

## Judge Chavez Rules on Election of AAFPO Board of Directors

In response to a lawsuit (Clark, Jr., et. al., v. AAFPO) filed by seven Resort-sponsored Board candidates, Judge Chavez of the Eighth Judicial District Court, held a hearing on July 8<sup>th</sup> to consider how many AAFPO Board positions should be up for election this year.

The Resort has promoted all seven of these candidates in emails, web posts, and at various Resort-sponsored events, while excluding two independent AAFPO Board candidates who are running for election, Trevor Moore and Hank Rennar.

On July 22nd, Judge Chavez issued his ruling, holding that appointed directors must run in the next election for the unexpired term of their specific predecessors in office.

In his ruling, Judge Chavez stated that AAFPO's By-laws and Articles of Incorporation do not adequately define "some form of placeholder for appointed or elected directors." He called it a problem of "undefined director positions" and he said that this issue must be resolved prior to the next election.

Further, Judge Chavez's ruled:

"the mechanism for accomplishing the election will have to be determined by following AAFPO's By-laws and the Nonprofit Corporation Act. The court does not have the authority within the confines of this dispute to provide further guidance regarding the election."

AAFPO will conduct the next election according to Judge Chavez's ruling. No changes to the By-laws are required or contemplated by the AAFPO Board.

The Clark, Jr. et.al. v. AAFPO lawsuit was filed on May 17, 2021 by the Resort's seven candidates. To date, their lawsuit has cost the membership more than \$17,000. Further, it delayed the election that was scheduled originally for June 27, 2021.

More information on the next election and rescheduled Annual Meeting will be available on AAFPO.org in the coming days.

The link below contains the full text of the election order issued by Judge Chavez on July 22nd.

[Declaratory-Judgment-and-Order-Granting-Permanent-Injunction-Election-of-DirectorsDownload](#)