

From: Charles Wagner [mailto:cawagner@gilanet.com]

Sent: Thursday, September 23, 2010 1:09 PM

To: Louis Aguilar

Cc: Paul Bustamante; Pricilla Mauldin; Richard Lopez; francish@nmia.com; Editor; Terry Last

Subject: Bd. Meeting-9/22/10- OMA

Louis,

Despite the fact that we have been under the provisions of NMOMA since 4/17/10, board officers continue to resist and violate the bylaw and OMA. It takes thought and care to conduct meetings, and as Secretary, you have a responsibility to help the presiding officer proceed properly. (Please check out page 22 of the *OMA Compliance Guide*.)

The announcement for closing the meeting limited consideration of only two items: Consideration of the EEOC complaint against the Co-op (pending litigation), and advertising for applicants for two top management positions (Personnel). OMA doesn't allow action on any other matters than those announced to close an open meeting. During the discussion of the ad to be placed for the manager position, Bustamante allowed Jack Bruton to move the selection of Richard Lopez to the open position of manager. He allowed Milton Ulibarri to second Jacks motion and he conducted the vote. That action failed due to a tied vote. Bruton, Cardova, Anaya, Ulibarri and Bustamante voting for Lopez, and Mauldin, Aguilar, Wolberg, Wade, and Wagner opposing Lopez's appointment.

After the "Executive Session" ended and the meeting re-opened, the required announcement by the secretary and chairman which should have certified all actions taken in closed session, failed to certify that a vote had been taken to select Richard Lopez as Manager.

The inappropriate voting should not be taken as a sign that some trustees doubt Mr. Lopez's management skills. Those who voted in opposition want an honest search for the best qualified candidate from among several who are well qualified. Mr. Lopez may be one of those who will apply for the position. As a board we owe our members a fair and objective search for the best qualified person to move this suffering cooperative out of its abused past to a prosperous future.

Please call or reply if you have questions or comments.

Sincerely,

Charlie Wagner, Trustee