

Picerno's Appeal
to the
Seven Lakes Landowners Board of Directors

December 18, 2008

President Zielsdorf called the meeting to order @ 3:15 pm. All Directors were present with the exception of Director Shaver. Director Caulk excused himself from the Board during this meeting to present evidence as the role of the plaintiff in this case. Also in attendance were Community Manager Fulcher, Assistant Community Manager Beane, Don Fentzlaff, Dave Kinney, Frank Krohn, Hunter Stovall (assoc. attorney) & Mr. Picerno.

Pres. Zielsdorf opened the meeting to allow anyone on the Board that felt that they would have any problems being objective to please excuse himself/herself at this time. With no one having any conflict of interest on this matter, Pres. Zielsdorf went over the "ground rules" for this meeting. Stovall also stated that "hear say evidence" is allowed but decision is not to be based solely on hear say.

Caulk was then called to present the case. Caulk read from statements issued by eye witnesses as well as an interview that he himself had had with Mr. Picerno.

Picerno then stated that he could not return the stickers that were on the boat because he had never placed the sticker on the boat. The sticker was in fact in a compartment when the boat flipped. Picerno stated that he didn't think that it was fair that a poem had been written about him when he has "never been in any trouble out here". He stated that he felt like he was not getting a "fair shake" in that he was charged with a violation of 8.4.4.6 in reference to being under the influence when no breath-a-lizer was used to verify whether or not he was in fact under the influence. He also stated that he has no idea why the boat flipped.

Zielsdorf then called on the Board members for any questions. Director Kindsvatter asked... Did you have alcohol on the boat? Picerno stated that he had a beer with his pizza for lunch but no alcohol was on the boat. She then asked... How fast do you think that you were going? Picerno... "35 mph or less". Picerno followed up saying that he would not have this boat on the water again.

Director Galford then asked "What's the year of the boat"? Picerno stated... 2005. Galford..."Have you driven it a lot?" Picerno... four and a half years Galford- Was there any wake from your boat? Picerno- "yes"

Director Truesdell asked where the boat was flipped. Picerno stated that it was flipped in front of the island just inside of the buoys.

Director Welch asked as to what he based his appeal on. Picerno stated that he was appealing because he was not tested for alcohol nor was a radar gun used to indicate that he was speeding.

Director Kindsvatter- "you do admit to improper behavior?" Picerno- yes, and it was childish and I apologize.

Director Galford- Have you operated the boat on other lakes? Picerno- yes Galford- Ever flipped it before? Picerno – No

Don Fentzlaff (witness) then gave his testimony.

Caulk followed up with a re-cap of all of the testimonies that were present to the Judicial Committee in the original hearing.

3:42 pm Mr. Picerno walked out of the meeting.

3:44 pm Pres. Zielsdorf called for a closed session. (see minutes for this Closed Session)

4:05 pm Pres. Zielsdorf called everyone back in to reconvene with the decision. The Board of Directors uphold the suspension and fine of the Judicial Committee but dropped the third charge of 8.4.4.6. Zielsdorf stated that the board feels that safety is paramount on our lakes and this was a very serious incident that had occurred. Picerno signed the appeal form and stated that the check would be sent.

Appeal hearing was adjourned 4:10 pm.

Respectfully submitted,
Chad C. Beane
Assistant Community Manager

