

# SaveMarinaHills.org

December 2003

## Reestablish a democratic decision making process in Marina Hills

### Garage Driveway Petition

The homeowner initiated CC&R change passed with 81% YES votes. You now are allowed to park your car in your own driveway.

A big THANK YOU to all homeowners who participated in the vote.

### Fence Color Petition

As of this writing, the Board of Directors has been petitioned to call a Special Meeting of the homeowners to democratically decide on the fence color of OUR backyards. In a non-binding survey, which, in the opinion of many homeowners was manipulated by the Board, 430 out of 715 homeowners had indicated their preference for *green*, yet the Board interpreted the results as *black*. The Board also refused homeowners' request for independent verification of the survey results. Please consult the web site for updates.

### Resources

The web site includes a number of resources to help intelligently form your own opinion. For example, a downloadable copy of the CC&Rs and the Bylaws (not available from the official web site!) lets you check out homeowners' rights and the duties and prohibitions of the Directors of the Board.

## Board misses Deadlines

Board of Directors Appears to Violate CC&Rs and Ignore Homeowners' Petitions

Laguna Niguel, December 24, 2003

In November two petitions were circulated amongst Marina Hills homeowners: the **Conflict of Interest** Petition and the **Fence Color** Petition. Each petition was signed by more than 5% of all homeowners and was presented to the Board of Directors via the Board's attorney Richard Tinnelly on or before November 21.

The Marina Hills CC&Rs (Article IIIA, Section 3A03 of the Bylaws) state that the **Board has the duty to call a Special Meeting**

**of the members within 20 days of the receipt of such petition.** The 20 days were up on December 11, 2003.

A follow-up letter written to Richard Tinnelly, advising the Board of the missed time frame and giving the Board a second chance and a deadline to fulfill their duty by December 23, was evasively answered by Mr. Tinnelly: *"We will provide you with a response, if appropriate, once the Board has had the opportunity to review and consider your communication."*

After missing the two deadlines the perception amongst the Marina Hills Community is clear: **The Directors of the Board seem above the CC&Rs. The Directors really don't care about the homeowners.**

All homeowners need to ask:

**Are the Directors trying to prevent the homeowners from voting?**

**What happened to democracy in Marina Hills? ©**

## Un-Democracy 101

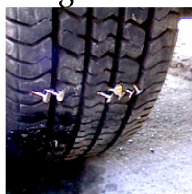
Undemocratic Experiences in Marina Hills in 2003

By Hans A. Strupat

For anyone having attended a Board Meeting in the last half of 2003 the experience has been frustrating and eye-opening.

**It is my opinion that the Directors of the Board treat the homeowners with arrogance and disrespect.**

It appears that the Board would much rather like to do their business without the homeowners, as evidenced by:



On October 21, 2003, seven nails were found in tire of homeowner who dared to speak up against parking rules.

- Wrongly advertised meetings on the Keystone Pacific web calendar
- Long, secret executive sessions that seem to discuss more than is allowed by the CC&Rs
- An intimidating number of Board-hired security guards who lock and guard the club house doors during Board Meetings (Four security guards were hired for the November Board meeting. What is next? Maybe a repeat of 1997 with armed security guards?)
- No agenda for Board

meetings posted on the web site

- Incomplete minutes of the Board Meeting published in a difficult to read format on the official web site
- Much delayed publishing of Board meeting minutes (The November minutes are published in the March-April Newsletter).
- Intimidation of homeowners during homeowner forum by security guard (One of the security guards charged across the room and verbally attacked Mr. Strupat.)

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# Who is paying for the private landscaping of the Board Members?

On Friday, December 5, 2003, a worker from Villa Park Landscape Services, within a 10-minute time frame, was observed to work both in the private backyard of the house of one of the Directors on the Board as well as on the common ground of the Marina Hills fountains.

This case of obvious commingling of Marina Hills Association vendor's services has been documented in a series of photos, all of which can be seen on the web site (Please see "Commingling").

A letter has been sent to the Board via the Association attorney, Mr. Tinnelly, requesting an explanation of the commingling and demanding complete accounting of how the Directors of the Board pay for their private landscape services. The full text of the letter can be found on the web site.

Mr. Tinnelly's office has acknowledged the receipt of the request and has promised a response in January. Stay tuned.©

## Financial Audit

Is it time to demand a comprehensive financial audit?

Since at least one Director of the Board has been observed to commingle private and public services, and since the Board seems to delay their response to this issue of utmost importance, it may be time to demand a complete and comprehensive audit of any and all financial transactions, including verification of fair market value paid for vendors' services. Who is going to ask? ©



At 2:24 P.M. a young landscape worker, Fernando, works with a hose in front of 2 Milos, the residence of one of the Board of Directors of the Marina Hills Association.



Fernando enters the backyard of the Wilson residence through a private door in the Marina Hills perimeter wall. He stays there for several minutes.



Later on, at the common area fountain, Fernando has re-joined his crew and helps his co-workers from Villa Park Landscape Services to load landscape debris onto the truck.

## Time Line of Service for Sitting Directors ( — ) and

1993 1994 1995 1996 1997 1998 1999 2000 2001

Calvin Wilson appointed in spring of 2001

Information compiled from Marina Hills official newsletter.  
Deemed reliable, but not guaranteed.

## Un-Democracy 101

Continued from page 1

- Avoidance and deferral of answers by Directors when questions are asked by homeowners during the Board Meetings
- Refusal by Board's Directors to engage in a constructive discussion (see story on last page)
- Pattern of unanswered letters and petitions from the Board

**Those members who continue to speak up after the conclusion of a Board Meeting face a pattern of intimidation:**

- Everyone, by now, heard the story of civil disobedience where a car was parked in front of one Director's home, only to have the license plates stolen and then, in escalation, a tire slashed.
- Pattern of "Cease and Desist" letters by the lawyer Richard Tinnelly

to shut up homeowners (At least two cases have been documented since October 2003.)

- Obscene phone call from Board-hired security guard. The author left his business card with the words "Please call" after finding the club house office unattended by the Employee of the Board during scheduled business hours.
- Bodily harm threatening phone call originating from club house fax machine after announcing the alternative web site.

**Now it is up to you, my fellow neighbors.**

I have and will continue to provide the information. You need to ask some tough questions to the Board. And it is your voting power to bring back a peaceful harmony and democratic dialog to Marina Hills. ©

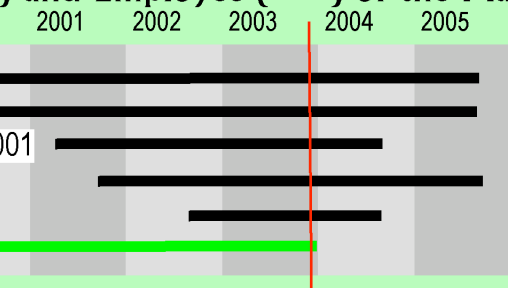
## Candidates

What are the characteristics of Board Members we want?

A number of potential candidates have identified themselves to SaveMarinaHills.org. We will start to introduce these candidates beginning with the next issue. Important characteristics to make good candidates:

- Willingness to listen.
- Be in tune with the mood of the community.
- Ethical and honest.
- No hidden agendas.
- Engage all homeowners in the democratic process.
- Follow the CC&Rs.
- Capable of running a \$2M business with 50 vendors and 1538 customers/ shareholders.
- Recognize democracy as an ethical standard. ©

and Employee ( — ) of the Marina Hills Board



Tom Szwajkos  
Jane Dry  
Calvin Wilson  
Vito Ferrante  
Chuck Johnston  
**Cheryl Wilson**

## Term Limits

Reestablish Democracy with fresh Board Members

One Director, Tom Szwajkos, has been on the Board for more than 10 years, with at least another 18 months to go; another Director, Jane Dry for more than six years with at least 18 months to go. Please see the chart above for details.

In at least one case a director (Mr. Calvin Wilson) has been appointed, not elected, by the other sitting board members. This appointed director then serves the remaining term of the once elected, then vacant and now appointed seat. This may be for a period of up to two years. (Yes this is "legal", according to our CC&Rs.) At the next election this "friend" of the other board members then runs as an incumbent. Thus the power stays within the sitting group of directors.

Since these positions

are a small political office, with no professional journalists watching over the "politicians", it is appropriate to think about term limits for Directors on the Marina Hills Board. Term limits would reduce the chance of some Directors of the Board getting too close to certain vendors (see related story), and it would foster a more democratic environment in Marina Hills.

One suggestion is to limit the directors to no more than two consecutive terms and to no more than three life-time terms.

A potential change to the CC&Rs would have to be worded such that it would have immediate effect after passing, such that the term limit would apply to all sitting board members. ©

## Conflict of Interest

Board of Directors employs Director's Spouse for \$50K+

In November 88 homeowners signed a petition to ask the Board of Directors to call a Special Meeting, to prohibit the existing **Conflict of Interest** where the employee of the Board, Mrs. Cheryl Wilson, is also the wife of long-time Director Mr. Calvin Wilson.

Mrs. Cheryl Wilson, the Activities & Facilities Director, is a direct \$49,380 (plus \$11,856 other payroll expenses) per year employee of the Marina Hills Board, not, as many homeowners believe, an employee of Keystone Pacific. This fact in itself creates yet an even more basic conflict of interest.

Mrs. Wilson is clearly in an impossibly difficult position:

First, she is a homeowner herself, some of her neighbors are her friends, some not — yet she is expected to make neutral decisions on, for example, who gets the remote chance to book the clubhouse for a party.

Second, how can Mrs. Wilson serve the best interest of the homeowners, as well as the best interest of her boss, the Board of Directors, when every article in this news-

letter shows, that these are clearly different and conflicting.

All these problems can be solved by hiring out the position of the Activities and Facilities Director to a non-homeowner subcontractor. Business hours (including Saturdays, when homeowners actually need someone at the club house) would be strictly enforceable, and if this subcontractor no longer works for the benefit of the homeowners, he/she can be replaced without hurting the feelings of fellow neighbors.

Please look at the web site for the complete text of the "**Conflict of Interest**" Petition and the request letter to the Law offices of Mr. Richard Tinnelly. ©

## Feedback Request

Most importantly, please give us your feedback by email, phone, fax, mail or the web. Democracy is an interactive process. We are especially inviting those homeowners who do not agree with SaveMarinaHills.org. Looking forward to hear from you. ©

## Call for Action

What can I do to help to get things back to normal?

First we ask that you read the entire newsletter, and as much of the web site as possible. Second, talk to your neighbors about what is going on. Third, please come to the Board Meeting on Wednesday, January 13, and ask the Directors of the Board a questions or two about your concerns as a homeowner in Marina Hills. **All these tidbits should give you the information to form an opinion about the state of the Marina Hills Board.** Please share your experiences and concerns with SaveMarinaHills.org (mail, phone, fax, email, feedback buttons) so other homeowners can benefit from your information. Finally, in the coming months, SaveMarinaHills.org anticipates that several proxies will be mailed to you. They will either be sent by Keystone Pacific or by SaveMarinaHills.org. Consult our web site for additional instructions, especially on proxies sent to you from Keystone Pacific. Please feel free to call us at 949-218-7408 with any question you may have. ©



# The story of the web site

President's refusal for constructive dialog creates motivation to start web site



Hans A. Strupat

In the middle of October 2003, after attending several board meetings I started to wonder why the Directors of the Board were not properly addressing the questions of the homeowners in the meetings. Since the Board has limited the allotted talk time for each member to 180 seconds in the Board Meetings, I decided to personally visit the Presi-

dent of the Board, Mrs. Jane Dry. I wanted to share some concerns that I and other homeowners had, and I wanted to start a constructive and democratic dialog with the Directors of the Board.

"THIS IS AGAINST THE RULES AND YOU CAN'T BE HERE" was the opening greeting shouted at me from Mrs. Jane Dry. After several minutes of pleading and attempting, in vain, to agree on a meeting time convenient to Mrs. Jane Dry's schedule, Mr.

Dry closed the door in my face. Mrs. Dry had shown no interest to learn about the homeowners' concerns, there hadn't been a single word of constructive dialog. Mrs. Dry's only recommendation was to put my concerns in writing and send a letter to the Board.

My initial discouragement soon turned into motivation to create a web site for members to learn and express their opinion.

For a full story with every word of the dialogue, please visit the web at: <http://www.SaveMarinaHills.org/webstory.html>

# SaveMarinaHills.org

- What is suddenly going on?
- Why does Marina Hills need to be saved?
- Why does this car advertise a web site?
- We already have a newsletter; why do we need an alternative one?
- Are the rumors really true?

## How do I get to the Web site?



In your internet browser, most likely Internet Explorer, type in the address: <http://www.SaveMarinaHills.org> exactly as shown. Please call us at 949-218-7408 in case of difficulties.

**Read More inside this newsletter.**

**SaveMarinaHills.org**

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**Come to the next Board Meeting**  
**on Wednesday, January 14, at 6 P.M.**  
**rescheduled to**  
**Tuesday, January 13, at 6 P.M.**  
**Form your own opinion!**  
Check [SaveMarinaHills.org](http://SaveMarinaHills.org) for additional surprise reschedulings!