

4872 ENDEAVOR CONDOMINIUM ASSOCIATION
POLICY REGARDING INSPECTION AND COPYING OF ASSOCIATION RECORDS
Adopted February 26, 2020 with an effective date of February 26, 2020

1. Introduction.

The Executive Board (the “Board”) of 4872 Endeavor Condominium Association, a Colorado non-profit corporation (the “Association”), acting pursuant to the powers set forth in the Association’s Bylaws, Articles of Incorporation, the Condominium Declaration for 4872 Endeavor Condominium (a Common Interest Community) (the “Declaration”) (such documents being collectively being referred to as the “Association Documents”), and the Colorado Common Interest Ownership Act (“CCIOA”), has enacted the following Policy effective as of the date set forth above. Unless the context otherwise indicates, capitalized words and terms shall have the meanings set forth in the Association Documents and, if not defined in the Association Documents, then as set forth in CCIOA. This Policy supersedes any previously adopted Policy on the same subject matter.

2. Policy Purposes.

The purposes of this Policy are to:

2.1 Set forth procedures and rules to promote the consistent and predictable handling of requests by Members for the inspection and copying of Association records;

2.2. Protect the Association and its Members from abusive records requests which lack a proper purpose, which fail to describe with particularity the records sought, or, which seek records not relevant to the stated purpose of a request, or which seek records legally protected from disclosure on the basis of privilege or other valid grounds for confidentiality.

3. Document Retention Policy.

3.1. Compliance with CCIOA. It is the policy of the Association to maintain all records required to be maintained by CCIOA, as well as any additional documents which are designated for retention in any provision of the Association Documents. From time to time, the Board shall consult with the Association’s managing agent or, if the Association has no acting managing agent, then with the Association’s Secretary, to verify compliance with the record-keeping and retention requirements under Colorado Law.

3.2 Form of Records. It is the policy of the Association to maintain the required records in written or electronic form, with a preference given to electronic storage so long as such documents can be easily converted to written form within a reasonable time. For purposes of this section, “reasonable time” shall mean a time period sufficient to allow conversion of documents to written form within five business days following a proper request for review and copying as provided below.

3.3. Protection of Original Documents. It is the policy of the Association that “original” records of the Association shall be appropriately protected from damage, loss or

spoliation. As such, “original” documents shall not be subject to unsupervised inspection and review, and the Association will either provide for supervised review of original materials or the provision of photocopies of the requested materials with the requesting Member responsible for reimbursement of the Association’s actual cost for duplication expenses.

4. Procedure for Requesting Inspection of Records.

4.1 Document Inspection/Copying Request Form. Any Association Member seeking to inspect or copy Association records shall submit a request in substantially the form of the attached “Request for Inspection/Copying of Association Records” (the “Request”) to the Association through its managing agent, if applicable, or if the Association has no acting managing agent, then through the Association’s Secretary. The date on which a compliant written Request is received by the responsible Association representative shall be deemed the “Date of Request.”

4.2 Review of Request. Upon receipt of a written Request, the Association’s managing agent, if applicable, or else the Association’s Secretary shall review the Request and determine in good faith whether the purpose of the Request is proper; whether the Request describes the records sought with reasonable particularity; and whether the records sought are relevant to the purpose of the Request. In making such determinations, consideration shall be giving to the following:

a. Purpose of the Request. The reason stated by the requesting Member must be such that the Request can be considered to be made in good faith and for a proper purpose. For purposes of this section, any Request which, on its face, appears to be made for purposes of commercial marketing, for direct sales campaigns, to financially benefit the Member making the Request, or which is made to annoy, harass, or oppress the Association or any Member or Members shall not be considered to be made for a “proper purpose.” Likewise, a Request seeking information, the disclosure of which would constitute an unwarranted invasion of privacy (such as, for example, Members’ or Directors’ social security numbers, their vital statistics, their bank account numbers, or other sensitive financial or personal data), shall not be considered made for a proper purpose.

b. Description of Materials Sought. A Request shall state with reasonable particularity the records sought and their connection with the purpose identified as the reason for the Request. For purposes of this section, for example, a Request seeking “all association documents” would not be a Request made with reasonable particularity. However, a Request identifying specific classifications of documents (such as minutes, decisions, contracts, or policies) that is appropriately limited in time and scope (i.e., seeking records for a specific and pertinent time frame) shall be considered to have the required reasonable particularity.

c. Relevance. Finally, a Request shall seek only documents that are relevant to the stated purpose of the Request. In determining whether the materials

sought are relevant to the purposes identified in the Request, the Association's managing agent, if applicable, or else the Association Secretary shall consider the nexus or link between the materials and the Member's stated purpose, as well as any further explanation provided by the requesting Member.

5. Production of Records for Inspection/Copying.

5.1 Production of Records. The Association shall make the requested records available for inspection or copying within five business days of the Date of Request. In the event that the Association determines some part of the Request is improper, it shall nevertheless produce such records as are responsive to the Request to the extent such Request is proper. The Association shall generally identify any records it has elected to withhold in order to preserve the attorney-client privilege as contemplated by CCIOA, and in addition, it shall advise the requesting Member if any part of the Request is rejected because the Association believes it seeks records for an improper purposes, or does not identify the records sought with reasonable particularity, or if the records sought are not deemed by the Association as relevant to the stated purpose.

5.2 Where Copies are Requested. Where a Member has requested photocopies of all records requested, the Association's managing agent, if applicable, or otherwise the Association's Secretary shall provide the requesting Member with a good faith estimate of the approximate number of pages subject to the Request and shall identify the expected actual copying cost per page for which the Member will be responsible. Prior to any copies being made, the Association may at its election require the requesting Member to prepay the estimated per page copying expense. Once copies are made and the actual per page copying charges are ascertained, the Association shall credit any such prepayment toward the actual costs, and either collect any shortfall or refund any overage. All copying shall be performed within five business days of the Date of Request.

5.3 Policies Related to Inspection. Inspection of Association records may be accomplished by providing either "original" records or photocopies of such records. Where "original" records are to be inspected, this process shall be supervised by any designee of the Association's managing agent, if applicable, or otherwise by any designee of the Association's Secretary. No Member shall remove any "original" record from the place of inspection, nor shall any Member cause marks, notes, deletions or any other modification of "original" documents to be made during any inspection. All inspections shall be scheduled to commence within five business days of the Date of Request. Inspections shall occur during business hours and at the time and place designated by the Association. Supervised inspections of "original" Association documents shall not exceed two hours in any single session. Where the Association elects to make photocopies of documents available for inspection instead of originals, a Member may inspect the same for up to five hours per business day. During records inspections, a Member may designate certain portions of the records for copying, in which case the policies related to copying specified in Section 5.2 shall apply from the time such records are designated.

REQUEST FOR INSPECTION / COPYING OF ASSOCIATION RECORDS

Association Member Name: _____ Date: _____
Address: _____
Telephone #: _____

I HEREBY REQUEST THAT 4872 ENDEAVOR CONDOMINIUM ASSOCIATION (“ASSOCIATION”) PROVIDE ACCESS TO THE BOOKS AND RECORDS OF THE ASSOCIATION.

I. State the Purpose of the Request. _____

II. Describe with Reasonable Particularity the Books and Records Sought: _____

III. Type of Review: (choose one)

I wish to review records at the Association’s location.

I wish to pay the Association’s actual cost for copies of the records I have requested.

IV. Certification and Acknowledgement of Association Records Policies:

I certify that my request to review the books and records of the Association is for a proper purpose related to my membership in the Association, and that this request is not for a commercial purpose or my personal financial benefit.

I acknowledge and accept the Association’s Policy Regarding Inspection and Copying of Association Records, and agree that I have been provided with an opportunity to review that Policy. I acknowledge and agree that the books and records will be made available to me in accordance with the Colorado Common Interest Ownership Act and only at such time and place as provided by the Association’s Policy. I agree that I will be responsible for paying the Association’s actual cost per page for any records I wish to have copied, and that I may be required to prepay these costs before copies are provided.

Member Signature: _____ Date: _____