



Montezuma County Clerk and Recorder

KIM PERCELL

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November 23, 2020

Committee to Recall Cortez School Board Member Lance McDaniel,
Malynda Nelsen, Deborah McHenry

RE: Decision to the Petition for Recall of Lance McDaniel

Per Hearing Officer Mike Green:
Protests by:

Cayce Hamerschlag: Denied

Mary Dodd: Denied

Dana Jensen: Denied

Janet Hough: Denied

See written decision attached:

Kim Percell
Montezuma County Clerk & Recorder

**Written Decision to the Petition for Recall of Lance McDaniel
From the Position of School Board Member**

On the 19th of November, 2020 starting at 1:30pm, in the Montezuma County Commissioners Meeting Room, a hearing was held on the protests to the petition for recall submitted to the Montezuma County Clerk and Recorder for the recall of Cortez RE-1 School Board Member Lance McDaniel.

Cortez RE-1 School District, pursuant to 22-30-104 C.R.S. contracted with the Montezuma County Clerk and Recorder for the Clerk and Recorder to be the School District's designated election official.

The Montezuma County Clerk and Recorder Kim Percell engaged as her representative and hearing officer Michael F. Green/Michael F. Green, P.C.

Montezuma County Clerk and Recorder Kim Percell attended, recording the proceedings, taking attendance curating the exhibits etc.

The hearing was held in person and via Zoom due to COVID Colorado Department of Public Health and Environment Orders.

The hearing officer started the hearing by welcoming the attendees and setting out the procedure(s) for the hearing.

The original petitions and protests from the clerks file were entered into evidence and are included in the hearing record and were made available at the hearing for inspection by the participants/attendees of the hearing.

The hearing officer read the general statement of grounds for the recall of McDaniel, and summarized each of the protests for the record.

The protesters were given the opportunity to speak, not all the protestors attended the hearing in person some were via Zoom, not all who attended spoke. After the protestors spoke, the recall committee through its designated representatives, responded to the protesters comments and written protest grounds.

The protestors presented their rebuttal.

Next the hearing was opened to comment from other attendees, both via Zoom and in person. Last Mr. McDaniel was asked to comment and did so.

The hearing was closed at 2:40pm.

A recording was made using the Montezuma County Commissioner's recording system.

Protests

1. Mary Dodd

Mary Dodd filed a protest, dated October 23, 2020, received by the Clerk and Recorder on October 23, 2020.

The Dodd protest does not appear to under oath as required by C.R.S. 1-12-108(9)(a)(1), however it is notarized.

Ms. Dodd appeared via Zoom and stated her reasons for her protest of the recall.