



Arnold Lilac Park Homeowners Association

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Arnold Lilac Park Homeowners Association Shared Membership List Policy

A member's right to inspect and copy various association records includes the inspection and copying of the association's membership list. The shared membership list would include the "name, property address, mailing address, and email address, as collected by the association of all members except for those who have opted-out of the membership list pursuant to Civil Code Section 5220.

Purpose for the Request

The member requesting the membership list must state the purpose for the request, which must be reasonably related to his or her interest as a member. Use of the list shall be for the singular purpose noted in the request and is not to be used for any future purpose without prior consent of the Board of Directors.

If the board reasonably believes that the list will be used for another purpose, it may deny the member's request. If the request is denied, in any subsequent action brought by the member pursuant to Civil Code Section 5235 the association will have the burden to prove that the member would have used the list for purposes unrelated to his interest as a member.

Liability for Misuse of Membership List

The membership list is a corporate asset of the association. Pursuant to Corporations Code Section 8338(a), without consent of the board, the membership list may not be:

- (1) Used to solicit money or property unless such money or property will be used solely to solicit the vote of the members in an election to be held by their corporation.
- (2) Used for any purpose which the user does not reasonably and in good faith believe will benefit the corporation.
- (3) Used for any commercial purpose or purpose in competition with the corporation.
- (4) Sold to or purchased by any person.

Any person who misuses a membership list is liable to the association for any damage caused by the misuse, including punitive damages for fraudulent or malicious misuse of the membership list. Where the association prevails in an action based upon the misuse of the membership list, the association may recover its costs and expenses, including reasonable attorney's fees.

Petition to Set Aside Request

Where an association believes the membership list will be used for an improper purpose, it may petition the superior court for an order setting aside the demand for the membership list. (*Corp. Code § 8331.*)

Deadline for Production

The shared membership list must be provided within the time frame specified in Corporations Code Section 8330 which is 10 business days from the date of the request.

Membership List Opt-Out

Any member of the association may opt out of having their contact information included on the association's shared membership list by notifying the association in writing or by simply checking the "Opt Out" box on the Annual Request for Information. This however does not void another member's right to contact those members via an alternative process. The process in place for a member wishing to contact those who have opted out is that member must deliver postage paid, sealed envelopes including a return address to the association with a request that the association address and mail said information on their behalf to members who have opted out of having their information shared.

Prior Lists

For protection of the privacy of members who have opted out, any and all lists in the possession of any member, which were distributed prior to the adoption of this policy are null and void and are not to be used by any member, for any purpose without prior approval of the Board of Directors and will be considered a misuse of the membership list. All lists provided from this date forward will be authorized for the single purpose use stated in the records request for a shared membership list.