

## Reestablish a democratic decision making process in Marina Hills

### Election Results

The following vote count was announced by Mr. Tinnelly, the attorney for the Board (and the incumbents) at the September 2, 2004, Adjourned Annual Meeting of the Members:

Linda Baker 414  
Chuck Johnston 376 or 377  
(Mr Tinnelly stated that they are not quite sure)  
Hans Strupat 335  
Rob Sanders 207  
Milton Stanford 78

Thus, there is no change in any of the director positions. Both incumbents stay on for an additional term. ©

### Tennis Rule 14 unchanged

During the September 8, 2004, Board Meeting the three Directors present – Linda Baker, Jane Dry and Vito Ferrante – decided to keep Tennis Rule #14 unchanged and in place.

Approved vendors may give tennis lessons to Marina Hills residents on the Marina Hills tennis courts during non-prime time hours. Thus, lessons may be given between 11:00 A.M. and 5 P.M. on weekdays and after 11 A.M. on weekends.

Linda Baker stated that the Board's decision was influenced by the many written inputs from homeowners. ©

## Interview with Hans Strupat

Thoughts from the day after the vote count for the Marina Hills director election

SaveMarinaHills interviewed Hans Strupat on September 3, 2004:

**SMH:** What is your first reaction about the Marina Hills Director election?

**Hans Strupat:** First of all I would like to thank all homeowners of Marina Hills who participated in the voting for their support and their trust. I also would like to thank my active supporters for their work in talking to neighbors and collecting proxies.

**SMH:** What is your first reaction about the election results?

**Hans Strupat:** The election results were very close. The incumbent Chuck Johnston had only 41 votes more than I had. Getting an additional 40 votes and actually getting a non-incumbent on the Marina Hills board is a very realistic possibility for the next election.

**SMH:** What was the first reaction of your supporters?

**Hans Strupat:** Well, a number of supporters were disappointed about the election results and the fact that the incumbents managed to stay in power once again. But I believe that the more important aspect is that those homeowners who are still sitting on the fence and believe that the incumbents never can be challenged, recognize that it is just a few votes that will make a difference and that their participation in the next election will decide the vote and replace the incumbents.

**SMH:** What will you do until the next election?

**Hans Strupat:** I will cooperate with the board members whenever my help is requested by the directors. I will work hard to continue to inform the homeowners of Marina Hills about what is going on within our community. I hope that I can convince each and every Director on the Board to come out of hiding and actually start

a dialog with the homeowners.

I am proposing a once a month Saturday morning "Director's Open House" where homeowners can come and the Directors can informally listen to the concerns of the homeowners and actually engage in a DIALOGUE.

**SMH:** Do you have any political agenda during the next year?

**Hans Strupat:** There is one subject that comes up with almost any Marina Hills homeowner that I talk to: term limits. The homeowners of Marina Hills want term limits more than anything else. They feel that Marina Hills needs to regularly renew itself and they want to rid themselves of the encrusted 13-year power grip. The board has illegally ignored the lawful petition from more than 100 homeowners and given an illegitimate reason for not allowing the Marina Hills homeowners a chance to vote on term limits. A number of fellow homeowners and supporters of SaveMarinaHills have expressed a burning desire to vote on term limits. With the help of these homeowners we are re-activating the term limit petition and the Board of Directors will have one final chance to act democratically and allow Marina Hills to decide on term limits.

**SMH:** Did you make any mistakes during the election?

**Hans Strupat:** I am embarrassed and have to admit that I was once again too naive. Even after all the tactics and the attacks that the board and their helpers – some call them cronies – had employed earlier this year I naively had counted on the fairness of the incumbents. That was not the case. The incumbents Linda Baker and Chuck Johnston employed the Security guard Miguel Parreira to collect votes against me – a misappropriation of Marina Hills community assets. This shows three things: First, this election was not

a level playing field; second, it just shows how low the incumbents will go when their position is challenged; third, the 41 votes difference between Chuck Johnston and myself would be much smaller, probably non-existent, if the incumbents had played by the rules. **SMH:** What about the suspicious counting process?

**Hans Strupat:** Once again, we were very naive in believing that the incumbents would hesitate to do anything to protect their position. They used association funds and hired Richard Tinnelly for their purposes: to take away the control from the members at the member meeting. Trusting little Hans Strupat with his green cape and bow and arrow will never be able to fight the incumbents with their assault weapon Richard Tinnelly. Richard Tinnelly met in secret with hastily called cleaner (and real estate agent) Steve Christian in the club house office before the member meeting. After this secret meeting it was no surprise that the counting of the ballots was done exclusively by supporters of the incumbents. It was so important to Richard Tinnelly to get only supporters of the incumbents as election inspectors, that he urged Loretta Pierce, a personal friend of the Employee of the Board Cheryl Wilson into this position. This caused the counting process to be delayed because Loretta Pierce needed to pick up her children from school. It was no surprise that Richard Tinnelly sternly refused the motions from the members to assemble a neutral panel of election inspectors. It was no surprise that Tinnelly disallowed the counting process to be witnessed by any homeowner. It is no surprise that Richard Tinnelly refused verification that the proxies of certain homeowners had actually been received in the mail by Keystone Pacific. It is no surprise that the hand-picked Election

Continued on last page

# Hidden in Plain Sight

## An Epiphany

The August 2004 Annual Meeting of the Members of the Marina Hills PCA has, sadly, come and gone. However, its effect continues to haunt a non-suspecting – at that time – member who had a hint of improprieties from previous encounters with the Board, its attorney and vendor (Keystone Pacific), now to be reinforced on that fateful, non-quorum Wednesday evening of the 25<sup>th</sup> of August.

First of all, the printed “Keystone Pacific Agenda for the Annual Meeting” had an already pre-arranged establishment of the new adjourned meeting time and date *without* accommodating the *mandated* process of section 3A.06 of the Association Bylaws which specifically reserves the right of “...a majority of the Members who are present ... [to] adjourn the meeting to a time (to be determined by those Members present) ... without notice...” So, in effect, the pre-arranged September 2, 2004 adjournment meeting disenfranchised those members who would not be able to attend the vendor’s 11:00 A.M. obligatory and inappropriate time due to their work schedules, parental school commitments for their children, etc. This obvious defect was then perpetrated at the sparsely attended adjourned meeting.

Ah yes, that infamous *Adjourned Meeting of the Members* of September 2, 2004....!!!

At around 11:00 A.M. the attorney for the board, Richard Tinnelly, called the meeting to order and announced that a 25% quorum of the Member’s total voting power had been achieved and within a heart beat, the attorney asked for three ‘volunteer’ election inspectors from the members present in the audience and in less than a heart beat, he focused on a group of three people who appeared to be conveniently clustered in place to the exclusion of others who had also raised their hands. Then, the three newly ‘appointed’

inspectors immediately proceeded in lock-step to vanish (together with the bundled packets of proxies) behind the closed black door of the kitchen with the blinds on the interior window drawn with much fanfare. The opaque lock down was now a *fait accompli*: it was as if the inspectors (and, our proxies) were sucked into a black hole! It was, indeed, an impressionable event of enormous import: I was a witness to a group of partisans who moved like ‘phantoms in the night’ with deliberate stealth and deadly effectiveness literally attacking the very underpinnings of an open democratic process.

Have the protagonists of an opaque assault on the homeowners’ need for a transparent voting process once again prevailed in their headlong thrust to protect their own vested interests at the expense of a majority of members whose collective interests continue to be eroded by such excesses of unbridled power and incredulous displays of *chutzpah*?

The Board, their attorney and their management company actions leave the homeowners with no other choice than to regard them with a high index of suspicion until their conflicts are addressed.

Meanwhile, the following question begs an answer: Are the above eyewitness accounts one more instance of how a voting process can be manipulated to change the outcome of an election?

Obviously, the process is burdened by a lack of impartiality with too many conflicted ‘hands’ empowered to handle the vulnerable, exposed ballots. Paradoxically, one of the most basic tenets of a democratic society or of a small community, for that matter, is the absolute right to an open, transparent vote on all issues that affect the members with a closed, secret, independent third party administered and certified ballot/proxy with the results verified by an appropriate auditing agency completely divorced from the Board, its attorney and its management company. ©

## Term Limits – Second Try

### One more chance for Directors to act democratically

In January 2004 more than one hundred Marina Hills homeowners formally petitioned the Board of Directors to allow all Marina Hills homeowners to vote on term limits for the director positions within Marina Hills. Subsequently, in an appalling violation of the Marina Hills CC&Rs/Bylaws, the Directors ignored the proper petition of the homeowners.

In March 2004, the Directors, after having been gently pressured by a SaveMarinaHills paid lawyer, stated – without giving a reason – in a letter to all homeowners that they would not act on the petition of the homeowners. In the July 2004 board meeting, Linda Baker and Vito Ferrante answered the specific question of a Bel Fiore homeowner, as to why the board had not properly answered the petitioning homeowners as follows: “The petition contained more than one issue.”

The board’s reason, according to legal advice, is completely wrong and ‘bogus’. Nevertheless, in an effort to accommodate the Marina Hills Directors, a revised term limit petition has been prepared, again signed by more than the required 5% of the homeowners, and was formally presented to the Secretary of the Marina Hills Planned Community Association – Mrs. Jane Dry – at the Board Meeting on September 8, 2004. (By the way: the vast number of homeowners having signed the January petition are different from the ones having signed the most recent petition; therefore a total of almost 10% of Marina Hills homeowners have now signed a petition to ask the

Directors to put forward a vote on term limits.)

The original petition had requested the vote on three issues:

- 1) Term limits for Marina Hills Directors as follows:  
Two 2-year terms of service, followed by a two-year period where this individual would not be allowed on the board, and then another 2-year term of service for a total of six years of service during the lifetime of the individual.
- 2) Election rather than appointment of director vacancies:  
Any vacancy on the board should be filled by an election of the members, rather than by appointment of the sitting directors.
- 3) Immediate effectiveness of term limits:  
If the Marina Hills homeowners decide positively on the above two issues, then these issues shall become effective immediately. That means that the sitting Directors who have been on the board for more than the allowed six years, should tender their resignation, therefore create a vacancy and then the Marina Hills homeowners can fill these vacancies through elections.

Both the January 2004 petition and the Summer 2004 term limit petitions contain the very same issues. The Summer 2004 petitions, however, as the Directors requested, are split into three separate petitions, containing only a single issue in each petition. The homeowners have eliminated the excuse of the Directors to act undemocratically. Now the Directors have one more chance to act democratically and call a Special Meeting of the Members as required by the CC&Rs/Bylaws.

The Directors, according to the CC&Rs/Bylaws, need to notice the Special Meeting of the Members no later than September 29, 2004. ©



# The Big Picture

September 2004

An insert with a more global viewpoint to the SaveMarinaHills.org newsletter

## About this Column

Is Marina Hills alone with its controversies between the homeowners and the 'association?'

A quick investigation shows that all over California and all over the country there is a growing discontent of homeowners with their freedom being systematically dismantled and threatened. This and future **The Big Picture** columns attempts to point out the imminent and ongoing threat to the homeowner's freedom. ©

## About the Author

Donie Vanitzian, along with Stephen Glassman, is one of the authors for the Sunday column about homeowner associations in the Los Angeles Times.



Donie Vanitzian also has written a book "Villa Appalling" demonstrating by example how the live of homeowner associations take over the live of the homeowners ©

## Definitions

### Deed-restricted property

As opposed to a fee simple title where the owner actually has control over his/her property the deed-restricted property severely limits what an owner can do with his/her property. These restrictions are recorded as part of the deed of the property. All properties within Marina Hills are deed-restricted. ©

## Wake up Call

by Donie Vanitzian, Arbitrator, BA, JD

When property falling under the auspices of a homeowner association were first built, owners had very little problems adjusting to the concept of a 'shared' environment. A 'shared' environment meant 'volunteerism.' Those that bought were usually told, "all the owners share in the upkeep." It wasn't unusual to see owners pulling their own weeds or gardening. No one complained. People just got on with it. There were actually little or no HOA lawsuits before the Davis-Stirling Act was passed. Because the California legislature allowed these properties to be sold to the public as 'volunteer-labor' the housing was supposed to remain 'affordable.' Plainly, this means that before the Davis-Stirling Act, owners were allowed to volunteer on **their own** property. That was over forty years ago.

Once Gray Davis and Larry Stirling needed funds to maintain their respective Senate campaigns, the industry vultures entered the picture. You DO remember Gray Davis don't you? He was the same Governor who called homeowners who lost their homes to non-judicial foreclosure for missing an assessment payment, "**deadbeats**." Anyway, when Davis and Stirling injected themselves into this equation, industry was allowed to BUY legislation and this goes on to this day. Their wholesale purchase of our legislature has resulted in the constant degradation of our laws.

In addition to the Davis-Stirling Common Interest Development Act located in the Civil Code, laws governing your deed-restricted property are also located in various sections throughout the Corporations Code, Government Code, Administrative Codes, Business and Professions Code, Revenue and Taxation Code, Code of Civil Procedure, Health and Safety Code, Welfare and Institutions Code, Vehicle Code, and the Federal Internal Revenue Act and many federally guaranteed loan programs to name a few. **Add**

**to those codes**, California case law. Case laws have the ability to override any California statute in whole or in part.

Many of the statutes and case law have a crossover affect and nearly all turn out to be inconsistent in their application, thus, resulting in a lawsuit requiring court interpretation. Most of the statutes were ill-thought out because warnings of precursor problems were ignored. Legislators seemed to be more interested in ensuring the author of the bill or the campaign contributor's name made the Sunday papers. Most of the judges were no better. Not wanting to lend an appearance of ignorance or let on that they did not fully understand this area of law, corporate law was haphazardly applied, or worse, judges followed the lead of lawyers whose names they recognized. Rather than set new precedent others looked to prior precedents – even if that precedent was wrong, or in a different area of law, and even if that precedent had a harmful affect. But one thing remains constant throughout application of statute and case law: **the homeowner nearly always loses – and even if the homeowner wins, s/he still loses.** Technically, the prevailing party is usually awarded attorney fees. But, most homeowners who prevailed in court were not and are not awarded attorney fees. Even when the statutes state the prevailing party or owner should receive attorney fees – excuse follows excuse – the majority of judges then, and now, do not award fees to prevailing owners.

This costs California deed-restricted homeowners thousands if not millions of dollars year after year. So much for 'affordability.' This is turning out to be **the most expensive type of housing in the United States.**

**Collectively**, California's case law, statutes, and the wholesale purchase of our legislature have

resulted in destruction of your property, equity, and individual liberties and rights in many ways. For example:

**LAWS:** Make only board members qualified 'volunteers.' In order for board members to qualify as volunteers, they had to do two things: 1) be a volunteer board member and receive no payment for their position; and, 2) be insured -- of course they don't pay for insurance YOU do. The law redefined 'volunteer' to mean 'only board members.' To be indemnified they had to be insured, to be insured, they had to be ON the Board.

**RESULT:** Property owners in detached dwellings might not be compelled to care for their back yard, but could be 'ordered' to care for their front yard in a manner that any given board in control at the time decides is in keeping with their interpretation of the CC&Rs. Owners of townhomes, condominiums, or co-ops for example, might be fined or penalized for painting over, say, a discolored spot on their building, or innocently changing burned out light bulbs. Worse, if an owner walks by a patch of weeds the gardener missed, and decides to pull them out, they better watch for the 'weed police.' The upshot, is that owners could no longer volunteer to work on their own property, or they could be sued by their association. This means, that owners can be compelled to pay, pay, pay for the board to hire, hire, hire, vendors to pull a crummy weed! You can no longer innocently volunteer to 'help' your community – there is no such thing anymore. **No more affordable housing.**

**LAWS:** Give all decision making and property control over to the board of directors. Prior to that law, owners all participated in their living environment in a more democratic and fair way.

**RESULT:** Two classes of ownership are created. **The preferred class:** consisting of property owners that are board members. **The under class:** consisting of mere property owners, in other words, the peasantry. To make themselves feel superior, boards are taught by industry that they must gener

ate fines, penalties, interest fees, assessments, restraints, attorney harassment letters, liens, foreclosure and a host of other torturous items too lengthy to list here. These punishments are punitive measures designed to raise additional revenues for the association by adding costs to all homeowners. It has a bonus effect of reducing the quality of life for everyone. No more affordable housing and no rights for homeowners.

**LAWS:** Give deference to association board of directors.

**RESULT:** Today, no matter what the homeowner does or says, even if the owner is 'right' and the board is 'wrong' California courts nearly always, automatically say the board is right. The homeowner loses. No rights for homeowners, and no more affordable housing. Buyers are beginning to wise up and are no longer so quick to purchase that condo or home in a common interest development or any place where a homeowner association or board of directors exist. The more restrictions, the harder it is to sell. The worse the board is, the harder it is to sell. **The word is out: it IS becoming harder to sell.**

**LAWS:** Boards can raise your assessments without your vote, knowledge, or consent, 20% year, and if they have lawyers helping them, well, just about anything is possible. Will you ever 'really' know what it is costing you?

**RESULT:** Owner payments to the association, in addition to any special assessments the board feels like charging, can more than quadruple in two years - and there is nothing you as an owner can do about it. No homeowner rights, no affordable costs, and don't ask questions. Interestingly enough, when hearing of similar happenings in another country these same owners screaming "no justice" or picketing for human rights for the downtrodden, merely sit back and watch their own rights dwindle away in front of their faces as each board meeting whittles away at what little these so-called property owners have left . . . and barely utter a peep.

**LAWS:** Boards can sign contracts and bind each individual homeowner into paying for that contract, whether the homeowner knows about the contract or not. Owners cannot stop the board from signing any contract - even with other crooks or their friends.

**RESULT:** Added costs jeopardize the equity in each homeowners property. No rights and no more affordability. These same big mouthed activists in the real

world, outside of their protected condo-worlds are the first to demand a recount of their change at the supermarket, but thousands if not millions of dollars are syphoned from them collectively throughout this state and not one of them stands up to question the thieves they watch conducting what the law has the nerve to call a 'board meeting.' Those same big shots turn suddenly sheepish when they get home. Hypocrites.

**LAWS:** Even if the entire board of directors are crooks they can hire the most expensive attorneys 'anywhere in the world' and bill each and every owner in the association for those fees, and be 'guaranteed' the attorney's bills will be paid. They can do this, even if they are suing 'you.'

**RESULT:** All the board has to say to substantiate their purchases, even of an attorney, is that they hired the attorney in 'good faith' and that they are doing it 'in the best interest of the association.' They can say that, even if they didn't hire the attorney in good faith and even if it is not in the best interest of the association -- all that is required is that they say they did. Refuse until you are blue in the face, but, each owner will be held liable to pay those attorney fees. Each individual homeowner that fails to write their legislators consistently complaining of this type of loser-oriented-HOME-ownership-inequity is doomed!

**LAWS:** The board, regardless of what your CC&Rs state, or any of your governing documents say, will be able to sell land and property belonging to the association without your knowledge, and you will never get one cent of the money they receive - and they will get away with it.

**RESULT:** There is 'nothing' an owner can do about it except sue, sue, and keep suing until you lose everything you worked your entire life to amass. Even if a homeowner has unlimited banking with unlimited funds, you will never in a million years have enough resources to be able to sustain a lawsuit long enough to win against an association or its board of directors. They will either bankrupt you or you will DIE fighting. Today, with all the laws against you, you will lose almost every time.

**LAWS:** The board does not have to fix an owners individual unit or house or property. Read the law very, very, very closely - and then read it again. It may be the board's duty to repair and maintain, but there is no law mandating that they fix the property - like so many boards do - they do nothing

but stall, ignore complaints, and take up with management and lawyers to fight YOU with YOUR money.

**RESULT:** Owners can beg until they die, for a board to fix their property, but because of the industry lobby, owners can die begging (and many have died) to have their properties fixed. Boards know this. **Boards are advised to ignore owner requests, ignore owner complaints, and wait for the statute of limitations to run out.** They are also advised to, **deny, deny, deny.** This is very effective because it causes the owner to continue wasting their precious life and money only to find themselves ten years later, right where they started -- the only difference is, (a) the statute of limitations has run and the owner is barred from suing; and, (b) by now the owner has lost tens of thousands of dollars and all their neighbors think they are the bad guys or the troublemakers - that is - **until one of those neighbors has a problem** and that neighbor then looks to you for help, and, - you will tell them to go to hell.

Remember, boards are paying for this advice with your money, to use against you and every other owner. Boards are not there to help or assist homeowners, the board is there for the **association, in the words of the courts, The board is here in the best interests of the association. Not the owners.**

**LAWS:** In California, **owners** are responsible for funding the association.

That means: Keeping the association bank account filled with money.

That means: **YOU ARE THE DEPOSITOR.**

Where else, business or otherwise, would a homeowner have the privilege of handing over your money whenever someone asks for it, yet not have the absolute right to know where that money is going? In any other country, that is called **THEFT**. If that same board member stopped you on the street and said I want you to give me \$10,000 this year, but I'm not going to tell you where the last \$10,000 went, and I'm not going to tell you what I'm going to do with **THIS** \$10,000, would you give it to them? Hell No! Or maybe you would.

**RESULT:** Every year owners with deed-restricted property hand millions over to boards without having a clue where that money went and is going. The law and the collection of laws and case law, have made homeowners the personal and endless bankbook for a board's own use. **Your Home's Equity Belongs to the Board.**

That's what industry has done for homeowners. When an owner buys a property that has a homeowner association (which is **not**, really 'property,' go read the law), that so-called property is only yours in name, it actually belongs to the association - why? Because the association can take it whenever they want with such little effort - contrived or otherwise.

Owners are bar-b-cued and like idiots they pay for the charcoal and supply the matches.

- When owners watch a few other owners try to 'do something' and don't help, they can believe this: **Your day will come, it's just a matter of time.**

- When owners sit back and do nothing, they can believe this: **All of the above and more, is the result of that 'nothingness.'**

- When owners don't give their proxy to another owner - not a board member - to protect their interests, they can believe this: **The above result and more is what happens to your quality of life.**

- When owners don't complain to the Legislature, they can believe this: **They can and do, lose what little property rights they may have and their living conditions become more and more restrictive until they choke.**

- When owners leave it to others, like a homeowner association board of dictators, to do for them, they can believe this: **It doesn't get done.**

- When owners are apathetic and do nothing where they live, they can believe this: **They CAN lose their property and by the time they wonder what went wrong, and how to fix it, it's over.** Cry 'til the cows come home, your money and your house are **g-o-n-e. Don't ever think it can't happen to you!**

The next time your board wants to be re-elected, rigs the election to win, over-campaigns, hires an attorney to oversee the election, always remember the words of my friend Vico Confino, author of the Wrath of Condo, **"It never ceases to amaze me the lengths people will go to for a thankless, non-paying position."**

**Your purchase is not an investment, it is a mistake. It could conceivably be the most costliest mistake of your life - you just haven't figured that out yet.**

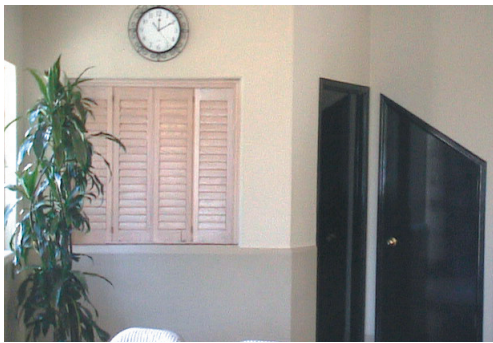
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# Eyewitness Report

## Observations during the Marina Hills election

The Annual Meeting of the Members on August 25, 2004 was attended by about 25 homeowners. No Board Member, not even any of the incumbent candidates, was present. The meeting was run by Keystone Pacific's Denise Bergstrom and Kim Hockings.



Steve Christian, Marion Barrons, Loretta Pierce and Richard Tinnelly locked themselves in the Clubhouse kitchen to count votes for the Director's election. They then closed the shutters to prevent other interested homeowners to observe the counting of the votes. After more than two hours they emerged and Richard Tinnelly stated that the incumbents had won.

Keystone announced that the then required 50% quorum requirement of 769 votes had not been met and within five minutes the meeting was adjourned to September 2 at 11:00 A.M. No homeowner was given the opportunity to verify the validity of the vote count for quorum purposes.

On September 2, 2004, at 11 A.M. most homeowners were at work or attending to their children, so only a handful of members were present at the Adjourned Annual Meeting of

**If this was a national election in another country, President Carter's presence would be required to demand fairness of the election process.**

the Members. This time, in addition to the Keystone personnel, Mr. Richard Tinnelly, attorney for the board members and incumbents, was present. He stated that he had been charged by the Directors to "run the Meet-

ing of the Members", and he ran it very autocratically.

When Hans Strupat brought in a significant number (about 75) of additional proxy authorizations, Mr. Richard Tinnelly and Mrs. Denise Bergstrom had a private discussion. Within minutes after this discussion two additional homeowners, Mr. Steve Christian and Mrs. Loretta Pierce, arrived at the clubhouse. Mr. Steve Christian entered the clubhouse via Cheryl Wilson's office, not like the other homeowners through the public front door. As soon as these two additional homeowners had arrived Mr. Tinnelly called the meeting to order.

Mr. Tinnelly stated that the (now reduced) quorum requirement of 25% or 385 votes was met. He then appointed three election inspectors from the audience: Mr. Steve Christian, Mrs. Loretta Pierce (both of whom had just arrived) and Jane Dry's swimming friend Ms Marion Barrons.

A motion was made from the floor to assemble a neutral panel of election inspectors, rather than just friends of the incumbents. Tinnelly refused this motion.

Another motion was made from the floor to allow the other homeowners to witness the counting of the votes by the appointed election inspectors. Tinnelly denied that motion as well.

A third motion, requesting verification by some homeowners whether their and their neighbors' mailed in proxies actually had made it into the pile of proxies to be counted, was also denied.

The three appointed election inspectors and Mr. Tinnelly then locked themselves in the club house kitchen. They closed the window shutters, so the other homeowners were

excluded from witnessing the counting of the votes. On several occasions the inspectors left the clubhouse kitchen to visit the bathroom. In the middle of the counting process Mrs. Loretta Pierce temporarily left the club house to pick up her children from school.

After more than two hours the inspectors emerged, and Mr. Tinnelly announced that the incumbents had won the election. At first, Mr. Tinnelly, did not want to disclose the vote count for the individual candidates, but then he agreed to provide the vote count. (Please observe that the official Marina Hills newsletter in their September/October edition does not provide vote counts.)

After emerging from the clubhouse kitchen, one homeowner introduced himself to Steve Christian. Mr. Steve Christian refused to give his name. Only after five minutes of haggling Mr. Christian reluctantly gave his name to the fellow Marina Hills homeowner.

Every homeowner needs to ask themselves whether they trust this election process and why the directors/incumbents did not even attempt to keep up the appearance of fairness. ©

## Call for Action

### 1 Please send \$100 to establish a defense fund against undemocratic behavior of Marina Hills Directors

As history has shown during this last year, the Board's undemocratic actions can only be fought by matching the weapons they use against the homeowners.

SaveMarinaHills plans to invite an attorney representing the homeowners to participate in any future meeting of the members. We also plan to consult with an attorney to ensure that the directors follow the law during the upcoming term limit vote. The annual budget for Tinnelly, who the board uses **against** the homeowners, is \$40,000, paid for by our homeowner association fees. We need money to stand a chance in an otherwise unfair battle.

Complete accounting of any and all funds received will be provided on the SaveMarinaHills web site.



### 2 Send any future proxies directly to SaveMarinaHills, not to Keystone

Unless you intend to support the existing board members, their employee Cheryl Wilson and their lawyer Richard Tinnelly, do NOT send any future proxies to Keystone Pacific. Keystone Pacific is NOT neutral, they are hired by the existing board members.

If you want to support SaveMarinaHills, send any future proxies (until we establish a neutral third party to impartially handle proxies and votes) to SaveMarinaHills, 30251 Golden Lantern, Suite E263, Laguna Niguel, CA 92677.

If you have any question or need any additional information, please call 949-218-7408.

Thank you for your support. ©

# Interview

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Inspectors Steve Christian, Jane Dry's swimming buddy Marion Barrons and Amarante District Delegate Loretta Pierce locked themselves in the club house kitchen, closed all window shades so no one could see what they were doing, and followed Richard Tinnelly's instructions on how to count the votes.

**SMH:** What will you do different next time?

**Hans Strupat:** If the homeowners actually want a true and honest result the incumbent's assault weapon Richard Tinnelly needs to

be neutralized. The homeowners need to protect their legal rights and bring their own lawyer to any election meeting.

**SMH:** Do you suggest any other changes?

**Hans Strupat:** Keystone Pacific is NOT a neutral party. Neither is the Employee of the Board, Cheryl Wilson, nor any of the security guards. Any homeowner not supporting the incumbents MUST no longer give any proxy authorization to Keystone, Cheryl Wilson, a security guard and or any other instruments of the incumbents. In order that your vote gets counted all proxy authorizations need to be sent to SaveMarinaHills.

In the long run, a NEUTRAL 3<sup>rd</sup>

party, who does not have any stake in the outcome of the election needs to be identified and charged with the task to collect proxies. A possible new state law, regulating some aspects of the voting process, may possibly come into effect on January 1, 2005.

Also, a meeting of the members shall never be scheduled 11:00 A.M. in the morning again. That 11:00 A.M. morning time may be convenient for Richard Tinnelly, but not for honest working homeowners from Marina Hills.

**SMH:** Do you have advice to Marina Hills homeowners?

**Hans Strupat:** Continue to stay informed. Involve your neighbor at the most local level of political

discussion.

As always, any homeowner who has a questions or who wants to give his point of view may call at 949-218-7408.

**SMH:** Is there anything the Marina Hills homeowners can do?

**Hans Strupat:** In order to create a level playing field SaveMarinaHills needs funds. The incumbents are using \$2,000,000 of your money every year. In order to protect the interest of the all homeowners, SaveMarinaHills requests that every homeowner mail \$100 to SaveMarinaHills to establish a defense fund against the undemocratic behavior of the Directors. Thank you for your support. ©

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## Feedback during the last month:

*The other day at the pool I was nicely coerced to vote against Hans by one of the security guards, and another lady was actively politicking against Hans around the pool and trying to solicit votes for the incumbents. Marina Hills Homeowner 0408291628*

*Your approach should be commended! You have a very insightful look at the main issues. Please have the Board recount the VOTE. Also, there must be a way for homeowners to help you without reprisal to themselves. We need a new fresh approach not an older socialist view!*  
Monaco Homeowner 0409031110

*I am glad to see someone actually monitoring the activities of the association, which few of us ever pay attention to.*

Encore Homeowner 0409040937

*I wanted to let you know that an older lady named Marion [Barrons] has been harassing people at the pool in the early mornings regarding voting. She has the audacity to ask me this past Tuesday who I had voted for and then she changed it and asked if I had voted for the 2 incumbents. Then, she announced that she had a bunch of extra ballots in her car that I could use if I wanted to make sure of my vote.*  
Monaco Homeowner 0409020914

*I received via USPS a taped up flyer with a ballot attached asking residents to change their vote. The ballot was missing the candidate statements. Why are these people so hell bent on keeping control of this association? They must have criminal activities to hide. If they can manipulate the voting on painting the fences, what do you think they can do to this ballot. Get out and fight. The incumbents must know something the rest of us don't. Like they are losing and need to take this action.*

Marina Hills Homeowner 0408191348

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**Next Board Meeting on Wednesday  
October 13, 2004 at 6 P.M.**

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