

#### **OPEN MEETING**

# REGULAR MEETING OF THE THIRD LAGUNA HILLS MUTUAL RESIDENT POLICY AND COMPLIANCE COMMITTEE

# Wednesday, November 29, 2023 – 9:30 A.M. 24351 El Toro Road, Laguna Woods, CA 92637 Board Room and Virtual with Zoom

Laguna Woods Village owner/residents are welcome to participate in committee meetings inperson and virtually. To submit comments or questions virtually for committee meetings, please using one of following options:

- 1. Join the Committee meeting via Zoom at: <a href="https://us06web.zoom.us/j/84903327041">https://us06web.zoom.us/j/84903327041</a> or by dialing 669-900-6833 Access Code: 849 0332 7041
- 2. Via email to <a href="mailto:meeting@vmsinc.org">meeting@vmsinc.org</a> any time before the meeting is scheduled to begin or during the meeting. Please use the name of the committee in the subject line of the email. Name and manor number must be included.

#### **NOTICE AND AGENDA**

This Meeting May Be Recorded

- 1. Call Meeting to Order
- 2. Approval of the Agenda
- 3. Approval of the Meeting Report for October 24, 2023
- 4. Remarks of the Chair
- 5. Member Comments (Items Not in the Agenda)
- 6. Response to Member Comments
- 7. Department Head Update
- 8. Items for Discussion and Consideration:
  - a. Barbecue Policy
  - b. Disciplinary Notices
- 9. Future Agenda Items: All matters listed under Future Agenda Items are items for a future committee meeting. No action will be taken by the committee on these agenda items at this meeting.
  - a. Caregiver Policy
  - b. Temporary Storage-Pod Policy
  - c. Financial Qualifications for Purchasing in Third Mutual
  - d. Review Compliance Process Against Davis-Stirling Act
  - e. Operating Rules
- 10. Committee Member Comments
- 11. Date of Next Meeting Tuesday, December 26, 2023 (Holiday) TBD
- \*A quorum of the Third Board or more may also be present at the meeting.



# REGULAR OPEN MEETING OF THE THIRD LAGUNA HILLS MUTUAL RESIDENT POLICY AND COMPLIANCE COMMITTEE

Tuesday, October 24, 2023 at 9:30 A.M.
Board Room/Virtual Meeting
Laguna Woods Village Community Center
24351 El Toro Road, Laguna Woods, CA 92637

**MEMBERS PRESENT:** Mark Laws - Chair, Cris Prince, S.K. Park

**MEMBERS ABSENT:** Andy Ginocchio (excused), Nathaniel "Ira" Lewis (excused), Moon

Yun (excused);

ADVISORS PRESENT: Stuart Hack and Theresa Keegan

**ADVISORS ABSENT:** None

**STAFF PRESENT:** Blessilda Wright and Ruby Rojas

OTHERS PRESENT: None

#### 1. Call to Order

Mark Laws, Chair, called the meeting to order at 9:30 a.m.

#### 2. Approval of Agenda

Director Prince made a motion to approve the agenda. Director Park seconded the motion.

By unanimous consent, the motion passed.

#### 3. Approval of Meeting Report

Director Prince made a motion to approve the September 27, 2023 meeting report. Chair Laws seconded the motion.

By a vote of 2-0-1 (Director Prince abstained), the motion passed.

#### 4. Remarks of the Chair

None.

#### 5. Members Comments (Items Not on Agenda)

A member made comments regarding RV parking on streets and year-round Christmas lights.

A member made a comment regarding the possible change to the Manor Alteration rules for asbestos testing.

#### 6. Response to Members Comments

Chair Laws responded to the member stating the matters will be looked into with the Compliance Division.

#### 7. Department Head Update

None.

#### 8. Items for Discussion and Consideration

#### a. Barbecue Policy

Chair Laws, presented the Barbecue Policy for discussion. The Committee discussed the matter and asked questions.

Members made comments regarding barbecue grills being used in three-story buildings.

Director Park made a motion for the Chair and Staff to revise the proposed Barbecue Policy based upon comments received and bring to next Committee Meeting for further discussion. Director Prince seconded the motion.

By consensus the motion passed.

#### b. Clarification of Definition of "Objective Evidence"

Ms. Blessilda Wright, Compliance Supervisor, presented the Clarification of Definition of "Objective Evidence" for discussion. The Committee discussed the matter, asked questions, and clarified, against the Disciplinary Violations Matrix, what would suffice as "objective evidence" for most potential violations.

The Committee made scrivener error updates to the Disciplinary Violations Matrix.

#### 9. Items for Future Agendas

- a. Financial Qualifications for Purchasing in Third Mutual
- b. Audit/ Review of Compliance Department against updated Davis-Stirling laws
- **c.** Temporary Container Policy
- d. Caregiver Policy

#### 10. Committee Member Comments

None.

#### 11. Date of Next Meeting

Wednesday, November 29, 2023 at 9:30 a.m.

#### 12. Adjournment

With no further business before the Committee, the meeting was adjourned at 10:57 a.m.

Mark W. Laws

Mark W. Laws, Chair Third Laguna Hills Mutual



#### STAFF REPORT

DATE: November 29, 2023

FOR: Resident Policy & Compliance Committee

**SUBJECT: Barbecue Grills Rules & Regulations** 

#### RECOMMENDATION

Review and provide direction.

#### **BACKGROUND**

On December 3, 2020 and February 3, 2021, the Resident Policy and Compliance Committee approved the Barbecue Grill Rules and Regulations information sheet. On March 16, 2021, the information sheet was converted into a policy and approved by the Board (Resolution 03-21-18).

On May 27, 2023, the Committee discussed the policy and tabled the matter for pending review of the Orange County Fire Authority Barbecue Flyers.

In the last six years there have been four fires started by barbecue grills. Only one of the incidents required Third Laguna Hills Mutual (Third) insurance company to be involved. Since 2011, the Compliance Division has mailed eleven (11) disciplinary letters regarding nuisance violations caused by the use of barbecue grills.

On June 27, and July 26 2023, the Committee discussed the policy and voted to rescind the Barbecue Rules and Regulations.

On September 19, 2023, the Board of Directors voted to rescind the Barbecue Rules and Regulations. The Board requested the Committee consider creating new Barbecue Rules and Regulations specific to multi story buildings.

On September 27, 2023, the Committee discussed creating a simplified Barbecue Rules and Regulations. The Committee changes have been included in the proposed rules and regulations.

On October 24, 2023, the Committee discussed the Barbecue Rules and Regulations. The Committee directed Chair Laws to work with staff to implement the changes.

#### DISCUSSION

The Committee provided key points to include in the new policy:

- Propane and Electric grills allowed in Third
- Propane tank no larger than 20 pounds
- · Charcoal grills only in single story buildings
- Only on patios and balconies

The Chair requested to include the following:

Third Laguna Hills Mutual Board of Directors **Barbecue Grills Rules & Regulations**November 29, 2023
Page 2

California Fire Codes §308.3.1, §308.1.4 and §308.3.1.1, which were adopted by the state in 2007. Open-flame cooking devices (including charcoal & propane grills) may not be operated on combustible balconies or within ten feet of a combustible construction. There are exceptions are for:

- 1. One and two-family dwellings,
- 2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
- 3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2-1/2 pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

In addition, propane containers with a capacity larger than one pound cannot be transported through enclosed common area stairs, hallways, or elevators. They must be transported into the unit through an exterior stairway.

**Insurance**. Some insurance carriers want to see barbecues (especially charcoal) gone from frame complexes altogether.

#### **FINANCIAL ANALYSIS**

None

Prepared By: Blessilda Wright, Compliance Supervisor

**Reviewed By:** Francis Gomez, Operations Manager

#### ATTACHMENT(S)

Attachment 1: Resolution 03-23-XX

Attachment 2: Barbecue Grills Rules & Regulations – clean Attachment 3: Barbecue Grills Rules & Regulations – redline



#### **RESOLUTION 03-23-XX**

#### **Barbecue Grills Rules & Regulations**

**WHEREAS**, the Resident Compliance & Policy Committee has recognized the need to adopt a Barbecue Grills Rules & Regulations to set forth guidelines for the use of barbeque grills;

**NOW THEREFORE BE IT RESOLVED**, on XXX, XX, 2023, the Board of Directors of this Corporation hereby adopts the Barbecue Rules & Regulation, as attached to the official minutes of this meeting; and

**RESOLVED FURTHER**, that the officers and agents of this Corporation are hereby authorized on behalf of the Corporation to carry out this resolution as written.



# Barbecue Rules & Regulations Resolution 03-23-XX; Adopted August XX, 2023

#### I. Purpose

The purpose of this document is to define the policies of Third Laguna Hills Mutual ("Third") regarding the use of Barbecue Grills.

#### II. Definitions

For the purposes of this policy:

- a. Barbecue Grills are devices that cook food by apply heat from below. There are three categories of grills:
  - a. Gas-fueled grill typically uses propane or butane or natural gas as a fuel source, open flame source;
  - b. Charcoal grill typically uses charcoal briquettes or natural lump charcoal as the fuel source. When burned the charcoal will transform into embers radiating the heat source, open flame source;
  - c. Electric grill typically uses an electric element to supply a constant heat source and no open flames.
- b. Common Area means the area which is available for use by more than one person.
- c. Community Rules are defined as the Articles of Incorporation, Bylaws, the recorded Covenants, Conditions, and Restrictions (CC&Rs); and any rules and regulations adopted by Third. Any reference to the "Governing Documents" shall, for purposes of this Policy, be deemed a reference to the Community Rules set forth in this definition.
- d. Enclosed is defined as an area closed in by a roof and contiguous walls or windows, connected floor to ceiling with appropriate opening or ingress and egress.
- e. Member is defined as any person entitled to membership in Third.
- f. Multi-story building residential facility means a building or portion thereof that contains more than one story of dwelling units.
- g. Single-story building residential facility means a building or portion thereof that contains only one story of dwelling units.

#### **III. Conditions**

#### Permitted in Third:

- a. Propane and Electric Grills are permitted in all Multi and Single-story buildings;
- b. Propane tanks not to exceed 20 pounds
- c. Charcoal Grills only permitted in single-story buildings
- d. Barbecue Grills only permitted on balcony and patio; and

Attachment 2 Clean Version Third Laguna Hills Mutual Barbeques Rules Resolution 03-23-XX

#### IV. Enforcement

Third is authorized to take disciplinary action against a Member found to be in violation of the Barbeques Rules. When a violation occurs the Board is obligated to evaluate and impose if appropriate, member-discipline as set forth in the governing documents. The Board of Directors has the authority to impose monetary fines, suspend Member privileges, and/or bring forth legal action.

The Member is entirely responsible for ensuring that the rules, regulations, and policies are followed by anyone they allow into the community. This includes any Co-occupant, lessee, guest, care provider, vendor, invitee or contractor.

A complaint may be registered with the Compliance Division by calling 949-268-CALL or <a href="mailto:compliance@vmsinc.org">compliance@vmsinc.org</a> or by calling the Security Department at 949-580-1400.



### Barbecue Rules & Regulations Resolution 03-23-XX; Adopted August XX, 2023

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  - b. Charcoal grill typically uses charcoal briquettes or natural lump charcoal as the fuel source. When burned the charcoal will transform into embers radiating the heat source, open flame source;
  - c. <u>E</u>electric grill typically uses an electric element to supply a constant heat source and no open flames.
- b. Common Area means the area which is available for use by more than one person.
- c. Community Rules are defined as the Articles of Incorporation, Bylaws, the recorded Covenants, Conditions, and Restrictions (CC&Rs); and any rules and regulations adopted by Third. Any reference to the "Governing Documents" shall, for purposes of this Policy, be deemed a reference to the Community Rules set forth in this definition.
- d. Enclosed is defined as an area closed in by a roof and contiguous walls or windows, connected floor to ceiling with appropriate opening or ingress and egress.
- e. Member is defined as any person entitled to membership in Third.
- f. Multi-story <u>unit building</u> residential facility means a building or portion thereof that contains more than one story of dwelling units.
- g. Single-story <u>unit building</u> residential facility means a building or portion thereof that contains only one story of dwelling units.

#### III. Conditions

#### Permitted in Third:

- a. Propane and Electric Grills are permitted in all <u>Multi and Single-story</u> buildings;
- b. Propane tanks not to exceed 20 pounds
- c. Charcoal Grills only permitted in single-story buildings
- d. Barbecue Grills only permitted on balcony and patio; and
- e. Common Area requires adequate clearance of 48 inch clearance as-

Attachment 3 Redline Version

required law.

Third Laguna Hills Mutual Barbeques Rules Resolution 03-23-XX

#### IV. Enforcement

Third is authorized to take disciplinary action against a Member found to be in violation of the Barbeques Rules. When a violation occurs the Board is obligated to evaluate and impose if appropriate, member-discipline as set forth in the governing documents. The Board of Directors has the authority to impose monetary fines, suspend Member privileges, and/or bring forth legal action.

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A complaint may be registered with the Compliance Division by calling 949-268-CALL or <a href="mailto:compliance@vmsinc.org">compliance@vmsinc.org</a> or by calling the Security Department at 949-580-1400.



#### STAFF REPORT

**DATE:** November 29, 2023

FOR: Resident Policy and Compliance Committee

**SUBJECT: Disciplinary Notices** 

#### **RECOMMENDATION**

Review and file.

#### **BACKGROUND**

The Board is obligated to evaluate and impose if appropriate, member-discipline under its Bylaws and California Civil Code. On July 20, 2004, the Board of Directors (Board) established a member-discipline process for the purposes of holding disciplinary hearings in a timely manner and ensuring progressive discipline (Attachment 1, Resolution 03-04-12).

The member-discipline process is coordinated by the Compliance Division. Upon notice of an alleged violation, staff investigates and should staff identify objective evidence of a violation by a member or their guests, staff will send a courtesy notice to the offending party describing the allegation(s) and the disciplinary action that may ensure if not corrected. Staff will monitor the situation and if compliance is not evident, staff will send a final notice requesting compliance. Additionally, the matter is scheduled for a disciplinary hearing with the Board of Directors to determine if member-discipline is merited. If the alleged violation has been resolved, no further action is required.

If a disciplinary hearing is merited, and in some cases after review and approval of the Executive Hearings Committee, staff will proceed with noticing the Member for a hearing. During a Member Disciplinary Hearing the member has the right to meet before the Board of Directors in executive session. If the board finds the member to be in violation of the governing documents, the board may impose a fine based on the Monetary Fee Schedule, suspend Member privileges for delinquency, and/or consider legal action.

The Executive Hearings Committee meets for four hours on a monthly basis for damage restoration and disciplinary hearings. Year to date, the Committee averages 4 disciplinary hearings per monthly meeting.

From August 2022 to May 2023, the Committee reviewed the following samples of disciplinary notices mailed to Members: courtesy notices, final notices, hearing notices and determination notices.

The Committee made changes to soften the language. The updated disciplinary notices were revised and approved by Legal Counsel and implemented in May.

Third Laguna Hills Mutual Resident Policy and Compliance Committee **Disciplinary Notices**November 29, 2023
Page 2

#### **DISCUSSION**

The Chair requested staff provide disciplinary notices for two cases that over the past several months went to the Executive Hearing Committee and were found in violation of the governing documents (Attachment 1 and 2).

### **FINANCIAL ANALYSIS**

None

Prepared By: Blessilda Wright, Compliance Supervisor

**Reviewed By:** Francis Gomez, Operations Manager

ATTACHMENT(S)

Attachment 1: Clutter Packet Attachment 2: Nuisance Packet



#### **STAFF REPORT**

DATE:	
FOR: SUBJECT:	Executive Hearings Committee  Disciplinary Hearing
	IDATIONS nends that the board consider what disciplinary actions, if any, should be imposed this hearing.
	, the member at, is alleged to store personal items on area as well as in the breezeway and patio that constitute clutter, in violation of 3-23-18, Care & Maintenance of Patios, Balconies, Breezeways & Walkways.
BACKGROU Parties Involv	
1. 2. 3. ;	member/owner and occupant of     approved occupant of     member/owner and non-occupant of reporting party
	r is current with assessments and has a balance of in chargeable damage restoration fees, monetary penalties, late charges and interest.
within 15 day	nary History, a disciplinary hearing was held and the board imposed a \$250 monetary olation of carport clutter restrictions; and advised the member that failure to comply ys from the date of the determination notice may result in additional disciplinary and including legal action. Compliance was not achieved.
violation. The tow notice is days from the carport within advised the disciplinary a	, a disciplinary hearing was held and the board imposed a \$150 monetary he abandoned vehicle violation and \$500 monetary penalty for carport clutter board directed staff to tow the vehicle at owner's expense after the initial 96 hours given, and continue to do so every time the vehicle is out of compliance, after 15 e date of the determination notice. The board advised the member to clear the infifteen 15 days from the date of the determination notice. Furthermore, the board member that failure to comply within allowable times may result in additional action up to and including legal action. The violation of abandoned vehicle was compliance; however, the carport clutter violation continued to be out of compliance.
On	a disciplinary hearing was held and the board imposed a \$1000 monetary

penalty for carport clutter violation. Additionally, the board required the member to bring the matter into compliance within ten days of the determination notice and advised failure to comply

Third Launa Hills Mutual Executive Hearings Committee	Attachment 1
Page 2	
may result in additional disciplinary action up to and including legal action. achieved.	Compliance was
On \$2,613.59 in Chargeable Services for disciplinary fines and \$2,854 in Assessment of the Collection & Lien Enforcement Policy. The board required the member particles within five days of the determination notice, suspend the cable televing period of 90 days, suspend access to GRF facilities for a period of 90 days failure to comply may result in additional disciplinary action up to and including matter remained out of compliance.	nents, in violation y the outstanding sion service for a and advised that
On \$5,698.12 in Assessments, \$2,858.59 in Chargeable Services and \$4,460 in totaling \$13,016.71, in violation of the Collection & Lien Enforcement Policy. The member pay the outstanding balance within five days from the determination access to GRF facilities for a period of 90 days starting on December 26, 200 March 26, 2019, and continue to do so in 90 day increments until the outstand been paid in full. If the Member did not comply within the allowed time frame, as service for a period of 90 days starting on December 26, 2018 and ending on and continue to do so in 90 day increments until the outstanding balance has and advised the member that failure to comply may result in additional disciplinand including legal action. The Chargeable Services and Traffic Citations were the Assessment fees were still delinquent.	n Traffic Citations ne board required notice, suspend 18 and ending on ding balance has suspend cable TV March 26, 2019, been paid in full inary action up to
On a disciplinary hearing was held for members' outstarts, 6,630.88 in Assessments, in violation of the Collection & Lien Enforcement Felected to take no action as the matter was sent to collections.	
On state \$52.50 in Broadband services, in violation of the Collection & Lien Enforced board required the member pay the outstanding balance within five days from notice, suspend the cable television services for a period of 90 days, and core 90 day increments until the outstanding balance has been paid, suspend access for a period of 90 days, and continue to do so in 90 day increments until the outstanding balance has been paid and advised the member that failure to comply may result in addition up to and including legal action. This matter remains out of compliance.	ment Policy. The n the disciplinary ntinue to do so in s to GRF facilities standing balance tional disciplinary
On, a disciplinary hearing was held and the board elected monetary penalty for violation of interior clutter restrictions. The board require bring the area into compliance within five days from the determination notice interior inspection with staff within 15 days from the determination notice. Addit advised the member that failure to comply may result in additional disciplinary including legal action. The matter remains out of compliance.	ed the member to and schedule an ionally, the board
On the member was scheduled for a disciplinary hearing, but was to the member having health issues.	s postponed due

Third Launa Hills Mutual Executive Hearings Committee	
Disciplinary Hearing –	
Page 3	

On a disciplinary hearing was held for interior clutter, patio clutter, balcony clutter, common area clutter, and overgrown landscape. The board elected to impose a \$1,000 monetary penalty for violation of clutter restrictions as well as a \$250 monetary penalty for landscape restrictions. The board required the member to bring the area into compliance within 15 days from the determination notice as well as to schedule an interior inspection.

#### **DISCUSSION**

On this case was reopened for allegation of clutter. An inspection found that the common area, breezeway, and patio remains out of compliance. The items include but are not limited to: furniture, appliances, grocery cart, wood, chairs, plastic bags, luggage, black tarp, BBQ grill, dolly, basin, and additional loose items.

A letter was mailed on reminding the member of the disciplinary actions taken against him from the last disciplinary hearing on to no avail.

The member was notified via Certified, First Class Mail, and Email of the disciplinary hearing. As of writing of the staff report, the member has not confirmed attendance.

#### **RULES**

The Monetary Fee Schedule authorizes a range of penalties between \$25 and \$500 for violations. The recommended fine amounts enable the Board to progressively escalate the penalties if the violation(s) are not corrected or reoccur. The Board may also impose a daily fine for second or subsequent violations of the same rule until compliance is achieved.

California Civil Code §4350 defines that a rule is valid and enforceable when:

- The rule is in writing;
- The rule is within the authority of the Board as conferred by law or declaration, articles of incorporation or association or bylaws of the association.
- o The rule is not in conflict with governing law and declaration, articles of incorporation or association, or bylaws of the association.
- The rule is adopted, amended or repealed in good faith and in substantial compliance with the requirements of this article.
- The rule is reasonable.

Resolution 03-23-18, Care & Maintenance of Patios, Balconies, Breezeways & Walkways states "...Common areas are for the use and enjoyment of all residents and while limited common areas permit exclusive use of the area, it is essential that all residents be aware of the need for the safety, attractiveness, and the prevention of damage to the building by items placed by the residents in or on the common or limited common areas..."

Prepared By: Compliance Coordinator

Reviewed By: , Compliance Supervisor

### ATTACHMENT(S)

Attachment 1: Chronology

Attachment 2: Email Correspondence; March 20, 2023 Attachment 3: Disciplinary Notice; March 31, 2023

Third Launa Hills Mutual Executive Hearings Committee
Disciplinary Hearing –
May 25, 2023
Page 4

Attachment 4: NOV ; April 27, 2023 Attachment 5: Courtesy Notice; May 5, 2023 Attachment 6: Hearing Notice; May 10, 2023

### Attachment 1 Chronology

Email Correspondence: emailed
the Compliance Division referencing the clutter in the breezeway, which
is impeding on her property.
Disciplinary Notice: the member was advised via First Class Mail of the
common area and patio violations and requested compliance.
NOV Security Inspector issued a notice of violation for
breezeway, patio, and common area clutter.
Courtesy Notice: the member was advised via First Class Mail of the
continued common area and patio violations and reminded of the
Board's actions from the September 8, 2022 disciplinary hearing.
Hearing Notice: the member was advised via Certified and First Class
Mail of the disciplinary hearing scheduled for

From: Sent:

Monday, 9:10 AM

To:

Resident Services; Compliance;

Subject: Attachments:

2F73DE7C-467D-4EE5-A0A5-C39F607B6470.ipeg; 7BDFCD9F-

E0EE-488A-9C2C-3B428614BAAE.jpeg; 2858A110-AD48-442C-9E35-52A08F2E1042.jpeg

Thanks .

I am now writing to Resident Services and Compliance department. Please see issue below that requires immediate resolution as it's related to safety and wellness.

Hope you are doing well. We noticed that our next door neighbor Unit E has stored their abandoned furniture on the entrance hallway shared with our Unit F. We spoke to the neighbors and they noted that she is renting the place and the stuff belongs to the property owner. We need this removed right away as it is also a safety hazard preventing us from fire escape as their large size furniture is blocking our ingress and egress. This needs immediate resolution. Please send notice to property owners to get this resolved (the resident confirmed that it doesn't belong to them and they are tenants). She noted that it's a hassle for her as well. Photos attached.

---- Forwarded Message -----

From:

Sent: Monday, at 08:57:37 AM PDT

Subject: RE:

Good morning

I will forward this email to the resident service department and compliance department so they can assist with the issues below. For your reference, please see the following contact information below:

Resident Service – 949-597-4600 <u>residentservices@vmsinc.org</u>

Compliance dept- 268-2255 <a href="mailto:compliance@vmsinc.org">compliance@vmsinc.org</a>

Please note that GM's office does not handle opening up work order tickets or sending out compliance/violation notices like what you are requesting.

Kind regards,

Executive Assistant, General Manager's Office

Laguna Woods Village

949-597-4678



NOTICE: This email, including any attachments, is intended only for the use of the individuals or entities to which it is addressed and may contain information that is privileged, confidential, and/or exempt from disclosure under federal or state law. If you are not an intended recipient of this email, you are hereby notified that any unauthorized use, dissemination, distribution, or copying of this email and attachments, or the information contained herein, is strictly prohibited. If you have received this email in error, please notify the sender by reply email and destroy the email and all attachments. Thank you.

From:	
Sent: Sunday,	10:12 AM
To:	
Subject:	

Hi

Hope you are doing well. We noticed that our next door neighbor Unit E has stored their abandoned furniture on the entrance hallway shared with our Unit F. We spoke to the neighbors and they noted that she is renting the place and the stuff belongs to the property owner. We need this removed right away as it is also a safety hazard preventing us from fire escape as their large size furniture is blocking our ingress and egress. This needs immediate resolution. Please send notice to property owners to get this resolved (the resident confirmed that it doesn't belong to them and they are tenants). She noted that it's a hassle for her as well. Photos attached.

**Thanks** 



#### **Final Notice**

March 31, 2023

Via First Class Mail

Laguna Woods, CA 92637

RE: Request for Compliance

Resolution 03-23-18 Care & Maintenance of Patios, Balconies, Breezeways &

Walkways

Dear Member:

The Third Laguna Hills Mutual (Third) Board of Directors has received another report alleging that you are in continued violation of the community rules. It has been reported that personal items stored in the breezeway, common area, and on the patio have been deemed unsightly or unsuitable. Subsequently, the site was inspected and observations were documented.

Resolution 03-23-18, Care & Maintenance of Patios, Balconies, Breezeways & Walkways states "...Common areas are for the use and enjoyment of all residents and while limited common areas permit exclusive use of the area, it is essential that all residents be aware of the need for the safety, attractiveness, and the prevention of damage to the building by items placed by the residents in or on the common or limited common areas..."

As managing agent for the Third Board of Directors, we are requesting you take the necessary action to ensure compliance to the cited restrictions. Please remove the following items within 10 days, on or before April 10, 2023:

Breezeway: plywood, chairs, mirror, picture frames and any other loose items.

Patio: shopping cart, appliances, BBQ grill, luggage, basin, plastic tarp, items under plastic tarp ladder, dolly, lumber and any other loose items.

Common Area: BBQ grill, black tarp, items wrapped in plastic with red tape and any other loose items

Failure to comply may result in a disciplinary hearing before the Third Board of Directors. The Board of Directors has the authority to impose monetary penalties, suspend Member privileges and bring forth legal action.

As a Third Member, please be advised that you are personally responsible for ensuring that the rules, regulations, and policies are followed by anyone you allow into the community. This includes any Co-occupant, Lessee, or Guest.

March 31, 2023 Page 2 of 3

If you feel that this notice was sent to you in error, please respond to these allegations in writing to the Compliance Department, P.O. Box 2220, Laguna Hills, CA 92654. Alternatively, you may email me at compliance@vmsinc.org or contact me at 949.268.2255.

Sincerely,

FOR THE BOARD OF DIRECTORS

cc: Security Inspector NOV







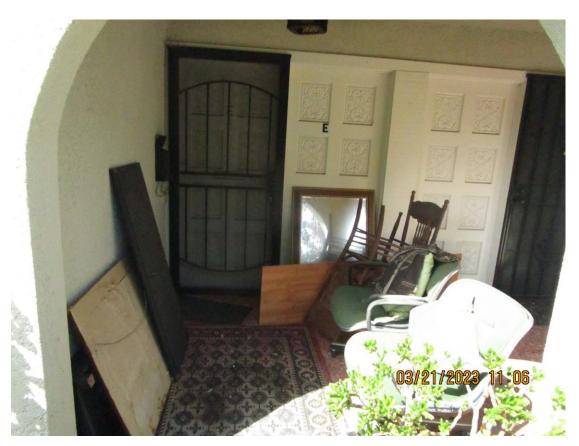


P.O. BOX 2220, LAGUNA HILLS, CA 92654-2220

Interior Patio   Vehicle	Species	Attachment 4		
Manor Number:    Contact Name:	Notice of Violation	IR No:		
Woods Mutual (United)   Would (Third)   Woods Mutual (Third)   Woods Mutual (United)   Mutual (Third)   Woods Mutual (United)   Mutual (Third)   Wowner   Lessee	General Information	tion		
Telephone No:    Phase:   Block:   Pictures:   Contact Made:   Yes   No	Manor Number:			
Phase: Block: Pictures: Contact Made: Yes No  Violation Information  Type: Details: Clutter   Balcony   Breezeway   Carport   Common Area   Interior   Patio   Vehicle	Contact Name:	Owner Lessee		
Clutter	Telephone No:	Carport/Space No:		
Type: Details:    Balcony   Breezeway   Carport   Common Area     Interior   Patio   Vehicle   Vehicle     Vehicle Oil   Description Interior   Patio   Vehicle     Other   Description Interior   Patio   Description Interior   Patio   Description Interior   Patio   Description Interior   Patio   Patio	Phase: Block: Pictures:	Contact Made: Yes No		
Clutter Balcony Patio Vehicle  Vehicle Oil Description WHOVE ALL TIMES AT ENTRY TO LIVIT: CHARS SAZ PLYCLUDED COME OF CLUTTERS AT ENTRY TO LIVIT: CHARS SAZ PLYCLUDED COME OF CLUTTERS AND ALL FRANCE OF CART TEASH FISH TIME SATE CONTROL FOR THE PART TO CHARS SAZ PLYCLUDED COME OF CLUTTERS SATE SATE SATE SATE SATE SATE SATE SAT	Violation Informa	tion		
Clutter   Interior   Patio   Vehicle     Vehicle Oil   Description   Patio   Description   Patio   Description   Patio   Patio   Description   Patio   Patio				
You are hereby requested to correct the noted conditions within LC days. A follow-up inspection will be conducted on or after 4.2.2.3. Questions regarding this notice should be directed to the Compliance Department Hotline at 949-268-CALL or compliance @vmsinc.org.  Failure to comply may result in further disciplinary action including a Member Disciplinary Hearing before the Board of Directors. The Board of Directors has the authority to impose monetary fines, suspend Member privileges, and/or bring forth legal action.  As a Member, you are personally responsible for ensuring the rules, regulations, and policies are followed by anyone you allow into the community. This includes any co-occupant, lessee, or guest. If you feel that this notice has been sent to you in error, please respond to these allegations in writing to the Compliance Department, P.O. Box 2220, Laguna Hills, CA 92654.  **Rules & Regulations**  All Rules & Regulations can be found on <a href="www.lagunawoodsvillage.com">www.lagunawoodsvillage.com</a> **Breezeway, Walkway, Balcony, Patio & Common Area Clutter  United, Resolution 01-18-104; Third, Resolution 03-16-117  **Carport Clutter**  United, Resolution 01-07-59; Third, Resolution 03-11-49  Interior Clutter  United, Occupancy Agreement, Article 5, Use Of Premises; Third, CC&R'S, Article III, Section 6, Use Restrictions  Vehicle Leaking Oil  United, Occupancy Agreement, Article 5, Use Of Premises; Third, CC&R'S, Article III, Section 6, Use Restrictions  For Office Use Only  S Code: 114 - Rules & Regs 110 - Clutter 10 Courtesy Notice 15 Final Notice 5 Collow Up Notice	Clutter Patio	☐ Vehicle		
You are hereby requested to correct the noted conditions within LC days. A follow-up inspection will be conducted on or after 4.2.2.3. Questions regarding this notice should be directed to the Compliance Department Hotline at 949-268-CALL or compliance @vmsinc.org.  Failure to comply may result in further disciplinary action including a Member Disciplinary Hearing before the Board of Directors. The Board of Directors has the authority to impose monetary fines, suspend Member privileges, and/or bring forth legal action.  As a Member, you are personally responsible for ensuring the rules, regulations, and policies are followed by anyone you allow into the community. This includes any co-occupant, lessee, or guest. If you feel that this notice has been sent to you in error, please respond to these allegations in writing to the Compliance Department, P.O. Box 2220, Laguna Hills, CA 92654.  **Rules & Regulations**  All Rules & Regulations can be found on <a href="www.lagunawoodsvillage.com">www.lagunawoodsvillage.com</a> **Breezeway, Walkway, Balcony, Patio & Common Area Clutter  United, Resolution 01-18-104; Third, Resolution 03-16-117  **Carport Clutter**  United, Resolution 01-07-59; Third, Resolution 03-11-49  Interior Clutter  United, Occupancy Agreement, Article 5, Use Of Premises; Third, CC&R'S, Article III, Section 6, Use Restrictions  Vehicle Leaking Oil  United, Occupancy Agreement, Article 5, Use Of Premises; Third, CC&R'S, Article III, Section 6, Use Restrictions  For Office Use Only  S Code: 114 - Rules & Regs 110 - Clutter 10 Courtesy Notice 15 Final Notice 5 Collow Up Notice	Vehicle Oil Description: HONOVE ALL THEM'S AT	ENTRY TO UNIT: CHAIRS, 4x2 RYWOOD		
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You are hereby requested to correct the noted conditions within	Request for Comp	oliance		
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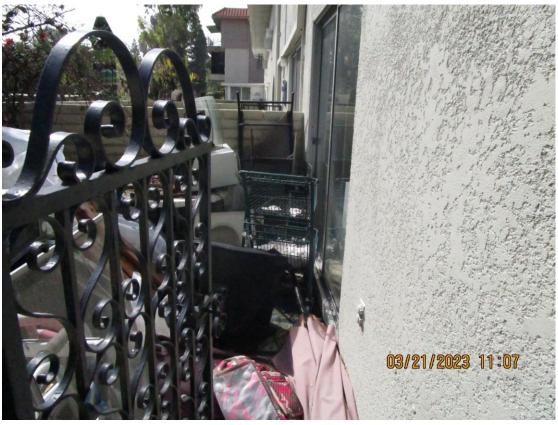














#### **Courtesy Notice**

May 5, 2023

Via First Class Mail

Laguna Woods, CA 92637

Re: Request for Compliance

Resolution 03-23-18, Care & Maintenance of Patios, Balconies, Breezeways & Walkways

Dear Member:

The purpose of this notice is to advise that you may be in violation of the governing documents. The Third Laguna Hills Mutual (Third) Board of Directors has received a report alleging that personal items stored in the common area and patio have been deemed unsightly or unsuitable. As a reminder, the Third Board held a disciplinary hearing on and took the following actions:

- 1. Impose a \$1,000 monetary penalty for violation of clutter restrictions
- 2. Direct staff to forward the matter to legal counsel for further action if you do not comply within the allowable timeframe

Please be advised additional fines may be imposed and you may be referred to another disciplinary hearing if you fail to comply.

Resolution 03-23-18, Care & Maintenance of Patios, Balconies, Breezeways & Walkways states "...Common areas are for the use and enjoyment of all residents and while limited common areas permit exclusive use of the area, it is essential that all residents be aware of the need for the safety, attractiveness, and the prevention of damage to the building by items placed by the residents in or on the common or limited common areas..."

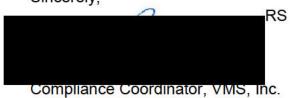
As managing agent for the Third Board of Directors we are requesting that you take the necessary action to ensure compliance to the cited restrictions. **Please remove any personal items in the patio and common area.** 

As a Third Member, please be advised that you are personally responsible for ensuring that the rules, regulations, and policies are followed by anyone you allow into the community. This includes any Co-occupant, Lessee, or Guest.

If you feel that this notice was sent to you in error, please respond to these allegations in writing to the Compliance Department, P.O. Box 2220, Laguna Hills, CA 92654. Alternatively, you may email me at compliance@vmsinc.org or contact me at 949.268.2255.

May 5, 2023 Page 2 of 2

Sincerely,



cc: Complaint

Third Board of Directors



#### **Notice of Disciplinary Hearing**

May 10, 2023

Via Certified and First-Class Mail

Laguna Woods, CA 92637

Re: Resolution 03-23-18 Care & Maintenance of Patios, Balconies, Breezeways &

**Walkways** 

Dear Member:

You were informed in letters from Village Management Services, Inc. (VMS) Staff, managing agent for Third Laguna Hills Mutual (Third), of allegations that you are in violation of Third's Governing Documents. As you recall, it has been reported that that personal items stored in the breezeway, common area, and on the patio have been deemed unsightly or unsuitable, in violation of Resolution 03-23-18, Care & Maintenance of Patios, Balconies, Breezeways & Walkways.

The items include but are not limited to:

Breezeway: plywood, chairs, mirror, picture frames and other loose items.

**Common Area:** BBQ grill, black tarp, items wrapped in plastic with red tape and other loose items

**Patio:** shopping cart, appliances, BBQ grill, luggage, basin, plastic tarp, items under plastic tarp ladder, dolly, lumber and other loose items.

Due to the continued violation of Third's governing documents, the Third Board hereby calls you to a disciplinary hearing to address this matter. The disciplinary hearing will take place as follows:

Date:

Time: 9:35 AM

Location: Laguna Woods Village Community Center Building

24351 El Toro Road, Laguna Woods, CA 92637

If the Board determines that a violation(s) occurred, it will consider imposing disciplinary action against you, including monetary fines of up to five hundred dollars (\$500) for each incident and violation; suspension of Member privileges and/or the commencement of legal action against you. Member privileges include, but are not limited to, deactivation of cable TV services, denial of lease authorization requests and/or denial of alteration permits and variance requests.

You are strongly urged to attend the hearing to be heard and to present argument and evidence on your behalf. If you do choose to be represented by counsel, please notify our office at least seven (7) days before the hearing date. Likewise, if you will be attending without counsel, please

May 10, 2023 Page 2 of 2

notify us at least seven (7) days before the hearing date. Failure to confirm attendance within the allowable time may result in you being unable to be heard by the Board.

The hearing will be conducted in accordance with the Bylaws, Article 4, Sections 4.4, 4.5 and 4.6, a copy of which is enclosed. These sections identify the procedures that will be followed in the hearing and the disciplinary action the Board may take against a Member for violations of Third's governing documents. Please read these sections carefully before the hearing.

In addition to the remedies specified herein, a Member found to be in violation shall be liable for costs of suit and a reasonable sum for attorneys' fees incurred in enforcing these Bylaws, any rule or regulation of Third, or any obligation of a Member under the CC&Rs. Be advised that CC&R's Article XXI, Attorney Fees, states:

"If an Owner defaults...in the performance or observance of any provision of these Restrictions, and the Mutual has obtained the services of an attorney...the Owner covenants and agrees to pay to the Mutual any costs or fees involved, including reasonable attorneys' fees..."

As a reminder, Resolution 03-23-18, Care & Maintenance of Patios, Balconies, Breezeways & Walkways states "...Common areas are for the use and enjoyment of all residents and while limited common areas permit exclusive use of the area, it is essential that all residents be aware of the need for the safety, attractiveness, and the prevention of damage to the building by items placed by the residents in or on the common or limited common areas..."

Pursuant to Third Meeting Rules, Section IV(C), you will have five (5) minutes to explain to the Board why you should not be found in violation or otherwise why you should not receive discipline for each of the above referenced violations. After the hearing, the Board will deliberate as to whether it will impose discipline. You will be advised in writing of the Board's decision within fifteen (15) days of the hearing.

Please contact me at 949-268-2255 or at <a href="mailto:compliance@vmsinc.org">compliance@vmsinc.org</a> to confirm your attendance at the hearing at least seven (7) days prior or to ask any questions you may have regarding the hearing procedure. Failure to confirm attendance within the allowable time may result in you being unable to be heard by the Board. Upon your arrival, please check in with the Concierge Desk and wait in the lobby of the Community Center until you are called to address the Board.

Sincerely,

At the Direction of the Board of Directors

Compliance Coordinator, VMS, Inc. Agent for Third Laguna Hills Mutual

**Enclosure** 

cc: Third Laguna Hills Mutual Board of Directors



### **Disciplinary Hearing Determination Notice**

June 9, 2023

Via Certified and First-Class Mail

Laguna Woods, CA 92637

Re: Resolution 03-23-18 Care & Maintenance of Patios, Balconies, Breezeways & Walkways

Dear Member:

On Laguage IIII Mutual (Third) Board of Directors noticed and held a disciplinary hearing during the Board of Directors Closed Executive Session to consider an allegation that you are in violation of Third's Governing Documents. As you were advised, it has been reported that personal items stored in the breezeway, common area, and on the patio have been deemed unsightly or unsuitable, in violation of Resolution 03-23-18, Care & Maintenance of Patios, Balconies, Breezeways & Walkways.

The items include but are not limited to:

**Breezeway:** plywood, chairs, mirror, picture frames and other loose items.

Common Area: BBQ grill, black tarp, items wrapped in plastic with red tape and other loose items

**Patio:** shopping cart, appliances, BBQ grill, luggage, basin, plastic tarp, items under plastic tarp ladder, dolly, lumber and other loose items.

The Board reviewed information presented by Village Management Services, Inc. (VMS) Staff, managing agent for the Third Board. Based on its review of all of the information, the Board of Directors determined that you have failed to comply with Third's Governing Documents.

After the completion of the hearing and due deliberation the Board elected to take the following actions:

- 1. Impose the \$2,000 monetary penalty for violation of clutter restrictions,
- 2. Require that you remove the clutter and bring the areas into compliance within fifteen (15) days from the date of this notice, on or before June 24, 2023; and
- 3. Advise you that failure to comply may result in additional disciplinary action up to and including legal action.

An invoice reflecting the \$2,000 monetary penalty will be mailed to you separately. The invoiced amount is due and payable to Golden Rain Foundation (GRF) upon receipt.

As a reminder, Resolution 03-23-18, Care & Maintenance of Patios, Balconies, Breezeways & Walkways provides, as follows:

June 9, 2023 Page 2 of 2

"...Common areas are for the use and enjoyment of all residents and while limited common areas permit exclusive use of the area, it is essential that all residents be aware of the need for the safety, attractiveness, and the prevention of damage to the building by items placed by the residents in or on the common or limited common areas..."

Furthermore be advised that CC&R's Article XXI, Attorney Fees, provides, in pertinent part, as follows:

If an Owner defaults...in the performance or observance of any provision of these Restrictions, and the Mutual has obtained the services of an attorney...the Owner covenants and agrees to pay to the Mutual any costs or fees involved, including reasonable attorneys' fees...

In the event you have any questions regarding the Board's disposition of this matter, please do not hesitate to contact us at compliance@vmsinc.org or call us at 949.268.2255.

Sincerely,

FOR THE BOARD OF DIRECTORS

Compliance Coordinator, VMS, Inc. Agent for Third Laguna Hills Mutual

cc: Third Laguna Hills Mutual Board of Directors



#### STAFF REPORT

DATE:	

FOR: Executive Hearings Committee

**SUBJECT: Disciplinary Hearing** 

#### **RECOMMENDATIONS**

Staff recommends that the board consider what disciplinary actions, if any, should be imposed as a result of this hearing.

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#### **BACKGROUND**

Parties Involved:

1.	, member/owner and occupant of	
2.	,	
3.	, member/owner and occupant of	is a witness
4.	, VMS Landscape Supervisor; is reporting party	

The member is current with assessments, chargeable services, and has no outstanding fines.

#### Past Disciplinary History

On the Executive Hearings Committee approved for staff to schedule a disciplinary hearing regarding the nuisance behavior towards staff.

#### DISCUSSION

On this case was opened for allegations of nuisance behavior towards staff (Attachment 1). The report alleges that the member called Security Dispatch very irate, upset and threatened to spray the tree trimmers that were in the area with a garden hose. A Security Officer responded and attempted to deescalate the situation. However, the member walked back and forth and told both the Dispatcher and Security Officer that they were "useless", "good for nothing", and they should "just go home". The member had her hose hanging over her wall with the water running. A neighbor stepped in to help diffuse the situation and the backup Security Officer left to avoid further escalation.

Shortly after, a Landscape Supervisor arrived on scene and requested a Security Officer to stand by. While on scene, the Security Officer saw the member walk the perimeter of the building and began watering the bushes by her manor. As the Security Officer walked past her, the member sprayed the hose towards the left side of him. The Security Officer asked what she was doing and the member responded jokingly that he should smile more and started yelling unintelligible statements. The Landscape Supervisor advised the Security Officer and others that they will skip the area to avoid further escalation from the member. While having this conversation, it is

Page 2

alleged that the member made the following statements to the Security Officer: "hey a\*\*hole", "why don't you smile more", and "I pay your f\*\*\*\* salary". It is further alleged that the member continued to yell obscenities at the Security Officer while he was speaking the neighbor who originally assisted in deescalating the situation and stepped in between them so that they could not continue speaking. The Security Officer left without further incident (Attachment 2).

The member's son submitted an email including a statement from the member apologizing for the behavior and taking responsibility for the conduct (Attachments 4-5).

The member was notified via Certified, First Class Mail, and Email of the disciplinary hearing. As of writing of the staff report, the member has not confirmed attendance.

#### **RULES**

The Monetary Fee Schedule authorizes a range of penalties between \$25 and \$500 for violations. The recommended fine amounts enable the Board to progressively escalate the penalties if the violation(s) are not corrected or reoccur. The Board may also impose a daily fine for second or subsequent violations of the same rule until compliance is achieved.

California Civil Code §4350 defines that a rule is valid and enforceable when:

- The rule is in writing;
- The rule is within the authority of the Board as conferred by law or declaration, articles of incorporation or association or bylaws of the association.
- The rule is not in conflict with governing law and declaration, articles of incorporation or association, or bylaws of the association.
- The rule is adopted, amended or repealed in good faith and in substantial compliance with the requirements of this article.
- The rule is reasonable.

CC&Rs Article III, Section 6: "No Owner or Resident shall permit or suffer anything to be done or kept within the Project which will increase insurance rates on any Building or contents thereof, or which will obstruct or interfere with the rights of other persons in the Project or annoy them by unreasonable noises or otherwise, nor shall any Owner or Resident commit or permit any nuisance or commit or permit any illegal act within the Project. An Owner and each Resident shall comply with the requirements of all governmental authorities. If by reason of any act of any Owner insurance rates should be increased, the Owner shall be personally liable for the additional premium."

Additionally, Resolution 03-23-02, Nuisance Policy states: "...Nuisance in General: Anything which is injurious to health, indecent or offensive to the senses, causes an unreasonable disturbance or annoyance, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance. (Civ. Code § 3479)..."

Prepared By: , Compliance Coordinator

**Reviewed By:**, Compliance Supervisor
, Operations Manager

ATTACHMENT(S)

Page 3

Attachment 1: Chronology

Attachment 2: ;

Attachment 3: Hearing Notice; September 13, 2023 Attachment 4: Member Email; September 18, 2023 Attachment 5: Member Statement; September 18, 2023

> Attachment 1 Chronology

IR the Security Department responded to a report of a disturbance and documented an incident alleging that member threatened to spray landscape workers with a water hose.
Hearing Notice: the member was advised via Certified and First-Class Mail of the disciplinary hearing scheduled for September 28, 2023.
Telephone Conversation: the members son and legal counsel called to state that they would submit a statement for the board to consider but would not be attending the hearing.
Member Email: The member's son and legal counsel submitted an email including a statement from the member apologizing for the behavior and taking responsibility for the conduct.

# Attachment 2 Attachment 2

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U	Risk Manager / Analyst	INCIDENT	REPORT							
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# Attachment 2 Attachment 2

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	PAGE	2	of	2	
	CASE #				

CALL RECEIVED	10:44	⊠ AM □ PM	CALL DISPATCHED	10:57	⊠ AM □ PM
ARRIVAL TIME	10:57	⊠ AM □ PM	DEPARTURE TIME	11:15	⊠ AM □ PM

NARRATIVE: While on uniformed patrol, I was assigned a call of a resident threating Security Dispatch that she was going to spray the tree trimmers in the area with a garden hose. Security Dispatch stated she is very irate and upset on the phone. Upon arrival, was speaking to the subject, (P-1) and another neighbor, (P-2). I advised that I will be waiting in the patrol vehicle to avoid escalating the situation, unless she advised she needed my assistance. After a few minutes, my assistance as was not calming down and had her garden hose hanging over her wall, with water running. I contacted sweet who was telling me what had occurred. As was speaking to me, was walking back and forth telling and I how we are, "useless", "good for nothing", and that we should, "Just go home" due to how useless we (Security) are. I tried to speak to I situation at hand to find a resolution, but she kept explaining how useless Security is and that I should just go home. , who is a neighbor and friend of the stated that she would assist in trying to calm down and avoid her from escalating the situation further since Security's presence was clearly making further agitated. Shortly after, I left the scene. A few minutes later, stated VMS Landscaping Supervisor arrived on scene and requested Security to stand by. I arrived back on scene a few minutes later. While on scene, standing a reasonable distance away to avoid escalating the current situation, I saw walk south, around the back side of her manor, by the perimeter wall where the trees were getting cut. I walked around the far side of the building and saw walking north, towards manor. I followed from about 50 feet away. was watering her bushes on the east side of her manor, by the perimeter wall, when I walked past her. While walking past her, she sprayed the hose to the left side of me. I said, "What are you doing?" and laughed saying, "I was just joking" and that I should smile more. kept yelling unintelligible statements to me that I could not hear due to the active tree trimmer. I contacted , Security Supervisor and VMS Landscaper ( stated that he advised the contracted tree trimming company, e, to skip the section of trees by building to avoid further escalation from While speaking to the group of people listed above, was behind me saying, "Hey asshole", why don't you smile more", and "I pay your fucking salary." I did not comment or say anything else to about an unrelated issue reference citations she received. While speaking to I then spoke to was trying to get my attention, yelling obscenities at me, but I did not engage with her.

Attachment 2
Attachment 2

						"SPEL	L CHECK"
OCSD #	OCFA#		OTHER AGENCY #		SECURITY SERVICE REQUEST # (SSR)		
EMPLOYEE #:	DATE:	TIME:	☐ AM		DATE:	TIME:	MA
	8/1/2023	12:11	☑ PM	8	-1-23	1:20	PM
			APTOTOTOTO			-	
			X			DATE: 0000	2023
					A	genda Item 8	3b
						Page 27 of 3	35



#### Third Mutual Compliance Notice of Disciplinary Hearing

September 13, 2023

Via Certified and First-Class Mail

Laguna Woods, CA 92637

Re: CC&Rs Article III, Section 6

Resolution 03-23-02, Nuisance Policy

Dear Member:

The purpose of this notice is to advise that you may be in violation of the Third Laguna Hills Mutual ("Third") Governing Documents. The Third Board of Directors ("Board") has received a report alleging that on at or around 10:44 a.m. you called Security Dispatch very irate, upset and made threats of spraying the tree trimmers that were in the area with a garden hose. A Security Officer responded and attempted to deescalate the situation. However, you walked back and forth and told both the Dispatcher and Security Officer that they were "useless", "good for nothing", and should "just go home". It was further reported that you had your hose hanging over your wall with the water running. A neighbor stepped in to help diffuse the situation and the backup Security Officer left to avoid further escalation.

Shortly after, a Landscape Supervisor arrived on scene and requested Security to stand by. While on scene, the Security Officer saw you walk the perimeter of the building and begin watering the bushes by your manor. As the Security Officer walked past you sprayed the hose to the left side of him. The Security Officer asked what you were doing and the you responded jokingly that he should smile more and started yelling unintelligible statements. The Landscape Supervisor advised the Security Officer and others that they will skip the area to avoid further escalation. While having this conversation, it is alleged that the you made the following statements to the Security Officer: "hey a\*\*hole", "why don't you smile more", and "I pay your f\*\*\*\* salary". It is further alleged that the you continued to yell obscenities at the Security Officer while he was engaging the neighbor who originally assisted in deescalating the situation and stepped in between them so that they could not continue speaking. The Security Officer left without further incident. The foregoing is a violation of CC&Rs Article III, Section 6 and Resolution 03-23-02, Nuisance Policy.

Due to the seriousness of the reported incident, the Third Executive Hearings Committee hereby calls you to a Disciplinary Hearing to address this matter. The Disciplinary Hearing will take place as follows:

Date: Thursday, Time: 10:05 AM

Location: Laguna Woods Village Community Center Building

24351 El Toro Road, Laguna Woods, CA 92637

September 13, 2023 Page 2 of 3

If the Board/Committee determines that a violation(s) occurred, it will consider imposing disciplinary action against you, including monetary fines of up to five hundred dollars (\$500) for each incident and violation; suspension of Member privileges and/or the commencement of legal action against you, pursuant to Section 4.5 of Third's Bylaws and other related provisions of Third's Governing Documents. Member privileges include, but are not limited to, deactivation of cable TV services, denial of lease authorization requests and/or denial of alteration permits and variance requests (See Section 4.5.3 of Third's Bylaws).

You are strongly urged to attend the hearing, as you have a right to be heard and to present argument and evidence on your behalf. You also have a right to present and submit any statements or evidence in writing. If you do choose to be represented by counsel, please notify our office at least seven (7) days before the hearing date. Likewise, if you will be attending without counsel, please notify us at least seven (7) days before the hearing date. Failure to confirm attendance seven (7) days in advance of the hearing may result in you being unable to be heard by the Board/Committee. If you elect not to attend the hearing, a decision may be made in your absence. The Board/Committee will conduct the hearing in executive session.

The hearing will be conducted in accordance with Article 4 of the Bylaws, and specifically, Sections 4.4, 4.5 and 4.6 of the Bylaws, a copy of which is enclosed. These sections identify the procedures that will be followed in the hearing and the disciplinary action the Board/Committee may take against a Member for violations of Third's Governing Documents. Please read these sections carefully before the hearing.

In addition to the remedies specified herein, a Member found to be in violation may be liable for costs of suit and a reasonable sum for attorneys' fees incurred in enforcing the Governing Documents of Third, including without limitation, the Bylaws, the CC&Rs or the Rules and Regulations of Third. Be advised that CC&R's Article XXI, Attorney Fees, provides, in pertinent part, as follows:

"If an Owner defaults...in the performance or observance of any provision of these Restrictions, and the Mutual has obtained the services of an attorney...the Owner covenants and agrees to pay to the Mutual any costs or fees involved, including reasonable attorneys' fees..."

As a reminder and pursuant to CC&Rs Article III, Section 6: "No Owner or Resident shall permit or suffer anything to be done or kept within the Project which will increase insurance rates on any Building or contents thereof, or which will obstruct or interfere with the rights of other persons in the Project or annoy them by unreasonable noises or otherwise, nor shall any Owner or Resident commit or permit any nuisance or commit or permit any illegal act within the Project. An Owner and each Resident shall comply with the requirements of all governmental authorities. If by reason of any act of any Owner insurance rates should be increased, the Owner shall be personally liable for the additional premium."

Additionally, Resolution 03-23-02, Nuisance Policy states: "...Nuisance in General: Anything which is injurious to health, indecent or offensive to the senses, causes an unreasonable disturbance or annoyance, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance. (Civ. Code § 3479)..."

September 13, 2023 Page 3 of 3

Moreover, pursuant to Third Meeting Rules, Section IV(C), you will have five (5) minutes to address the Board/Committee on the matter referenced above. After the Disciplinary Hearing, the Board/Committee will deliberate as to what action to take if any. You will be advised in writing of the Board's/Committee's decision within fifteen (15) days of the Disciplinary Hearing.

Please contact us at 949.268.2255 or at compliance@vmsinc.org to confirm your attendance at the hearing at least seven (7) days prior or to ask any questions you may have regarding the hearing procedure. Failure to confirm attendance within the allowable time may result in you being unable to be heard by the Board. Upon your arrival, please check in with the Concierge Desk and wait in the lobby of the Community Center until you are called to address the Board.

Sincerely, FOR THE BOARD OF DIRECTORS The Compliance Division Agent for Third Laguna Hills Mutual

**Enclosure** 

cc: Third Laguna Hills Mutual Board of Directors

From:	
Sent: Monday,	6:41 PM
To: Compliance < complia	ance@vmsinc.org>
Subject:	

Dear Compliance Division Representative,

Attached is a two-page Statement submitted on behalf of	
in response to the notice of a Disciplinary Hearing scheduled for	

I am son (and also an attorney authorized to assist her in this matter). My mother's expressions of contrition and embarrassment contained in her statement are offered in lieu of personal appearance at the Hearing.

Please do not hesitate to contact me if you have any questions or need any additional information.

Sincerely,



## **Statement of**

Dear Board/Committee Members:

This statement is in response to the notice I rece	eived, dated September 13, 2023,
regarding an incident that occurred on	, outside my home at
, Laguna Woods.	

First, and foremost, I want to express my deep regret and sincere remorse for the way I handled this unfortunate situation. I do not dispute any of the essential facts contained within the September 13<sup>th</sup> notice. I accept complete responsibility for my own conduct and have been experiencing terrible stress ever since.

I have resided in my current home for more than twenty (20) years with no problems whatsoever with our homeowners association, this Board, or this Committee. In addition, I would like the Board/Committee to know that my extremely fragile and poor health (including persistent problems with my pacemaker and recent panic attacks), combined with my age of 87 years, prevents me from attending the hearing in person.

For context, I would like to explain my circumstances that precipitated this incident. I am 87 years of age, suffering from serious heart and other medical conditions, and am frequently unable even to get out of bed. As a result, I am not able to spend much time outside and oftentimes feel trapped inside my home. In addition, I live alone and feel very vulnerable and fearful because of my concerns that people driving cars on are able to see into my bedroom windows and other areas of my home. However, rather than living in constant darkness with blackout shades drawn all day, the trees outside my windows provided some degree of privacy while also allowing me to enjoy some sunlight into my home.

On August 1<sup>st</sup>, I noticed that landscapers were trimming the trees that obstruct views directly into my windows from \_\_\_\_\_\_. It was very distressing to me, so I went outside to ask the tree trimmers if they could stop trimming (or over trimming) those trees. I heard no response whatsoever as they continued cutting the trees. In my state of helplessness and distress over not knowing what to do, I did threaten to spray them with water from my garden hose and called security in efforts to have them stop.

I am so very ashamed of being disrespectful to the landscape workers who I realize were simply doing the job they were instructed to do. While my feeling of helplessness and panic may help explain my actions, I know that it does not, in any way, excuse or justify them.

In addition, I feel ashamed for using curse words directed at the security guards who responded to my call, when they refused to help stop the tree trimming. I understand that they, too, were simply trying to perform their jobs by diffusing the tense situation I created. This is especially embarrassing because I recognize, and so greatly appreciate, the important work they do in helping to keep all of us safe in our community.

In light of my genuine and sincere regret, and heartfelt apologies, for insulting and offending the landscape workers and our security personnel, I ask the Board/Committee to find it unnecessary to take any disciplinary actions in this matter. I also ask the Board/Committee to consider additional mitigating factors such as my more than twenty years of problem-free residency as a homeowner in our community, along with my serious medical conditions outlined above, and my 87 years of age.

With great respect and humility, I thank you for your thoughtful consideration.

Sincerely,

Laguna Woods, CA 92637



#### **Third Mutual Compliance Disciplinary Hearing Determination Notice**

October 13, 2023

Via Certified and First-Class Mail

Laguna Woods, CA 92637

Re: CC&Rs Article III, Section 6

Resolution 03-23-02, Nuisance Policy

Dear Member:

On \_\_\_\_\_\_\_, the Third Laguna Hills Mutual ("Third") Board of Directors ("Board") noticed and held a disciplinary hearing during the Committee Closed Executive Session to consider an allegation that you violated Third's Governing Documents. As you were advised, it was reported that on \_\_\_\_\_\_ at or around 10:44 a.m. you called Security Dispatch very irate, upset and made threats of spraying the tree trimmers that were in the area with a garden hose. A Security Officer responded and attempted to deescalate the situation. However, you walked back and forth and told both the Dispatcher and Security Officer that they were "useless", "good for nothing", and should "just go home". It was further reported that you had your hose hanging over your wall with the water running. A neighbor stepped in to help diffuse the situation and the backup Security Officer left to avoid further escalation.

Shortly after, a Landscape Supervisor arrived on scene and requested Security to stand by. While on scene, the Security Officer saw you walk the perimeter of the building and begin watering the bushes by your manor. As the Security Officer walked past you sprayed the hose to the left side of him. The Security Officer asked what you were doing and the you responded jokingly that he should smile more and started yelling unintelligible statements. The Landscape Supervisor advised the Security Officer and others that they will skip the area to avoid further escalation. While having this conversation, it is alleged that the you made the following statements to the Security Officer: "hey a\*\*hole", "why don't you smile more", and "I pay your f\*\*\*\* salary". It is further alleged that the you continued to yell obscenities at the Security Officer while he was engaging the neighbor who originally assisted in deescalating the situation and stepped in between them so that they could not continue speaking. The Security Officer left without further incident, in violation of CC&Rs Article III, Section 6 and Resolution 03-23-02, Nuisance Policy.

The Board reviewed information presented by Village Management Services, Inc. (VMS) Staff, managing agent for Third. The Committee also reviewed a written statement from you.

Following the disciplinary hearing, the Committee deliberated and voted and found that you failed to comply with Third's Governing Documents. As such, the Committee voted to take the following actions:

- 1. Impose a \$250 monetary penalty for violation of nuisance restrictions;
- 2. Advise you to not interfere with landscape operations and be courteous to staff; and

3. Advise you that failure to comply may result in additional disciplinary action up to and including additional disciplinary action and potential legal action.

An invoice reflecting the \$250 monetary penalty will be mailed to you separately. The invoiced amount is due and payable to Golden Rain Foundation (GRF) upon receipt.

As a reminder, CC&Rs Article III, Section 6: "No Owner or Resident shall permit or suffer anything to be done or kept within the Project which will increase insurance rates on any Building or contents thereof, or which will obstruct or interfere with the rights of other persons in the Project or annoy them by unreasonable noises or otherwise, nor shall any Owner or Resident commit or permit any nuisance or commit or permit any illegal act within the Project. An Owner and each Resident shall comply with the requirements of all governmental authorities. If by reason of any act of any Owner insurance rates should be increased, the Owner shall be personally liable for the additional premium."

Additionally, Resolution 03-23-02, Nuisance Policy states: "...Nuisance in General: Anything which is injurious to health, indecent or offensive to the senses, causes an unreasonable disturbance or annoyance, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance. (Civ. Code § 3479)..."

Furthermore, be advised that CC&R's Article XXI, Attorney Fees, provides, in pertinent part, as follows:

If an Owner defaults...in the performance or observance of any provision of these Restrictions, and the Mutual has obtained the services of an attorney...the Owner covenants and agrees to pay to the Mutual any costs or fees involved, including reasonable attorneys' fees...

Be further advised that Third's Appeal Policy provides, in pertinent part, as follows:

"...It is the stated policy that Members shall have the right to appeal decisions made by a committee whose membership is made up of less than the full board and have their appeal considered by the Board, after which the Board will make a decision and provide notice of same in accordance with Third's Governing Documents and applicable statute..."

In the event you have any questions regarding the Board's disposition of this matter, please do not hesitate to contact us at compliance@vmsinc.org or at 949.268.2255.

Sincerely, FOR THE BOARD OF DIRECTORS The Compliance Division Agents for Third Laguna Hills Mutual

cc: Third Laguna Hills Mutual Board of Directors