

PHEASANT RUN ASSOCIATION, INC.  
RECORDS REVIEW POLICY

The Board of Directors (“Board”) discussed the procedures for the review of permitted documents and records for (“Association”) during its February, 2023 Board Meeting. The Board voted to approve and to implement the following Records Review Policy, effective March 1, 2023

1. Every member shall have the right to inspect or copy the association’s records which are permissible to be viewed, in compliance with the rules and procedures contained in this policy. A Member may authorize, in writing, an attorney or other designated representative to conduct the inspection or request copies on the Member’s behalf. Any such authorized representative shall be considered a “Member” for purposes of this policy.

2. Members may request, in writing, by mail or by e-mail to Heather Dennis, an appointment to make an inspection of Association records. The request must specify the particular record desired, including pertinent dates or time periods, and shall state whether the request is for inspection or copying. The request must be sufficiently detailed to allow the association to retrieve the record(s) requested. Any notice may be referred to Legal Counsel prior to any scheduling of inspections.

3. The Association’s Board may withhold from inspection any record that in its reasonable business judgment contains:

- a. Records older than five years from the date of the request;
- b. Information that pertains to property-related personnel matters;
- c. Communications with legal counsel or attorney work product pertaining to pending litigation or other association matters;
- d. Information that pertains to contracts or transactions currently under negotiation, or information that is contained in a contract or other agreement containing confidentiality requirements and that is subject to those requirements;
- e. Information that relates to the enforcement of the declaration, bylaws, or rules of the Association against other Members;
- f. Information the disclosure of which is prohibited by state or federal law; or
- g. Information that constitutes an unwarranted invasion of privacy

4. An appointment will be scheduled with the Member within 14 days of receipt of the request. The Member must state the purpose of the inspection in the request to the Board, as well as suggested dates for the inspection. The Board will attempt to schedule the Member’s inspection on a day that is suitable to both the Board and the Member’s availability, and have a member of the Board act as the custodian of records on that particular date.

5. Inspections shall be by appointment only. Depending on the records requested for inspection, there will be at least one hour set aside to inspect the Association records with the Board and/or custodian of record, with the Association to provide a timeframe for the total time allotted at the Board’s reasonable discretion.

6. No Member may submit more than one request for inspection and/or copying in a 90-day period.

7. No Member may request an inspection of more than 10 records at any one time, nor shall the Association be required to produce more than 200 pages of records at any one time. If the Member’s request exceeds either of these limitations, the Association shall provide records for inspection in the order requested by the Member up to the limiting factor, and charge hourly for the remainder of the time

to produce the request at \$50.00 per hour, payable in advance. The Member shall then make written request(s) for additional sessions until the Member has inspected all the records originally requested. Requests for additional sessions are subject to all the same rules and restrictions as any other inspection request.

8. The Association will not honor any requests for inspection or copying that do not comply with this policy. Within seven business days of receiving the noncompliant request, the Association shall send a written notice to the person who made the request, indicating the nature of any noncompliance. Any Association representative who receives an oral request for inspection or copying shall refer the person making the request to this policy, and the Association will have no further obligation to respond until it receives a written request.

9. The handling of Association records will be by the custodian of records. The custodian will operate the necessary computer equipment that contains the Association records. Any reasonable request for supporting paper documentation will be retrieved by the custodian in accordance with the specified original request for inspection. Members shall not alter the records in any way.

10. If those documents requested are available by electronic records, then the custodian shall have the option of providing the documents electronically and not meeting in person.

11. This policy is for inspection of records only. Association records shall not be removed during or after the inspection by any Member unless copies are provided.

12. The Member may request a copy of any document so long as that document is not prohibited by Section 3 of this Policy. If a Member wants a copy of any record, the Member shall designate in writing the record desired, subject to the following conditions:

a. Any written request shall designate the specific record or portion thereof.

b. During an inspection, the Member may designate such record by use of a tab, clip, or Post-It note upon the page(s) desired.

c. Copies shall be available within fourteen (14) working days of receipt of the request, unless the voluminous nature or condition of the records make this time frame impractical. In such cases, the copies will be made available as soon as is practical.

d. A Member shall pay \$ 0.50 per page for regular-sized black and white photocopies, \$1.00 per page for regular-sized color photocopies, payable in cash or by personal check, prior to the copies being delivered. If a copying service is used, the cost will be the charge made by the copying service, including any pickup and delivery charges. The custodian may require advance payment at his or her discretion, taking into account such factors as the amount of the copying charge, the Member's payment record, and other relevant factors.

13. When the allotted time for inspection has expired, the Member may make an additional request for records to be inspected. The custodian of records may, at his/her discretion, continue the inspection beyond the expired time in order to complete the inspection.

14. All persons inspecting or requesting copies of records shall conduct themselves in a businesslike manner and shall not interfere with the operation of the Association office or such other location where the inspection or copying is taking place. The Association office, or place of inspection or copying, shall assign one custodian to assist in the inspection. All requests for further assistance and copying during an inspection shall be directed only to that person.

15. Repeated requests for the same records already requested to be viewed by the Member will be billed to the Member at a rate of \$50.00 per hour, to be paid in advance, and any requests that are more than one within a ninety-day period shall be subject to an administrative rate of \$50.00 per hour.

16. The Association shall maintain a log detailing:

a. The date the written request was received;

b. The name of the requesting party;

c. A list of the requested records;

d. The date the Association notified the Member that the records were available;

- e. The date the records were made available;
- f. The date of actual inspection or copying; and
- g. The signature of the Member acknowledging receipt of, or access to, the records. Every person inspecting or receiving copies of records shall sign said log or a comparable receipt prior to inspection or receipt of copies.

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I hereby certify that the Records Inspection Policy was duly adopted by the Board on February 15, 2023 and that I caused the Policy to be mailed or hand delivered to the Members in the Pheasant Run Association on March 10, 2023.

Theresa M. Gill  
, Secretary

2/15/23  
Date

