TELEFAX COVER SHEET

DATE: July 25, 2013

TO: ***Mr. Art Trezise,***
Deputy County Attorney

FAX NO: **(970) 641-7696**

FROM: Fourth Scoufos

RE: Renbarger Family, LLC

This telefax contains 3 page(s), including this cover sheet.

I received your fax over the noon hour today. In the message on the fax cover page, you made reference to Renbarger Family, LLC being my "client". As the authorization from Randy Renbarger reflects, I was authorized to participate in the hearing before the Board of Equalization on Monday, July 22, 2013, as a representative of Renbarger Family, LLC, not as the attorney for the LLC. I am not licensed to practice law in the State of Colorado, nor have I done so. My dealings in this matter have been purely as a representative of the property owner. Please note that I am not authorized to accept service of process or notice of any hearings on behalf of Renbarger Family, LLC.

Following this cover page and included in this facsimile transmission is a copy of the email I sent to Bobbie Lucero shortly after receiving your fax today; although, I began drafting the email prior to receiving your fax. I understood Ms. Lucero to tell me the hearing would be conducted at 4:00 p.m. on July 30, but her letter reflects 9:00 a.m. My mistake.

The primary question I have is, what authority does the Board of Equalization have to reopen a case after a formal hearing has been conducted and a decision has been rendered? I would appreciate it if you could shed some light on that topic for me. My next question is, what "new information" has the Board received, and when and how did the "new information" come to light?

FOURTH SCOUFOS

cc: Kristy McFarland
Bobbie Lucero

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

Subject:	Renbarger Family, LLC ranch
From:	Fourth Scoufos (fscoufos@yahoo.com)
To:	Blucero@gunnisoncounty.org;
Cc:	lisarenbarger@windstream.net;
Date:	Thursday, July 25, 2013 1:52 PM

Dear Ms. Lucero,

The purpose of this email is to summarize our telephone conversation yesterday afternoon. During that conversation, you advised me that the Board of Equalization has reopened case numbers 28 and 29 pertaining to the following property owned by Renbarger Family, LLC:

#28 - Account No. R008109; Parcel No. 3703-000-00-001; Legal Description 320.16 Acres in SEC 1. 50N2W
#29 - Account No. R009463; Parcel No. 3701-000-00-010; Legal Description W2. SEC 6 50N1W

You further told me that the reason the Board has decided to reopen these cases is because "new evidence" has been discovered; although you were not able to tell me what that "new evidence" is. Finally, you told me that a hearing has been scheduled to take place next Tuesday, July 30, 2013, at 4:00 p.m. I told you that you would need to give formal written notice of that hearing to the landowner (Renbarger Family, LLC) at the address you have on file pursuant to the rules governing such hearings and the laws and statutes of the State of Colorado. If I have mischaracterized any part of our conversation, or omitted any pertinent part thereof, please let me know at once. Otherwise, unless I hear from you to the contrary, I will assume I have fairly and accurately memorialized our conversation above.

As the Board's records should reflect, a full hearing was held on these cases on Monday, July 22, 2013, via telephone. The cases were consolidated for purposes of that hearing. Those participating in the hearing were Paula Swenson, Phil Chamberland and Jonathan Houck on behaalf of the Board and Donald Renbarger, Randy Renbarger and myself on behalf of Renbarger Family, LLC. George Likiss gave an oral report of his findings during his inspection on July 11, 2013. Randy Renbarger answered questions from the Board, and I gave a brief narrative of the history and use of the property since the Renbarger family obtained the ranch in 1998. The Board also reviewed the Affidavit of Joel David Stump and the memorandum and its two attachments, which Randy Renbarger submitted last week. At the conclusion of the hearing, which lasted approximately forty-five (45) minutes, there was discussion among the Board members before Mr. Chamberland made a Motion that the land be classified as agricultural. That Motion was seconded by Mr. Houck and the Motion was called for a vote. Mr.Chamberland and Mr. Houck voted "aye", and Ms. Swenson voted "nay". The Motion carried by a vote of 2-1, and the hearing was concluded. Before the teleconference ended, I tried to make inquiry as to the steps that could be taken in order to prevent this issue from arising again in the future, and I was told by Ms. Swenson that the hearing was complete and there was no time for further discussion. At that time the call ended.

Now, for whatever reason(s), the Board is apparently taking steps to reopen the cases. Please provide me with the authority the Board is relying upon in determining that it can reopen a case after a formal hearing has been conducted and a decision has been rendered. Also, please provide me with a copy of the "new evidence" that has been discovered, or fully and accurately describe the "new evidence" if it is not in tangible form. Finally, please provide me with a copy of the Minutes from the hearing on these two cases and a copy of the transcript or recording from the hearing, if one was made.

The property owner takes the position that this matter is concluded, and neither myself nor anyone else on behalf of the landowner will participate in the July 30 hearing unless formal notice has been given and due process has been afforded.

Fourth Scoufos
on behalf of Renbarger Family, LLC