Questions About the State of Unit 2 before the upcoming 2017 August Annual Election

A number of emails have gone out to the board recently due to our board’s current state of affairs. We have included three emails from members, along with the former Community Manager’s Letter of Resignation. We will be sending out emails and newsletters to help members understand the issues. Please read and draw your own conclusions, but the state of Unit 2, after the secession of Unit 1, is in dire need of re-evaluation.

Email sent June 24—after the Board failed to notify the membership that a third seat had opened up due to a board member’s resignation, and was not included in the recent call for nominations:

Dear Board,

I think you have forgotten to mention that Joe Pearson’s seat is open, and that he has resigned.

As the seat is open one meeting away from the election, it should be put out to the membership for vote, so there are three seats, not two. It is the membership’s democratic right to choose his replacement at this point. Otherwise it looks as though the board may be disenfranchising the membership by choosing to put the board’s choice in rather than the membership’s, and I know you do not want it to appear this way.

This is a great time to show the membership that you are an open board, and interested in what the membership wants. This could actually fit into the description of a special election due to the circumstances. Also, our bylaws state that three directors or one should be elected at each election, so somehow the 3-3-1 combo has been changed. See bylaws Article 4, 4.3, page 5 top of page.

I also understand we have yet another censured director…amazing. We have never seen censuring by the board in the 17 years we have lived here, and now consecutive censuring, all by this board. It indicates major disagreement between directors on recent actions taken. It comes across as extremely heavy handed, given the disputed actions attempted by the board, and the falsehoods that were told at the last meeting by two board members. And the censured director is the only director who disagrees with the membership paying the ridiculous assault costs that the board has tried to hide. Add in the HOA manager quitting, and there seems to be some serious problems with the current board.

In addition, when is this month’s meeting that should have followed the executive meeting last week?

Thank you,

Anne Vernon

Email sent June 27 by another member in agreement, and to the board—

To all members of the board,

I am in agreement that there should be 3 seats open for election.

Given the fact that the election is close, the association bylaws actually call for 3 directors each year on a rotating basis, (3,3,1) that it is in the best interests of the homeowners to elect all available seats and put the association back in compliance with its own rules.

Unfortunately, In the short amount of time I have been observing the actions of the board, in my opinion, there appears to be a
deliberate attempt to cloak their actions that are supposed to represent the interests of the homeowners vs a select few.

It is also my belief (as well as the law) that actions of the board be transparent in spending of homeowner funds. I am aware of multiple requests for documents including from myself which have not been granted.

It would also occur to me that any attempt to interfere with using this opportunity to make the board once again compliant with the rules of the homeowner association on elections by appointing vs electing a new director to be in direct conflict with the principles they are bound to support.

In my opinion this would be another reason to prompt a recall of the board.

I do not use the word “recall” lightly.

In my opinion from what I have witnessed thus far, is that this is an attempt to circumvent the rules in an effort to appoint someone and circumvent the due process that the homeowners have a right to choose who represents their interests.

I am hopeful that the board will see clear to have an open election for all 3 open positions and let the membership speak. Failing to do so seems yet another clear case for a recall.

As I have stated several time now, we need to be good neighbors, show respect for each other and respect the right to disagree.

Let’s do the right thing and have a fair election for all 3 positions now available and eliminate the lack of transparency that the law and common decency require.

John Gray

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Third Email sent June 20, 2017 ——

Dear Timber Cove Property Owners,

We are a little shocked about the turn of events happening with our current Timber Cove HOA Board of Directors. We say a little shocked, because we had suspected something was just not right with the answers to our questions during Board meetings. But now the magnitude of the apparent dysfunction of the directors is mind boggling. For those who have not attended a recent HOA Board meetings or been kept up to date with the slew of recent letters and emails circulating, we have attached a few to help bring you up to the current situation with our HOA.

We all need to find the truth and help right this ship. To do that, we need more members to attend the Board meetings, and to stop or at least question some of the more outlandish happenings at the HOA Board meetings. Currently only a handful of owners show up, which we believe gives the Board confidence that they can do pretty much what they want and no one or very few members will know what is at stake and being voted on. If you can’t attend, then please at least write in your comments to the Board or comment on its Face Book page. The HOA does not currently have an office manager, so we are not sure the Board will acknowledge your comments. The manager we did have for three months quit over many issues she discovered while working with the Board [see her attached letter of resignation]. Once we read her letter, we were appalled and sure the current Board and a few friends and supporters would claim the office manager is crazy or mentally disturbed.

I think the one item that is endemic and shows the dysfunction of the Board is that the Board has been trying to use our HOA dues to cover non-HOA legal expenses [approx. $16,000.00] incurred by a property owner who head butted another property owner. It happens that the person who did the head butting is a close friend of many Board members. This altercation took place outside, after a Board meeting, and was a personal issue between two individuals, absolutely nothing to do with exercising any function of the HOA.

Tangential fallout from this incident was the loss of insurance coverage after the HOA submitted a claim to cover the non-HOA $16,000 costs. When the claim was denied, another attempt was made by an attorney to get the insurance company to pay out. The eventual result was that the HOA received a Notice of Nonrenewal due to substantial increases in risk. New insurance is now said to be in place, but no word as to its cost or terms.

Failing to secure insurance money, the Board budgeted HOA dues money to pay the non-HOA legal expenses, saying in a meeting we should all pay this bill. Public outcry at the last two Board meetings has, for now, stopped this payment. We would much rather see this money go to improving our roads, fire abatement, security, etc.

We have attached the resignation letter of the most recent HOA employee for you to review, and other issues still at large, including reinstatement, after a year of suspension, of the TCHOA nonprofit status and what it means. We have read Tim McKusick’s recent letter where he paints a very different picture of the last two years of Board travails. He doesn’t explain
why the Board spends any time at all targeting certain individuals and awarding friends, and why it has taken a couple of years to cause and correct simple nonprofit matters.

Please get involved. Protect your investment in beautiful Timber Cove. Keep an eye out for the time and place of the next general TCHOA meeting.

Ron Case and Carolynn Abst
21995 Ansel Court

Resignation letter from Carmen McKay, community manager, third administrative manager and assistant to step down in less than two years due to the culture of the board —

June 12, 2017

Timber Cove Homes Association
22098 Lyons Ct.
Jenner, CA 95450

Dear Timber Cove Board of Directors,

Effective immediately, I am forced to resign from my position as TCHA Community Manager. I am resigning for the following reasons which will be explained below: (1) I refuse to continue to be asked to do illegal and unethical tasks by members of the Board; (2) my physical and mental health is suffering due to retaliation for raising these legal and ethical concerns to my superiors; (3) I no longer feel physically safe being in the Lyon’s Court office because of the intimidation I have experienced by my superiors; and (4) I have been financially abused by the TCHA by continually having to pay out of pocket for Community expenses and not being timely reimbursed. This is not to mention the fact that I was paid very little for all the work I did. I worked hard to complete all my tasks in the very small number of hours I was allotted each week but was undermined by the TCHA’s loss of its credit card and non-profit status and by my superiors’ constant interruption to legal and office protocols to play favorites among the Community and those associates of the Community; (5) Since pointing out the illegal and unethical items to this board, I have been thwarted in performing my duties as I have been blocked from the TCHA email account, removed as administrator from TCHA FaceBook Page, blocked access to the TCHA website, and removed from online access to the TCHA bank account.

Both in my daily duties and as a witness in Board meetings, I have been pressured to comply with, or keep silent about, blatantly illegal and unethical conduct by Board members and their associates for their personal, financial gain. I will abide by this no longer.

My main contact with the Board, Sue Ellen McCann, was generally unavailable to me and did not report or act on several serious crimes (Davis-Stirling/Brown Act) I reported to her. Weeks, and in one case, 2 months have passed with no action or report from Sue Ellen regarding perceived crimes I reported. At times that the Board has considered the topics I have raised to be dealt with in an “Executive Session”, the people that were personally involved (Board members Tim McKusick, Sue Ellen McCann, Susan Moulton and/or Joe Pearson) in these crimes were and are not willing to recuse themselves from the proposed Executive Session as per the Board and Committee Authority clause in the TCHA Ethics Policy for Directors & Committee Members.

Board members and their associates have used Executive Sessions as a means to continue hiding their acts view by the Community in violation of Civil Code section 4955. To that end, I have been asked to bring up issues in Executive Sessions that were not properly raised in this
As an employee, I was pressured to remain silent to allow this self-dealing to occur and to follow along with Board member’s personal vendettas against owners. Not only does this compromise the Board’s duties to the Community, it subjects the TCHA to attorney’s fees, costs and statutory penalties for violating the law.

My health has suffered and I no longer feel comfortable working in the office because of the issues raised in this letter and a laundry list of other bizarre and frightening behavior by Board members and their associates. The physical assault by a Timber Cove employee on Sal Culcasi (a TCHA board member at the time) and the Board’s attempt to actually pay for said employee’s legal fees to the financial and legal detriment of the TCHA Community is beyond comprehension. It has become clear that my passion for rectifying the serious problems facing the TCHA and created by the Board, is not supported by the Board and therefore, I was in an impossible position.

I would like to point out that the only Board member who has acted with objectivity, fairness and a willingness to question what appear to be illegalities, is Russell Wells. I admire his leadership and courage.

Given that this is a correspondence, I request that this correspondence be read in its entirety, without edit or comment, at the next public board meeting. I hereby waive my right to privacy over this letter and ask that it be made available to any TCHA member whom requests a copy of it.

All TCHA property such as the laptop, documents and keys will be returned to the storage unit in Forestville by Tuesday, June 13, 2017 at 6 p.m. Please empty the storage unit of all HOA records stored, as I refuse to continue to pay the monthly storage bill on my personal credit card as the HOA does not have a credit card due to being suspended by the California Secretary of State and the California Franchise Tax Board.

A signed copy of this letter has been mailed to the TCHA office.

I have retained legal counsel to help understand my rights as an employee of TCHA. As the Board has changed its policy to indemnify all employees for their attorney’s fees no matter whether the Association would legally be required to do so or not, I will be submitting my legal expenses to TCHA under this new employee indemnification policy.

Do not contact me in any manner or fashion at my personal email address, mailing address or personal phone. The only exception is to mail me my final paycheck ( included in mailed letter) within 72 hours of receiving, as per California Labor Law. If you have any legal questions or concerns, please direct them to my attorney, Samantha Pungprakearti, whom is copied on this communication, at Carle, Mackie, Power & Ross, LLC at (707) 526-4200.

Sincerely,

Carmen McKay

If anyone wants off the distribution list, let us know. Please use the email below to do so. We are trying to contact all members, and hope you consider this a thoughtful and sincere effort. TimberCoveNeighbors@gmail.com