

**Reminders:**

- **IF YOUR MAILING ADDRESS HAS CHANGED, PLEASE PROVIDE IT TO KEN BERENDT SO YOU WILL RECEIVE MAILINGS AND THE WATER ASSESSMENT REFUND AS NOTED IN THE MINUTES**
  - *The gate(s) must always be closed after each use per the Court Order.*
  - *All pets must be on leash and under control.*
  - *Members will be fined for violations. See [www.beaverlakes.org/documents/](http://www.beaverlakes.org/documents/) for more information.*
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**Board Meeting (Virtual)**

**March 13, 2021 –9:00 A.M.**

**Agenda**

- |   |                 |
|---|-----------------|
| 1. Open meeting   | Adam, President |
| a. Identify members signed into virtual meeting                   |                 |
| b. Board members present  |                 |
| c. Excused absences   |                 |
| 2. Approval of Minutes Posted on BLE Website for January 23, 2021 | Board           |
| 3. Treasurer Report   | Ken, Treasurer  |
| 4. Caretaker's Report   | Mark, Caretaker |
| a. Progress Report  |                 |
| b. Equipment Status   |                 |
| 5. Architectural Controls Committee (ACC) Report                  | Marty           |
| 6. STR Discussion   | Adam            |
| 7. Upper Lake Water Pipe Installation Update                      | John            |
| 8. Fishing Committee Update                                       | Tim Ratterman   |
| 9. Water Rights Update  | Karen/Adam      |
| 10. COVID Restrictions Update and Procedures at BLE               | Board           |
| 11. Other Business as Needed                                      | Board           |
| 12. Adjourn   | Adam            |
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## Minutes

1. Open meeting Adam, President

This meeting was held virtually due to restrictions on in-person attendance. The text from the Zoom chat is in Attachment 2 to these minutes. Note chat comments are often responding to discussions in the meeting and are not responding to a previous chat comment.

  - a. Identify members based on sign-in identification:  
Rich Boon, Tim Moutrie, Mark Ward, Lila Land, Leona & Glenn Brenchley, Marty Stevenson, Khristine Prickett, Marge Sjoden, Jesse Smith, Joan Arent, John Henry, Margaret & Don Bobb, Jill Bromenschen, Lisa [last name not displayed], Bret Marascola, Brian Runowski, Dan & Joan Wilke, Tim Ratterman, Suzanna Magill, Andrea Hrusovsky, Sabrina Gurule, Bob Dixon, Ken Donoher, Christopher Kearns, Ute Herzfeld, John Boak.
  - b. Caretaker present: Mark Larsen
  - c. Board members present:  
Ken Berendt, Eric Flora Kim Pierron, Karen Runowski, Adam Wiens
  - d. Excused absences  
John Barber
  
2. Approval of Minutes Posted on BLE Website for January 23, 2021 Board

Adam moved to approve the minutes as posted, Ken seconded. The motion passed unanimously.
  
3. Treasurer Report Ken, Treasurer

Ken provided a summary of the profit and loss statement. Overall, we are about \$50K under budget for expenses at this time.
  
4. Caretaker's Report Mark, Caretaker
  - a. Progress Report  
Mark has made progress on cabin renovation, which required significant work due to the previous construction quality and expects to be complete in a week or so. Kim asked about a pile in the lodge. Mark indicated it was caused by carpenter ants, which he has been able to exterminate.
  - b. Equipment Status  
All the equipment is currently running but the equipment is old needs continuous maintenance and repair.
  
5. Architectural Controls Committee (ACC) Report Marty

One application was approved from Ute Herzfeld and Helmut Mayer, which was an amended application from 2016 to add a retaining wall near their deck.
  
6. Short-Term Rentals (STR) Discussion Adam

Members were given time in this meeting to present information regarding the potential for taking another vote regarding banning STRs at BLE.

Tim Moutrie spoke in favor of banning STRs. He moved to BLE a year-and-a-half ago but lived in the area for many years. While he prefers banning STRs, if they are not banned, he suggests STR owner's dues be raised significantly and paid quarterly since the owners are making significant amounts of money and STRs add traffic to the roads. Also, renters tend to treat the BLE property more poorly. Leadville is increasing in desirability and we will see more demand for STRs which increases BLE impacts and costs.

Dan Wilke indicated we spent quite a bit of time on this issue prior to the previous vote. He believes that vote was conclusive in the support of banning STRs and he supports taking another vote. He provided a letter expressing his opinion which is included in attachment 1 to these minutes.

Bob Dixon provided a presentation which was shared on the Zoom call and included in attachment 1 to these minutes. He asked the members “do you want to live in Summit County or Empire Gulch”. He understands the STR owners have proposed additional rules for STRs but feels BLE will not be able to enforce them and the STR owners are unable to police them since most do not live in BLE. When STRs were allowed and violations occurred, the renters usually denied they did anything wrong and it’s very difficult to prove otherwise. Bob’s presentation includes quotes from the time when STRs were allowed. He pointed out the task of enforcing the rules falls on the Board and the caretaker. The STR owners incentives are making money and getting good reviews, not enforcing the rules. The possibility of bad reviews causes STR owners to avoid enforcing rules. In his presentation, Bob provided estimates for how much additional traffic STRs put on the roads. He noted the renters come from around the world and some reviews indicate they put a large number of guests in the houses; far more than an owner typically would. Despite the rules not allowing renters to fish, some STRs advertised good fishing and reviews were posted showing fish caught by renters. He provided a summary of the previous vote and why it was invalidated. Finally, he pointed out the caretaker is already strained with the current traffic and STRs cause significant increases.

Khristine Prickett provided a presentation that was shared on the Zoom call and included in attachment 1 to these minutes. The group that put together the presentation worked to find a mutually agreeable solution to balance benefits for all members. Her presentation recommends strict and enforceable rules for STRs. She noted 40% of the members voted against the ban and the count was stopped as soon as 50% “yes” votes were received so there may have been more than 40% against the STR ban. She noted the largest number of STRs in BLE at any time was 11 and the average number of times rented was only 6-8 times per year so the impact on BLE is overstated by some others. She also noted there was one STR owner that had multiple properties which constituted most of the compliance issues in the past. That owner no longer owns in BLE. Khristine summarized the rules that Lake County already has in place then proposed several rules they recommend BLE implement to manage the STRs. As shown in the presentation, these proposed rules include increased fees, only one STR per owner, managing the density of STRs, posted information to contact STR owners, a formal complaint process, required posted rules on web sites and property, volunteer STR coordinator, and penalties, to include stopping operations of the offending STR. She indicated STRs also benefit Lake County, Leadville, and local businesses.

Ute Herzfeld commented that having a neighbor that is an STR changes the quality of living for the resident, including many cars showing up at different times, additional noise, more people, more activity, etc. She also doesn’t like having to report violations and being required to enforce violations. Even with lower density, it’s bad if it’s your next-door neighbor that runs an STR.

John Boak noted that Khristine Prickett’s presentation addressed potential new rules for STRs but did not address how to rapidly enforce them while a violation is occurring. He also noted there is no method for BLE to know who the renters are or know where they are renting when they’re at the lake or on the roads.

Joan Arent stated she isn’t for or against STRs but has been in BLE since 1983 and feels STR owners are being painted as “monsters”. Everyone has the same goal to enjoy BLE. She suggested grandfathering current owners to allow STRs, but ban new owners from having STRs.

Rich Boon noted when he purchased 30 years ago no rentals of any type were allowed.

Sabrina Bromenschen owns a property in BLE but it does not have a house. When they purchased their property, STRs were allowed and taking that away later isn't fair to the owners. She supports grandfathering current owners to allow STRs but not allowing them for new owners. She also favors additional fees for STRs.

Glenn Brenchley noted when they moved to BLE, traffic was very high. Once the ban was in place, traffic significantly reduced. The renters don't respect the rules, drive too fast, make many more trips in/out, etc.

Bob Dixon noted that some STRs are privately owned but several STRs were owned by for-profit corporations.

Adam asked the Board for comments and indicated he feels it's best to put it to a vote to let the members decide. Eric added while he uses STRs at other locations and doesn't particularly like banning them, he feels it's best to let the members decide. If the ban does not pass, the Board should look seriously into the excellent set of rules proposed by Khristine Prickett. Karen added the enforcement is difficult and should not fall on the volunteer Board. Ken agreed we should put it to a vote as soon as possible so STR owners know if they will be allowed to rent this summer. He is in favor of an STR ban.

Adam indicated the decision at this meeting is whether to take a vote for an STR ban. He indicated we will have the attorney handle all aspects of the vote so it is performed properly and is defensible if the vote should be challenged.

Doug Arent indicated he was unclear on what the Board was putting out. He heard things are black and white but there are proposed grey areas regarding rules for STRS. Adam clarified today's Board vote is whether or not to hold a vote to ban STRs. The decision whether to ban STRs will be made by the members that vote. If the ban does not pass, the Board will consider options on rules for STRs.

Khristine Prickett requested that each side be allowed to provide a position paper included with the ballots for the member's consideration, particularly because not all members are on this call. Karen feels we should just provide a ballot and let the pros/cons be discussed outside the vote. Eric suggested we consult the attorney as to what is normally provided. Adam agreed to consult with attorney but feels they will be focused on making sure the vote is held properly.

Adam moved the Board approve holding a member vote regarding a change to the covenants to ban STRs at BLE, Ken seconded. Motion was approved unanimously, including a proxy for John held by Kim.

Adam noted if members would like materials posted, any received within 3 weeks (i.e. no later than April 3, 2021) will be posted for members to review on the BLE web site.

Curtis Over provided a letter opposing an STR ban which is included in attachment 1 to these minutes.

#### 7. Upper Lake Water Pipe Installation Update

John

Ken summarized we had problems with the ditches freezing and leaking into the campground, new septic, and lodge area. The water had to be diverted away from the upper lake, which also stopped water flowing from the upper lake to the lower lake. BLE is going to pull a flexible pipe through the current ditch and cover

it with soil. This will stop leakage, reduce evaporation, and stop freezing problems. Adam indicated they are evaluating the contracts and will soon approve them to start purchasing the materials.

Andrea Hrusovsky indicated this work will be on her property as the channel runs through her properties and requested more information on the process. Adam indicated they will only work within the current easement which BLE has for this ditch. Andrea asked if the aspen trees will be damaged or removed. Adam replied they will minimize impact to the aspen trees but may be some if they are in the way.

8. Fishing Committee Update

Tim Ratterman

Tim Ratterman noted not much is happening since it's winter and the lakes are frozen. Previously the Fishing Committee had a plan to have a contractor electrically stun the fish in the upper lake and remove the suckers. This plan changed since the water had to be shut off to the upper lake. The upper lake now has a significantly lower level and this may open new options, which the fishing committee continues to evaluate. It's possible that the fish in both lakes have died due to the lack of running, oxygenated water so it may be best to drain the upper lake to make sure the suckers are gone. They will continue to monitor options and expect ice to be melting in early May to allow better assessment. Dan Wilkie added that BLE may be able to do the sucker mitigation on our own, saving the cost of the contractor that was planned. There will be added costs to refill the upper lake, restock the upper lake, and possibly restock the lower lake depending on the state of fish. Karen noted the estimated cost of refilling the upper lake is \$6,000, which was factored into the cost of the pipe installation in item 7 above.

9. Water Rights Update

Karen/Adam

As was discussed at the last Board meeting, Karen indicated BLE terminated the contract to purchase permanent water rights as it was not economically viable with the amount Pueblo Water was going to charge to manage the permanent rights. Continuing with that contract would not have been in the best interest of BLE members. We have about 8 years left on our current lease and will need to renegotiate the lease, at higher rates. She also noted there was a recent news item the state water board is investigating ponds/lakes that were created without an augmentation plan. She added BLE does have an augmentation plan.

Adam added the remaining special assessment money will start being returned to the members in the near future. Since the contract was terminated early, the expenses were low and most will be refunded. He noted the importance of people making sure BLE has all member's current addresses so the check goes to the correct address.

10. COVID Restrictions Update and Procedures at BLE

Board

Eric indicated we are continuing with the closures but with the state relaxing rules the Board should consider what/how we can reopen at the next Board meeting.

11. Other Business as Needed

Board

a. Adam noted he recently purchased Starlink equipment for his home in BLE and will be installing it soon. This equipment will provide internet access via satellite link. He's expecting to get speeds of about 130Mbps download and 25 Mbps upload for \$99/month. The equipment was about \$600, which appears to be easy to install. Adam will report how it goes. Members can check the Starlink website for information.

- b. Ute indicated she has been removed from the Board, which she feels is contrary to the election in July 2020. Karen replied she was removed for on-going covenant violations for which the Bylaws require removal from the Board. While the Board usually does not discuss matters regarding a single member in a public forum, Ute raised the issue, so Eric summarized what led to the removal. There were 3 covenant violations on Ute Herzfeld and Helmut Mayer's property brought to the Board in December. The Board followed the BLE enforcement policy sending warning letters, holding a Dispute Resolution Committee (DRC) with Ute and Helmut, the DRC allowed 45 days (rather than usual 10 days) to resolve the issues, and the DRC provided specific actions that would resolve them without fines being assessed or Ute being removed from the Board. At the end of the 45 days, Ute and Helmut provided materials for all three violations but they were only sufficient to resolve one of the violations. The other two remained in violation, fines were assessed, and Ute was removed from the Board. Ute reiterated her primary issue she wanted to discuss in this forum is her removal from the Board despite being elected by the BLE members. Karen reiterated her removal was in accordance with Bylaws, Article 5, Section 5.2 e "Any director who is in violation of any provision of the Governing Documents of the Association for more than 30 days shall not be qualified to serve on the Board". Ute expressed her feeling these violations surfaced to have her removed from the Board. Eric noted the topic of removal from the Board only came up after the violations had been reported and the potential consequences of the violations were explored by the Board. Adam further indicated in no way were the violations "created" to remove her from the Board, rather the Board removal was only considered after the violations had been in place for some time.

13. Adjourn – Adam adjourned the meeting at 11:00AM.

**BLE Office Contact Information:**

- BLE Web Site: [www.beaverlakes.org](http://www.beaverlakes.org)
- E-mail Address: [beaverlakesestates@gmail.com](mailto:beaverlakesestates@gmail.com)
- Phone: 719-486-0978
- Address: 585 Empire Valley Drive  
Leadville, CO 80461

**Future Meeting Dates for 2021:**

- May 15, 9AM – Board Meeting
- July 17, 9AM - Annual Member Meeting followed by Member Picnic
- Sept 18, 9AM – Board Meeting
- Nov 20, 9AM – Board Meeting for Budget Determination

## Attachment 1 – WILKE - STR Presentations and Letters

Dan Wilke

### **Vote To Prohibit STRs at Beaver Lakes Estates**

**Follow the Lead of Neighboring Communities:** Mount Massive Lakes and Homestake Trout Club

**Covid 19 – Do you want a lot of strangers invading our community during this pandemic, increasing your risk of infection?** Quote from one Member: “Especially during the COVID pandemic, renting short term brings numerous folks to Beaver Lakes, increasing infection danger. Danger not only for people who are renting their home out, but also for the rest of us. I have met people around the lakes who think "distancing" and masks are not needed "out here".

STRs may be an asset to individual Owner-Members, helping defray second home costs, but are detrimental to the Community. They generate Profit and Return on Investment for the minority of owners who operate them, while leading to increased costs for the rest.

STR owners claim they would not be able to afford their property at BLE without engaging in STR. **They are not prohibited from renting their homes for more than 30 days.**

### **Maximize your Investment in Peace and Quiet. Vote to Ban STRs at BLE!**

Some people argue STRs boost property value. Unrestricted STR activity encourages investors, but at what cost to the rest of our Members? **Increased sales price results in increased property tax. Might you be forced to sell if property taxes escalate beyond your means to pay?** Degradation of our community resulting from STR activity will more likely undercut property values in the long run.

### **Would you invest in a home with a motel next door?**

The year before the initial STR ban yielded bonfires, traffic jams on the access road, 4 wheeler races around the lower lake, loud gatherings, fishing violations leading to altercations between Members and STR tenants etc. **When confronted, STR owners denied their tenants were involved,** highlighting the difficulty of enforcement.

**In contrast, the summer of 2020 was remarkably quiet and peaceful!**

**According to one neighbor of a STR property:** “We do not like the constant traffic that comes from our neighbor’s changing renters all the time. Sometimes the next group arrives the day the previous group left. It looks like overcrowding. I cannot speak for the bedrooms, but for the parking spaces. 3-4 cars at the same time are not an exception but occur rather frequently.”

**STR owners refuse to accept limits on their leasing activities,** including informing the community who they are renting to. They also refuse to assume responsibility for the behavior of their tenants, or to pay extra for the privilege of leasing their properties for less than 30 days.

Our HOA lacks the resources to Monitor STR activity. It has no solid information on these owners/properties and insufficient personnel to oversee and enforce our covenants and rules and regulations.

**By inviting the rest of the world into our community,** a few STR owners contribute to the destruction of the peace and quiet so highly valued by Members. The world loves Beaver Lakes according to reviews on

sites such as VRBO and AirBNB. The ease of online booking facilitates vacation renting 24 hours a day, 7 days a week!

## **Everyone at Beaver Lakes suffers from erosion of Community!**

### **HIGHLIGHTS OF PROBLEMS STEMMING FROM STRs:**

**No On-Site Management of STRs** which are basically resort rentals with little or no supervision. Who handles problems that inevitably occur?

**Weakening of Community** – STRs usually rent 3-5 days at a time, creating a constant flow of strangers with no connection to our Community, no knowledge of our rules and no incentive to behave in accordance with them. Intent on having a good time, many lack respect for our community. Conflicts arising from their bad behavior leads to resentment and fights among Members feeding a lack of trust and an increase in suspicion and tension.

The sense of Community diminishes when “neighbors” change every few days.

**Communities flourish when people know they can rely on their neighbors. They feel more secure when they know who those people are.**

**Excerpted from Brochure compiled for first STR Covenant Change Initiative:**

One STR = 50 Nights Per Year, Tenants per night = 4.5

12 STRs = 600 Nights Per Year, Tenant-nights /year = 2700\*

24 STRs = 1200 Per Year, Tenant-nights/year = 5400\*

48 STRs= 2400 night/year, Tenant-nights/year = 10,800\*

\*4 Individuals in one STR rental for 3 nights creates 12-tenant nights. It’s about the daily population of non-members in Beaver Lakes.

#### **Traffic Issues:**

- Heavy traffic on our roads, leading to more wear and tear on machinery.
- **NOISE POLLUTION** from Non-member ATVs and Dirt Bikes.
- Parking issues- Short Term Renters often arrive with 3 or more vehicles, often parking along roads, blocking access to both Members and road maintenance equipment/personnel

**Noise** – Loud parties late at night. Endless stream of traffic noise, especially two-stroke engines like those found in dirt bikes and ATVs.

**Rude guests** push around Members on roads and ignore our gate closure mandate. Renters’ dogs off leash against rules, with potential safety threat to Members. All leading to a **diminished sense of safety and security within our own Community.**

**Fishing violations.** Renters caught fishing in our Lakes, an amenity reserved for Members and their guests – without on-site supervision from the STR Landlord/Member as required by fishing rules.



**Members pay to stock our lakes.** Rule violations led to confrontations between renters and Members prior to first STR vote to prohibit. Some STR owners have been reported to advertise fishing as an amenity.

**Liability Issues for the Community** – Christmas 2018 rollover of STR renter vehicle just above our water ditch remained in place for five days with potential for environmental damage as well as potential legal action against our HOA. Could injured STR tenants sue our HOA?

**Increased Fire Danger** – Renters refusing to observe Fire Bans. What about fireworks? And guns?

**Increased BLE Dues** –more road repair, increased administration to create and oversee STR policy. If STRs are allowed to continue, more of our volunteer Board and caretaker time and attention will be spent dealing with complaints, assessing fines, mediating conflicts etc.

**A Paid STR Manager position, and website enhancement to allow Booking-site monitoring, STR tenant oversight, coordination with Lake County licensing etc., would be required.** Doubtful those who operate STRs will agree to pay for either. More of your money will be allocated for this purpose, with an inevitable increase in dues.

**Members forced into the role of Policeman.** Regulations alone will not control STR tenant behavior, who may not read or adhere to posted rules and have come and gone before any action can be taken.

**Will individual Members need will administer the rules, spending their leisure to photograph and violations?**

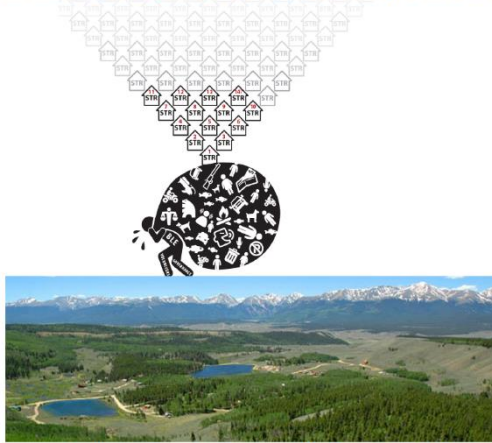
**Violations of Lake County Maximum Occupancy Rules** – Lake County STR License limits occupancy to 2 persons per bedroom. A review of STR advertising on online vacation rental sites prior to first STR vote indicated most owners were violating this rule, stuffing bedrooms with bunkbeds in addition to Queen-sized beds and boasting pull out sofas in addition. There has already been at least one instance of a septic system failure due to overcrowding.

**Overloading a property is bad for your neighbors!**

## Attachment 2 – DIXON - STR Presentations and Letters

Bob Dixon

Short Term Rentals are a Burden on BLE if they continue to exist...



Do you want to live in Summit County or The Empire Gulch Drainage?

Short Term Rentals are a Burden on BLE if they continue to exist...

**I would like to cover three (3) topics today**

1. STR Owners will fight us all along the way on Enforcement...
2. STR's Owners Generate Summit County like Congestion here in Empire Gulch at OUR Expense...
3. STR owners will Continue to threaten the Community with Legal Action if they don't get their way... (Scare Tactics)

Do you want to live in Summit County or The Empire Gulch Drainage?

Short Term Rentals are a Burden on BLE if they continue to exist...

1. **STR Owners will fight us all along the way on Enforcement...**

*STR Owners say they want to be good Neighbors, but their Actions say Something Different*

- They Operate Unsupervised Motels in Our Backyards for Transient Tenants
  - ❖ Qualification for Occupancy is if the Transient Tenants Credit Card can be charged for the Rental Fee
  - ❖ STR owners are NEVER here when the Transient Tenants Check In, during the stay or Check Out
- **Yet...** when confronted with Transient Tent violations they Deny, Deny, Deny.....

I try to be a good neighbor. Last year it was the Fishing Police that were always watching us.  
Khristine Prickett Vadala  
Aug 14, 2019

Do you want to live in Summit County or The Empire Gulch Drainage?

## Short Term Rentals are a Burden on BLE if they continue to exist...

**STR Owners will fight us all along the way on Enforcement...**

**Deny, Deny, Deny.....**

**John Kelley  
Aug 31, 2018**

Can you share more information with us around the process by which the board determines who is found fishing? Can you tell me the names of the renters you spoke with?

**Answer provided  
Aug 31, 2018**

In this case, a Fishing Committee member approached a group of ten (10) people that were fishing without badges. The people identified themselves as renting your property at 321 Deer Rd.



**John Kelley Transient Tenant  
Dec 2018**

**1526 Empire Valley Drive**  
Transient Tenant vehicle from Texas remained upside down for five(5) days next to our water ditch that feeds our lakes...

**Avery McGlenn**

**Sept 5, 2018** In the future, would it be possible for the fishing committee to get the person's name? I've asked our tenants from last weekend about this and they are claiming that no such interaction occurred.

Do you want to live in Summit County or the Empire Gulch Drainage?

## Short Term Rentals are a Burden on BLE if they continue to exist...

**2. STR's Owners Generate Summit County like Congestion here in Empire Gulch at OUR Expense...**

**STR Owners Advertising 8, 10 or even 11 GUESTS can fit comfortably.....**

Do you want to live in Summit County or the Empire Gulch Drainage?

## Short Term Rentals are a Burden on BLE if they continue to exist...

**2. STR's Owners Generate Summit County like Congestion here in Empire Gulch at OUR Expense...**

Do you want Summit County Occupancy, Traffic and all the other Headaches OR BLE Peace & Quite?	Numbers to Consider
<b>FULL TIME RESIDENTS</b>	
ELHA Dues Paying Members	172
Built out homes in BLE	130
Full Time Households in BLE	47
Average # of Full Time Household Members	3.5
Full Time Residents coming and going on an annual basis	165
<b>STR'S</b>	
Average Nights for one (1) STR being Rented Per Year (25% of the time)	91
Average # Days stayed by each group for one (1) STR	3
Average # of group per year for one (1) STR	30
Average # of Transient Tenants for one (1) STR stay	4
Annual number of Transient Tenants for one (1) STR	122
<b>% of one (1) STR Transient Tenants compared to Full Time Residents</b>	<b>74%</b>
Known STR's in ELHA in 2019	16
Annual Transient Tenants for 16 STR's	1,947
<b>% of sixteen (16) STR Transient Tenants compared to Full Time Residents</b>	<b>1183%</b>

Do you want to live in Summit County or the Empire Gulch Drainage?

## Short Term Rentals are a Burden on BLE if they continue to exist...

### 2. STR's Owners Generate Summit County like Congestion here in Empire Gulch at OUR Expense...

**L** Larree Morgan  
Beaver Lakes Estates • 6 Apr 19

**FILING**

**Project:** File No. 19-02,  
Summit Performance Strategies CUP

**Applicant/Owner:** Addie Bracy

**Location:** 4000 CR 7, Leadville, CO 80461  
Tract 2 of the Green subdivision, 25-10-80

**Request:** Conditional Use Permit Application  
Private Group Camp

Land Use File #19-02 is an application to operate a private group

Public notice Hearing on Monday 4-8-19. I am still not sure if this affects BLE.  
Does anyone know if the land accessed through the subdivision? If so THIS is an issue that will have an impact on traffic. Bus loads of people attending and managing the facility. Construction traffic etc.

The meeting for the public input is at the commissioners meeting room at 4pm.  
If it affects our subdivision we should attend or write a letter.

Posted in **General** to **Beaver Lakes Estates**

But Larree doesn't care about the increased traffic his STR generates...

Do you want to live in Summit County or the Empire Gulch Drainage?

## Short Term Rentals are a Burden on BLE if they continue to exist...

### 2. STR's Owners Generate Summit County like Congestion here in Empire Gulch at OUR Expense...

They come from Around the WORLD...

Erin is truly a "Superhost"! She helped us out very last minute (we're talking within an hour). We wouldn't have had any place to stay if she hadn't been so amazingly accommodating. The accommodation was amazing, very tastefully decorated and had a very cozy cabin vibe. The decks were amazing for relaxing and we ate out there every evening for dinner. The beds were comfy and everything we needed was there. I'd stay here again. Thanks Erin!!!

+ More

From KwaMashu, South Africa · August 2018 ·

And they Bring a LOT of People...

This place is quaint and quiet. Really gets you away from it all while remaining close to activities, dining, shopping, and Turquoise Lake. The host is open and communicative. Direction are easy and the house booklet was very helpful. 10 people fit very comfortably and we enjoyed the board games and movies provided. The bedrooms are a bit small but manageable. The main floor has a great layout and a really nice kitchen.

From Individual BLE STR online Reviews

Do you want to live in Summit County or the Empire Gulch Drainage?

## Short Term Rentals are a Burden on BLE if they continue to exist...

### 2. STR's Owners Generate Summit County like Congestion here in Empire Gulch at OUR Expense...

And Some NEED to install revolving doors (241 Reviews)...

**Hey, I'm Dan!**

US · Joined in September 2014

Report this user

Superhost **241** Reviews

And others SUGGEST there are BIG fish in our Lakes...

**Hey, I'm Curtis!**

US · Joined in January 2018

Report this user

From Individual BLE STR online Reviews

Do you want to live in Summit County or the Empire Gulch Drainage?

## Short Term Rentals are a Burden on BLE if they continue to exist...

### 3. STR owners will Continue to threaten the Community with Legal Action if they don't get their way... (Scare Tactics)

Laree Morgan – His legal Action speaks for itself..... He obviously doesn't care that 93 other Members said NO to STR's

Curtis Over - suggested at the November 22, 2020 Board Meeting that OTHER LEGAL action is being considered by the STR GROUP... and he also suggested the same thing on his Oct 5<sup>th</sup> post on NextDoor.....



If they don't get their way, they threaten to sue or employ Scare Tactics.....



**Curtis Over** • Beaver Lakes Estates



Hey Larree, thank you for informing the community of this important ruling. To the neighbors that have taken the enforcement of this illegal ban upon themselves by confronting unrecognized residents (like my wife) at their own home, please stop. This whole effort has contributed to a nasty culture in our community and has made many people uncomfortable to visit their own homes. I hope the ruling will let us move past it instead of resulting in additional disagreements and potential follow-on lawsuits.

5 Oct Like Reply



4

Do you want to live in Summit County or the Empire Gulch Drainage?



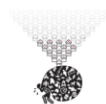
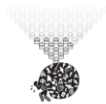
## Short Term Rentals are a Burden on BLE if they continue to exist...

1. STR Owners will NEVER want regulations because it will place a burden on their Transient Tenants... How can we expect Transient Tenants in Unsupervised Motels to follow and BLE Rules?
2. STR Owners generate Summit County type Traffic at the expense of ALL of us here in BLE...
3. DON'T let the STR Owners Scare Tactics keep you from doing the Right Thing.....

**VOTE to BAN STR's**

We don't need our Beautiful place to become another Summit County....

Do you want to live in Summit County or the Empire Gulch Drainage?



## Attachment 3 – PRICKETT - STR Presentations and Letters

Khristine Prickett

# STR/VACATION RENTALS: BEAVER LAKES ESTATES



MARCH 13, 2021

SUBMITTED BY YOUR PRO-PROPERTY RIGHTS NEIGHBORS

## PRO PROPERTY RIGHTS NEIGHBOR'S OBJECTIVE:

Find a mutually agreeable solution to preserve individual owner's current and *future* property use rights **and** avoid any disruption to individual owner's enjoyment and quality of life at BLE with **strict and enforceable STR/vacation rental rules & restrictions**

In the covenant vote of February 2019 of those who voted (154 of 180 members ):

60% wanted to prohibit vacation rentals

40% wanted to allow vacation rentals

**40% of BLE Members want to preserve their property rights.**

Why not try to develop a program to make both sides happy?



# SHORT TERM RENTAL HISTORY AT BEAVER LAKES

- STR/Vacation rentals have been allowed since 2012 Covenants
- STR owners care about their homes and the BLE community with high standards for renter screening; **homes are not “return on investments” properties but family cabins renting occasionally to offset the expenses of a 2<sup>nd</sup> home**
  - Majority of STR owners only rent 6-8 times per year
  - The “bad actor” owner with 2 STRs that had complaints has sold homes and left community in 2019
- There has only been a maximum of 11 STR rentals at BLE in the past (according to County records) at any given time
- Only 4 complaints/fines to the Board between 2017 – 2019
- In July 2018, a Short Term Rental Committee was appointed from the BLE Board to develop an STR policy
- STR Committee had local owners, STR owners and others who developed STR policy recommendations for BOD review
- Board of Directors instead voted to let owners decide to ban or keep STR option via Covenant vote in Feb 2019
- STR ban won in April 2019. Vote was 93 in favor with 61 opposed (50% of 180 needed). Several votes were in question, and voting ballot content & process was possibly flawed
- STRs were banned effective July 21, 2019
- An Owner sued BLE over STR ban in Sept 2019. After much legal wrangling, the case was dismissed in August 2020 because of illegal ballot issues. The STR ban covenant change was reversed by Lake County Court and owner received a \$65,000 settlement for legal fees and costs.
- As of August 2020, STRs are legal and allowed in BLE



## CURRENT STR RULES AND REGULATIONS

Below are the current Lake County and BLE rules and regulations that would apply to STRs. They are enforceable/fineable with the current BLE Restrictive Covenants ( 6.2 b, 5.5b ), BLE Policies and Procedures for Rule Enforcement (12/2016) and Lake County STR regulations. Owners are responsible for their tenants/guests. Lake County would enforce any county infractions.

### Lake County STR Regulations

- Annual STR License including sales, lodging tax licenses and quarterly monitor/review of rental websites for county license compliance
- 24-hour local contact person
- No receptions, events allowed
- Maximum occupancy of two adults per bedroom
- Trash removal; bear-proof receptacles
- Lake County violation reporting (form)

### Beaver Lakes Estates Tenant/Guest Rules

- All rules that apply to a member/guests (speed limits, gate closures, etc.)
- No fishing at any lake
- No use of lodge, campgrounds, cabins, horse corral
- No street parking (on property only)
- Pets on leashes only
- No open fires
- No fireworks or discharging of firearms



# PRO PROPERTY RIGHTS NEIGHBORS STR POLICY RECOMMENDATIONS

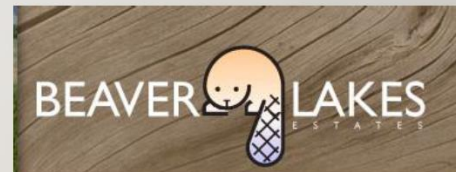
1. BLE registration of STR home with set up fee (example: \$250) and annual fee (tbd) to cover admin costs of updating website with STR tab and complaint form (in addition to Lake County STR registration)
  - Limit number of STR homes to 10% of owners
  - Limit geographical density of STR homes
  - 2 year ownership prior to STR application (to prevent investors)
  - Only 1 STR property per owner
2. Listing of any STR home on BLE website tab with 24-hour owner contact phone/email information for BLE owners to access. *STR owners want to know if there are any issues or complaints immediately.*
3. Develop complaint form on BLE website for STR and other owner complaints to log and document
  - STR Coordinator monitors STR email complaints
  - Other owner issues (non-STR) forwarded to BOD for investigation (as current process dictates). *Seems like this is needed for general owner complaints as well....*
4. STR Rules, Occupancy/Vehicle limits and contact info posted on rental websites and in home
5. STR Coordinator to monitor any immediate complaint emails and notify/call owner immediately for resolution
  - Volunteer position
6. Appoint STR Committee for oversight process
  - Committee includes a group of local owners, STR owners, STR Coordinator & BOD member as liaison
  - Meet regularly to review any complaints, violations, issues, applications, etc.
7. STR Committee annual review of all STR applications for renewal or rejection based on violation history, etc.



## WHY KEEP VACATION/SHORT TERM RENTALS?

- **Maintaining personal property use rights** for you, your family and your heirs to keep your Beaver Lakes home
  - Keeping future options open for using your home to offset increasing expenses like taxes, HOA dues, assessments, home repairs, etc.
  - Not letting a group of individuals change or decide how you can use your home and property
- **BLE businesses that depend on income** from cleaning, plowing, handyman work, contractors, etc.
- **Increased sales for Leadville small businesses & restaurants**, and tax revenues for Lake County
- Why have our HOA go through another *neighbor vs. neighbor* long, expensive, contentious **covenant change battle** with the possibility of more legal challenges and costs? *Even with legal insurance, there are hard costs for ballot development, mailing fees, legal fees for processing ballots, legal insurance premium increases, and more*

*First let's develop a strong, effective STR Policy to regulate and protect!*





## Attachment 4 – OVER - STR Presentations and Letters

### Curtis Over

Neighbors,

This letter is an attempt for me to better communicate my underlying concerns which are sometimes difficult to articulate in the context of the STR Ban related conversations.

I believe this issue has broadly exposed a feeling shared by some residents that individual owners' interests are not considered or valued in the decision and policy making actions of the broader HOA. It feels like we have a culture where members can, and do, enforce their will upon others, if they are able to rally a large enough contingent to support them. While an HOA does and should have the right to act in the interest of the greater good, that doesn't mean that we as neighbors shouldn't work to understand and maybe compromise or accommodate the interests of members, whether their opinion aligns with the majority or minority on any issue. If our community supports actions to take things of value from some members for the perceived or real benefit of others, then we will fail to achieve trust in one another. Further, you can argue that such actions perpetuate an environment where individuals *should* act only in their own best interest, regardless of the impact on our neighbors and community. I'd rather be a member of a culture where I trust that my neighbors will consider the impact their desires will have on me and will consider the consequences to me ahead of their actions. If such a culture existed, I would certainly be more likely to consider my neighbors' needs when determining my personal actions.

I hope we can foster a culture where we all better understand, consider, and value each other and make small accommodations in both directions in view of the priorities and needs of our neighbors.

Sincerely,  
Curtis Over

## Attachment 2 – Chat text from Zoom meeting

08:56:22 From ELHA BLE to Everyone : Starting Meeting Soon

09:00:15 From 02vinson to Everyone : 02 vinson Bret Marascola property owner antelope road

09:01:01 From Margaret and Don Bobb to Everyone : Hi everyone, Margaret and Don Bobb from Denver. Owners at Ptarmigan and Mallard. Just here to listen....so video is off.

09:11:09 From christopherkearns to Everyone : Can we discuss the possibility of leasing/purchasing newer vehicles for Mark to use so that we don't have to worry about the older vehicles that are consistently breaking down?

09:19:36 From Bob Dixon to Everyone : Rich, I would like to talk. Cant find the hand icon

09:24:27 From iPad (5) to Everyone : How many STR complaints were there?

09:25:29 From iPad (5) to Everyone : unsubstantiated bias "snippets"

09:27:50 From christopherkearns to Everyone : And we used to have a moose that would come drink at the lower lake almost every evening, UNTIL some STR's ran it off with side by sides! Now it won't come back to the lake to drink!

09:29:20 From suzanna.magill to Everyone : What about pictures of cars that get stuck from Full time owners? Does it only happen to STR's ? If you've found trash in the past year...is that also from STR's that haven't even been operating in the last year since the vote. Anything that looks bad...let's just blame on STRs???

09:29:55 From iPad (5) to Everyone : who has in BLE has rented their unit 90 nights?

09:31:48 From christopherkearns to Everyone : If STR's weren't so bad for small communities like ours, why do you think ALL other communities in this and surrounding areas have already banned STR's?

09:32:24 From suzanna.magill to Everyone : Scare tactics...that's exactly what's been used on your end!

09:34:43 From iPad (5) to Everyone : what are All other banned communities?

09:35:21 From Leona & Glenn Brenchley to Everyone : how do you file a complaint when you can't identify the vehicle that just drove you off the road?

09:35:59 From Bob Dixon to Everyone : Kelly's had two house sold one and still operate a rental in BLE. In my back yard

09:36:59 From Bob Dixon to Everyone : County will never enforce our rules

09:39:36 From Ute C Herzfeld to Everyone : How do I raise my hand please to speak?

09:39:46 From Leona & Glenn Brenchley to Everyone : again, if you don't know who they are, how do you know where they are staying in order to make a complaint?

09:39:59 From Leona & Glenn Brenchley to Everyone : how will this possibly be enforced??

09:40:46 From 02vinson to Everyone : who is going to take on compliance issues and who is going to enforce it

09:41:53 From Marge to Everyone : My hand disappeared ...

09:42:14 From suzanna.magill to Everyone : Other communities? Please share info and facts. I know Buena Vista, Salida, and Leadville allow STR's

09:42:23 From tmoutrie to Everyone : there were 5 cars at Ute neighbor's house last week

09:42:34 From tmoutrie to Everyone : and most times one is parked on the road

09:42:56 From Marge to Everyone : Want to speak ...can't find hand now

09:44:11 From Khristine Prickett Vadala to Everyone : T

09:44:31 From Marge to Everyone : Leadville has limited STRs ... about 12% of residential properties. Also STRs at BLE violating County as to number of transient tenants allowed per permits. 2 persons per BR + 2.

09:44:37 From Bob Dixon to Everyone : It should be posted

09:45:20 From tmoutrie to Everyone : shoot - I am at work and something urgent just came up - have to leave. sorry about that! thank you again for letting me speak, and thank you to the board for your continued service!

09:46:03 From Marge to Everyone : Can't unmute

09:46:25 From john boak to Everyone : Enforcement of rules and regs for STR renters is impossible and a fantasy. How can a problem renter ever be identified? How can action ever be taken on problem behavior? No one has ever explained how that would work.

09:46:48 From suzanna.magill to Everyone : That is because we have a large family that enjoys our cabin. Are you going to tell us who can stay at our 3 bedroom cabin? If we could use our driveway the way it was supposed to be used with the easement, our cars would not get stuck .

09:47:04 From Leona & Glenn Brenchley to Everyone : do we need to comment now or will there be a bigger discussion and vote in the future?

09:47:45 From christopherkearns to Everyone : the only enforcement we can guarantee is banning

09:48:01 From Marge to Everyone : 101 Chucker Rd is owned by Alpine Mountain Rentals LLC

09:48:17 From Ute C Herzfeld to Everyone : This is the time to speak - @Leona and Glenn

09:49:41 From Marge to Everyone : No grandfathering! Just do another vote now!

09:50:16 From Margaret and Don Bobb to Everyone : Why do you need to STR to “keep it in the family”? Our adult children use our cabin and we just let our neighbors know they are coming. And our kids know not to let their friends fish.

09:50:31 From Margaret and Don Bobb to Everyone : We have owned since 1978

09:50:55 From 02vinson to Everyone : looks like another vote has to be done I did not buy property to have to police it,

09:53:03 From Khristine Prickett Vadala to Everyone : The pro-property right group suggested several good ideas on recommendations for rules and regulations. These rules can be enforced. One recommendation was to have contact information available on the website so you could call the owners if you see a violation. There is a way to make this work. I would be happy to work with anyone who wants to find solutions.

09:53:16 From Ute C Herzfeld to Everyone : Can I please read the letter by Dan Wilkie and Marge Sjoden?

09:53:42 From suzanna.magill to Everyone : Kristine:

09:53:55 From Bob Dixon to Everyone : The covenants allow for changes as situations change. STR's have exploded so changes need to happen

09:54:37 From suzanna.magill to Everyone : We would also work towards this as well.

09:55:07 From Khristine Prickett Vadala to Everyone : Will all the documents be posted with the BLE minutes?

09:56:14 From christopherkearns to Everyone : The STR's are not approachable either. They run off when I've tried to ask them to slow down and have been known to be confrontational.

09:56:18 From Marge to Everyone : Will submit my comments by Email as haven't been able to solve audio issue.

09:56:42 From christopherkearns to Everyone : Please just show Dan's presentation

09:58:00 From Leona & Glenn Brenchley to Everyone : This is an important discussion and we need to find a way to have it in person so we can communicate better

09:59:46 From Lila Land to Everyone : can anyone tell me what the total cost of doing the last STR vote cost the BLE?

10:00:52 From christopherkearns to Everyone : We have a dirt road, how start is it to allow more people to come here?

10:01:00 From Ute C Herzfeld to Everyone : Marge, did you hit "join with audio" when u joined the meeting?  
U

10:01:00 From christopherkearns to Everyone : Smart

10:01:07 From Marge to Everyone : The same rules the STR owners rejected wh;en I was trying to work with them prior to the first STR vote ... And let's face it no way to enforce!!!

10:01:58 From Ute C Herzfeld to Everyone : A big problem is that if BLE does NOT ban STRS, we will invite more investors to buy into Beaver lakes.

10:02:02 From iPad (5) to Everyone : let leave the personal attack out of it BOB

10:02:13 From Sabrina to Everyone : increased traffic is a valid issue but the question I have as a land owner who rarely is up there.. if all land owners lived there fulltime?..what would traffic be like? Stars don't appear to be more the total land owners.

10:02:21 From christopherkearns to Everyone : couldn't agree more Ute!

10:02:41 From Bob Dixon to Everyone : Just the facts

10:03:10 From christopherkearns to Everyone : Even if all land owners did live here full-time, there wouldn't be up to 11 people living there

10:03:38 From christopherkearns to Everyone : And fact is there is only about a third of all land owners that do live here full-time

10:04:27 From Leona & Glenn Brenchley to Everyone : the people who come up there for STRS are disrespectful and rude. People who live here are going to work and coming home once a day. The vacationers are coming and going all day, always in a hurry and they have multiple vehicles.

10:04:59 From christopherkearns to Everyone : And leave the gates open

10:05:04 From Leona & Glenn Brenchley to Everyone : and we haven't even mentioned the ATVs and snowmobiles and dirt bikes!

10:05:16 From Bob Dixon to Everyone : and open fires

10:05:37 From john boak to Everyone : Regulating is easy. Enforcement is not. STR people owe it to the community to explain how rules and regulations would actually be enforced.

10:05:48 From Leona & Glenn Brenchley to Everyone : and burning cigarette butts out their windows.

10:06:01 From Sabrina to Everyone : could the caretaker or someone contracted with by the STR be approved to supervise visitors, at STR costs?

10:06:03 From christopherkearns to Everyone : and not leashing their dogs

10:06:27 From iPad (5) to Everyone : apparently the technical issues were that the bylaws and state law was not followed

10:06:28 From Ute C Herzfeld to Everyone : That's not the caretaker's job. Ute

10:06:36 From Margaret and Don Bobb to Everyone : Before the vote, please post all presentations given today on the BLE website and direct members who did not see today's meeting to the website.

10:06:46 From christopherkearns to Everyone : the caretaker's name is Mark and he barely has enough time to do what's on his plate already

10:06:51 From Marge to Everyone : Caretaker already overburdened. Would probably need to hire a person to oversee the STRs if we are unfortunate enough to be forced to have them in our community

10:07:10 From 02vinson to Everyone : mark has plenty to do not enforcement

10:07:13 From Marge to Everyone : More cost ...dues will go up

10:07:33 From Sabrina to Everyone : ok, not caretaker.. maybe new rules require they provide supervision at their cost

10:08:30 From john boak to Everyone : Imagine the hired STR cop approaches an offender. How does he/she find out who that offender is and where that person is staying? Think about it.

10:08:32 From Marge to Everyone : This group was adamant about not wanting to pay for the privilege when I worked them prior to fist STR vote. They do not want to be accountable.

10:09:30 From Marge to Everyone : Suggest moratorium on renting if STR vote goes for them until rules and regs could be put in place. Best case for community is a ban

10:09:34 From Ute C Herzfeld to Everyone : Marge - you could try, leaving the meeting and rejoining with prior clicking"join with computer audio" and ice would have to let you back in.

10:09:52 From iPad (5) to Everyone : do the bylaws allow board to hire a lawyer to do this w/o member approval?

10:09:53 From Ute C Herzfeld to Everyone : Rich not ice. Long live autocorrection.

10:11:49 From Rich B to Everyone : We could charge \$100,000 for a BLE STR permit per year. That would not require a change of covenants.

10:12:47 From christopherkearns to Everyone : can we just use next-door for our opinions?

10:13:00 From christopherkearns to Everyone : free and easy

10:13:26 From christopherkearns to Everyone : why should we have to pay for paper to be sent out?

10:14:38 From Bob Dixon to Everyone : The board should take a stance and recommend what we should do as a community. That is what they were voted in to do. No need for either for or against and it is what we did last time and it was challenged over NextDoor to no end... just more divisive

10:14:59 From Marge to Everyone : Presentations done here today should be posted with meeting minutes and would constitute positions of both sides

10:17:44 From 02vinson to Everyone : the attorneys should make recommendation as how to proceed according to statute to be non discriminatory to all involved

10:18:07 From Sabrina to Everyone : I would recommend that any changes or recommendations for STR rules be agreed upon before any vote, otherwise issues remain outstanding. problem not solved

10:19:16 From iPad (5) to Everyone : the language should be ban or allow STR's right?

10:19:22 From iPad (5) to Everyone : not just ban

10:20:26 From christopherkearns to Everyone : Sabrina - the way it was done last time was that IF STR's are allowed, then we discuss rules

10:20:40 From Bob Dixon to Everyone : That would be grey. Vote to ban and if they cant get 50% they stay. Pretty simple

10:23:24 From Marge to Everyone : From my experience, rules will be a battle royal and will not be enforceable!!!

10:23:56 From christopherkearns to Everyone : which is why STR's are usually banned

10:24:12 From Marge to Everyone : And wisely so!!!

10:24:18 From christopherkearns to Everyone : that is a fact, you can look it up

10:24:21 From Bob Dixon to Everyone : Ban is the only enforceable rule

10:26:06 From Marge to Everyone : Ban is imperative to ensure health and quality of our community. we have owned over 25 years and noted the degradation in community as STR became more prevalent

10:30:47 From Bob Dixon to Everyone : Should keep the ditch from failing again in other areas.

10:32:16 From Bob Dixon to Everyone : Andrea, great question

10:35:56 From 02vinson to Everyone : need to change regulations to all brown trout must be returned always

10:41:21 From Ratterman to Everyone : All brown trout are supposed to be returned in the upper lake. All fish caught in the lower lake are supposed to be returned.

10:45:23 From Sabrina to Everyone : army of engineers mentioned we may be able access financial support due to wetlands. is this something we want to explore?

10:45:57 From Lila Land to Everyone : Karen, Thank you for all work on the water.

10:46:06 From Bob Dixon to Everyone : THANKS again Karen... and everyone else

10:46:24 From Ratterman to Everyone : I can add a line to the fishing regulations. It currently reads:

10:46:26 From Ratterman to Everyone : Upper Lake

1) Fish limit is 2 Rainbow Trout per person per day. There is no limit on Brook Trout.

10:46:28 From christopherkearns to Everyone : yes, THANK YOU Karen, and Board

10:46:56 From Ratterman to Everyone : I can add that brown trout must be released.

10:48:23 From Ratterman to Everyone : Adam....please post your review of Starlink after you have a couple months of experience.

10:48:46 From 02vinson to Everyone : I have personally seen brown trout being taken out of the upper lake. good idea I did pass this on to Dan several times as we spoke last year

10:50:05 From 02vinson to Everyone : tim I do live in Pueblo but with advance notice I would be willing to volunteer helping the committee with the sucker eradication

10:51:36 From Ratterman to Everyone : Thanks. Who are you, 02vinson?

10:51:43 From christopherkearns to Everyone : Hiring a part time caretaker would really help Mark with all of his projects and keeping an eye on the lakes in the summer. Seeing someone patrol lakes really detracts violators.

10:52:04 From 02vinson to Everyone : bret Marascola email is [bmarascola@live.com](mailto:bmarascola@live.com)

10:54:01 From Bob Dixon to Everyone : Having submitted an ACC permit and having an approved ACC permit is two different things. Can't start work with out the approved ACC permit.

10:57:56 From Bob Dixon to Everyone : Answer Adams question.



11:00:00 From Bob Dixon to Everyone : Follow the rules and none of this would be an issue