

The Independent Voice of NJ CIC Owners

by the **CIHC**, Common Interest Homeowners Coalition

Winter 2020

PAGE 1: Update & message.

PAGE 2: quotes & humor

PAGE 3: ADR Bill.

PAGE 4: update – Radburn regs.

PAGE 5-6: Crunching the #s.

PAGE 7-8: Board Bios

PAGE 9-11: Part 2: How to Complain.

PAGE 12-13: CIC inspections by Board

PAGE 14: Spotlight

PAGE 15: support CIHC form

HOW to CONTACT

the CIHC: Call Ellen Vastola (*Current President*) at 732-873-3446, 9 am til 9pm.

Editor: Ellen Vastola

CIHC Website:
www.c-ihc.org

*** NJ LEGISLATURE UPDATE! ***

NOTICE: the previously “titled” Radburn Law is *now* known as (or called) **“An Amendment to PREDFDA”!**

[PREDFDA – Planned Real Estate Development Full Disclosure Act.]

When I last spoke to the DCA, Dec 2019, I was informed of this information AND that they are close to finalizing the comments for the Regulations of “Radburn”/the **Amendment to PREDFDA**.

Let’s NOT forget about this! This will **IMPACT** our **Elections** and the governance of our CICs.

2nd NOTICE: I heard on MSNBC that it is NOT a good idea to abbreviate 2020 to “20” (ex.1/1/20) on checks or other important papers. The year could be altered by *nefarious?* people to another year with the **addition of more digits**; ex. 1/1/20**22**. Something to think about.

Winter 2019: Message from the CIHC President, Ellen Vastola;

So far we have had an “easy” winter. How will we know when it is **Spring 2020?**



Make sure your Board properly (*with SAFETY in mind*) maintains your common elements! AND you as an owner and an individual make sure YOU look out for your safety too. SAFETY is a “team” effort. Let’s work together!

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Quotes Corner!

You don't make progress by standing on the sidelines, whimpering and complaining. You make progress by implementing ideas. **Shirley**

Chisholm

There's always haters, no matter what you're doing - whether they're complaining that everything you do sounds the same, or it's too different.

Avicii

My core belief is that if you're complaining about something for more than three minutes, two minutes ago you should have done something about it.

Caitlin Moran

The “Independent Voice of NJ CIC Owners” is calling for **ORIGINAL** newsletter articles, ideas, cartoons, or postings (to set up local/regional meetings, gatherings, protests, etc, to share experiences in person, etc).

The newsletter Editor reserves the right to use, edit or refuse a submission. Please send **your original submissions** to the Editor and put “**CIHC newsletter idea**” in the subject line; otherwise it will be deleted sight unseen.

This newsletter is for **YOU**.

CIHC “HOA HUMOR”



Owner

Bd member/Prop Mgr

*I wonder why my CIC Board and Property Mgr do **not** hear what I say? I need help - and I do not get it. WHY? I call & call & call. I pay my fees!*

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What is going on in New Jersey for **CIC/CIRA** owners **WINTER 2020**:

Legislative UPDATE/ Bills to track! To track Bills, go to:

<http://www.njleg.state.nj.us/bills/bills0001.asp>

Bill S1490 regarding *ADR organizations* has passed! Read the *Statement* below . . .

...This act shall take effect on the 90th day following enactment. This act shall apply to consumer arbitration commenced on or after January 1, 2019, and shall operate only prospectively so as not to prohibit the administration of consumer arbitrations on the basis of financial interests held prior to January 1, 2019.

STATEMENT

This bill regulates arbitration organizations. Increasingly, when a contract is signed between an individual and a business in a consumer transaction, the contract contains an arbitration clause that requires an arbitration organization to administer the arbitration. The arbitration organization typically dictates the rules governing the dispute and how the arbitrator is chosen. Under New Jersey's current law, there are rules governing arbitrators and arbitration generally, but there are no rules pertaining to the regulation of arbitration organizations.

This bill prohibits a neutral arbitrator or arbitration organization from administering any consumer arbitration that requires a non-prevailing consumer who is a party to the arbitration to pay the opposing party's costs or fees. The bill requires an arbitration organization to waive the fees and costs of arbitration, exclusive of arbitrator fees, for an indigent consumer. The bill also requires an arbitration organization to provide written notice to any consumer of the right to obtain a fee waiver and to keep specified information concerning a consumer confidential.

The bill further prohibits an arbitration organization from administering consumer arbitration, or providing any other services related to consumer arbitration, if the company has, or within the preceding year has had, a financial interest in any party or attorney for a party. The bill imposes similar limitations on the provision of services by private arbitration companies based on the financial interests of any party or attorney for a party in the arbitration organization.

This bill also requires an arbitration organization involved in consumer arbitration cases to make certain information regarding those cases available to the public.

Finally, the bill does not apply to arbitrations conducted or administered by a self-regulatory organization, as defined by the federal "Securities Exchange Act of 1934," the "Commodity Exchange Act," or regulations adopted under those acts.

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Radburn Law Regulations - - - where are you?

I have been informed that the *UNANIMOUSLY* passed Radburn Law (2017) is to be known as “the Amendment to PREDFDA”.

(Thanks again to our NJ Legislators for passing this Bill into LAW! Owners needed it!)

The **CIHC** & CIC owners HOPE that the Regs have NOT been diluted by private (for profit) interest groups! We, the Owners, NEED protection & enforcement!

The **CIHC**, and I am sure, many CIC owners are waiting with *bated breath* to see the REGULATIONS (regs).

We will let you know about the publication of the “regs” when we know about it. I feel an article coming on . . .



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Crunching the N#mbers!

I was exploring the internet when I decided to check in again on the **CAI-NJ website**. I wanted to see what their schedule is for their **Fall 2020 Expo**. It is not yet scheduled so I will have to look again later. As I was looking around, I noticed their “statistics” of membership, etc. The website states:

- There are **6,600 CICs** in New Jersey.
- There are **1.1 Million residents**.
- CAI-NJ membership is **2,400**. [This is 0.2% of 1.1 Million. **BUT wait - NOT all the CAI-NJ members** are CIC owners! Yeah, they provided a breakdown of membership.]
- The Members are made up of: **owners/Board members/CAVLs (1,600)**; **Property Mgrs (450)**, **Property Mgmt firms (70)**; and **contractors/vendors (350)**. [For profit companies **PAID** by the CICs.]
- We now are looking at 1,600 CAVL/Board members of 1.1 Million CIC residents. [This is **0.145%**, which is **statistically INSIGNIFICANT**. Are there any “owners” who are not Board members who **are CAI-NJ members**?]

Percent - proportion method

looking for % $\longrightarrow \frac{x}{100} = \frac{15}{75}$

Use cross-product to solve

$$75x = 100(15)$$
$$75x = 1500$$
$$x = 20\%$$

Old fashioned math anyone?

It is public knowledge that the **CAI-NJ** is a “not for profit” and they have a *membership* program. Their website has a public face and a protected “members only” area. I also noted their staff directory. It is ALL women! The 7 women are paid by the dues of the membership, I assume. That is a sizeable amount of money annually. Do they get benefits too?

Then I noticed that the **CAI-NJ** has a Board of 15 members (for 2,400 members)! Doing the math that is **ONE Board member for 160 CAI-NJ members**. WOW, that is a *large* Board to member ratio. It was stated that they meet monthly. I was trying to find out WHO they are so I could see their backgrounds. Are they **CIC owners**, Board members, Property Mgrs, Vendors???? I could not find that information. It made me wonder . . . are they paid to be a **CAI-NJ** Board member, or do they volunteer? Hmmm, do they *benefit* from being a CAI Board member at all? IF so, how?



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On the other hand . . . **the CIHC** is also a 501-c-3 not for profit.

Our Mission Statement says: ***The mission of the Common-Interest Homeowners Coalition of New Jersey is to serve as the independent voice for homeowners in New Jersey residential community associations, to promote and strengthen democratic governance, and to advance the general welfare of homeowners.***

Guided by our broad and **inclusive** Mission, we no longer solicit “membership”. This enables us to truly represent **ALL CIC owners in New Jersey.**

- *There are 6,600 CICs in New Jersey.*
- *There are 1.1 Million residents.*
- ***CIHC does NOT have members. We represent the interests of ALL NJs CIC owners; 100% = 1.1+ Million. That IS statistically significant. Our perspective is exclusively (100%) “owner” oriented. We have no business or monetary interests. Our ONLY interest is for the democratic governance and quality of life in our communities (our HOMES) FOR the good of the owners.***



The **CIHC** is **supported by generous owner donations**; and some of our activities are funded by the **Rutgers Newark Law School Pratt Grant**. We currently have a Board of 3 **NOT PAID** members. Our Governing docs state we should have 5. *Hmm, 5 Board members for 1M+ owners.*

NOTE: We have a NEW Board member as of January 2020! We now have 4 Board members!

Our Board members are/were ALL CIC owners. (*We need 1 more Board member. Please let me know if you are interested in serving on the CIHC Board.*) We also have a volunteer webmaster who takes wonderful care of our website and us. We produce a “**free**” quarterly e-newsletter, which we send out to our known readership/callers **AND** our NJ Legislators. It is also available on our public website. The **CIHC** supports **ALL** owners in New Jersey’s CICs whether they donate or not.

The **CIHC** takes phone calls, almost every day of the week (when I am home and available), and emails from NJ owners needing assistance and support in dealing with issues in their communities. **We, the CIHC, are CIC owners helping CIC owners.**

We are **NOT** attorneys therefore we cannot and do NOT give legal advice.



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2020 CIHC Board member Bios:

After having looked at the CAI-NJ website and at their structure, I feel the **CIHC** needs to INFORM our readership of OUR Board members. We are designed to operate with 5 Board members, who typically are OWNERS in their CIC. As of 2017-2020, we have been operating with 3 Board members, which is the quorum. As you know we have called for new Board members via this newsletter several times. In the spirit of transparency, we are including the names and brief "bios" of our current 2020 Board. As you can read below, we are a varied and talented group of people!



Ellen Vastola, Board President: (this is the basic bio I use to (re)run for MY CIC Board) *I am a life-long "jersey girl" with a B.S. in Biology and some graduate science courses; I worked & retired from Rutgers University: Biology Dept. and then the Health & Safety Dept. I am a volunteer 4-H county & state judge - 20+ years; Assistant to Director SWRRG (solid waste resource renewal group) 2002-10; current President CIHC, 8+yrs. I am a 30+yr resident owner in my CIC and have been on my Board for over 10 years. I have knowledge of chemicals, living systems, safety regs, RTK chemical info, INSPECTION of property for safety & contractor compliance, BOCA bldg. codes, reading blueprints, many safety related certifications including Confined Space w/ CPR training, and of course am familiar w/ the Condo Act & PREDFDA, etc.*

Meredith Thomas, Vice President: *A true multipotentialite, I have a bachelor's degree in Music Education and a Master's in Special Education: Gifted, Talented, and Creative. I am a full time teacher in the public school system, a doctoral student, and a busy wife and mother of 3 young children. In my role as a teacher, I work with gifted and talented children and, unrelated to G&T, I'm a music teacher. I am very passionate about what I do. I'm an advocate for gifted children and still a performer outside of school, including community theater productions and even professional singing (I sang with Andrea Bocelli!). I'm working on a degree in Educational Leadership. When I'm not working, I enjoy sewing, exercise, and leading Girl Scouts. I'm also a certified first responder.*

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Haim Bar-Akiva, Treasurer: *I am a retired Aerospace Engineer, a graduate of Indiana Institute of Technology with a BS in engineering and continued my engineering curriculum at California Polytechnic State University. During my career I worked mostly for Aircraft/Aerospace companies and was a principal engineer with Grumman Aerospace in Long Island, working on the Apollo 11 project that landed the Lunar Module on the moon with the three astronauts.*

*My wife and I formed the **Committee for a Better Twin Rivers** when we realized that our community was not operating in a democratic manner. Soon thereafter, at a NJ Assembly Task Force hearing, it became apparent that homeowner associations across NJ were lacking democratic practices and that homeowners had very little recourse when they encountered problems with their boards. **So together with Professors Lois and Sam Pratt (and a few more special people) we formed the C-IHC in NJ, 1997.** I will always cherish the memory of that first meeting in our home.*

Craig Knaup, Esq.: *Craig is a graduate of **Rutgers University**, Camden, New Jersey, with a BA and MBA and a graduate of Temple Law School, Philadelphia, Pennsylvania, Juris Doctor. He was an auditor with a local Intermediary before becoming a Vice President of Government Programs with a large regional long-term care chain. He was the CFO responsible for financial reporting for the \$180 million Long-Term Care ("LTC") division. He has owned his own law firm for the last 16 years. He was an owner in a CIC. He has over sixteen years of experience in Homeowner Associations. He represents numerous large and small Community Associations and Homeowner Associations throughout New Jersey.*

Open Board seat/ at large: ?

Do you feel the *urge* to contribute your time & knowledge to the CIHC and the 1M+ CIC owners in New Jersey? The CIHC is NOT done yet – there is still MORE to do!



Let's join together as a powerful VOICE for DEMOCRACY in our CICs to make a difference!

The **CIHC** would like to acknowledge our **DONORS**
in 2019. **Thank you** for your support!

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Maverick is still watching!

“Baa! I need keep my eyes open & “speak up””.

Part 2: How to complain EFFECTIVELY!

Owners' *failure to understand the process* often works against their own interests because of the manner and nature of their complaints. The DCA web site has ARU (Association Regulation Unit) handouts on its first **three areas of jurisdiction** and the one on **elections** will be out before the *Election Regulations* are finalized which is still to be finalized. An owner should **not** file a complaint UNTIL you have thoroughly read the handout on the subject(s) of concern. For elections, until a handout is available, it is not unreasonable to read the statute itself, *NJSA 45:22A-23 q,r & s and then from 45.1 on*. As with virtually everything in life, good preparation is a foundation for good results.

A large portion of the ARU workload is in sifting through convoluted complaints -many of which either have nothing to do with its jurisdiction or that do not present a *bona fide* complaint within one of the defined areas. Many complainants are under the wrong impression that the State can do whatever it likes. While that may be true in some political areas, it is the opposite in association matters. Unlike when dealing with developers, for which the State has broad and effective jurisdiction, the legislature severely limited the State's jurisdiction regarding association matters. The most logical explanation for this is that the developer was perceived as needing to have tight controls because of the risk to potential purchasers. In contrast, the legislature could be forgiven when, about 40 years ago, it figured what could possibly go wrong when the owners assumed control of their property. As it slowly gained experience with association operations, legislators added some very basic owner rights in 1993 and 1996. Note: the DCA did nothing about addressing owner rights in owner- controlled associations until mid-1996.

So, what does this mean to you, as a person/owner, who feels wronged by your association and wishes to file a complaint?



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After gaining an understanding of what the ARU can do, you should avoid complaining about matters over which the ARU lacks jurisdiction. You need to be objective about your position. (Ex., The board's failure to include your comments made at an open meeting in its minutes is **not** an open meeting violation. If they are required to do so by your governing documents, you can request ADR.)

If you read the ARU complaint form, you will see you need to **document your complaint** in as straightforward a manner as possible. As simple as this sounds, far too many owners either write up pages of detailed complaints including: why they are correct, or include months of back and forth e-mails and simply attach them to the complaint. One could write an entire page lamenting the inherent problems with e-mails, but for complaint purposes, notice that it's rare to use people's titles/names, so a reader outside the association (ARU) has no idea of the roles of the various people. This serves to cause confusion and make exchanges difficult to follow. On the form, don't simply check off every box because you're annoyed at the board. **You** must be accurate and truthful.

Don't make up your own complaint categories; if your problem is not on the form, there is no ARU jurisdiction. And don't substitute a letter with information as a substitute for actual documentation. Too much or wrong information will only frustrate the reviewer and make your position look frivolous.



More is NOT necessarily better, it is just more. Many owners are under the impression that the more pages in the submission the better, thinking that the complaint recipient/State wants the entire history of every problem that ever existed in the association. In actuality, the person on the other end, who is already overwhelmed, often cannot even find the documentation necessary to support the complaint. Extraneous material is counterproductive. Even if you are in an exchange about an issue, if it appears a complaint about, say ADR will be necessary, the thing to do is send one short, direct e-mail to the proper party and state that it constitutes a request for ADR. If there were other requests made months ago or in person that can be referenced.

It should go without saying, DO NOT embellish your situation or make allegations that are easily rebutted. **The first thing the ARU does is contact the association to ascertain its position.** An owner, complaining that they were denied ADR because they disagree with the offer, must understand that the association can produce correspondence proving offers. Not liking the type of ADR offered is NOT being denied ADR. If the ADR offered is by the Board or property manager this is a *bona fide* position; but it is **not**, if it is through the CAI-NJ. And, regarding ADR, the ARU has no idea what is in your governing documents or what your ADR procedure is. You need to do your own research.

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Knowing that your complaint is going into a swamped, understaffed office should prepare you for a long delay. <sigh> But be patient and keep track of your process. Keep a log.

Although the State *sometimes* sends out acknowledgment letters, it is advisable to make the process simple by including a stamped, self-addressed envelope with a simple form indicating that the complaint was received on what date, with a space for the name of the person responding. Once a complaint is in, the reviewer will determine if any additional information is required. Don't call the ARU with every little update or question. Conversely, if there is a significant change, for instance the board relents and provides you with the financial access you have been waiting for, by all means notify the ARU in writing so it can be put in the file.

It is easy to get upset at the process when one does not understand it. So YOU must take the time to understand it!

In the vast majority of cases, the ARU gets *objections from either the association property manager or the association attorney* (who essentially functions as the board attorney). Those parties get to **bill** the association for their time (**billable** hours). Therefore, the more opposition they can muster, especially the attorneys, the more they **profit**. (In this case, more **I\$** more.) Conversely, the ARU staffer gets more work and stress, BUT no more money.

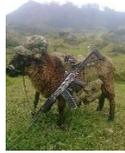


With the volume of **election complaints** already growing, and their inherently complex nature, one can expect that the ARU will be reduced to a situation where it only addresses either blatant violations or the simplest of problems. There is a reason the standard letter points out that owners always have the right to act through *private* counsel. If you are in a rush or consider your matter of great importance, and you have disposable income, that is the best option. Otherwise, **be patient**.

More to come in the Conclusion, Part 3, in the Spring 2020 newsletter!

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REBEL says! "BAAAA, I need to INSPECT!"

Board Member Training #4: Inspections

Did you know that Board members do more than attend (monthly) meetings and spend your maintenance fee dollars? Being a Board member takes many different skills. Most can be learned and some seem to be inherent in some individuals. A Board member must be open to new information/knowledge that they do not already possess. This includes inspection.

I feel **Inspection** is a very important part of being a Board member that is often overlooked OR not done. Board members give their time for the monthly meetings. BUT, the property and contracted employees NEED to be "inspected": the property for its usefulness over time, and the paid employees so that they are providing the community with the complete "service" for their fees. This is how you uphold a contract.



As a former Safety Officer, I was required to make routine and *surprise* inspections of my assigned property/campus of Rutgers University. Sometimes I had a prepared checklist (ex. the NRC – Nuclear Regulatory Commission) other times I created one or got one from Physical Plant. Inspections keep us safe (limit liability) and maintain the useful life of the different components of the property. As a lab supervisor in the Biology Dept. I supervised support staff: their completed tasks and performance. In the Safety Office, I inspected the performance of asbestos or other specialized contracted vendors.

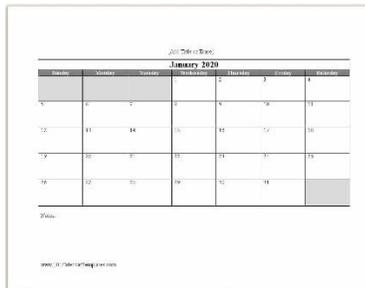
CIC Board members need to perform these same functions FOR their communities. Owners rely on the Board members to protect their interests **and** to use the maintenance fee money judiciously. **Inspection is a necessary part of budget AND of property management.** Board members MUST perform periodic or immediate (as necessary) one-time inspections of the property, **finances** AND the PAID "employees" that work for the CIC. **We want our money's worth!**

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How to inspect the property:

- Determine the frequency of property/vendor inspections. WHEN will the Board “walk” the property AND how many times each year? Sometimes, assessing the property AFTER winter is over is a good time to inspect for any damage, and prepare a list for the Spring “repair” work. It might also be good to schedule smaller routine inspections of specific areas/utilities/surfaces or materials.



2020 Calendar						
January 2020						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Create a checklist for that specific area or material and time of year.



- Complete the inspection as per the schedule
- Create a task checklist for “employees” **from the Contract**. Only include what is mentioned in the contract. Then determine the frequency of inspection for each vendor/employee and task. It is a good idea to inspect at the start of contract, then a mid-contract inspection and a final inspection for contract completion BEFORE final payment.
- After an inspection, the Board MUST quickly address any issues that require attention or remediation.

Remember... the Board is responsible, *their fiduciary duty*, for the upkeep of the “common” property and the performance of the contracted employees!

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The CIHC spotlights Condo Expos in NJ!

Wow, it is a new year, 2020, and the CIHC is looking forward to attending and participating in the upcoming Condo Expos.

There are 2 scheduled Expos for Condo, HOA, Coop, PUD owners in New Jersey. The Spring has the *Cooperator* Expo in Secaucus, NJ.

<https://nj-expo.com/>

The Fall has the CAINJ Condo Expo in a more southern location. Possibly the *PlayAmerica* facility in Freehold since it is near their state office and was the site last year. The day and site have NOT been announced yet.

<https://www.cainj.org/2019-conference-expo/>

I have gone to these expos for years and enjoy the efficient location of many different vendors, and the topical seminars all under one roof. AND I love the free “takeaways”. *Oh, yes.* **This year I hope the NJ DCA will attend! We NEED to hear from you! You are the State agency of oversight!**

I always hope that more CIC owners will attend to gather information that will be useful for their living happily in their CIC. Knowledge is power and owners are the Power and Funding of every CIC.

DISCLAIMER: The CIHC newsletter is written by and for NON-attorneys. We do NOT and cannot practice law or give legal advice. We do provide information to aid NJ CIC owners when they have issues in their communities. We can and do support New Jersey’s CIC owners and Boards for a democratic experience and enhanced quality of life, for all, in said communities.

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We welcome contributions from NJ residents who share in the goals/mission of the C-IHC. We need funds for: maintenance of our website, postal mailings, flyer production & distribution, expenses for contacting legislators and others, travel, periodic meetings, speakers, etc. IF you share our Mission and Goals, please contribute. **We are a registered NJ 501(c)3 - not for profit organization.**

Please print out this form & send your helpful Contribution to become a **CIHC Friend**:

Common-Interest Homeowners Coalition,
Post Office Box 1511, Hightstown, NJ 08520.

Contributing Categories: (check off the appropriate blank)

- **Premium Contributor:** \$100 or more _____
- **Sustaining Contributor :** \$30 or more _____
- **Regular Contributor:** \$20 _____
- **Interested person/friend:** \$ _____

THANK YOU!

CHECK HERE if you do **NOT** want your donation to be publicly acknowledged in future newsletters by your first initial and last name.

Please **PRINT CLEARLY!** Enclosed is my check for \$ _____

Name _____

H-phone _____ W or C-phone _____

Email _____

Address _____

Town _____ Zip _____

Name of Assoc. _____

THANK YOU for your *(continued)* **SUPPORT!**

Your contact information will be held as **CONFIDENTIAL/ CIHC use ONLY.**