

November 27, 2023

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

Committee to recall Rita Effler  
Attn: Allen Arthur Lindeman  
14287 E. Marina Dr  
Aurora, CO 80014

Committee to recall Rita Effler  
Attn: Bonnie Laraine Fleming  
13961 E. Marina Dr # 613  
Aurora, CO 80014

Committee to recall Rita Effler  
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 Recall Petition as to Form**

Committee to recall Rita Effler:

I have received the form of recall petition for review in accordance with Section 32-1-909(3), C.R.S. Pursuant to Section 32-1-909(3), C.R.S., the Designated Election Official ("DEO") shall approve or disapprove a petition as to form by the close of the third business day following appointment as DEO. I was appointed as DEO on November 21, 2023.

Under Section 1-1-106(4), C.R.S., if the last day for any act to be done is a Saturday, Sunday, or a legal holiday and completion of such act involves a filing or other action during business hours, the period is extended to include the next day which is not a Saturday, Sunday, or a legal holiday. November 23, 25, and 26, 2023 were either a Saturday, Sunday or a legal holiday. As such, the deadline to approve or disapprove the petition as to form is November 27, 2023.

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,

Page 2

November 27, 2023

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 received the notarized Objection to Recall Petition attached hereto and incorporated herein as **Exhibit B** asserting that the general statement in the petition submitted includes false statements.

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 Rita Effler.

Sincerely,

A handwritten signature in black ink, appearing to read 'AJ Beckman', written in a cursive style.

AJ Beckman  
Designated Election Official  
Heather Gardens Metropolitan District

**EXHIBIT A**

**Recall Petition Disapproved as to Form**

# Instructions for Recall Petitions

DATE FILED: November 16, 2023 10:35 AM  
FILING ID: D7E66C57225C3  
CASE NUMBER: 1983CV105

## 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 RITA EFFLER FROM THE OFFICE OF DIRECTOR OF THE HEATHER GARDENS METROPOLITAN DISTRICT**

**PETITION TEXT**

Rita Effler, in her role as a director of Heather Gardens Metropolitan District, in conjunction with three other HGMD Directors, has created a toxic and hostile work environment that has resulted in the resignation of the Heather Gardens Chief Executive Officer, the Chief Financial Officer, the Clubhouse Manager, the Security chief and the Maintenance Manager. She has made false statements regarding the Pitera communication system used by Heather Gardens to communicate with residents. She and three other directors contracted with a private vendor (apparently without a competitive bid) to create a new website at the residents' expense. This behavior threatens the peaceful work environment of Heather Gardens and the best interests of owners and residents.

**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 Dr. #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.*

	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
10	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
11	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
12	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
13	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
14	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
15	Signature	Residence Address (Number & Street)	County
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20	Signature	Residence Address (Street & Number)	County
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21	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
22	Signature	Residence Address (Number & Street)	County
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28	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
29	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
30	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
31	Signature	Residence Address (Number & Street)	County
	Printed Name	City/Town	Date of Signing
32	Signature	Residence Address (Number & Street)	County
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	Printed Name	City/Town	Date of Signing
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	Printed Name	City/Town	Date of Signing
39	Signature	Residence Address (Number & Street)	County
	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
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	Signature	Residence Address (Number & Street)	County



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	<b>Printed Name</b>	<b>City/Town</b>	<b>Date of Signing</b>
45	<b>Signature</b>	<b>Residence Address (Number &amp; Street)</b>	<b>County</b>
	<b>Printed Name</b>	<b>City/Town</b>	<b>Date of Signing</b>
46	<b>Signature</b>	<b>Residence Address (Number &amp; Street)</b>	<b>County</b>
	<b>Printed Name</b>	<b>City/Town</b>	<b>Date of Signing</b>
47	<b>Signature</b>	<b>Residence Address (Number &amp; Street)</b>	<b>County</b>
	<b>Printed Name</b>	<b>City/Town</b>	<b>Date of Signing</b>

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**

**Protest Regarding False Statements in General Statement**

## Objection to Recall Petition as to Form

Designated Election Official: AJ Beckman, Public Alliance

Petition to Recall Rita Effler from the Office of Director of the Heather Gardens Metropolitan District

Text of Recall Statement: Sentence numbers added.

1. Rita Effler, in her role as a director of Heather Gardens Metropolitan District, in conjunction with three other HGMD Directors, has created a toxic and hostile work environment that has resulted in the resignation of the Heather Gardens Chief Executive Officer, the Chief Financial Officer, the Clubhouse Manager, the Security Chief and the Maintenance Manager.
2. She has made false statements regarding the Pitera communication system used by Heather Gardens to communicate with residents.
3. She and three other directors contracted with a private vendor (apparently without a competitive bid) to create a new website at the residents' expense.
4. This behavior threatens the peaceful work environment of Heather Gardens and the best interests of the owners and residents.

### AFFIDAVIT

I, Rita Effler, hereby swear and affirm, that the following is true and correct to the best of my knowledge and belief. C.R.S. §32-1-909(4)(c) states that the petition may not contain false statements. I object to the sentence and that states that my conduct and the conduct of three other directors resulted in staff resignations. I agree that these employees resigned.

I had no contact with either of the last two Security chiefs who resigned or the Maintenance Manager. I had no personal contact, except in public meetings, with the Chief Executive Officer or Chief Financial officer and less than 5 exchanges of emails with either of them since taking office as a Director. I responded to staff originated email; all contact was mandated to be through the President of the District.

In the November edition of the Heather 'n Yon, Heather Gardens' monthly magazine, Chief Human Resources Officer Holly Shearer wrote a long article containing "verbatim" comments made in the employee exit interviews. Not one exit interview mentioned a problem with any HGMD director or a toxic and hostile work environment, much less who was responsible.

Allen Lindeman, one of the recall committee, stated in an email on November 18, 2023, to an HGMD Committee Chair, that "The recall is based upon email statements from those who resigned, meetings of the HGMD Board where members publicly insulted HGA staff including calling them liars, and exit interviews conducted by HGA staff."

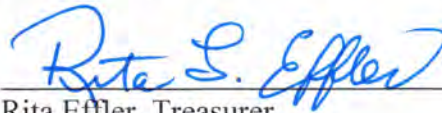
Mr. Lindman is not a member the HGA staff or Board. How would he have access to "exit interviews conducted by HGA staff or employee email statements?" Meetings are recorded. 2 I object to Sentence 2. The recall committee can produce no evidence that I made false statements regarding the Pitera system. All our meetings are recorded.

I object to sentence 3 as a false statement. The entire HGMD Board approved the new website,

not only the four directors they are attempting to recall. Sentence 4 is opinion. A new website was warranted because HG management purged the website, they controlled, of statutory required District content.

Dated November 27, 2023.

Respectfully submitted,



Rita Effler, Treasurer  
HGMD Board of Directors

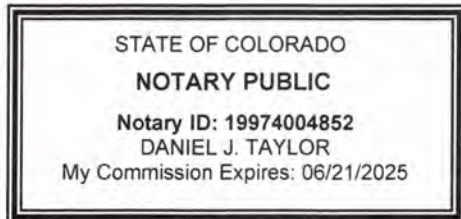
STATE OF COLORADO    )  
  ) ss.  
COUNTY OF ARAPAHOE )

The foregoing document was acknowledged before me by Rita Effler, personally known to me or identified by government issued identification, on November 27, 2023.

Witness my hand and official seal.  
My commission expires June 21, 2025.



Notary Public





## Management

### Exit interviews: why HG employees leave

By Holly Shearer  
Chief Human Resources Officer

CEO Jon Rea asked me to write this column in his place this month.

During the Personnel Policy Committee meeting this past month, I described the exit interview process. When an employee leaves HG, I give them a copy of our exit-interview form, asking that they return it before they leave us. Some return them. Some choose not to. In the past few months, I have received several feedback forms that I consolidated into one document.

The information collected is kept confidential and used for the sole purpose of identifying opportunities for improvement.

*(Note: The following comments were typed verbatim and may lack some editing normally done in a publication. After each question, there are multiple responses provided in separate sentences.)*

1. *Why are you leaving Heather Gardens?* "To get closer to home. To pursue a different career path. New job opportunities/challenges (personal). An opportunity to accomplish a personal goal."

2. *What is the company doing right? Moderately, right? Poorly? Very Poorly?* "HG takes care of the employees very well. Great benefits and team atmosphere. The staff works very hard to assist and be of service to the HG community. HGA is a great company. The team as a whole is 'resident centric' and focused on customer service. The company has made a lot of changes since I started here and for the positive."

3. *Were the necessary processes and procedures in place to make things more efficient and your job easier?* "100%. Yes. I feel the necessary processes were in place to make the necessary changes to make things more efficient. Yes, we streamlined a lot of processes to be more efficient in doing our jobs."

4. *Please describe your general feelings about working here.* "It was a great place to work and had great management support throughout my career here. It was a pleasure working for HGA. I will miss the team greatly! I love working with the staff and the majority of the residents. Great team of individuals. I am grateful to have had the opportunity to work here. My professional experience was greatly enhanced by working here. I loved the closeness of the staff and support."

5. *If you could change anything about your job or the company, what would you change?* "I wouldn't change anything about the job or company. The only thing I would try to change is the 'residents' attitude towards us. Nothing I fully enjoyed my job. I'd like to see more positive engagement from the community towards the staff. There's always room for improvement but I wouldn't change anything because of the support professionally

and all the benefits that are centered on the employee."

6. *Are there ideas that you have that you wish you could have implemented while you were here? Or anything you feel would have made your job easier/better?* "Mine was centered around ideas and I feel that was an everyday thought process. The position is a great challenge which I loved about it. None. No, we had great management trying to make a difference in people's lives."

7. *How would you describe our Company Culture?* "Diverse, Integrity, Growth, Mindset, Teamwork. We had a great company culture where the management team supported one another and tried to solve problems on a daily basis. Inclusive. The company culture was team oriented. I never felt like I was on an island. I felt comfortable communicating with everyone in the company."

8. *What were the three things you enjoyed most about working here?* "Team atmosphere, Support, and Benefits. Teamwork, Staff, and Serving the Community. People were great to work with, Atmosphere, and Benefits. Team, Team, and Team."

9. *Who are the three people who have made the most positive impact on you or your career here at Heather Gardens?* "Evelyn Y, Jon R, and Michelle A. Everyone I worked with but the three I would consider most — Jon R, Jon H, Holly S. N/A. I cannot just name three people, Jon R, Holly S, Cormac R, Jon H, Manny D."

10. *Is there anything else you would like us to know or say about your time here?* "It's been a pleasure working at HG. I'm appreciative of all the growth it's provided me. There are a lot of people and aspects of the job that'll be missed. I am grateful for the opportunity and recognition of the hard work put in. It's been an honor to work with great people on a daily basis. The people I worked with will be missed deeply. I enjoyed it and will remember it fondly. I have loved my time here at HGA. I wish I lived closer, and the commute did not have such an impact. Truly, this is a very special team and place!"

...

I wanted to share the feedback on the forms because they speak volumes about the culture that HG management has worked to build and continue improving in recent years. It shows the positive impact that CEO Jon Rea and HG management team has had.

Over the past 3.5 years, many senior staff have endeavored hard to build a team of individuals who truly care about HGA. They work hard each day, bringing their best effort in all they do. It consistently shows in the respect that they show to one another within and outside their departments.

Every member exemplifies what an employee of HGA is, demonstrating pride of ownership, accountability, partnering, and collaboration. The team culture begins with entry-level positions and continues all the way to the top-level ones. Every manager works hard to share the culture and build it within their department. I am confident that employees could leave and find a job for more money, but they stay for the team and its culture at HGA.

Something we have heard on various Zoom meetings over time is that "we" have run off workers. Or that good ones have left due to "us." The "we" and "us" refers to the management team. I can absolutely state that is not true.

See HG employees...page 39

## Daniel Taylor

---

**From:** Forrest McClure <forrestrm@live.com>  
**Sent:** Saturday, November 18, 2023 5:19 PM  
**To:** Al Lindeman  
**Subject:** FW: Recall Efforts

My responses in red:

**From:** allen.lindeman@comcast.net <allen.lindeman@comcast.net>  
**Sent:** Saturday, November 18, 2023 3:33 PM  
**To:** Forrest McClure <forrestrm@live.com>  
**Cc:** fishingferg@yahoo.com; gvriggs@yahoo.com; jcguise@comcast.net; Lynn Nicholson <ln80247@gmail.com>; Patty Langlois <patty@placcountingpro.com>; S Lee Nicholson <gdsflight123@gmail.com>; T P <tgpar3@msn.com>; Tom Sandquist <tomsandquist@gmail.com>  
**Subject:** Recall Efforts

Forrest,

1. Considering your email this afternoon, consider this email to be my resignation from the RV Lot Committee. I **accept your resignation.**
2. I don't take action like initiating a recall election lightly. For that reason I make sure I am on solid legal footing before I do anything. I've done that in this case. **I did not question the legality of your action. I question your motivation and the wisdom of it.**
3. The recall is based on email statements from those who resigned, meetings of the HGMD Board where members publicly insulted HGA staff including calling them liars, and exit interviews conducted by HGA staff. **Even if what you say is true, my response is the same – how is it that a mere four senior citizens, two of whom are women can be so intimidating? I think back to my career as a police officer when I was spit on, kicked, slapped, punched, called vile names, had rocks and bottles and firecrackers thrown at me, and death threats made, not just by criminals but by corrupt cops and every day for 27 years I returned to work. And you have the audacity to ask me to believe that these fragile employees resigned because of a few accusations, that did not include any vile language, or threats to their lives, their well-being or their jobs (obviously, since HGMD has no ability to discipline or fire employees)?? Well, so sorry, but from my perspective if that is why they left, they do not get any sympathy from me. I would think they would be embarrassed to use that as an excuse.**
4. Based on my conversations with HGA staff we are looking at the current potential of more resignations of key staff. **We've always had turn over and it has gotten worse in the current job market for reasons well beyond the control of HGA.**
5. Unfortunately, I believe most Heather Gardens residents pay very little attention to the governance of the community and thus are not aware of past damage and the potential for future losses. It will take considerable effort to inform folks about the current situation. **The "4" have been subjected to character assassination even before they took office. It amazes me that you have so much concern for employees, but no concern whatsoever for the welfare of the board members and give them no credit for their work ethic, the hours and hours they've committed themselves to, no credit for putting committees back in place and unlike employees doing it all without any pay. And now here you come with even more negative rhetoric. Just how much deliberate damage to their reputation and credibility will satisfy you? You must hate them very much.**

6. I regret that you chose not to call me and obtain more information regarding this whole issue before sending an email that was distributed to the other members of the RV Lot Committee. Right back at you, I regret that you chose not to call me without inquiring about how your actions might derail our progress.

Al