

SMPOA Meeting Minutes

July 12, 2021

OPENING

President Ed Weitzer called the meeting to order at 7:30pm via Zoom and announced that we have guests in attendance for a special meeting.

PRESENT

In attendance were the following Board members: Interim President Ed Weitzer; Vice President, Howard Gould; Paulette Silver; Treasurer, Imad Bitar; Outgoing Treasurer, Teresa LeGrove; Architectural Committee Chair, Mark Stoeckinger; Martin Legowiecki; Albert Chang; Mark Estes; Jon Cherkas and Secretary, Desa Stoeckinger.

Also, in attendance were Parliamentarian Rick Silver; Philip Cohen (AC Committee member); Residents Sam Patel; Sonia Patel; Chad Peters and Bonita Hornstein.

SPECIAL MEETING SPEAKERS

Resident Sam Patel spoke about his concerns with his lawsuit against Cameron Shafighi at 3728 Surfwood. The Patels would like to know how to get formal assistance from the Board. Howard Gould responded with questions about the timing of the lawsuit. Sonia Patel explained that after construction materials appeared on Shafighi's roof creating an OVI, they asked Cameron Shafighi to remove them to no avail. They filed a lawsuit in November 2019. Construction began at the end of 2020, the Patel's attorney sent a cease and desist to Shafighi and their construction company. Construction did not stop so the Patels sent a motion for a preliminary injunction in early 2021 after the AC visited and issued an LOD. Because of COVID and the entrance of an attorney for Shafighi, they did not get their hearing on their preliminary injunction because Patel did not give Notice of the Motion. Shafighi continued construction while the Patels continued with their litigation. In May the court denied their preliminary injunction saying that awarding that kind of a remedy was not

supported by the injury to Patel. It would be a bigger injury to Shafighi if the court were to stop the construction. The Patel family would like to know how the Board can help maintain the CC&R's not just for them but to set a precedent for the whole of Sunset Mesa.

Howard Gould responded that the Board and the Architectural Committee sympathizes with the Patel's position. Normally the Board would expect to be contacted when the party gets their preliminary injunction papers together and asks the Board to submit a declaration of the Board's position.

Sonia Patel confirmed that there is a written order from the judge and asked the question, what can the Board do now to help us at this point in the litigation process? Howard Gould responded that if the preliminary injunction is not won sometimes the only recourse is to appeal it, which is expensive and takes a lot of time. Our position is very clear, Mr. Shafighi is in violation. Howard Gould requested a copy of the Court's preliminary injunction ruling.

It was commented that if the Board issues a cease and desist order then would we follow up and file a separate lawsuit, or intervene in the pending lawsuit, and would that really create a second chance to get a ruling to stop the construction? The opposing attorney would most likely ask to combine any new lawsuit with the Patel's lawsuit, and the judge would likely state that it already had a ruling and would let it stand. SMPOA has limited resources. The question is, through what procedural mechanism can we do something that will be effective in the court? The Board has no police power to stop Shafighi from building, it has to be done in the courts.

Bonita Hornstein gave her words of support for the Patels and against the violation of the CC&R's by Cameron Shafighi.

Chad Peters stated that he was frustrated that the AC did not determine that he had an OVI.

Rick Silver clarified that the treasury struggles to break even every year. The sum of money we have now exists because of the 2003 lawsuit with the Getty for the land at the bottom of Coastline.

The Board held an executive session and those minutes are reported separately.

COMMITTEE REPORTS

Treasurer Report - Imad Bitar

TOTAL DEPOSITS	\$386,994.14
Banc of California – Business Checking	\$7,278.46
Stifel	\$379,715.68
TOTAL CREDITS	\$1,200.00
Homeowners Dues Collected	\$1,200.00
TOTAL DEBITS	\$7,408.76
QuickBooks Payments Fees	\$3.00
A/C Committee – Paper & Postage	\$260.70
Zoom – Webinar & Annual Account	\$302.95
Accounting Services – Tax Preparation	\$4,688.00
Legal Services – Litigation	\$2,019.05
Fox Hills Printing – Sunset Mesa-Ge	\$135.06
NET OPERATING INCOME	-\$6,208.76

Total assets for M/E June consists of:

- The Banc of California business checking account used for deposits of revenues derived mainly from yearly dues and to a much smaller extent from the Mesa-Ge advertisements, and disbursements of expenses for day-to-day operation of the SMPOA.

For this reporting period, 9 Credits from homeowners' outstanding dues and 9 Debits were recorded; and

- The Stifel investment with *Net Cash Equivalents* of \$6,013.28 (1.58%) and *Net Portfolio Assets* of \$373,702.40 (98.42%) invested in short and long term *Fixed Income-Muni* bonds.

Credits, Debits and Net Operating Income –

The SMPOA net operating income for Month/End June was negative as debits exceeded credits.

While homeowners outstanding dues were collected from 9 residents, large expenditures — above and beyond the miscellaneous cost of doing business (office supplies, postage, Mesa-Ge printing, Zoom usage), were incurred driven by:

- Accounting Services associated with the SMPOA fiscal year-end tax preparation; and
- Legal Services associated with the SMPOA Litigation (Case No. 21STCV12618)

◆ We currently have 333 dues paying members. ◆

SMPOA Website - Imad Bitar

Looking for a way to present financials on the Mesa-ge and the website. Also the AC reports still need to be organized for the website. Mark Stoeckinger and Glen Beer will assist Imad with the AC information.

Architectural Committee - Mark Stoeckinger

Site Visits for July 10th, 2021:

1. Request from 18444 Clifftop Way: OVI's due to foliage from the neighbors hedge at 18450 Clifftop Way. OVI Confirmed.

Emergency Preparedness Committee - Rick Silver

This Saturday, July 17th will be a joint participation meeting between our Homeowners Association and L.A. County District 3 office that supports our neighborhood. The Emergency Preparedness Committee will collect and distribute an Emergency Survival Guide to everyone in the neighborhood. In addition the E.P.C. will place one helpful emergency tip in each issue of the Mesa-ge.

New Business - Ed Weitzer

We now have ten Board members elected by member vote. Mark Estes and Jon Cherkas are new. Mark Estes would like to co-chair the AC committee and Jon Cherkas will be President in two months. Ed Weitzer

will be Interim President. Teresa LeGrove has vacated her position as treasurer. Imad Bitar is our current treasurer.

The Next Board meeting date will be held on Monday, August 9th at 7:30 p.m. in person at Ed Weitzer's home, 18428 Clifftop Way and via Zoom for those who prefer an online meeting.

ADJOURNMENT

President Ed Weitzer adjourned the meeting at 9:16 p.m.

Minutes Submitted by:

Desa Stoeckinger

Secretary