



McCauley & Roach, LLC

Licensed in Missouri & Kansas

June 8, 2010

**Sent Certified Mail & Facsimile
(303) 237-1484**

Michael J. O'Malley
Attorney and Counselor at Law
8554 West Colfax Avenue
Lakewood, CO 80215

RE: Response to letters of December 23, 2009; February 19, 2010 and May 10, 2010


Dear Mr. O'Malley:

The undersigned serves as counsel to the Fraternal Order of Police Denver Sheriff's Lodge No. 27 (FOP) with regard to the above-captioned matter. My clients have provided me with copies of your letters of December 23, 2009, February 19, 2010, and May 10, 2010 regarding the Fair Share assessment for 2008 and 2009. In your letters you have asked for an accounting from my clients regarding the 2008 and 2009 Fair Share claiming that your client allegedly has "a clear right to review the charges and the basis of the fees you are planning to collect from our union members."

To begin, you state in your letters that you represent Teamsters Local 17, but there is no indication that you represent any individual member of the FOP's bargaining unit. As such, we do not believe your client has standing to assert Fair Share Assessment challenges regardless of the year. On that basis alone, my clients will not be responding to your request.

Furthermore, as you should know, the Collective Bargaining Agreement between the City and County of Denver, Colorado and the FOP provides that the Fair Share amounts are assessed in the year after the actual year of expenditures, meaning that the 2008 expenditures were assessed in July of 2009, and the 2009 expenditures will not be assessed until July 1, 2010. As such, your 2009 request is premature. The 2009 assessment and accompanying breakdown will be provided to all non-members in accordance with the Collective Bargaining Agreement on July 1, 2010.

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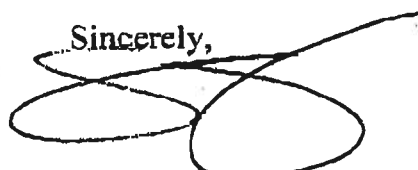
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As to your request for information regarding 2008, we have previously provided a thorough breakdown of the expenditures to all owing non-members. As you should be aware, the Fair Share notice indicated that any challenge or objection to the 2008 Fair Share assessment must be received by the FOP on or before August 1, 2009. My clients never received a timely challenge or objection to the Fair Share fee calculation, and in fact, all non-members have paid their 2008 Fair Share. Obviously, even if your client had standing to file an objection, which my clients dispute, your December 23, 2009 letter was received more than four (4) months after the deadline for filing objections had passed. As such, your untimely request will not be considered by my clients and you will receive no further response to it. For the same reason, your client's threatened request for arbitration is time-barred, and therefore, it will not be honored.

Moreover, the statute of limitations for filing suit challenging an agency fee under the 11th Amendment of the United States Constitution is six (6) months from the date that the assessment was received by the non-member. *Pilots Against Illegal Dues (PAID), et al. v. Air Line Pilots Ass'n (ALPA)*, 938 F.2d 1123 (10th Cir. 1991); *Fell v. Independent Ass'n of Continental Pilots*, 26 F. Supp 2d 1272 (D. Colo. 1998). In this case, the statute of limitation began to run when all non-members received the notice of the 2008 Fair Share assessment in July of 2009. Therefore, any legal challenge to the 2008 assessment is time barred since the statute of limitations expired as of January of this year.

Given all this information, we believe that any action in this matter would be any frivolous since your client lacks legal standing and since any claim it may have is clearly time-barred, not to mention the fact that we are extremely confident that the Fair Share assessment is correct. We consider this matter closed.

Sincerely,



Sean P. McCauley

SPM/keb

cc: Mike Jackson
Jeff Shaw
Frank Gale