

On June 30, 2010 I sent a letter (via Certified mail) to Caren Carrero (CAM SCACA) to notify her of my allegation that she had violated NRS 116.31183 Section 1 (a) by making an unfounded and untrue accusation that I committed a "Physical Assault" on her after the May 27, 2010 Board of Directors meeting. A copy of that letter is included and is marked as "Exhibit 1". The respondent received that letter twenty-two (22) days PRIOR to a scheduled hearing on the matter. The respondent did not respond or acknowledge the June 30, letter, nor did she offer any explanation or any details about her alleged "Physical Assault".

On September 20, 2010 I sent another letter (via Certified Mail), to Caren Carrero (CAM SCACA), to notify her of my allegation that she had violated NRS 116.31183 Section 1 (a). A copy of that letter is included and is marked as "Exhibit 1-A."

Preamble

On June 24, 2010 the respondent notified me that a hearing was scheduled on July 22, 2010 (only 28 days later), regarding an unfounded accusation that I had Physically Assaulted her after the May 27, 2010 Board of Directors Meeting. No other charges were mentioned, and no details of the alleged assault were provided in that notice. A copy of that letter is included and is marked as "Exhibit 2."

On September 01, 2010, I was notified that the Association's Executive Board had deliberated and found me guilty of violating Article III, Section 3.6 of the Declaration an entirely new charge initiated by the respondent, that was not mentioned in the hearing notice letter 28 days prior, and that I had been fined \$564 for;

(Quote); legal fees and costs incurred for the preparation of this letter and for legal council's attendance at the hearing in the amount of \$564. (Un-Quote)

No explanation was offered to explain how an alleged "Physical Assault" had somehow been altered to become a violation of Article III of the Declaration, nor was there any explanation offered to explain why I was charged with violations of a Non Existent Code of Conduct. Also she offered no explanation as to why a non-resident could file a complaint of this nature, nor did she explain why the Board of Directors did not consider their action to be in conflict with our CC&R's Section 7.4 Parts b(ii) and b(iii).

Also no details of how the fine was calculated or what it entailed were provided. Ms Carrero was well aware that the Board of Directors had voted unanimously to nullify the Code of Conduct because it is her Duty to record the resolutions passed by the Board and to see that they are published to the Community. Without question Ms Carrero was aware of the Board Meeting on August 26, 2010 when the Code of Conduct was eliminated from the Rules and Regulations.

In addition, the Sept. 01, 2010 Notice did not define how a civil matter could be considered to be a violation of "governing documents". A copy of the September 01, 2010 letter is included and is labeled as "Exhibit 3". Included as part of "Exhibit 3" are two published statements of Roz Berman who was the Sun City Anthem Board President. They provide in detail how an alleged "Physical Assault" should be handled. Caren Carrero was aware of these procedures, but she realized that a civil complaint would be inappropriate and likely thrown out of court because;

There is absolutely no evidence of an alleged "Assault" -- and
There is no evidence of intent to harm -- and
A recording and transcript of the alleged "assault" proves my innocence.

So, instead of attempting the remedies as stated by Director Roz Berman, she "conspired" with Board members who agreed to make a ridiculous charge of violating a "property use" clause of the governing documents, and a violation of a non-existing Code of Conduct.

Historic Details of Deceitful Conduct of RMI Community Managers

This marks the THIRD TIME that an RMI Community Manager has "conspired" with the Board of Directors and made the very same charge against a resident of this community. First it was Community Manager Terry DeSilva who immediately left her employment just as the respondent has done AFTER making that same unproven charge. Next Caren Carrero herself made the same charge against a retired California Senator who was running for a seat on the Board of Directors. That charge was never pursued after his reputation was ruined by the charge leveled by Caren Carrero, but it certainly contributed to the Ex-Senator's losing bid for a seat on the Board of Directors. Now, Caren Carrero makes the same unfounded charge against me. This is just another example of a pattern of deceitful behavior exhibited by RMI Community Managers in concert with members of the Board of Directors to retaliate against residents who have justifiably registered complaints against one or both parties, or to influence Board elections.

Another example of deceitful conduct is the fact that on August 28, 2006 Previous Board Members and a previous CAM "conspired" and submitted a Form to the State of Nevada claiming that the Developers Reserve Study (by Association Reserves), was "Current" when IN FACT it had been unanimously rejected by a vote of the Board of Directors. Not to mention THE FACT that it had been over six years since the preceding 2000 Reserve Study (a violation of NRS 116 Statutes).

NOTE: This State of Nevada Form No. 562 is contained in the files of the Ombudsman's Office in Las Vegas, Nv.

A third example of deceitful conduct is the fact that Ms Carrero and Director Roz Berman were present at almost every meeting of the Reserve "Look Back" committee meetings chaired by Jack Troia (Current Board President), when it was decided to falsify a key component of the Villa reserves rather than have the Reserve Specialist publish the true value. (the reduction of the size of a typical Villa building from 5,715 sf to 3,865 sf). Once again Members of the Board and the CAM "conspired" to accomplish a false representation of what is owed to the Villa members of our community (A smaller building requires LESS paint and therefor LESS money due to the Villa owners). Board members Jack Troia and Roz Berman and CAM Caren Carrero were all well aware that the quantities used in the 2008 Update Reserve study were not to be re-evaluated unless a site visit was performed by a qualified Reserve Specialist.

Also to be considered is the fact that while Ms Carrero was successful in pulling the wool over the eyes of Bruce Alitt (retired investigator at NREC), when she told him she had no knowledge of the details of the reserve studies and therefore could not be responsible for her failure to notify the Board of the non-compliance status of the 2008 Update Reserve study. On January 07, 2010, Ms

Carrero sent me a letter with a copy to Bruce Alitt stating that there was no change in the quantities from 2006 to 2008. As proof she offered a table that indicated there were 65 Villa buildings in the 2006-reserve study and the same number in the Update 2008 reserve study. Caren Carrero deliberately deceived Bruce Alitt. There was never any question that the same NUMBER of buildings was included in both reserve studies. THE QUESTION RELATES TO THE SHRINKING OF THE BUILDINGS FROM 5,715 SF TO 3,865 SF AND HOW IT WAS ACCOMPLISHED WITH OUT A SITE VISIT BY THE RESERVE SPECIALIST. The January 07, 2010 letter is included and is marked as "Exhibit 4"

Ms Carrero failed to mention to Mr. Alitt that I had notified her of the EXACT VIOLATIONS when I registered my name after viewing the 2008 Update Reserve Study on 03/02/2010. "Exhibit 5" is included to attest to the fact. Ms Carrero was fully informed that the 2008 Update reserve studies were not in compliance with Nevada Statutes and Regulations and Ms Carrero was acting in her own self interest by denying she knew anything about the violations. Reference: Intervention Affidavits IS-10-2010, IS-10-2198 and Statement of Fact CIS-11-07-06-006.

And the last example is the matter of Case No. CIS 10-12-03-060 (initiated by me on Nov. 23, 2009). This case involves a painting contract that was entered into by RMI that resulted in prematurely painting 90 Villas and using the reserved funds of those Villa members to hide and conceal "large cracks, gaps and holes" in the masonry foundations of those Villa units that may have been construction defects in the foundations of those units. Both Roz Berman and Caren Carrero were well aware of the true age of these units. Caren Carrero had a complete list of the dates of escrow of every single Villa home, and that list was used by Roz Berman to compile a proposed painting schedule that spread the scheduled painting over a time period of five years. Despite knowing the true age of the units, both Caren Carrero and Roz Berman "conspired" to hide the true age from the other Board members who voted to spend the reserve funds of those Villa members prematurely. Their fiduciary duty was to use the Villa reserve funds in a prudent manner, but instead of spending the reserve funds over the five year period that coincided with the construction sequence, they voted to spend the entire painting budget in only TWO years and in so doing they covered and concealed those "large cracks, gaps and holes" in the masonry foundations of those Villa units BEFORE inspections could be completed to determine if those "large cracks, gaps and holes" in the masonry foundations of those Villa units were construction defects. That was a deliberate mis-use of the reserve funds of the Villa owners. "Exhibit 6" (seven pages) is included to prove the true age of those Villa units.

Alleged Violation

I view these actions by the respondent to be an appropriate and plausible reason to believe that

she has violated my rights and is in violation of NRS 116.31183 Section 1 (a). (Ref: Statement of Fact filed 03/02/2010, Statement of Fact filed Nov. 23, 2009, and Statement of Fact filed on Dec. 30, 2009).

Damages Suffered

The respondent has SUBJECTED ME TO EMBARRASEMENT, DISCOMFORT, ANNOYANCE AND THE EXPENSE OF HAVING TO HIRE AN ATTORNEY TO DEFEND MY GOOD NAME AGAINST THE BOGUS CHARGE THAT I "Physically Assaulted" her. I have also been advised that I am responsible for the Board's legal fees and costs incurred for the preparations of a letter that declared in part that;

"The Board determined that there was no violation of Article IV, Sections 3,5,6, and 8 of the Rules and Regulations, as these sections of the Rules and Regulations were removed in the updated 2009 version of the Rules and Regulations."

Ms Carro is the custodian of records for Sun City Anthem. She records all the voting on Board resolutions and is aware of all Board resolutions passed by the Board of Directors. Ms Carrero was undeniably aware BEFORE the hearing took place that the charges against me concerning the non-existent Code of Conduct were False Charges, and yet she said and did nothing to prevent those false charges from being read aloud in a public forum by Board President Jack Troia.

AS her job demands, Ms Carrero was fully knowledgeable about the lone charge of "Physical Assault" and the governing principals of law but she chose to ignore them and instead she conspired with the Board of Directors to violate my rights to due process by charging me with a violation of "property use" as though it was a Code of Conduct violation. Her motive for doing so is as transparent as glass.

Corrective Action to resolve the alleged violation.

I ask that the Division conduct a hearing on the matter and revoke or suspend the respondents certificate as called for in NAC 116.370 (a). I also ask that the commission invoke the provisions of NAC 116.360 to require the Community manager to pay all costs associated with the investigation and the hearing, and take other disciplinary action as the commission deems appropriate.