was deceived. I did not choose this and I resent anyone telling me that I did. Case in point, the Judge did say, in part, "Any bylaws that are adopted that are inconsistent with that language are of no effect". (reference to RCW 64.38.025) Clearly, LLCCs' bylaws are of no effect. That is the major issue of contention.

I disagree with the Court's award of attorney fees. This case was simply a matter of law. We did not violate that law nor was it an appropriate case to award attorney fees. Had the Board followed through on the advise of their attorney to file a declaratory judgment at the expense of the association, would have rendered the same Court's decision. It is extremely disappointing to me that the Board, knowing we did what they should have done is forcing us to pay their attorney in addition to paying for our own attorney. The Board does have the option to dismiss this obligation but apparently refuse to do so. You knew of the need and that many members contributed money to pay for our attorney and yet you are forcing the four of us to pay. What ever happened to just doing the right thing?

The tone of your message appeared to imply that the legal case was "destructive" even though you

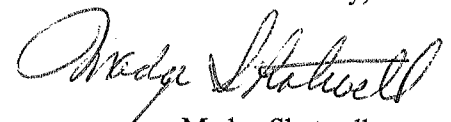
know a Courts decision was necessary. This implication is so disrespectful to all of those members who participated and acted in a very constructive process trying to protect their homes and for the common good of the community. Trying to help people save their homes and the importance of having legally correct governing documents is certainly more important than your "provide the right services to the Lake Limerick members". As a suggestion, I would recommend you study the history of Planned Unit Developments originated in the 1960s. The reason for assessments was to preserve property values by insuring repairs and upkeep. Never were the PUDs intended to be a member services business. With all the subsidies we are forced to pay, who then is really being destructive?

Any elected official does not presume to be the judge of what is destructive or constructive and then tells people he or she only wants to hear what he or she believes to be constructive. You're telling members that if they do not agree with you, don't offer an opinion. I know you think I am a troublemaker. What you do not know is that I consider that a compliment. This is not a parent / child relationship. This is a membership association. Each member has a share value interest in how our money is spent and has the right to protect their homes, money and futures. Believe it or not I do know what the responsibilities of the Board are and I expect them to meet those responsibilities for the whole community. I also know that RCW 64.38 gives complete power and control to the Board. Does that make it right to do whatever you want to just because you can? Lake Limerick is what it is, diversity and all.

Out of respect for all of those members who deserve to know exactly how the Judge did rule and may have an interest in someone else's opinion other then your own, I believe it appropriate for you to address the membership at the annual membership meeting this month to clarify what you said in your message in the newsletter and acknowledge our intent without patronizing our effort. Please read this letter into the minutes at the next BOT meeting making copies available and posted on the web site. I am asking you to agree to find solutions. Listen to the members. You might be surprised at what you learn. Please explain truthfully at the meeting why the bylaws have never been revised to include RCW 64.38.

Under the circumstances of this situation, the only conclusion I can come to is the Board, rather it be for the lack of understanding or perhaps all of you just do not care, have decided to punish the four of us because we expected the Board to meet their responsibilities. That decision has put my home at risk and yet you have not shown any concern.

Sincerely,



Madge Shotwell

CONSENT TO AGENDA

WATER COMMITTEE:

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Old Business should read as:

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MAINTENANCE COMMITTEE: none

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YOUTH COMMITTEE: ~~no meeting~~

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ARCHITECTURAL COMMITTEE: none

EXECUTIVE COMMITTEE:

Number	Issue/Item	Motion
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APRIL, 2005 NEWSLETTER HOSS AND WILSON-HOSS

RECORDS-WHAT TO KEEP, AND WHAT NOT TO TELL

I have been asked many times about association records, but what the association has to keep, and what must, and must not, be released. The short answer is that the law about this currently is not in a good place, to be polite about it. After I force you to read through all of my commentary, and the special bonus, WAC 162-12-140, I include a model resolution at the very end.

Most people have some notion that there is such a thing as a public disclosure law, but many think it applies to homeowners' associations. It does not. It only applies to local and state governments, not private businesses. There are three sources for the rules that apply to homeowners' associations: the Homeowners' Association Act, the Nonprofit Corporation Act (or whatever Act an association is incorporated under) and everything else. "Everything else" includes existing case law and hidden rules, and those that will arise in the future. I only know a few of the hidden rules.

1. What Records You Must Keep

The Nonprofit Corporation Act says that you must keep your current articles of incorporation and bylaws; a list of members, including names, addresses, and classes of membership (if any); correct and adequate statements of accounts and balances; a list of officers' and directors' names and addresses; and minutes of the proceedings of the members and the board and any board committees that keep minutes.

The Homeowners' Association Act says that you must keep financial and other records "sufficiently detailed to enable the association to fully declare to each owner the true statement of its financial status." It also requires that the Board keep minutes of all actions taken by the Board. It does not require the keeping of other records, but as discussed below, implies that some other records are to be kept.

So, at a minimum, you must keep the above records. If you are not subject to the Nonprofit Corporation Act, then the answer may be different.

2. What Records You Must Release

According to the Nonprofit Corporation Act, all of the corporate records are to be open "at any reasonable time to inspection by any member of more than three months standing or a representative of more than five percent of the membership." Not a very useful tool. Why three months? What about a lawyer or accountant who is hired by a member to look at the books? Must he or she represent at least 5% of the membership?

My favorite part of this statute is the language, "(a)ny such member must have a purpose for inspection reasonably related to membership interests. Use or sale of members' lists by such member if obtained by inspection is prohibited."

Huh? If the member cannot use a membership list, then what's the point? I can understand trying to differentiate between using the lists in one's professional life as a real estate agent or telemarketer, and using them to send mailings around to all the members for association purposes, but I don't understand how this statute gets at that difference, if that indeed was the goal.

The net result, in terms of advice to my clients, is that the statute requires that corporate records be available to members to inspect and copy, at their expense. Unless they aren't.

The Homeowners' Association Act also addresses the availability of records. Remember, this Act only specifies financial records and Board minutes to be kept. It says that "all records of the association, including the names and addresses of owners and other occupants of the lots, shall be available for examination by all owners, holder of mortgages..., and their respective authorized agents on reasonable advance notice during normal working hours at the offices of the association..." Exempted are unlisted telephone numbers; the owner is responsible for reasonable copying and other costs. The Act also says that its record keeping requirements, in this case limited to minutes of the Board, "shall not require the disclosure of information in violation of law or which is otherwise exempt from disclosure."

This clearly implies that names and addresses are to be kept, but does not otherwise so specify.

If you have a question about a specific kind of record, ask. There may be some particular rule that applies.

From a business, practical perspective, you need to keep what you need to have available in order to run your business. Insurance, banking, committee, and other records are needed so that you can create and record systems, and then let those systems do much of your work for you. I recommend a comprehensive, organized, and consistently managed record keeping system for anything that might be of use in the future.

3. What Records You Can Protect

Certainly, some records can be protected. I say "certainly," and think this is so, even though the statutes are not necessarily clear. The Homeowners' Association Act allows the Board to go into closed executive session to "consider personnel matters; consult with legal counsel or consider communications with legal counsel; and discuss likely or pending litigation, matters involving possible violations of the governing documents of the association, and matters involving the possible liability of an owner to the association." It does not say that any resulting records are protected, but I assume they are. What is unknown is whether any records generated outside of the executive session, having to do with the same issue, are also protected from disclosure.

If you wish to protect records, you will need to be consistent. If you want to not disclose the salary of an employee, which you may or may not have to do, be sure not to disclose the salary of another employee in similar circumstances.

If your records have to do directly with executive session discussions about one of the topics set out in the statute, you are probably free to not release them.

You should adopt policies about what records are to be released directly by the association, without advice of counsel. You should follow these policies, and when you face a serious challenge, call and ask.

I am not terribly concerned about protecting you from claims of records releases about litigation, or most of the other topics that can be discussed in executive session. I am concerned about employee rights. Generally speaking, there is no employee right to privacy of employment records in the private sector. An employer must be very aware of the possible consequences of releasing any information from an employee's file. Again, I would adopt policies. In this area, a good policy would be to protect everything in an employee's file from disclosure. Rates of pay are probably an exception, as they should

be discernible from other financial information, such as line items in the budget. The policy should go on to provide that if there is a demand for such information, the matter will be referred to counsel for advice.

4. What Records You Must Protect

As far as I can tell, you must not release unlisted telephone numbers, and a new statute will also prohibit release of emails.

5. Conclusion

My advice is to create a policy. Make a list of what records you will not release without advice of counsel. These could include all of the topics eligible for executive session. Then refer to the policy if you are asked for records you want to protect. If there are any questions, or you are pressed, give me a call.

6. Postscript

While we are on the topic of employee records, here is the WAC that spells out what you can and cannot ask in job interviews. Raise your hand if you have ever asked one of the illegal questions.

Wash. Admin. Code 162-12-140

WASHINGTON ADMINISTRATIVE CODE
TITLE 162. HUMAN RIGHTS COMMISSION (FORMERLY DISCRIMINATION,
BOARD AGAINST)
CHAPTER 162-12. PREEMPLOYMENT INQUIRY GUIDE
Current with amendments adopted through January 19, 2005

162-12-140. Preemployment inquiries.

(1) The following examples of fair and unfair inquiries apply when made in reference to job application forms, preemployment interviews, or any other type of inquiry made of job applicants. The rules also apply to inquiries made to persons other than an applicant and to inquiries made by third parties such as a credit reporting service. The rules do not apply after a person is employed. See WAC 162-12-180.

(2) Employers and employment agencies shall comply with these rules except where one

or more of the following conditions exist:

(a) When there is a 'bona fide occupational qualification.'

(b) A voluntary affirmative action plan that is in compliance with the requirements of a government agency or other competent authority such as a court, and if made in a manner provided in WAC 162-12-160 and 162-12-170.

(c) A requirement of federal law or regulation, as explained in WAC 162-12-150.

If one or more of the above conditions apply, the inquiries of employers and employment agencies must be accompanied by a written explanation of their purpose. See WAC 162-12-135, 162-12-160 and 162-12-170.

(3) The following examples of fair and unfair preemployment inquiries define what is an unfair practice under RCW 49.60.180(4) and 49.60.200. These examples, however, are not all inclusive. All preemployment inquiries that unnecessarily elicit the protected status of a job applicant are prohibited by these statutes irrespective of whether or not the particular inquiry is covered in this regulation.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
a. Age	Inquiries as to birth date and proof of true age are permitted by RCW 49.44.090	Any inquiry not in compliance with RCW 49.44.090 that implies a preference for persons under 40 years of age.

(For age discrimination, RCW 49.44.090 must be read in conjunction with 49.60.180 and 49.60.200. RCW. 49.44.090 limits age discrimination coverage to persons 40 years of age and older, and makes other limitations and exceptions to the age discrimination law.)

subject:	fair preemployment inquires:	unfair preemployment inquiries:
b. Arrests (see also Convictions)	Because statistical studies regarding arrests have shown a disparate impact on some racial and ethnic minorities, and an arrest by itself is not a reliable indication of criminal behavior, inquiries concerning arrests must include whether charges are still pending, have been dismissed, or led to conviction of a crime involving behavior that would adversely affect job performance, and the arrest occurred within the last ten years. Exempt from this rule are law enforcement agencies and state agencies, school districts, businesses and other organizations that have a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or other vulnerable adults. See RCW 43.20A.710; 43.43.830 through 43.43.842; and RCW 72.23.035.	Any inquiry that does not meet the requirements for fair preemployment inquiries.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
c. Citizenship	Whether applicant is prevented from lawfully becoming employed in this country because of visa or immigration status. Whether applicant can provide proof of a legal right to work in the United States after hire.	Whether applicant is a citizen. Requirement before job offer that applicant present birth certificate, naturalization or baptismal certificate that divulge applicant's lineage, ancestry, national origin, descent, or birth place.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
d. Convictions (see also Arrests)	Statistical studies on convictions and imprisonment have shown a disparate impact on some racial and ethnic minority groups. Inquiries concerning convictions (or imprisonment) will be considered to be justified by business necessity if the crimes inquired about relate reasonably to the job duties, and if such convictions (or release from prison) occurred within the last ten years. Law enforcement agencies, state agencies, school districts, businesses and other organizations that have a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or other vulnerable adults are exempt from this rule. See RCW 43.20A.710; 43.43.830 through 43.43.842; and RCW 72.23.035.	Inquiries concerning convictions and imprisonment which either do not relate reasonably to job duties or did not occur within the last ten years will not be considered justified by business necessity.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
e. Family	Whether applicant can meet specified work schedules or has activities, commitments or responsibilities that may prevent him or her from meeting work attendance requirements.	Specific inquiries concerning spouse, spouse's employment or salary, children, child care arrangements, or dependents.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
f. Disability	<p>Whether applicant is able to perform the essential functions of the job for which the applicant is applying, with or without reasonable accommodation. Inquiries as to how the applicant could demonstrate or describe the performance of these specific job functions with or without reasonable accommodation. Note: Employers are encouraged to include a statement on the application form apprising applicants that if they require accommodation to complete the application, testing or interview process, to please contact the employment office, personnel or human resources department or other office as may be able to assist them.</p>	<p>Inquiries about the nature, severity or extent of a disability or whether the applicant requires reasonable accommodation prior to a conditional job offer. Whether applicant has applied for or received worker's compensation. Also any inquiry that is not job related or consistent with business necessity.</p>

subject:	fair preemployment inquires:	unfair preemployment inquiries:
g. Height and Weight	<p>Being of a certain height or weight will not be considered to be a job requirement unless the employer can show that all or substantially all employees who fail to meet the requirement would be unable to perform the job in question with reasonable safety and efficiency.</p>	<p>Any inquiry which is not based on actual job requirements and not consistent with business necessity.</p>

subject:	fair preemployment inquires:	unfair preemployment inquiries:
h. Marital Status (see also Name and Family)	None.	() Mr. () Mrs. () Miss () Ms. Whether the applicant is married, single, divorced, separated, engaged, widowed, etc.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
i. Military	Inquiries concerning education, training, or work experience in the armed forces of the United States.	Type or condition of military discharge. Applicant's experience in military other than U.S. armed forces. Request for discharge papers.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
j. Name	Whether applicant has worked for this company or another employer under a different name and, if so, what name. Name under which applicant is known to references if different from present name.	Inquiry into original name where it has been changed by court order or marriage Inquiries about a name that would divulge marital status, lineage, ancestry, national origin or descent.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
k. National Origin	Inquiries into applicant's ability to read, write and speak foreign languages, when such inquiries are based on job requirements.	Inquiries into applicant's lineage, ancestry, national origin, descent, birthplace, or mother tongue. National origin of applicant's parents or spouse.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
l. Organizations	Inquiry into organization memberships, excluding any organization the name or character of which indicates the race, color, creed, sex, marital status, religion, or national origin or ancestry of its members.	Requirement that applicant list all organizations, clubs, societies, and lodges to which he or she belongs.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
m. Photographs	May be requested after hiring for identification purposes.	Request that applicant submit a photograph, mandatorily or optionally, at any time before hiring.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
n. Pregnancy (see also Disability)	Inquiries as to a duration of stay on job or anticipated absences which are made to males and females alike.	All questions as to pregnancy, and medical history concerning pregnancy and related matters.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
o. Race or Color	None. See WAC 162-12-150, 162-12-160, and 162-12-170.	Any inquiry concerning race or color of skin, hair, eyes, etc., not specifically permitted by WAC 162-12-150, 162-12-160, and 162-12-170.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
p. Relatives	Name of applicant's relatives already employed by this company or by any competitor.	Any other inquiry regarding marital status, identity of one's spouse, or spouse's occupation are considered unfair practices in accordance with WAC 162-12-150.

(While the law does not prohibit company policies governing the employment of relatives, any policy that has the effect of disadvantaging minorities, women, married couples, or other protected classes, would be in violation of the law unless it is shown to serve a necessary business purpose.) See WAC 162-12-150, 162-12-160, and 162-12-170.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
q. Religion or Creed	None.	Inquiries concerning applicant's religious preference, denomination, religious affiliations, church, parish, pastor, or religious holidays observed.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
r. Residence	Inquiries about address to the extent needed to facilitate contacting the applicant.	Names or relationship of persons with whom applicant resides. Whether applicant owns or rents own home.

subject:	fair preemployment inquires:	unfair preemployment inquiries:
s. Sex	None	Any inquiry concerning gender is prohibited.

Statutory Authority: RCW 49.60.120(3). 00-01-177, S 162-12-140, filed 12/21/99, effective 1/21/00; 96-21-054, S 162-12-140, filed 10/14/96, effective 11/14/96; Order 19, S 162-12-140, filed 1/20/75; Order 18, S 162-12-140, filed 1/20/75; Order 16, S

162-12-140, filed 5/22/74; Order 9, S 162-12-140, filed 9/23/71; Order 8, S 162-12-140, filed 6/22/70; S 162-12-140 and chart, filed 10/23/67.

<General Materials (GM) - References, Annotations, or Tables>

So, you have made it this far. The actual policy is next, but this is a draft, and you should feel free to make it fit your circumstances, keeping in mind the discussion above.

RESOLUTION NO. 2005- ASSOCIATION RECORDS

1. **Purpose.** The Board of Directors maintains many association records as a matter of meeting legal requirements, as well as policy. Generally, association records are available to all members. However, under certain circumstances, some association records may not be released without specific authorization. The purpose of this Resolution is to set out which records are to be released upon request, and which records will not be released unless the Board, after consideration, determines that release is required and appropriate.

2. **Records Maintained.** The Board will, as a general policy, create and maintain records that will help it manage the association in a businesslike manner. Records will be kept about all matters reasonably important, either as a record of what took place, as a guide to future actions, or both. These records will be organized and accessible as needed. Specific records will be kept as follows:

a. **for six years:** all legal paperwork; original ballots; all committee files and records; all employee files; all financial records including bank statements; and all records described in paragraph b below,

b. **permanently:** all covenants, Articles of Incorporation, Bylaws, and other rules of the association, including amendments; minutes of members' and board meetings; all election records, except that original ballots need only be maintained for six years; all individual member and/or lot files, except that legal paperwork need only be maintained for six years; all employee files identifying employees, dates of service, work performance, and otherwise as directed by the Board; a chronological list of all Board directors and officers, including name, address, phone number and dates served; general financial records, including but not limited to annual budgets and any audits; general committee records, including minutes, reports, and otherwise at the discretion of the Board, and any other records at the direction of the Board;

3. **Notice, Costs.** When records are to be released, the member requesting release is responsible for providing the association with reasonable notice of the request. If the request is to inspect records, a mutually convenient time will be agreed upon, within a reasonable time, for the inspection. If copies are to be made, the association will help provide those copies in a reasonable manner. The member is responsible for paying \$.10 per copy. The member is also responsible for paying other reasonable costs of provision of the copies, or the inspection, such as accountant or bookkeeper fees or other direct charges. If an association employee is required to spend more than one hour facilitating inspection or copying, the member shall pay an additional rate equal to the actual employee cost of the time spent over one hour, to include dollar per hour pay rate, taxes, and so on.

4. **Records Released on Request.** The Board shall keep, and all members are entitled to inspect and copy, current Articles of Incorporation and Bylaws; a membership list, including names, phone numbers and addresses, but not including unlisted telephone numbers or emails; correct and adequate statements of financial accounts and balances; the names and addresses of directors and officers; and minutes of all actions taken by the Board, as well as of membership meetings and any committee that keeps minutes.

In addition, all other records that are kept by the association are available for inspection and/or copying upon request, unless otherwise provided below.

5. **Limits on Release.** Association records are not available for release to the general public. They are to be released to members and their authorized agents only. In addition, members may not use membership lists for purposes not directly associated with the association, such as solicitations for the member's business, for example.

6. **Records Not To Be Released.** The following records may not be inspected or copied:
- A. personnel records, including any material held in an employee's personnel file;
 - b. legal records, having to do in any way with communications or consultations with legal counsel;
 - c. records having to do with likely or pending litigation;
 - d. records having to do with possible violations of the governing documents of the association;
 - e. records involving the possible liability of an owner to the association; and
 - f. any records having to do with any matters considered in executive session of the Board

7. **Request For Authorization To Release Records.** Any member may ask the Board for authorization to release any records specified in paragraph 5 above. When it responds to the request, the Board shall consider the member's need for the information, any privacy interests of individuals implicated by release, the need to protect the interests of the association in legal and related matters, and requirements of law. The Board shall have a reasonable time to respond to the member's request, including sufficient time to consult with legal counsel.

I certify that this Resolution was adopted by the Board of Directors on this _____ day of _____, 200_____.

President, Board of Directors

Secretary, Board of Directors