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From: **Rick Bentley** <[REDACTED]>

Date: Sun, Feb 25, 2024 at 10:24 AM

Subject: following up

To: Kathryn Rohlf <katrohlf@gmail.com>, Rick Stephens <stephens@zks.com>

Kat, Rick,

You were the only two board members who responded to my public comments. Kat and I met and talked, Rick and I have not.

Long story short is that I have retained counsel, am forming at least one LLC and maybe two, one for legal action and one for fundraising for board member elections (not clear if they should be combined yet).

Just so you know, I've spent over \$100k and 100hrs of my time repositioning aircraft due to lack of hangars, and incurred significant risk to life and property in so doing -- and I'm a relatively small operator, you've cost more people a lot more than than you've cost me.

The FAA does not require a market study to determine market rates, unless the assets are being repurposed for non aeronautical use. So the market rate study for both the hangars and the dirt operators was not only not needed, but appears to be an intentional obfuscation of actual market rates in both cases. It is certainly impossible to argue market rates when for years there has been a long line of people, including me, willing to pay double the current rates.

Kat, your comment about the dirt operators getting a "sweetheart deal" and "Sierra Aero didn't flinch" when their rates were raised are especially concerning coming from an airport board member. I think an airport board member should know about the very different nature of both of those businesses. For your edification, I spent \$30k at Sierra Aero for my aircraft's annual, took them a week and was one of five planes they had in their shop at the time. I spent an entire summer at the glider port getting my glider rating and maybe spent \$3k there. The airport should be subsidizing the dirt operators, they provide a valuable service to the community, not intentionally putting them out of business.

The FAA requires every airport to (https://www.faa.gov/airports/airport_compliance/hangar_use#q2)
1) monitor the use of hangars on the airport and take steps to prevent unapproved non-aeronautical use;
2) minimize the length of time to provide hangar space for those on a "waiting list"

It's clear this airport is doing neither and this lack of action almost certainly constitutes gross mismanagement by the GM as it puts the airport's funding at risk. If this board doesn't find this to be true, it's very likely the next one will.

Furthermore, the board appears to be operational in nature. Board's are not supposed to be operational and your D&O insurance will only cover board members as long as they remain non-operational. I think it's easy to prove that the board hired an unqualified GM, whom I've had the displeasure of meeting and can attest that he knows next to nothing about airport operations, and likely committed fraud when they stated that he had "relevant experience within the industry" in his first employment agreement. I think it's also clear that the board is effectively operating the airport and the unqualified GM hire as an intentional part of that operational intent.

Lastly, I think the misuse of airport funds for non aeronautical use was a breach of the board's fiduciary duty. I think you could have gotten away with it if you had kept the airport in good operating order, you'll find aircraft owners and pilots among the most generous people in the world, but half century old, substandard, derelict hangars with collapsing roofs is clear proof that the airport has not been kept in good operating order. Moreso, there should likely be an unleaded avgas fuel island, and other improvements that have not been made, as funds have been diverted.

You might want to consider that donations of airport funds for non aeronautical use might actually get clawed back (the donors might get sued to be forced to return the funds) by future boards, management teams, and/or third party entities with standing to sue (like a pilot's group). Google "non profit clawback" it, it happens.

The board would be well advised to keep all stakeholders in mind when distributing funds. Cutting out the most resourceful and capable stakeholders (aircraft owners and pilots) perhaps has not been the best strategy. It has taken us time to figure out what is going on, but the rubber band has been stretched to its limit and the snap back is very likely going to be severe.

Anyway, if you want to talk live, I'm here and at [REDACTED]. I'll be delivering an open letter to the board before the next meeting with more details. The 1-2 entitles should be up and operating soon, sufficient funding is already secured for them to take significant action and much more funding is expected to be forthcoming.

Best,