



Gladstone Neighborhoods' Association, Inc.

Gassen Companies
6438 City West Parkway
Eden Prairie, MN 55344
email: clientsupport@gassen.com

October 30, 2023

To the DeJournette household,

We are writing to bring to your attention a recent incident during the June 2023 association meeting when Todd asked about the reserves and the PAR committee membership during the open forum, which were not topics on the meeting agenda. This conduct was in violation of the established rules and regulations Rule 7.0 CONDUCT AND DECORUM AT MEETINGS Section d. which states 'Proposed agenda items may be submitted prior to a Board meeting for consideration and inclusion on the agenda. Owners shall not prevent the Board of Directors from discussing agenda items. Discussion of items not on the agenda or properly on the floor of a Board meeting is prohibited.'

The open forum portion of the meeting is meant to encourage members to provide opinions on the issues at hand. This section of the rule allows for the board to have appropriate time to respond and include relevant topics in the agenda. If you would like to discuss non agenda items at future meetings, please follow the guidelines laid out in the rules and regulations and submit items prior to the meeting for considerations and inclusion on the agenda. This serves as the official written warning for all members of your household. Per Section e. of Rule 7. 'If further violation(s) continue, the Association's Board of Directors may (i) remove the Owner from the meeting; and/or (ii) levy a fine against the Owner's Lot in an amount deemed reasonable based on the type of violation, frequency of violations, or whether or not the violation was intentional or malicious.'

Sincerely,

Board of Directors
Gladstone Neighborhoods' Association, Inc.

Henson & Efron, P.A.

225 South 6th Street, Suite 1600
Minneapolis, MN 55402

T (612) 339-2500
F (612) 339-6364

November 3, 2023

Via Email Only

Chris Moelter

cmoelter@gassen.com

Gladstone Neighborhood Association

board@e-gladstone.org

Re: Todd and Jennifer DeJournett

Dear Mr. Moelter and Gladstone Neighborhood Association:

This firm represents Todd and Jennifer DeJournett, and this letter responds to your October 30, 2023 letter to the DeJournetts.

Your October 30 letter alleges that, at the June 1, 2023 meeting, Todd DeJournett “asked about the reserves and the PAR committee membership **during the open forum**, which were not topics on the meeting agenda. This conduct was in violation of the established rules and regulations Rule 7.0 CONDUCT AND DECORUM AT MEETINGS Section d. which states ‘Proposed agenda items may be submitted prior to a Board meeting for consideration and inclusion on the agenda. Owners shall not prevent the Board of Directors from discussing agenda items. Discussion of items not on the agenda or properly on the floor of a Board meeting is prohibited.’” Your letter concludes with a threat: “This serves as the official written warning for all members of your household. Per Section e. of Rule 7. ‘If further violation(s) continue, the Association’s Board of Directors may (i) remove the Owner from the meeting; and/or (ii) levy a fine against the Owner’s Lot in an amount deemed reasonable based on the type of violation, frequency of violations, or whether or not the violation was intentional or malicious.’”

First, Rule 7 is legally unenforceable. This rule, passed by the Board, gives itself unfettered ability to fine members unlimited amounts for anything it deems to be a violation of any rule.

Second, even if the rule was enforceable, the Board is enforcing it in an arbitrary and capricious manner, which is prohibited by law. Other members raised issues **during the open forum** that

were not identified in the prior topics in the agenda, and, to the best of my knowledge, none of them were threatened with fines. I am aware of another member receiving a similar letter to the DeJournetts noting that he allegedly violated Rule 7, but the letter notably did not threaten him with future fines.

Third, the agenda expressly included an “open forum,” which is a standard topic in common interest community meetings for members to raise issues not necessarily related to the previous topics. It is, as the name suggests, an “open” forum to raise issues. And that is exactly what Mr. DeJournett did at the meeting. I suspect Gassen Company includes “open forums” in most, if not all, of its common interest community agendas, and boards consistently have members raise issues during these “open forums” that are unrelated to the specific topics identified earlier in the agenda. Thus, as your letter concedes, my client raised questions concerning the reserves and PAR committee membership during the appropriate portion of the meeting—the open forum.

Fourth, the timing of this notice suggests it is an effort to prevent the DeJournetts from speaking at the annual meeting on Monday, November 6. The Board waited four-and-a-half months after the June 2023 meeting to send this letter threatening the DeJournetts with unlimited fines if they spoke during the open forum again. Again, this is arbitrary and capricious, and in violation of the law.

Next, your letter alleges that Mr. DeJournett violated Rule 7—which he did not—but threatened “all members of...the DeJournett household” with fines. There is no allegation that Ms. DeJournett nor any other member of the DeJournett household violated any rules, so there is no basis to threaten them with fines or fine them.

Finally, please produce copies of all communications from the Board or Gassen Companies and any Gladstone Neighborhood Association members in which the Association accuses members of violating any rules, warns them of potential removal from meetings, or announces that a member is no longer permitted to attend meetings or is fined.

Chris Moelter
November 3, 2023
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For these reasons, I ask that you respond, in writing, with a notification that the Association has rescinded the October 30, 2023 notification to the DeJournetts.

Very truly yours,



Court J. Anderson
D 612-252-2882
E canderson@hensonefron.com

CJA:vv

cc: Todd and Jennifer DeJournett (via email)
Client Services (via email)

4867-1690-2541, v. 2



Gladstone Neighborhoods' Association, Inc.

Gassen Companies
6438 City West Parkway
Eden Prairie, MN 55344
email: clientsupport@gassen.com

April 23, 2024

To the DeJournett household,

We are writing to bring to your attention a recent incident during the March 2024 association meeting when Jennifer asked about Collection Policy and Todd asked about Reserves during the member comments about agenda items section. Neither of these were topics on the meeting agenda. This conduct was in violation of the established Rules and Regulations: Rule 7.0 Conduct and Decorum at Meetings Section d. which states 'Proposed agenda items may be submitted prior to a Board meeting for consideration and inclusion on the agenda. Owners shall not prevent the Board of Directors from discussing agenda items. Discussion of items not on the agenda or properly on the floor of a Board meeting is prohibited.'

This portion of the meeting is meant to encourage members to provide opinions on the issues at hand, not to discuss any topic. As per section c of Rule 7 "Any item for consideration that has been previously discussed at an Association meeting or voted on by the Board of Directors is final, unless included on the agenda by the Board of Directors. Owners shall not repeatedly raise duplicative issues or make requests which have already been decided or addressed at a meeting. This behavior takes unnecessary time and prevents the Association from conducting its business and addressing agenda items."

The association is hereby fining you \$100 for these violations. The fine will be levied ten (10) days from the date of this letter. You have the right to request a hearing with the Board of Directors by submitting a written request for a hearing within ten (10) days of the date of this letter. If a written request is timely received, a hearing will be scheduled within thirty (30) days and you will be provided notice of the date, time and location. If no hearing is requested, the right to a hearing will be deemed waived. All unpaid fines and assessments are liens which, if not satisfied, could lead to foreclosure of the lien against the Lot. If the assessment, fine, late fees, and other allowable charges are not paid, the amount may increase as a result of



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the imposition of attorney fees and other collection costs. Homeownership assistance is available from the Minnesota Homeownership Center.

If future violations occur, the Association reserves all rights and remedies allowed under its governing documents, including the right to find the pattern of non-compliance requires further action. Per Section e. of Rule 7. 'If further violation(s) continue, the Association's Board of Directors may (i) remove the Owner from the meeting; and/or (ii) levy a fine against the Owner's Lot in an amount deemed reasonable based on the type of violation, frequency of violations, or whether or not the violation was intentional or malicious.

Sincerely,

Board of Directors
Gladstone Neighborhoods' Association, Inc.

EXHIBIT A



Gladstone Neighborhoods' Association, Inc.

Rules and Regulations

INTRODUCTION

The governing documents of our Association are the Declaration, Bylaws, and the Rules and Regulations. By accepting a deed to a Lot in our Association, each Owner covenants to comply with the governing documents.

The Board may fine for any violation, and convert it into a lien or foreclosure, as allowed by the covenants and state law.

1.0 ARCHITECTURAL CONTROL

Any external change or repair to a property including but not limited to; grade, landscaping, lighting, structural changes, driveway, pools, roofing, stucco, siding, tree addition/removal, house color, fencing, decks, compost containers, antenna (radio, satellite, or television), and additions must be approved through the Project Approval Request Process (PAR) prior to the initiation of construction.

Please note that this process requires about two weeks to complete once it is received by the Association.

1.1 Fences

1. Lot boundary line fencing of any length or location is prohibited.
2. Fences required for swimming pools will be allowed and must surround the minimum area necessary to secure the pool.
3. Any fence that is permitted will be limited to (a) split rail fencing; (b) wrought iron, steel or high-quality aluminum wrought iron replicas; (c) natural cedar or red wood; or (d) chain-link coated to blend into the background.

The Board may assess a \$40 per day fine for any violation. The association may charge applicable attorney, and construction fees for violations not corrected within 1 month of notice of the violation.

1.2 Outbuildings

1. The Association's preference is to limit the number of outbuildings.
2. Outbuildings that will be allowed should not be visible from the streets be as invisible as possible from Gladstone neighbors.
3. Outbuilding exteriors must match the home exterior, including roof pitch, roofing, shingles, soffit, fascia, and color.

The Board may assess a \$40 per day fine for any violation. The association may charge applicable attorney, and construction fees for violations not corrected within 1 month of notice of the violation.

1.3 Yard Waste and Composting Facilities

Yard waste must be contained in a Compost Container, collected by a licensed collector, or removed from the property immediately. Uncontained yard waste is not permitted in yards or outlots.

To be considered for approval, a Compost Container must meet the following requirements:

1. It must be screened from public view.
2. It must be kept clean and free of anything on its exterior, including but not limited to, lawn equipment, bags and yard tools.
3. It must comply with the City of Maple Grove ordinances.

The Board may assess a \$25 per day fine for any violation. Dumping yard waste in outlots is subject to an additional fine of \$25 per day. The association may charge applicable removal fees for violations not corrected within 1 week of notice of the violation.

2.0 SIGNS

No sign of any kind shall be displayed in the public view on any Lot within Gladstone, except one sign of not more than two square feet advertising a property for sale.

The Board may assess a \$25 per day fine for any violation.

3.0 TRASH

Trash, garbage or other waste shall be kept in an appropriate sanitary container. Equipment for storage or disposal of such material shall be kept screened from public view, except during the day of collection.

The Board may assess a \$25 per day fine for any violation.

4.0 TEMPORARY PARKING

Recreational equipment, including but not limited to; travel trailers, pickup campers, coaches, motorized dwellings, trailers, snowmobiles, fish houses, ATVs, or boats, shall not be kept or stored outdoors on the property for any period exceeding forty-eight (48) hours.

The Board may assess a \$25 per day fine for any violation. The association may charge applicable attorney, towing, and storage fees for equipment not appropriately stored within 1 month of notice of the violation.

5.0 TEMPORARY POSTED EVENT INFORMATION

An Owner may post temporary event information limited to real estate open houses, yard sales, association sponsored events, and parties. The posting of the information is allowed only during the hours of the event and must be removed as soon as possible after the event.

The Board may assess a \$25 per day fine for any violation.

6.0 VOTING RIGHTS AND BOARD MEMBERSHIP

An Owner with an outstanding account balance due with the Association will not be invited nor allowed to cast a vote, nor will they be allowed to be seated as a Board Member.

7.0 CONDUCT AND DECORUM AT MEETINGS

- a) All owners shall act in a courteous, respectful and professional manner when attending Association meetings or when engaging in any Association related interactions, including contacting the Association's management company or Board of Directors. Use of vulgar language, profanity or engaging in personal attacks is prohibited.
- b) Owners may only engage or participate in Board meetings when the Board of Directors solicits feedback from Owners on agenda items or during an open forum. No owner shall disrupt, or attempt to disrupt, an Association meeting, interject in Board discussions, or raise issues not properly on the floor of a Board meeting.
- c) Any item for consideration that has been previously discussed at an Association meeting or voted on by the Board of Directors is final, unless included on the agenda by the Board of Directors. Owners shall not repeatedly raise duplicative issues or make requests which have already been decided or addressed at a meeting. This behavior takes unnecessary time and prevents the Association from conducting its business and addressing agenda items.
- d) Proposed agenda items may be submitted prior to a Board meeting for consideration and inclusion on the agenda. Owners shall not prevent the Board of Directors from discussing agenda items. Discussion of items not on the agenda or properly on the floor of a Board meeting is prohibited.

- e) In the event of a violation of paragraphs (a)-(d) herein, an Owner shall first be provided a warning, verbal or written, that the conduct violates the Association's Rules and Regulations. If further violation(s) continue, the Association's Board of Directors may (i) remove the Owner from the meeting; and/or (ii) levy a fine against the Owner's Lot in an amount deemed reasonable based on the type of violation, frequency of violations, or whether or not the violation was intentional or malicious. The Association also reserves the right to exercise any other right or remedy allowed pursuant to its Governing Documents or Minnesota law. Any fine levied pursuant to this paragraph shall be levied as a special assessment pursuant to Sections 13.1 and 13.3 of the Association's Declaration and all such assessments shall be the personal obligation of the Lot Owner as of the date such assessment was levied and shall be a lien of the Association on the Lot, together with all other amounts due pursuant to the Declaration.

The Board may assess a \$50, or greater, fine per violation.



Gladstone Neighborhoods' Association, Inc.

Gassen Companies
6438 City West Parkway
Eden Prairie, MN 55344
email: clientsupport@gassen.com

July 15, 2024

To the DeJournett household,

After consideration of DeJournetts statements at the hearing and reviewing the audio recordings presented, the Board of Directors determined the conduct of both Jennifer and Todd violated Section 7 of the Rules and Regulations. We are hereby affirming the fine for Jennifer DeJournett. We are removing the fine for Todd DeJournett.

As a result, you are fined \$50. This is due August 23rd. If you don't pay this by the end of the day listed, we will be obligated to impose a penalty.

You are legally obliged as a member of the Gladstone Neighborhood Association to follow the rules and regulations of our community. Please make sure to follow all the rules of our community to avoid this from happening again. We ask you for cooperation to create a peaceful and amicable community for your neighbors and yourself.

Sincerely,

Board of Directors
Gladstone Neighborhoods' Association, Inc.

Henson & Efron, P.A.

225 South 6th Street, Suite 1600 T (612) 339-2500
Minneapolis, MN 55402 F (612) 339-6364

August 28, 2024

Via Email Only

Matthew S. Greenstein
Greenstein Sellers PLLC
825 Nicollet Mall, Suite 1648
Minneapolis, MN 55402

matt@greensteinsellers.com

Re: Gladstone Neighborhood Association
Jennifer/Todd DeJournett (18094 Gladstone Boulevard)

Dear Matt:

This follows up on our recent conversation and responds to your most recent letter to me.

Thank you for confirming there will not be penalties or late fees on the \$50 fine until 30 days after it was posted on the portal, which occurred last Thursday. This is consistent with the standard payment terms of the Association, and the DeJournetts expect to receive standard payment terms for any charges applied to their account going forward.

As I explained in our call last Friday, the DeJournetts attempted to pay the Association's law firm the \$50 fine because the fine letter they received from the Association did not include an invoice, there was no electronic invoice in the Association's payment portal, the due date of August 23, 2024 was imminent, and, if unpaid by the due date, there were unspecified penalties. Before Ms. DeJournett went to your office, the Association's portal stated the DeJournetts did not own any fines or any monies to the Association. Therefore, the DeJournetts could not pay the Association through the portal. The DeJournetts also reached out to the Association's management company, Gassen, about where and how to make the payment under protest, but no one responded. The DeJournetts were simply trying to pay the fine under protest and avoid the penalties specified in the Association's fine letter.

The DeJournetts provided payment as they had done in the past when the Association demanded payment without proper invoicing or process. Ms. DeJournett was polite, waited in

Matthew S. Greenstein

August 28, 2024

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the public hallway and acted in a professional manner when she asked for a receipt. In the past, your firm has provided a receipt for documentation of payment when the Association has not had proper invoicing and demands were made of the DeJournetts.

While I understand you weren't aware of the Association's billing practices with respect to this fine when you declined the payment, throwing the DeJournetts' check on the floor was not productive especially when Ms. DeJournett was attempting to pay the fine under protest and not incur the unknown penalty for nonpayment by the demanded date.

While I understand the Association handled this process, the DeJournetts expect to be treated like every other member in the Association. When monies are demanded of any member, a standard accounting and invoicing process needs to be followed; demands need to be reflected in the member's ledger and posted to the Association's payment portal with standard payment terms.

As for this current issue, I propose the Association rescind the \$50 fine, and that the Association adopt a reasonable process through which the DeJournetts and all members can speak at the open forums during board meetings in accordance with the November 2021 Settlement Agreement between the DeJournetts and the Gladstone Neighborhoods' Association ("Settlement").

Pursuant to the Settlement, the DeJournetts and all other members are entitled to have an opportunity to "express concerns or issues to the board" during the open forum.

I understand the Board may not act on issues raised, may take them under advisement, and may not be prepared to discuss the issues at the first open forum in which issues were raised. If the Board desires to be informed of open forum topics in advance of the meeting, a proactive process for submitting forum topics would be more effective to accomplish this goal than fining members after the fact for speaking on certain topics in the open forum.

The case of Jennifer DeJournett is troublesome. Gassen Management company requested information regarding the Minnesota law changes affecting the Collection Policies from Ms. DeJournett and knew in advance that Ms. DeJournett would be providing the requested information at the meeting. The DeJournetts expressed concern that they would be fined and Gassen did not advise them they would be at risk if they provided Gassen the information they requested in the open forum.

Ms. DeJournett was acting in good faith at the meeting and in accordance with the Settlement. She was dismayed at the meeting when Treasurer Timothy Schmidt undermined the Association's management company by stating that the DeJournetts were not entitled to rely on Gassen's instructions. Additionally, both he and the other signatory to the Settlement

Matthew S. Greenstein

August 28, 2024

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(Board Member Kristi Johnson) interrupted Ms. DeJournett from providing the information requested by Gassen employee Mr. Chris Moelter, who was present at the meeting.

As I have communicated to you previously, Rule 7, which fines members for bringing certain topics to the open forum, is unenforceable and likely to lead to litigation if implemented.

To that end, the DeJournetts are open to resolving this matter in a mutually agreeable fashion. They are willing to agree to and follow a process for submitting topics in advance of an open forum, provided that no members are not fined for bringing topics to the open forum via this process.

Regarding the hearing at which the DeJournetts appealed their \$50 fine, you did not tell me that you would be speaking exclusively on behalf of the Board to my clients, the DeJournetts.

As the DeJournetts told you multiple times during the hearing, if you had disclosed that you would be speaking to them on behalf of the Board, and that the DeJournetts would effectively be required to address you and not the Board in the hearing, the DeJournetts would have had their attorney present and their attorney would have spoken exclusively on their behalf. Neither you nor the Board accepted the DeJournetts' request to reschedule the meeting until I could be present once it became clear the DeJournetts did not have their counsel present. The DeJournetts were put in an unacceptable position of having legal representation but forced to communicate directly with the Association's attorney without their attorney present.

At the hearing, the DeJournetts asked who was present and neither you nor the Board identified the attendees. To this day, the DeJournetts are unaware of how many or which Board members attended the hearing nor have they been provided minutes of the hearing.

Further, upon review of the meeting minutes for the meeting that was the basis for the fine, the DeJournetts noted significant material errors in the minutes and have sent a letter to the Association documenting those errors and asking for correction. Given this meeting is the meeting that resulted in the fine of Jennifer DeJournett, these minutes need to be corrected.

Going forward, the DeJournetts would like to know if the Association plans on having counsel present and, if the Association has counsel present, the DeJournetts are entitled to have their counsel present and able to speak on their behalf. DeJournetts prefer not to speak directly to the Association's counsel without their attorney present.

The DeJournetts also have an outstanding request for inspection of records related to Rule 7. Again, these records will show that the DeJournetts are being treated differently than other members who participate in the same conduct. This request was made by me in a November 3,

Matthew S. Greenstein

August 28, 2024

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2023 letter to Chris Moelter and the Gladstone Association and still has not been fulfilled and is directly related to the matter at hand. I have attached this letter for your convenience. To summarize, the DeJournetts expect the Association to follow its standard invoicing practices and payment terms with respect to any and all charges applied to their account and they expect to be treated like any other member of the Association.

I think it makes sense for the board to rescind the \$50 fine to reduce tension, provide a specific individual to receive the open forum topics members would like to discuss (probably a Gassen employee), define a reasonable date by which the topics must be submitted (perhaps 3 days in advance of the meeting date), and a time maximum which any member may speak to their topic they submitted.

This process is standard operating procedure in many nonprofit organizations, public meetings, and nonpublic member meetings. The Association has no obligation to respond to issues raised but would be free to do so, may refer subject to their management company after hearing the member for follow-up or could also choose to table issues for future meetings, if it would like an opportunity to investigate issues raised.

I appreciate your time last week, and I look forward to working with you to develop a process that allows the Board to comply with the open forum terms of the Settlement and allows the DeJournetts and all members to communicate with the Board in a constructive matter.

Very truly yours,



Court J. Anderson

D 612-252-2882

E canderson@hensonefron.com

CJA:djm

Enclosures

Cc: Todd and Jennifer DeJournett (via email only)