

December 15, 2023

**VIA ELECTRONIC MAIL AND CERTIFIED U.S. MAIL/RETURN RECEIPT REQUESTED**

Committee to recall Robin O'Meara  
Attn: Allen Arthur Lindeman  
14287 E. Marina Dr  
Aurora, CO 80014

Committee to recall Robin O'Meara  
Attn: Bonnie Laraine Fleming  
13961 E. Marina Dr # 613  
Aurora, CO 80014

Committee to recall Robin O'Meara  
Attn: John Emory Harvey  
14102 E. Linvale Pl #401  
Aurora, CO 80014

With a copy sent via email to:  
Martha Karnopp,  
karnopplaw@gmail.com

**VIA ELECTRONIC MAIL**

Board of Directors  
Heather Gardens Metropolitan District  
Daniel Taylor, [danieltaylor@hgmetrodist.org](mailto:danieltaylor@hgmetrodist.org)  
Rita Effler, [ritaeffler@hgmetrodist.org](mailto:ritaeffler@hgmetrodist.org)  
Craig Baldwin, [craigbaldwin@hgmetrodist.org](mailto:craigbaldwin@hgmetrodist.org)  
Robin O'Meara, [robinomeara@hgmetrodist.org](mailto:robinomeara@hgmetrodist.org)  
Eloise Laubach, [eloiselaubach@hgmetrodist.org](mailto:eloiselaubach@hgmetrodist.org)

**RE: Notice of Disapproval of Revised Recall Petition as to Form**

Committee to recall Robin O'Meara:

I have received the form of recall petition for review in accordance with Section 32-1-909(3), C.R.S.

I hereby **disapprove** the form of petition submitted, attached hereto, and incorporated herein as **Exhibit A**, as to form. Pursuant to Section 32-1-909(3)(c), C.R.S., the DEO shall identify the portions of the petition that are not sufficient and the reasons they are not sufficient, which are as follows:

1. Pursuant to Section 32-1-909(4)(c), C.R.S., the general statement of the grounds on which the recall is sought must not include any false statement. The DEO does not have sufficient information to determine the accuracy of the statements included in such general statement,

Notice of Disapproval of Revised Recall Petition as to Form

has not undertaken any independent investigation to determine the accuracy thereof and does not make any determination as to the accuracy thereof. However, the DEO was informed of a false statement, attached hereto and incorporated herein as **Exhibit B**, regarding missing meeting minutes on the District's website.

The foregoing information is being provided in compliance with my duties as DEO for the Heather Gardens Metropolitan District. The information contained herein does not constitute professional advice to the Committee to recall Robin O'Meara.



AJ Beckman  
Designated Election Official  
Heather Gardens Metropolitan District

**EXHIBIT A**

**Recall Petition Disapproved as to Form**

# Instructions for Recall Petitions

## FOR PETITION SIGNORS

1. **BEFORE YOU SIGN**
  - A. Read the warning at the top of the page.
  - B. Make sure you are an eligible elector of the Heather Gardens Metropolitan District.
  - C. Do not sign for anyone else.
  - D. The petition circulator may not assist you. If you need assistance, a third party should provide it. Immediately following your name, the assistor must sign his or her name, provide an address, and state that he or she assisted you.
  
2. **HOW TO SIGN**
  - A. Use your own signature
  - B. Clearly print your legal name
  - C. Completely fill out the signature block. Do not use ditto marks.
  - D. Use black or blue ink.
  - E. List your residence address (including street name and number) where you are registered to vote. Do not use a post office box.
  - F. Place today's date under "Date of Signing."
  - G. Corrections: To make a small correction, simply initial the change. If you need to make a larger correction, completely cross out the mistake and proceed to the next signature block.

## FOR PETITION CIRCULATORS

3. **TO CIRCULATE A PETITION**
  - A. Only one person may circulate each petition section.
  - B. You must accompany the petition at all times. Do not leave the petition unattended or pass it unaccompanied among potential signers.
  - C. You must witness every signature block as the signer completes it.
  - D. Do not take the petition section apart or remove the original staples.
  - E. Make sure that the signature block is complete before a signer leaves.
  
4. **AFTER COLLECTING SIGNATURES**
  - A. Turn in this petition section, even if not every signature block is completed.
  
  - B. Personally take this petition section to a notary public for notarization.  
  
**WARNING:** You may only complete your affidavit when in front of the notary. Do not sign or date it beforehand. Do not fill out the notary's section.
  
  - C. You may not collect additional signatures on this petition section after the affidavit has been notarized.

**RECALL PETITION**

**WARNING: IT IS AGAINST THE LAW:**

>For anyone to sign this petition with any name other than one's own or to knowingly sign one's own name more than once for the same measure or to sign such petition when not an eligible elector.  
>Do not sign this petition unless you are an eligible elector. To be an eligible elector, you must be registered to vote in Colorado and be either a resident of Heather Gardens Metropolitan District or be the owner or spouse or civil union partner of an owner of taxable real or personal property in the Heather Gardens Metropolitan District as described in section 32-1-103(5) of the Colorado Revised Statutes.  
>Do not sign this petition unless you have read or have had read to you the proposed measure in its entirety and understand its meaning.

**PETITION TO RECALL ROBIN O'MEARA FROM THE OFFICE OF DIRECTOR OF THE HEATHER GARDENS METROPOLITAN DISTRICT**

**PETITION TEXT**

Robin O'Meara, as Secretary of the Heather Gardens Metropolitan District (HGMD) Board, has not ensured that the minutes of the Board are published on the Heather Gardens website. Despite numerous regular and special meetings, no minutes of the HGMD meetings since June 8, 2023, appear on the Heather Gardens website. She has stated that some Heather Gardens Association (HGA) employees don't deserve new landscaping equipment because they "can't mow her lawn right." She has initiated and pursued actions to expand the hours (more than doubling them) of the Rendezvous Restaurant. Since she took office, the Chief Executive Officer, the Chief Financial Officer, the Security Chief, the Clubhouse Manager, the Maintenance Manager, and the Resident Services Coordinator have resigned. She joined the other directors who are subjects of this action in resolving to terminate the management agreement between HGMD and HGA.

**COMMITTEE MEMBERS**

John Harvey, 14102 East Linvale Place, #401, Aurora, CO 80014  
Allen Lindeman, 14287 E. Marina Dr., Aurora, CO 80014  
Bonnie Fleming, 13961 E. Marina Drive, #613, Aurora, Co 80014

I am an eligible elector in the political subdivision mentioned in this petition, as shown on the registration books of the county clerk and recorder. I have not signed any other recall petition to recall the named person for the named office. I hereby demand an election of a successor to the elected officer in this Recall Petition.

*A signature line consists of two lines, both of which must be fully completed by the signer unless physically unable.*

1	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
2	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
3	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
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32	Signature	Residence Address (Number & Street)	County
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	Printed Name	City/Town	Date of Signing
40	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
41	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
42	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing

AFFIDAVIT OF CIRCULATOR

I, \_\_\_\_\_ (print name), swear or affirm under penalty or perjury that I reside at:

(Address) \_\_\_\_\_, (City) \_\_\_\_\_, CO, (Zip Code) \_\_\_\_\_, and that:

- I am eighteen (18) years of age or older;
- I circulated the attached petition;
- I made no misrepresentation of the purpose of the petition to any signer of the petition;
- Each signature on the petition was affixed in my presence;
- Each signature on the petition is the signature of the person whose name it purports to be;
- To the best of my knowledge and belief each person signing the petition was at the time of signing an eligible elector of the Heather Gardens Metropolitan District;
- I neither have paid nor shall pay, and I believe that no other person has paid or shall pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to sign such petition.

\_\_\_\_\_  
Signature of Circulator

\_\_\_\_\_  
Date of Signing

STATE OF COLORADO )  
COUNTY OF \_\_\_\_\_ )

Subscribed and sworn before me, a notary public in and for the State of Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2023 by \_\_\_\_\_.

Signature of Notary: \_\_\_\_\_

My commission expires: \_\_\_\_\_

(SEAL)

**EXHIBIT B**

**Regarding False Statements in General Statement**

The DEO has been able to verify that, as of today's date, December 15<sup>th</sup>, 2023, the following statement is false: "no minutes of the HGMD meetings since June 8, 2023, appear on the Heather Gardens website."

The DEO was able to download copies of HGMD minutes for the following dates: June 15, June 30, July 20, and August 17, 2023 from the following website URL: <https://www.hgmetrodist.org/board-of-directors-meetings>.

JUN  
**30**  
2023

## Board of Directors' Special Board Meeting

- Agenda
- Minutes
- 2023-6-30 Board Packet.pdf
- Zoom Recording 6-30-2023.msg
- Zoom Recording 6-30-2023 (2).msg
- Motion 1-6-31-2023 RV Lot Gate Purchase.pdf
- Motion 2-6-30-2023 Freezer Purchase.pdf

JUN  
**15**  
2023

## Board of Directors' Meeting

- Agenda
- Minutes
- 2023-6-15 - Bylaws.pdf
- 2023-6-15 Board Packet.pdf
- Zoom Recording 6-15-2023.msg
- Zoom Recording 6-15-2023 (2).msg
- Motion 1-6-15-2023 Pledge of Allegiance.pdf
- Motion 2-6-15-2023 Pickleball Camera.pdf
- Motion 3-6-15-2023 50th Anniversary Donation .pdf
- Motion 4-6-15-2023 Bat House Installation.pdf
- Motion 5-6-15-2023 Revise Bylaws.pdf
- Motion 6-6-15-2023 ReInvest Funds.pdf

JUL  
**20**  
2023

## Board of Directors' Meeting

- Agenda
- Minutes
- 2023-7-20 Board Packet.pdf
- Zoom Recording 7-20-2023.msg
- Zoom Recording 7-20-2023 (2).msg
- Motion 1-7-20-2023 Garden Plot Bulletin Board.pdf
- Motion 2-7-20-2023 RV Lot PM - 1.pdf
- Motion 3-7-20-2023 Tennis Net Purchase.pdf
- Motion 4-7-20-2023 Suspend Freezer Purchase.pdf

AUG  
**17**  
2023

## Board of Directors' Meeting

- Agenda
- Minutes
- 2023-8-17 Board Packet(Supplemental).pdf
- Zoom Recording 8-17-2023.msg
- Motion 1-8-17-2023 Adoption of Clubhouse PM.pdf
- Motion 2-8-17-2023 Request ADA Assesment.pdf
- Motion 3-8-17-2023 Change Keypad Locks.pdf
- Motion 4-8-17-2023 Install a 50th Anniversary Time Capsule.pdf

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