

January 7, 2012

To: Dennis Meier, Chairman – Community of Elfin Cove

On July 24, 2013, Susan Abel sent the following in an email letter to Alaskans for Alaska regarding the records of the Community of Elfin Cove (CECNPC):

**“All our records are public and I would be happy to send them to you.”**

In two separate letters, dated August 7, 2013, we requested various public documents and information from Ms. Able (secretary of CECNPC at the time of her letter). Our requests were made as candidates in the CECNPC elections and as members of CECNPC. Dennis Meier, your response to our requests, postmarked September 23, 2013, was lacking in the information requested and lacking in respect. We were quite disappointed with your written response to our “public” records request. Once again, we are requesting copies of public records that were promised by a sitting officer of the Community of Elfin Cove.

**From our first letter**, we requested the following items:

**1. All Treasurer’s reports from January 2012 to today in hardcopy form.**

**Chairman Meier, you responded that the Treasurer’s reports had previously been emailed, were available in hard copy at the meetings, and were posted in two locations. You further stated that we could print them from our electronic versions.**

Not all records were originally received via email and hard copies were not always made available. We are not able to determine whether we have a complete set of your records to date. The Community of Elfin Cove quit providing access to the community’s computer, by locking the Community building, so we do not have a way to access the requested records. The community computer, originally purchased with revenue sharing funds, was supposed to provide anyone in the community access to a computer, and the records of the Community of Elfin Cove. When digital media is not made available, we require hard copies for our examination and review. These records should be free of cost to community members. Our request stands.

**2. All CECNPC meeting minutes from January 2012 to today in hardcopy form.**

**Chairman Meier, your response was that copies of meeting minutes had previously been emailed, and were posted in two locations. You further stated that we could print them from our electronic versions.**

Again, not all records were originally received via email and hard copies were not always made available. We are not able to determine whether we have a complete set of the Community of Elfin Cove’s meeting minutes, to date. The Community of Elfin Cove quit providing access to the community’s computer, located in the Community building, so we do not have a way to access these records. These records should be free of cost to community members. Posting them on the community board does not afford us the ability to review them when convenient nor in the future as a historical report. We still request this information.

**3. Copy of the complete 2013 Headcount Census submitted to State of Alaska for Revenue Sharing in hardcopy form.**

**Chairman Meier, your response was to see the Department of Commerce’s web link for the most recent population survey for Elfin Cove.**

We did not ask for the total number of persons counted for the census. We asked for the complete census packet that was submitted. Specifically, we requested this packet as a hard copy from Debbie Hemenway (census taker) during the May 2013 community meeting, but she has yet to provide the information. We are now also asking for the guidelines that were followed in order to conduct the census. What did the State of Alaska require for the census? If there were any written or email communications between the Department of Commerce and the Community of Elfin Cove prior to, during, and following the census taking, we are also requesting copies of those communications. We find it curious that the population has grown to 40 residents, yet they don't seem to actually live here. Please supply the requested information.

**4. Copy of and reason for all attorney fees paid by CECNPC (2009-2013).**

**Chairman Meier, you stated that this was privileged information.**

At no time in the past 32 years has the Community of Elfin Cove Nonprofit claimed that this was privileged information. We would like for you to explain this. Is there a statute that says this? Is there a bylaw that says this? Who is giving you this advice, and on what basis? Who is the Attorney at Law who provided advisement on our record request? What contact information is available for him/her? Again, we are requesting this information be provided as part of your "public" records.

**5. Copy of and reason for all financial advisor fees paid by CECNPC (2009-2013).**

**Chairman Meier, you replied that the Community of Elfin Cove does not retain a financial advisor. You also state that the totals for monies spent for accounting services is available on the financial statements we previously received and that we were to refer to them.**

We do not have a complete set of records for the time period requested (2009 to 2013). They have not been provided to us. We would like to determine if the Community of Elfin Cove has ever sought, or received, guidance from a financial advisor – accountant, tax lawyer, Department of Commerce representative, etc.

During meetings when the Community of Elfin Cove's treasurer has presented her reports, she has asked if there were any questions about the report. Based on our limited copies of reports, we do have questions about the reports. Are we not allowed to review them as a whole for comparison? Are we not allowed to ask questions about these documents, such as an explanation of the "professional" services or lawyer's fees? Please supply the requested information.

**6. All emails/postal mailings between CECNPC Board members from January 1, 2013 to present.**

**Chairman Meier, you said that these records are not available and that the Community of Elfin Cove is not able to obtain these items.**

The Community of Elfin Cove, as a nonprofit organization, and as a governmental entity, is required by statute to maintain official business records. See AS §10.20.131.

Our request was only for January 1, 2013 to present. It is disturbing that you do not have copies of official communications between board members regarding the administration of our community. So we again request all emails /postal mailings between CECNPC Board members from January 1, 2013 to present.

**7. All emails/postal mailings between CECNPC Board members and the State of Alaska from January 1, 2013 to present.**

**Again, Chairman Meier, you state that these are not available and that they are not able to obtain them.**

As part of the organization's official record, there should be copies of these communications between the State of Alaska and CECNPC. It is troubling that these records are not available and that you are not able to obtain them. The discussions at Community of Elfin Cove public meetings indicated that CECNPC was indeed communicating with the Department of Commerce and the Division of Elections during the past year, and yet you say there is no record available. We again request the official records for these communications.

**In our second letter**, we again welcomed CECNPC Secretary's offer to provide us with CECNPC's records upon request. Chairman Meier your response was not acceptable. We are, once again, requesting the same information, and additional information as indicated below:

**1. Sign-in sheet for the August 2, 2013 CECNPC Board of Directors election.**

**Chairman Meier you provided a copy of the voter's log, but it was not complete. The signatures were eliminated from the copy for confidentiality purposes, but it did not indicate which people actually voted.**

We are unable to determine who voted in the August 2, 2013 elections by examining the document you provided. The signature may be redacted, or marked through, to protect the confidentiality of the signature makers, but the document should indicate who actually voted. Please provide a copy that indicates which registered voters actually participated in the election. This election was voided by CECNPC after the vote was challenged because one of the candidates did not qualify to vote or run for office since she wasn't registered in time for that election. Though voided, this information should be maintained as part of the historical record of the Community of Elfin Cove. We are additionally requesting the same information (copy of the voter's log) for the election of August 17, 2013.

**2. We want the opportunity to examine the original ballots cast in the August 2, 2013 CECNPC Board of Directors election.**

**Chairman Meier, you stated that due to a new election being held, these ballots are not available.**

The election on August 2, 2013 was officially held. Voting did take place. We requested to view the ballots at the time, but were denied the opportunity. As candidates, who challenged the elections, we should have been able to view the original ballots. As community members, we should still be able to view the official records. Why aren't these records available? Again, we are requesting the opportunity to examine the ballots. Now we request them from both elections that were held on August 2, 2013 and August 17, 2013.

**3. Copies of all emails sent to and received from the AK Dept. of Commerce and the AK Division of Elections concerning the August 2, 2013 CECNPC Board of Directors election.**

**Chairman Meier, you again state that official business records are not available and that these items are unobtainable.**

Why are these official records not available? The email account for the Community of Elfin Cove should have a record of emails sent and received. Even the Department of Commerce acknowledges communications with the Community of Elfin Cove regarding the elections in August. Please see the September 30, 2013 RUBA

report by LGS Lynn Kenealy. We are once again requesting this information from the Community of Elfin Cove. More specifically, we are requesting all communications between the Community of Elfin Cove and/or the board members and officers and the Department of Commerce and Division of Elections regarding the elections in August. Did either State of Alaska entity assume an advisory position for the 2013 elections? As a nonprofit and governmental entity, the Community of Elfin Cove should have this information as part of the historical data associated with CECNPC. Why aren't you archiving it?

Lastly, we have never been charged a fee for official documents of the Community of Elfin Cove. Is there an official policy or bylaw addressing the newly imposed fee structure? Why has it become so hard for community members to obtain this public information? As an alternative to all the paper copies we have requested, we have a brand new jump drive (unopened) that we would be glad to bring to Elfin Cove and have the secretary use to copy the files. This shouldn't take as much time as copying all of the requested items. If the secretary, a resident of Utah, is not available, then another community officer or director should be able to assist us. Not all the requested information is in a digital format, but for those that are digital, the jump drive would save time and money for both you and for us. What is not available in digital format, can be copied on the community's copier.

Please reconsider our request and re-examine your records for the information we have asked for, the information the Community of Elfin Cove assured was public and would be happily sent.

Kind Regards,

Travis Lewis-Candidate for Chairman  
Member, CECNPC  
P.O. Box 45  
Elfin Cove, AK 99825

Lane Ply-Candidate for Secretary  
Member, CECNPC  
P.O. Box 64  
Elfin Cove, AK 99825