



## **OPEN MEETING**

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

**Tuesday, February 27, 2024 – 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 in-person 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: <https://us06web.zoom.us/j/84903327041> or by dialing 669-900-6833 Access Code: 849 0332 7041
2. Via email to [meeting@vmsinc.org](mailto:meeting@vmsinc.org) 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 January 23, 2024
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. Disciplinary Letters
  - b. Policy for Temporary Containers (PODS)
  - c. Overview of the Member Disciplinary Process
  - d. Distribution of Printed Materials Policy (Specifically "Political" Materials- Oral Discussion)
  - e. Harassment Policy (Oral Discussion)
  - f. Hate Policy (Oral Discussion)
  - g. Nuisance Policy (Oral Discussion)
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. Barbecue Rules and Regulations
  - b. Caregiver Policy
  - c. Financial Qualifications for Purchasing in Third Mutual
  - d. Internal Dispute Resolution/ Meet & Confer
  - e. Operating Rules (Website)
  - f. Proof-of-Income for Co-Occupants
  - g. Third Mutual Traffic Rules and Regulations

10. Committee Member Comments

11. Date of Next Meeting – Wednesday, March 27, 2024

\*A quorum of the Third Board or more may also be present at the meeting.

Mark Laws, Chair  
Blessilda Wright, Staff Officer  
Telephone: 949-597-4254



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

Tuesday, January 23, 2024 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, Andy Ginocchio, Nathaniel “Ira” Lewis and Moon Yun

**MEMBERS ABSENT:** None

**ADVISORS PRESENT:** Stuart Hack and Theresa Keegan

**ADVISORS ABSENT:** None

**STAFF PRESENT:** Blessilda Wright, Ruby Rojas, Baltazar “Bart” Mejia (via zoom), Pamela Bashline and Tom Siviglia

**OTHERS PRESENT:** SK Park

**1. Call to Order**

Mark Laws, Chair, called the meeting to order at 9:29 a.m.

**2. Approval of Agenda**

Director Lewis made a motion to approve the agenda. Director Ginocchio seconded the motion.

By unanimous consent, the motion passed.

**3. Approval of Meeting Report**

Director Prince made a motion to approve the November 29, 2023 meeting report with minor changes as amended. Chair Laws seconded the motion.

By unanimous consent, the motion passed.

**4. Remarks of the Chair**

None.

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

A member made comments regarding contacting the President and board members.

**6. Response to Members Comments**

Chair Laws responded to the member stating the mutual has a contact sheet that is provided to the members.

**7. Department Head Update**

None.

**8. Items for Discussion and Consideration**

**a. Additional Dwelling Unit (ADU) Policy**

Mr. Baltazar “Bart” Mejia, Maintenance and Construction Assistant Director, presented the Additional Dwelling Unit (ADU) Policy for discussion. The Committee discussed the matter and asked questions. Some minor corrections were requested.

Director Ginocchio made a motion made a motion to accept the Additional Dwelling Unit (ADU) Policy packet as amended and forward to the Third Board for consideration. Director Lewis seconded the motion.

By unanimous consent, the motion passed.

Mr. Mejia left the meeting at 9:41 a.m.

**b. Co-Occupancy Policy (Remove Proof of Income)**

Ms. Pamela Bashline, Community Services Manager, presented the Co-Occupancy Policy for discussion. The Committee discussed the matter and asked questions.

Director Lewis made a motion to forward the matter for legal review. Director Yun seconded the motion.

By unanimous consent, the motion passed.

**c. Caregiver Policy**

Ms. Pamela Bashline, presented the Caregiver Policy for discussion. The Committee discussed the matter and asked questions.

Director Lewis made a motion to forward the matter for legal review. Director Prince seconded the motion.

By unanimous consent, the motion passed.

Ms. Bashline, left the meeting at 10:19 a.m.

**d. Temporary Storage Pod Policy**

Mr. Tom Siviglia, Operations Manager- Security Division, presented the Temporary Storage Pod Policy for discussion. The Committee discussed the matter, asked questions, and suggested some possible improvements.

The committee elected to table the matter and direct staff to work with Chair Laws to update and clarify the Temporary Storage Pod Policy.

**e. Third Traffic Rules and Regulations**

Mr. Tom Siviglia, presented the Traffic Rules and Regulations for discussion. The Committee discussed the matter and asked questions.

The committee elected to table the matter for the committee members to provide feedback or comments for a future committee meeting.

**f. Disciplinary Letters**

Ms. Blessilda Wright, Compliance Supervisor, presented the Disciplinary Letters for discussion. The Committee discussed the matter and asked questions.

The committee elected to table the matter and Chair Laws will provide comments regarding the Disciplinary Letters to staff for discussion at a future committee meeting.

**g. Operating Rules**

The committee elected to table the matter for future review and discussion, the matter was not discussed.

**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. Proof of Income for Co-occupants
- e. Caregiver Policy
- f. Barbecue Rules and Regulations
- g. Nuisance Policy
- h. Harassment Policy
- i. Hate Policy
- j. Internal Dispute Resolution
- k. Distribution of Printed Materials Policy (specifically "political" materials)

**10. Committee Member Comments**

Director Yun made a comment regarding racial discrimination, stating such matters should not be tolerated in the community.

**11. Date of Next Meeting**

Tuesday, February 27, 2024 at 9:30 a.m.

**12. Adjournment**

With no further business before the Committee, the meeting was adjourned at 11:56 a.m.

Mark W. Laws

Mark W. Laws (Jan 30, 2024 13:46 PST)

Mark W. Laws, Chair  
Third Laguna Hills Mutual





## STAFF REPORT

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**DATE:** February 27, 2024  
**FOR:** Resident Policy and Compliance Committee  
**SUBJECT:** Disciplinary Notices

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### **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 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 ensue 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/committee 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 Penalty Schedule, suspend member privileges, and/or consider legal action.

The Executive Hearings Committee meets on a monthly basis for damage restoration and disciplinary hearings. For 2023, the Committee averaged three (3) disciplinary hearings per 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.

On November 29, 2023, the Committee discussed the disciplinary notices and directed staff to edit the existing notices and produce updated notices at the next Committee meeting.

On January 23, 2024, the Committee discussed the disciplinary notices and the Chair directed the committee members to review the disciplinary notices for the next meeting to provide their notes.

### **DISCUSSION**

At the direction of the Chair, staff implemented the notes received for the disciplinary notices. This includes a friendly notice for unsubstantiated dog barking and nuisance violations. Additionally, the clutter and nuisance letters were updated to reflect changes from Legal Counsel. An example of a hearing and determination notice was also included.

### **FINANCIAL ANALYSIS**

None

**Prepared By:** Blessilda Wright, Compliance Supervisor

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

### **ATTACHMENT(S)**

Attachment 1: Friendly Notice – Unsubstantiated Dog Barking Letter

Attachment 2: Friendly Notice – Nuisance Letter

Attachment 3: Interim Notice - Nuisance Letter

Attachment 4: Courtesy Clutter Letter

Attachment 5: Final Clutter Letter

Attachment 6: Courtesy Nuisance Letter

Attachment 7: Final Nuisance Letter

Attachment 8: Hearing Notice

Attachment 9: Determination Notice





**Friendly Notice**

DATE

Via First Class Mail and Email

NAME

ADDRESS

Laguna Woods, CA 92637

**Re: Resolution No. 03-23-24, Pet Policy**

Dear Member:

This is a friendly notice 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 you may be in violation of the community rules. It has been reported a dog is heard barking from your unit, creating a nuisance to neighboring residents. Subsequently, the Security Department responded on December 2, 2023 at 3:00 pm but did not verify the report. However, we would like to make you aware of the rules as they pertain to pets.

Resolution 03-23-24, Pet Policy states: "...No Member shall keep, maintain, or permit within any dwelling unit under his control, or within any other real property owned or managed by Third Mutual, any Pet which by any persistent sound or cry shall disturb the peace and comfort of the inhabitants of the neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property..."

As managing agent for the Third Board of Directors, we are requesting that you take the necessary action to ensure compliance to the cited rules.

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 has been sent to you in error, please respond to these allegations in writing to the Compliance Department, PO Box 2220, Laguna Hills, CA 92654. Alternatively, you may email us at [compliance@vmsinc.org](mailto:compliance@vmsinc.org) or call us at 949.268.2255.

Sincerely,  
FOR THE BOARD OF DIRECTORS

Jacob M Huanosto  
Compliance Coordinator, VMS, Inc.

cc: Security Supervisors IR



### Friendly Notice

DATE

Via First Class Mail and Email

Name

address

Laguna Woods, CA 92637

**RE: CC&Rs Article III, Section 6, Use Restrictions  
Resolution 03-23-02, Nuisance Policy**

Dear Member:

This is a friendly notice that you may be in violation of the Governing Documents. You may not be aware that the Third Laguna Hills Mutual (Third) Board of Directors has received a complaint of excessive noise coming from the above-referenced property. It is alleged that your television was loud and emanating outside your unit. The Security Services Department responded on DATE at TIME and was unable to verify the report. However, staff would like to take this opportunity and advise you of the quiet hours.

Be advised the hours of 10:00 pm – 7:00 am have been established as “Quiet Hours” by the City of Laguna Woods. In addition, CC&Rs, Article III, Section 6 Use Restrictions states: No Owner or Resident shall permit anything to be done within the Project which will obstruct or interfere with the rights of other persons in the Project or annoy them by unreasonable noises or otherwise, nor commit or permit any nuisance.

Please be further advised that Resolution 03-23-02, Nuisance Policy states “...Noise: Things that interfere with quiet enjoyment such as improperly installed hardwood floors, residents playing their music or TV at an excessively loud volume, overly loud conversations, yelling or shouting, barking dogs, excessively loud vehicles, etc. Excessive and overly loud characteristics are measured against what a reasonable person in the same or similar circumstance would consider to be excessive or overly loud...”

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. On behalf of the Third Board of Directors, we are requesting that you take the necessary action to ensure compliance with the cited restrictions.

The Compliance Division coordinates the rules enforcement program in the Village and is willing to help or answer any questions if needed. Please feel free to reach out via

Name  
Date  
Page 2 of 2

email at [compliance@vmsinc.org](mailto:compliance@vmsinc.org); or telephone call at 949-268-2255; or in writing to the Compliance Division, PO Box 2220, Laguna Hills, CA 92654.

Sincerely,  
FOR THE BOARD OF DIRECTORS

NAME  
Compliance Coordinator, VMS, Inc.

cc: Security Supervisors IR 00-00000



### Third Mutual Compliance Courtesy Notice

Date

Via First Class Mail and Email

Name

Address

Laguna Woods, CA 92637

**Re: Request for Compliance  
CC&Rs, Article III, Section 6, Use Restrictions  
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 you **Describe the violation**, creating a nuisance to neighbors. Subsequently, the Security Department responded and verified the allegation as documented above.

Be advised that pursuant to CC&Rs Article III, Section 6 states: "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)..."

As managing agent for Third Board of Directors, we are requesting that you take the necessary action to ensure compliance to the cited restrictions.

As a Third Member, and pursuant to Section 4.5 of Third's Bylaws, please be advised that you are personally responsible for ensuring that the obligations set forth in Third's Governing Documents, including without limitation the Articles of Incorporation, Covenants, Conditions and Restrictions, Bylaws, Rules and Regulations, and Policies are followed by anyone you allow into the community. This includes any Co-occupant, Lessee, or Guest. Your failure to comply with this notice and courtesy request for compliance could lead to disciplinary action by the Board pursuant to Third's Governing Documents.

If you feel that this notice was sent to you in error, please respond to these allegations in writing

Name  
Date  
Page 2 of 2

Attachment 3

to the Compliance Department, P.O. Box 2220, Laguna Hills, CA 92654. Alternatively, you may email at [compliance@vmsinc.org](mailto:compliance@vmsinc.org) or via phone at 949.268.2255. Thank you for your anticipated compliance.

Sincerely,  
For the Board of Directors

Staff Name  
Compliance Coordinator, VMS, Inc.

cc: Security Supervisors IR 00-00000



### Third Mutual Compliance Courtesy Notice

DATE

Via First Class Mail and Email

NAME

ADDRESS

Laguna Woods, CA 92637

**Re: Request for Compliance**

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

**Resolution 03-11-47, Common Area Breezeway Planter Pots**

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 personal items stored in/on the LOCATION have been deemed unsightly or unsuitable. Subsequently, the site was inspected by management and the allegations were verified as documented below.

[Insert photo here]

As managing agent for Third, we are requesting that you take the necessary action to ensure compliance to the cited restrictions. **Please remove the following items within 10 days of the date of this Courtesy Notice, on or before [Date]: [Description of items that are out of compliance and need to be removed].**

Be advised that pursuant to 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... Items, including plants, statues, furniture, etc., may be placed directly outside a manor's front door on the floor and shall be limited. Adequate clearance is required to allow for easy walkway access along the area (at least in number and size to allow for a 48-inch clearance as required by law)..."

**Additionally, Resolution 03-11-47, Common Area Breezeway Planter Pots states "...limits the number of potted plants for two and three story buildings on breezeways to six (6) feet out on either side of the front door with a 4-foot width clearance between foliage and breezeway railing."**

As a Third Member, and pursuant to Section 4.5 of Third's Bylaws, please be advised that you are personally responsible for ensuring that the obligations set forth in Third's Governing Documents, including without limitation the Articles of Incorporation, Covenants, Conditions and Restrictions, Bylaws, Rules and Regulations, and Policies are followed by anyone you allow into

the community. This includes any Co-occupant, Lessee, or Guest. Your failure to comply with this

NAME

DATE

Page 2 of 2

notice and courtesy request for compliance could lead to disciplinary action by the Board pursuant to Third's Governing Documents.

If you feel that this notice was sent to you in error or question, please respond in writing to the Compliance Department, P.O. Box 2220, Laguna Hills, CA 92654. Alternatively, you may email at [compliance@vmsinc.org](mailto:compliance@vmsinc.org) or via phone at 949.268.2255. Thank you for your anticipated compliance.

Sincerely,

FOR THE BOARD OF DIRECTORS

STAFF

Compliance Coordinator, VMS, Inc.

cc: Security Supervisors, NOV 2300000



### Third Mutual Compliance Final Notice

DATE

Via First Class Mail and Email

NAME

ADDRESS

Laguna Woods, CA 92637

**Re: Request for Compliance**

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

**Resolution 03-11-47, Common Area Breezeway Planter Pots**

Dear Member:

The purpose of this final notice is to advise that you may be in violation of the Third Laguna Hills Mutual ("Third") Governing Documents. As advised in our previous Courtesy Notice dated [Insert Date], the Third Board of Directors ("Board") is informed and believes that personal items continue to be stored in/on the LOCATION and the same has been deemed unsightly or unsuitable. Subsequently, the site was inspected by management and the continued violation was verified as documented below.

[Insert Updated photo here]

**As a Member of Third, you are required to take the necessary action to ensure compliance to the cited restrictions. Please remove the following items within 10 days, on or before [Date] to avoid further action: [Description of items that are out of compliance and need to be removed].**

**Failure to comply may result in a disciplinary hearing before the Third Board of Directors ("Board"). Pursuant to Section 4.5 of Third's Bylaws, the Third Board has the authority to impose monetary penalties, suspend Member privileges and bring forth legal action. Member privileges include, but are not limited to, deactivation of cable TV services, denial of access to GRF facilities, denial of lease authorization requests and/or denial of alteration permits and variance requests. (See Section 4.5.3 of Third's Bylaws).**

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... Items, including plants, statues, furniture, etc., may be placed directly outside a manor's front door on the floor and shall be limited. Adequate clearance is required to allow for easy walkway access along the area (at least in number and size to allow for a 48-inch clearance as required by law)..."



Additionally, Resolution 03-11-47, Common Area Breezeway Planter Pots states "...limits the number of potted plants for two and three story buildings on breezeways to six (6) feet out on either side of the front door with a 4-foot width clearance between foliage and breezeway railing."

As a Third Member, and pursuant to Section 4.5 of Third's Bylaws, please be advised that you are personally responsible for ensuring that the obligations set forth in Third's Governing Documents, including without limitation the Articles of Incorporation, Covenants, Conditions and Restrictions, Bylaws, Rules and 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 or question, please respond in writing to the Compliance Department, P.O. Box 2220, Laguna Hills, CA 92654. Alternatively, you may email at [compliance@vmsinc.org](mailto:compliance@vmsinc.org) or via phone at 949.268.2255. Thank you for your anticipated compliance.

Sincerely,  
FOR THE BOARD OF DIRECTORS

STAFF  
Compliance Coordinator, VMS, Inc.

cc: Security Supervisors, NOV 2300000



### Third Mutual Compliance Courtesy Notice

Date

Via First Class Mail and Email

Name

Address

Laguna Woods, CA 92637

**Re: Request for Compliance  
CC&Rs, Article III, Section 6, Use Restrictions  
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 you **Describe the violation**, creating a nuisance to neighbors. Subsequently, the Security Department responded and verified the allegation as documented above.

Be advised that pursuant to CC&Rs Article III, Section 6 states: "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)..."

As managing agent for Third Board of Directors, we are requesting that you take the necessary action to ensure compliance to the cited restrictions.

As a Third Member, and pursuant to Section 4.5 of Third's Bylaws, please be advised that you are personally responsible for ensuring that the obligations set forth in Third's Governing Documents, including without limitation the Articles of Incorporation, Covenants, Conditions and Restrictions, Bylaws, Rules and Regulations, and Policies are followed by anyone you allow into the community. This includes any Co-occupant, Lessee, or Guest. Your failure to comply with this notice and courtesy request for compliance could lead to disciplinary action by the Board pursuant to Third's Governing Documents.

If you feel that this notice was sent to you in error, please respond to these allegations in writing

Name  
Date  
Page 2 of 2

Attachment 6

to the Compliance Department, P.O. Box 2220, Laguna Hills, CA 92654. Alternatively, you may email at [compliance@vmsinc.org](mailto:compliance@vmsinc.org) or via phone at 949.268.2255. Thank you for your anticipated compliance.

Sincerely,  
For the Board of Directors

Staff Name  
Compliance Coordinator, VMS, Inc.

cc: Security Supervisors IR 00-00000



### Third Mutual Compliance Final Notice

Date

Via First Class Mail and Email

Name

Address

Laguna Woods, CA 92637

**Re: Request for Compliance  
CC&Rs, Article III, Section 6, Use Restrictions  
Resolution 03-23-02, Nuisance Policy**

Dear Member:

The purpose of this final notice is to advise that you may be in violation of the Third Laguna Hills Mutual ("Third") Governing Documents. As advised in our previous Courtesy Notice dated [Insert Date], the Third Board of Directors ("Board") is informed and believes that you displayed again **Describe the violation**, creating a nuisance to neighbors. Subsequently, the Security Department responded and obtained statements from all parties involved.

**As a Member of Third, you are required to take the necessary action to ensure compliance to the cited restrictions.**

**Failure to comply may result in a disciplinary hearing before the Third Board of Directors ("Board") or Please be advised this matter has been referred to the Third Board of Directors for a disciplinary hearing.** Pursuant to Section 4.5 of Third's Bylaws, the Third Board has the authority to impose monetary penalties, suspend Member privileges and bring forth legal action. Member privileges include, but are not limited to, deactivation of cable TV services, denial of access to GRF facilities, denial of lease authorization requests and/or denial of alteration permits and variance requests. (See Section 4.5.3 of Third's Bylaws).

Be advised that pursuant to CC&Rs Article III, Section 6 states: "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) To be considered

a nuisance, the behavior has to be repeated or continuous; single instances of an action or activity will not be considered a nuisance. ...”

As a Third Member, and pursuant to Section 4.5 of Third’s Bylaws, please be advised that you are personally responsible for ensuring that the obligations set forth in Third’s Governing Documents, including without limitation the Articles of Incorporation, Covenants, Conditions and Restrictions, Bylaws, Rules and 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 or question, please respond in writing to the Compliance Department, P.O. Box 2220, Laguna Hills, CA 92654. Alternatively, you may email at [compliance@vmsinc.org](mailto:compliance@vmsinc.org) or via phone at 949.268.2255. Thank you for your anticipated compliance.

Sincerely,  
For the Board of Directors

STAFF  
Compliance Coordinator, VMS, Inc.

cc: Security Supervisors, IR 2300000



### Third Mutual Compliance Notice of Disciplinary Hearing

September 13, 2023

Via Certified and First-Class Mail

[REDACTED]  
[REDACTED]  
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 [REDACTED] 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, September 28, 2023**  
**Time: 10:05 AM**  
**Location: Laguna Woods Village Community Center Building**  
**24351 El Toro Road, Laguna Woods, CA 92637**

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](mailto: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





### Third Mutual Compliance Disciplinary Hearing Determination Notice

October 13, 2023

Via Certified and First-Class Mail

[REDACTED]  
[REDACTED]  
Laguna Woods, CA 92637

**Re: CC&Rs Article III, Section 6  
Resolution 03-23-02, Nuisance Policy**

Dear Member:

On [REDACTED], 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 August 1, 2023 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**

P.O. Box 2220, Laguna Hills, CA 92654-2220

Agenda Item 8a

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**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](mailto: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



## STAFF REPORT

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**DATE:** February 27, 2024  
**FOR:** Resident Policy and Compliance Committee  
**SUBJECT:** Temporary Containers Policy

---

### **RECOMMENDATION**

Staff recommends approval of the revised Temporary Containers Policy.

### **BACKGROUND**

On July 17, 2018, the Board of Directors adopted the Temporary Containers Policy (Resolution 03-18-111). The policy was created as a result of an increase in resident complaints regarding the placement of dumpsters, contractor trailers and portable storage containers. The Temporary Containers Policy provides guidelines and restrictions for staff when directing residents and contractors in the placement of these items. The policy was implemented by the Security Services Department with support from the Alterations Division.

On January 23, 2024, staff presented the Temporary Containers Policy to the Committee. The Committee discussed the matter, asked questions, and suggested possible improvements by clarifying the language. The Committee elected to table the matter and directed staff to work with Chair Laws to update the Temporary Containers Policy.

### **DISCUSSION**

The proposed revisions include changes recommended by President Mark Laws and staff (Attachments 1-3).

### **FINANCIAL ANALYSIS**

None

**Prepared By:** Tom Siviglia, Security Operations Manager  
**Reviewed By:** Francis Gomez, Operations Manager  
**Reviewed By:** Steve Hormuth, Director of Financial Services

### **ATTACHMENT(S)**

**Attachment 1:** Policy for Temporary Containers (redline version)

**Attachment 2:** Policy for Temporary Containers (revised version)

**Attachment 3:** Resolution 03-24-xxx



### **Temporary Containers Policy Resolution 03-24-XX; Adopted [Date]**

This policy is intended to regulate the location, identification and maintenance of temporary containers such as dumpsters, contractor trailers, and portable storage containers (PODs). All references to temporary containers shall include all of the aforementioned items.

No dumping of building materials, construction/remodeling debris, carpet, or large, bulky items is allowed in/around any trash receptacle provided by Laguna Woods Village. It is the resident's responsibility to ensure such materials are properly removed from the community by themselves or their contractor. This rule applies to residents performing their own work, contractors, vendors, service companies, and delivery personnel.

#### **Terms and Conditions**

Temporary containers may be permitted with the following conditions:

1. 24-hour notice is given by the contractor or ~~Member~~resident to the Security Services Department @at 949-580-1400; providing building number, unit number, and the name of resident.
2. Temporary container must be clearly marked at all times, by the contractor or ~~Member~~resident, with the unit number from which the debris is sourced. The marking must be legible and able to withstand the elements (permanent marker on duct tape, waterproof label etc.)
3. Location of the temporary container must be authorized by the on-duty Watch Commander or designee.
4. Temporary container must be covered at the end of each work day. The area around the temporary container shall be kept clean and free of debris and dirt. The area shall be cleaned promptly upon removal of the temporary container.
5. Contractor and ~~Owner~~resident shall be responsible for placing and maintaining adequate warning signs, lights, barricades and devices at all times in order to promote the safe movement of traffic.
6. Contractor and ~~Owner~~resident shall be responsible to ensure temporary containers are equipped with reflectors on all sides. Warning devices shall be placed in advance of each temporary container as directed by the Watch Commander or designee. All warning signs, barriers, barricades, flags and other devices shall comply with or exceed the standards required in the Manual of Uniform Traffic Devices (MUTCD). All traffic devices shall be removed promptly upon removal of the temporary container.
7. Temporary containers may be in place for a maximum of seven days or until

full, whichever occurs first.

8. Dumpsters may be limited to 3-yard size (6'x4'x4'); roll off dumpsters may be permitted if space allows, with prior approval from staff.
9. Temporary Storage Containers/PODs may be limited to eight feet in length. Larger sizes may be permitted if space allows, with prior approval from staff.
10. No hazardous materials can be disposed of in temporary containers.
11. Temporary containers with wheels must have wheel chocks to prevent movement.

### **Placement**

Inquiries will be referred to the on-duty Watch Commander or designee for direction as to where the container may be placed. Staff will be assigned to meet with the resident or their contractor to determine an appropriate location for the container.

The following will be taken into consideration:

1. Traffic safety.
2. Sufficient room to place / retrieve the container.
3. Protection of hardscape and landscape assets -- placement on landscaped areas, walkways or sidewalks is prohibited.
4. Placement in any parking spaces **other than driveways, e.g. such as** guest spaces and carports, is prohibited.
5. Proximity to the unit and efficiency for the contractor.

### **Enforcement**

Failure of the ~~Member~~resident or their contractor to cooperate in placement of the container as directed by staff may result in disciplinary action. The Board of Directors has the authority to impose disciplinary action to include monetary penalties, suspension of services, and/or legal action. Members are responsible for ensuring that the rules, regulations, and policies are followed by anyone they allow into the community. This includes any co-occupant, lessee, contractor, vendor, service company, and delivery personnel. The member is responsible for any damages caused by the temporary container placement. ~~Removal of encroachments to protect public safety:~~

Whenever the Watch Commander or designee determines that a temporary container or other encroachment located in the community causes a dangerous condition or obstruction, he or she may cause the immediate removal, relocation and/or remedy of that condition without prior notice to the responsible owner or permittee of that encroachment.

~~temporary container or other encroachment that is placed on the community that is in violation of these conditions, provided that a reasonable attempt has been made to contact the owner and to give twenty-four (24) hours' notice of the intent to remove the bin.~~

The responsible ~~ownermember and/or operator~~ shall pay all costs incurred by the Third for removal, storage or clean-up resulting from the placement of a temporary container.

If a resident is concerned about the placement ~~of~~ or safety of a temporary container, they should immediately contact the Security Services Department at 949-580-1400.



**Temporary Containers Policy**  
**Resolution 03-24-XX; Adopted [Date]**

This policy is intended to regulate the location, identification and maintenance of temporary containers such as dumpsters, contractor trailers, and portable storage containers (PODs). All references to temporary containers shall include all of the aforementioned items.

No dumping of building materials, construction/remodeling debris, carpet, or large, bulky items is allowed in/around any trash receptacle provided by Laguna Woods Village. It is the resident's responsibility to ensure such materials are properly removed from the community by themselves or their contractor. This rule applies to residents performing their own work, contractors, vendors, service companies, and delivery personnel.

**Terms and Conditions**

Temporary containers may be permitted with the following conditions:

1. 24-hour notice is given by the contractor or resident to the Security Services Department at 949-580-1400; providing building number, unit number, and the name of resident.
2. Temporary container must be clearly marked at all times, by the contractor or resident, with the unit number from which the debris is sourced. The marking must be legible and able to withstand the elements (permanent marker on duct tape, waterproof label etc.)
3. Location of the temporary container must be authorized by the on-duty Watch Commander or designee.
4. Temporary container must be covered at the end of each work day. The area around the temporary container shall be kept clean and free of debris and dirt. The area shall be cleaned promptly upon removal of the temporary container.
5. Contractor and resident shall be responsible for placing and maintaining adequate warning signs, lights, barricades and devices at all times in order to promote the safe movement of traffic.
6. Contractor and resident shall be responsible to ensure temporary containers are equipped with reflectors on all sides. Warning devices shall be placed in advance of each temporary container as directed by the Watch Commander or designee. All warning signs, barriers, barricades, flags and other devices shall comply with or exceed the standards required in the Manual of Uniform Traffic Devices (MUTCD). All traffic devices shall be removed promptly upon removal of the temporary container.
7. Temporary containers may be in place for a maximum of seven days or until

full, whichever occurs first.

8. Dumpsters may be limited to 3-yard size (6'x4'x4'); roll off dumpsters may be permitted if space allows, with prior approval from staff.
9. Temporary Storage Containers/PODs may be limited to eight feet in length. Larger sizes may be permitted if space allows, with prior approval from staff.
10. No hazardous materials can be disposed of in temporary containers.
11. Temporary containers with wheels must have wheel chocks to prevent movement.

### **Placement**

Inquiries will be referred to the on-duty Watch Commander or designee for direction as to where the container may be placed. Staff will be assigned to meet with the resident or their contractor to determine an appropriate location for the container.

The following will be taken into consideration:

1. Traffic safety.
2. Sufficient room to place / retrieve the container.
3. Protection of hardscape and landscape assets placement on landscaped areas, walkways or sidewalks is prohibited.
4. Placement in any parking spaces other than driveways, such as guest spaces and carports, is prohibited.
5. Proximity to the unit and efficiency for the contractor.

### **Enforcement**

Failure of the resident or their contractor to cooperate in placement of the container as directed by staff may result in disciplinary action. The Board of Directors has the authority to impose disciplinary action to include monetary penalties, suspension of services, and/or legal action. Members are responsible for ensuring that the rules, regulations, and policies are followed by anyone they allow into the community. This includes any co-occupant, lessee, contractor, vendor, service company, and delivery personnel. The member is responsible for any damages caused by the temporary container placement.

Whenever the Watch Commander or designee determines that a temporary container or other encroachment located in the community causes a dangerous condition or obstruction, he or she may cause the immediate removal, relocation and/or remedy of that condition without prior notice to the responsible owner or permittee of that encroachment.

The responsible member shall pay all costs incurred by the Third for removal, storage, or  
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clean-up resulting from the placement of a temporary container.

If a resident is concerned about the placement or safety of a temporary container, they should immediately contact the Security Services Department at 949-580-1400.



**Temporary Containers Policy  
Resolution 03-24-XX, Adopted [Date]**

**WHEREAS**, the placement of temporary containers such as dumpsters, portable storage units (PODS) , and contractor trailers has caused safety and mobility concerns throughout the village; and,

**WHEREAS**, the Resident Policy & Compliance Committee has revised the policy that addresses these concerns;

**NOW THEREFORE BE IT RESOLVED**, [DATE], the Board of Directors hereby adopts the revised Temporary Container Policy as attached to the official meeting minutes;

**RESOLVE FURTHER**, the safety, placement, and housekeeping of these items are the responsibility of the resident; and,

**RESOLVE FURTHER**, that Third reserves the right to remove or relocate any item to remedy as unsafe condition; and,

**RESOLVE FURTHER**, Resolution 03-18-111 adopted July 17, 2018 is hereby superseded and canceled; and

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



## STAFF REPORT

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**DATE:** February 27, 2024  
**FOR:** Resident Policy and Compliance Committee  
**SUBJECT:** Member Discipline Process

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### **RECOMMENDATION**

Received and File.

### **BACKGROUND**

On July 20, 2004, the Board of Directors 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 Board of Directors is obligated to evaluate and impose if appropriate, member-discipline under its Bylaws and California Civil Code.

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 ensue 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 (Attachment 2).

If a disciplinary hearing is merited, 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 of Directors finds the member to be in violation of the governing documents, the Board of Directors may impose a fine based on the Monetary Penalty Schedule, suspend member privileges, and/or consider legal action.

The Executive Hearings Committee meets for four hours on a monthly basis for damage restoration and disciplinary hearings. For 2023, the Committee averaged three disciplinary hearings per monthly meeting.

On average, the member-discipline process takes approximately 45 days from when a complaint is reported to when a disciplinary hearing is scheduled. Additionally, at present time, approximately 82% of disciplinary cases are resolved with the courtesy notice. The following categories currently result in an immediate hearing: violations involving hazardous materials and major manor maintenance/repair. Additionally, the Executive Hearings Committee has implemented a pre-approval process for disciplinary hearings involving nuisance violations and injury to person. The Disciplinary Violations Matrix provides staff guidance (Attachment 3).

It's important to note that due to confidentiality restrictions staff is unable to disclose any information of a complaint to the reporting party.

### **DISCUSSION**

The Committee Chair requested that the process be brought forward as a refresher.

### **FINANCIAL ANALYSIS**

None

**Prepared By:** Blessilda Wright, Compliance Supervisor

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

### **ATTACHMENT(S)**

Attachment 1: Member Disciplinary Process

Attachment 2: Compliance Process Flow Chart

Attachment 3: Disciplinary Violations Matrix



## **MEMBER DISCIPLINARY PROCESS**

The following notice is provided pursuant to Civil Code Section §5310 and §5850.

Resolution 03-04-12, adopted July 20, 2004, by the Third Laguna Hills Mutual (Third) Board of Directors (Board), established a member discipline process for the purposes of holding disciplinary hearings in a timely manner and ensuring progressive discipline. The board of directors is obligated to evaluate and impose, if appropriate, member discipline under its bylaws and Civil Code §5855.

Each member of Third is obligated to comply with the rules, terms and conditions as set forth in the governing documents. Following is the disciplinary process adopted by the board of directors when violations occur:

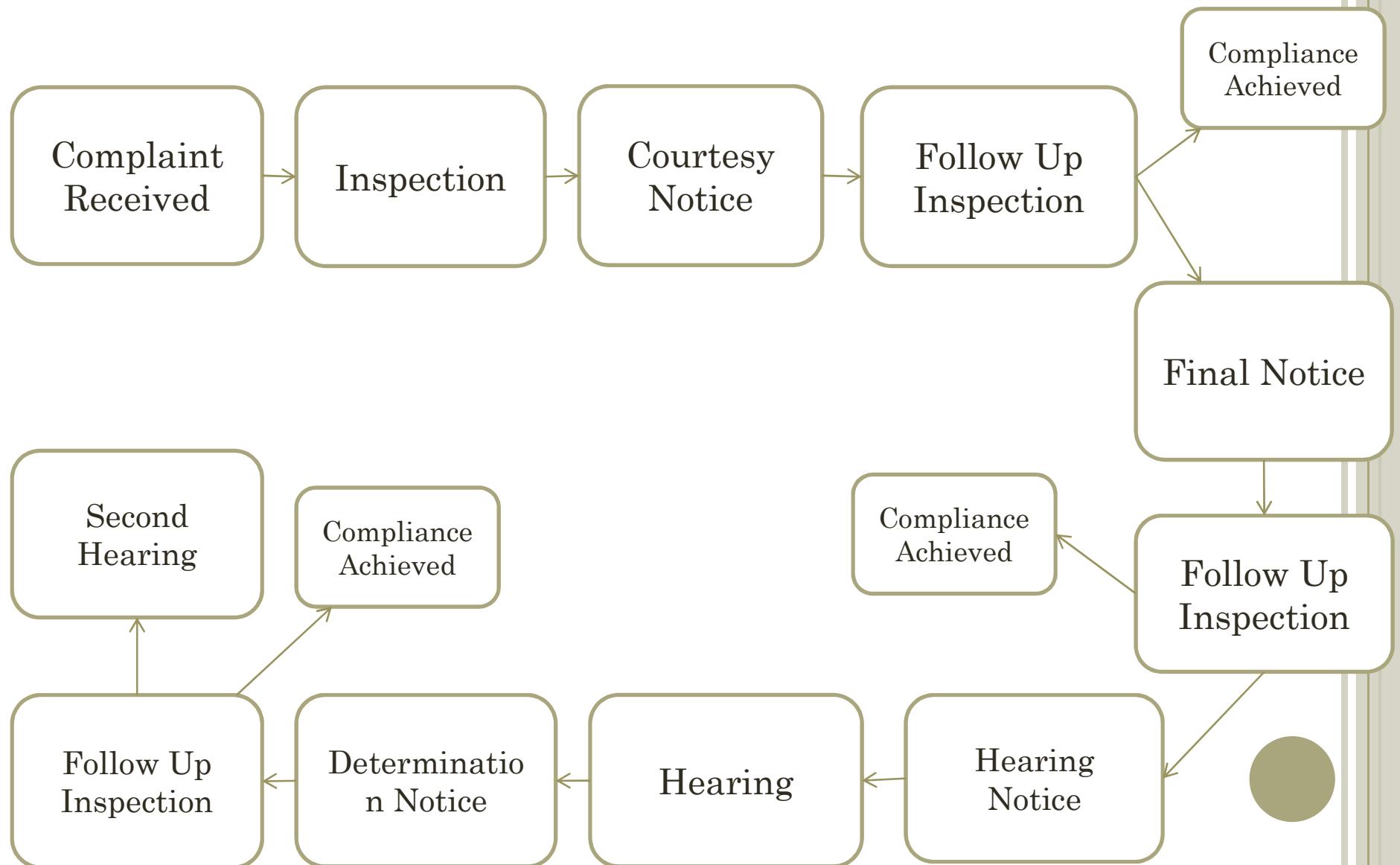
- Upon notice of alleged violation, staff investigates and files an Incident Report (IR) and/or Notice of Clutter Violation (NOV).
- By way of the initial investigation, should staff identify objective evidence of a violation by a member or their guests, staff will send a letter to the offending party describing the allegation(s) and the disciplinary action that may ensue if not corrected. Depending on the seriousness of the matter, the Board has the authority to schedule a disciplinary hearing as reasonably possible.
- Staff will monitor the situation, and if compliance with the request is not evident, an additional IR and/or NOV is filed, and a letter is sent to the offending party advising that a disciplinary hearing may be scheduled 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, staff will proceed with noticing the member for a hearing. Hearings are noticed based on Section 4.5, Discipline or Suspension, of the bylaws.
- 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 with the mutual's governing documents, the board may impose a fine based on the monetary fee schedule, suspend member privileges and/or consider legal action.

Violations include but are not limited to abandoned/inoperable vehicles, unauthorized alterations, alteration maintenance, animal nuisance, balcony clutter, breezeway clutter, carport clutter; common area clutter, interior clutter, patio clutter, unauthorized occupancy, unauthorized caregiver occupancy, landscape maintenance, nuisance, harassment, smoking nuisance,

excessive traffic citations, real estate signage, and nonpayment (assessments, chargeable services, monetary penalties, traffic citations, etc.).

The member disciplinary process is coordinated by the Compliance Division. A complaint may be registered by calling the Department of Security Services at 949-580-1400; the Compliance Division at 949-268-CALL; or by emailing [compliance@vmsinc.org](mailto:compliance@vmsinc.org).

# COMPLIANCE PROCESS





### Disciplinary Violations Matrix

| <b>Allegation</b>  | <b>Schedule<br/>Hearing<br/>Immediately</b> | <b>Follow<br/>Normal Hearing<br/>Process</b> |
|--|---|--|
| Abandoned Vehicle  |   | X  |
| Alterations - General Requirements                       |   |  |
| Construction Hours                                       |   | X  |
| Debris   |   | X  |
| Expired Permit/ No Permit                                |   | X  |
| Non-Compliance to Variance Request                       | X   |  |
| Damage to Mutual Property without Approval               | X   |  |
| Use of Community Trash Bins                              |   | X  |
| Alterations - Failure to Maintain                        |   | X  |
| Animal Control   |   |  |
| Breeding Animals   |   | X  |
| Dog Barking  |   | X  |
| Injury to Person   |   | XXX  |
| Damage to Property                                       |   | X  |
| Not Picking Up and Disposing of Feces                    |   | X  |
| Not Under Control (Off Leash / Leash Longer than 6 feet) |   | X  |
| Caregiver Policy   |   | X  |
| Clutter Violations                                       |   | X  |
| Balcony  |   | X  |
| Breezeway  |   | X  |
| Carport  |   | X  |
| Common Area  |   | X  |
| Interior   |   | X  |
| Patio  |   | X  |
| Illegal Business   |   | X  |
| Landscape Violations                                     |   | X  |
| Manor Maintenance and Repair                             |   |  |
| Major (Fire, Safety, Health Hazard)                      | X   |  |
| Minor (Broken Blinds, Visible Repair Needed, etc.)       |   | X  |
| Non-Payment of Assessments                               |   | X  |
| Non-Payment of Chargeable Services                       |   | X  |
| Nuisance - Behavior / Disturbance                        |   |  |
| Assault, Theft   |   | XXX  |
| Trespassing  | X   |  |
| Yelling  |   | XXX  |
| Nuisance - Noise   |   | X  |
| Nuisance - Odors   |   | X  |
| Nuisance - Others  |   | XXX  |
| Nuisance - Visual  |   | X  |
| Non-Smoking Policy                                       |   | X  |
| Temporary Container Policy                               |   | X  |
| Traffic Rules  |   | X  |
| Unauthorized Occupancy                                   |   | X  |
| Vehicle Oil  |   | X  |

XXX - Executive Hearings Committee Prehearing Report





**Distribution of Printed Materials Policy**  
**Resolution 03-22-81; Adopted July 19, 2022**

**I. Purpose**

The purpose of this document is to define the policies of Third Laguna Hills Mutual (“Third”) regarding the distribution of materials.

**II. Definitions**

For the purposes of this policy:

- a. Community Rules - 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.
- b. Distributor: Individual who is a resident of Laguna Woods Village.
- c. Types of Printed Materials which can be Distributed - publications, advertisements by Laguna Woods Village Clubs, announcements, campaign material, petitions, and related printed literatures.
- d. Nuisance – 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). Additionally, see Nuisance Policy, Resolution 03-20-28.
- e. Resident - is defined as any person who has been approved by the Board of Directors for occupancy in Laguna Woods Village.
- f. Third - the corporate homeowners association that was formed in 1970 and by 1984 had acquired the assets and liabilities by vote of each of the 59 individual mutuels within the larger Leisure World (now Laguna Woods Village), a common interest development, with full authority to “manage, operate, and maintain” them. Also known as Corporation. Also known as the Mutual.

**III. General Conditions**

- a. Any materials, including petitions to gather signatures, to be distributed to Third Mutual residents shall bear the name of the representative who accepts responsibility for the source of material, distribution and/or posting.
- b. Printed Materials and Postings must be removed after thirty (30) days by the distributor.
- c. Printed Materials that do not comply with these rules will be subject to removal.
- d. All material must comply with state and federal laws.

**IV. Conditions for Distribution of Materials**

- a. Door- to-door distribution of Materials shall be permitted, as long as the act of distributing such Material does not rise to the level of creating a nuisance to residents.
- b. Door-to-door distribution may only be left on the surface of the thresholds of front doors or hung from doorknobs. Material may not be placed in USPS delivery points, nor left on vehicles in carports.

**V. Conditions for Petitions**

- a. Only residents are permitted to gather signatures on petitions.
- b. The petition must remain in the possession of the signature gatherer.
- c. Unattended petitions are not allowed.

**VI. Conditions for Posting of Materials**

- a. Posting location are limited to those areas reserved for posting, such as Laundry Room bulletin boards and that are available only for residents.
- b. Only one posting per subject matter is allowed on the posting site.
- c. Posting size shall not exceed 6" by 8".
- d. Any material considered lewd, libelous or vulgar is not permitted.

**VII. Enforcement**

Third Members are personally 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 or Vendor.

Third is authorized to take disciplinary action against a Member found to be in violation of the Distribution of Materials Policy. 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. Additionally, the Board may seek reimbursement for remediation cost associated with damage caused by posting or distribution of printed materials.



**Harassment Policy**  
**Resolution 03-20-27, Adopted April 21, 2020**

**I. Purpose**

The purpose of this Harassment Policy (“Policy”) is to set forth guidelines for harassment complaints received by Third Laguna Hills Mutual (“Third”) in accordance with the requirements of Third’s Governing Documents, defined below, and the law.

**II. Definitions**

- a. Community – Laguna Woods Village.
- b. Golden Rain Foundation (GRF) – the Golden Rain Foundation of Laguna Hills, a California nonprofit mutual benefit corporation.
- c. Governing Documents – all of the following, collectively, the Articles of Incorporation; the Bylaws; the CC&Rs; the Rules and Regulations; and any Resolutions or Policies duly adopted by the Board; all as may be lawfully amended or modified from time to time.
- d. Harassment – see details under Conditions.
- e. Member – is defined as any person who is an owner of a Unit in Third’s development who has been approved for membership in Third in accordance with the Governing Documents.
- f. Resident - is defined as any person who has been approved by the Board of Directors, or its designee, as applicable, for occupancy of a manor within Third’s development.
- g. Staff - Employees of Village Management Services, Inc. authorized to act on behalf of Third.
- h. Third or the Mutual – the corporate homeowners association that was formed in 1970 and by 1984 had acquired the assets and liabilities by vote of each of the 59 individual mutuels within the larger Leisure World (now Laguna Woods Village), a common interest development, with full authority to “manage, operate, and maintain” them.

**III. Conditions for Harassment**

Below are various definitions and descriptions of harassment under both Federal and California law. While the Association is a private corporation and is not responsible for enforcing the law, these definitions act as guidelines for Third’s Board and Staff in determining whether alleged conduct rises to the level of harassment, and should thus be treated as a violation of Third’s Governing Documents pursuant to, without limitation, the restrictions against nuisances as set forth in the CC&Rs.

- **Federal Law:** Under federal law, "harassment" is defined to mean "a serious act or a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose." (18 U.S.C.A. §1514(d)(1)(B).)
- **California Law:** California defines "harassment" as unlawful violence; a credible threat of violence; or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses that person, and that serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. (Code Civ. §527.6(b)(3).)
- "Course of Conduct" is defined as a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including, without limitation, following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, facsimile, or computer email. (Code Civ. §527.6(b)(1).)
- "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his/her/they/their safety, or the safety of his/her/they/their immediate family, and that serves no legitimate purpose. (Code Civ. §527.6(b)(2).)

**Department of Housing and Urban Development (HUD) "Final Rule":** Notwithstanding the foregoing and that fact that Third has no obligation to enforce the law, recent Federal regulations/guidelines enacted by the Department of Housing and Urban Development (HUD), do impose certain obligations on Third with regard to the investigation and treatment of reported harassment. The New guidelines, adopted in August 2016, were enacted in an effort to further define and address housing discrimination in the form of harassment. In that regard HUD's new guidelines now deem any form of harassment in housing or within housing developments a form of illegal discrimination. Based on HUD's guidelines, homeowners associations, such as Third, are considered housing providers, and as such are required to evaluate alleged harassment to investigate whether a resident is being subjected to harassment to the extent that it may amount to illegal housing discrimination. Pursuant to the guidelines Third is required to investigate all reported claims of potential harassment of Members or Residents and, as appropriate, take all action permitted under the Governing Documents to address such harassing behavior. (24 CFR 100.600.)

**Governing Documents:** While Third's Governing Documents do not directly address "harassment", those actions which constitute harassment based on the above laws and guidelines would fall under the general prohibition against nuisances found in Article III, Section 6 of Third's CC&Rs, and, further, any acts of harassment that constitute a violation of law are expressly considered a nuisance in violation of the Governing Documents. According to Article III, Section 6, Members and Residents are not to permit or suffer anything to be done or kept in or about the dwelling unit or otherwise within Third's development which will increase the rate of insurance on any building or other property of Third or on the contents thereof, or which will obstruct or interfere with the rights of other Members or Residents or annoy them by unreasonable noises or otherwise. Members and Residents are also restricted from permitting any nuisance in or about the dwelling unit or otherwise within Third's development or committing or suffering any immoral or illegal act to be committed thereon. Members and Residents are obligated to comply with all of the requirements of governmental authorities with respect to the dwelling unit and all other premises of Third. (CC&Rs Article III, Section 6, Use Restrictions.)

#### **IV. Harassment Complaints and Investigation**

A complaint may be registered by calling the Security Department at 949-580-1400 or the Compliance Division by calling 949-268-CALL or email to [compliance@vmsinc.org](mailto:compliance@vmsinc.org). Staff will inform the reporting party to call the Security Department for documentation of the reported harassment. Staff may also inform the reporting parties to call the Orange County Sheriff's Department if and when the behavior occurs.

Investigating Alleged Harassment: to determine whether or not harassment is taking place in violation of the Governing Documents, Staff evaluates the nature of the unwelcome conduct, the context in which the incidents occur, the severity, scope, frequency, duration, and location of the conduct, and the relationships of the people involved.

Any complaint received of harassment of a Staff member by any Member or Resident of Third will be investigated by the Board and Third's Legal Counsel. No harassing or inappropriate behavior toward Staff will be tolerated. Village Management Services may also perform its own investigation into such allegations and determine whether legal action against a Member or Resident is necessary to protect Staff and its interests. Third may coordinate its investigation with Village Management Services, and, in the Board's discretion, may review and adopt the evidence and findings of any investigation by Village Management Services as its own and take appropriate enforcement action based upon same.

In the event that the alleged harassment involves acts or behavior by a Staff member against a Member or Resident, a complaint may be made directly to the

Third's Executive Committee by phone to 1-877-888-0002. Third will report such conduct directly to Village Management Services to conduct an internal investigation into the conduct in question by the Staff member who is a Village Management Services employee, and to take appropriate action with regard to said employee. Staff members are employees of Village Management Services, which is the managing agent for Third, and are not employees of Third over which Third has direct authority or control. Notwithstanding the foregoing, Third and its Board may address and discuss any complaints regarding Staff members and the handling of same with Village Management Services, as may be appropriate, in the Board's discretion.

Except as otherwise indicated above, reports of harassment will be evaluated by Staff (except in the event Staff is involved in such complaint) and Third's Legal Counsel to ensure that the Board complies with its obligations under the Governing Documents and as required by law, including, without limitation the HUD guidelines on harassment. The Board will address the harassment to the extent such acts constitute a violation of Third's Governing Documents and to the extent required by law.

#### **V. Enforcement**

Third is authorized to take disciplinary action against any Member who may be found in violation of the Governing Documents, or whose unit or Residents, tenants, or guests are found to be in violation of the Governing Documents (CC&R Article XIX; Bylaws Article 4, Section 4.5). When a complaint is lodged regarding the occurrence of a violation, the Board of Directors has a duty to investigate and impose, if appropriate, discipline as set forth in the Governing Documents. Discipline shall be imposed after a duly noticed disciplinary hearing in accordance with the requirements of statute and Third's Governing Documents.

If a Member or Resident, or a guest of either, is found to have engaged in acts constituting harassment in violation of the law and/or constituting a nuisance or otherwise in violation of the Governing Documents, the Board has the authority to impose monetary fines, suspend Member(s) privileges, and/or bring forth legal action, as more fully set forth in the Governing Documents, including without limitation the Schedule of Monetary Penalties, as may be revised from time to time. Each Member is entirely responsible for ensuring that the Governing Documents are followed by anyone they allow into the Community—this includes any co-occupant, lessee, guest, care provider, vendor, invitee or contractor.

If a non-owner Resident is found to have engaged in behavior constituting harassment, Third may, in addition to any disciplinary action taken against the responsible Member, exercise such rights and remedies directly against such Resident as authorized by the Governing Documents and law, which include, without limitation, legal action for a protective order against such Resident to

protect the interests of the Association and Staff. If such Resident is subject to a lease with Lease Authorization from Third, Third may also revoke the Lease Authorization and approval for occupancy of such person in Third, and seek removal of such Resident through an unlawful detainer action, in accordance with Third's Lease Policy.

Notwithstanding the foregoing, and regardless of whether disciplinary action is taken, any Member of Third or resident of the Community who serves in any capacity as an officer of Third, a committee member, or otherwise as an advisor to Third or Staff may be removed by the Board from such position and have any appurtenant privileges revoked. Any person holding such officer, committee, or advisor position serves at the pleasure of the Board, and may be removed by the Board in its discretion if the Board believe it is in the best interests of the Third to do so, even if it is ultimately determined upon investigation that no harassment took place (see Bylaws, Sections 7.1 and 9.3).







**Hate Policy**  
**Resolution 03-21-36; June 15, 2021**

**WHEREAS**, it is the desire of the Corporation to create an environment that is safe for all residents and free of attack against an individual's race, color, religion, national origin, sexual orientation, gender, gender identity, disability; and

**WHEREAS**, to support residents in that regard the Board of Directors of this Corporation desires to implement procedures to help individuals efficiently and effectively report hate crimes and incidents to the proper authorities:

**NOW THEREFORE BE IT RESOLVED**, June 15, 2021 that the Board of Directors of this Corporation recommends that any individual that believe a hate crime or incident may have occurred take the following action:

- Call the Laguna Woods Village Security Department at 949-580-1400 immediately and make a report. **IN AN EMERGENCY SITUATION, CALL 911.**
- Obtain medical attention, if needed. Be sure to keep all medical documentation.
- Leave all evidence in place. Do not touch or remove or clean up anything.
- Document what happened by: taking photographs of all evidence, including physical bodily damage, writing down exactly what was said, particularly any words that indicate bias motivation, and other information that may be valuable.
- Get the name(s), address(es) and phone number(s) of other victims and witnesses.
- If possible, write down a description of the perpetrator and the perpetrator's vehicle.

Call 714-480-6580 and report the occurrence to OC Human Relations  
Website: <https://www.ochumanrelations.org/hatecrime/report/>

**RESOLVE FURTHER**, that Anti-Hate Policy will now be known as the Hate Policy from henceforth;

**RESOLVE FURTHER**, that Resolution 03-06-56 adopted November 21, 2006 is hereby superseded and canceled; and

**RESOLVED FURTHER**, that the Officers and Agents of the Corporation are hereby authorized on behalf of the Corporation to carry out the purpose of this resolution.



**Third Mutual Nuisance Policy**  
**Resolution 03-20-28, Adopted April 21, 2020**  
**Resolution 03-23-02, Amended January 17, 2023**

**I. Purpose**

The purpose of this Nuisance Policy ("Policy") is to set forth guidelines for the treatment and handling of nuisance complaints received by Third Laguna Hills Mutual ("Third"), in accordance with the requirements of Third's Governing Documents, as defined below, and the law. This policy is applicable to all Third members, residents, and their guests.

**II. Definitions**

- a. Community – Laguna Woods Village.
- b. Golden Rain Foundation (GRF) – the Golden Rain Foundation of Laguna Hills, a California nonprofit mutual benefit corporation.
- c. Governing Documents – all of the following, collectively, the Articles of Incorporation; the Bylaws; CC&Rs; the Rules and Regulations; and any Resolutions or Policies duly adopted by the Board; all as may be lawfully amended or modified from time to time.
- d. Member – any person who is an owner of a Unit in Third's development who has been approved for membership in Third in accordance with the Governing Documents.
- e. Nuisance – see details under Conditions.
- f. Resident – any person who has been approved by the Board of Directors, or its designee, as applicable, for occupancy of a manor within Third's development.
- g. Staff - Employees of Village Management Services, Inc. authorized to act on behalf of Third.
- h. Third or the Mutual – the corporate homeowners association that was formed in 1970 and by 1984 had acquired the assets and liabilities by vote of each of the 59 individual mutuals within the larger Leisure World (now Laguna Woods Village), a common interest development, with full authority to "manage, operate, and maintain" them.

**III. Conditions for Nuisance**

**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) To be considered a nuisance, the behavior has to be repeated or continuous; single instances of an action or activity will not be considered a nuisance.

**Public Nuisance:** A public nuisance is a condition or activity that interferes with the health or well-being of the entire community or a considerable number of persons in the neighborhood. (Civ. Code §§ 3479-3480)

**Private Nuisance:** A private nuisance is a condition or activity that interferes with an individual's use or enjoyment of their property. (Civ. Code §§ 3479, 3481)

**Governing Documents:** “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” (CC&Rs Article III, Section 6, Use Restrictions)

Based upon the foregoing provision of the CC&Rs and various statutory provisions, with regard to Third, a nuisance shall be deemed to be anything that unreasonably interferes with another Member or Resident’s use and enjoyment of his/her/their/they manor, as determined by the Board. Below are examples of activities that fall into a nuisance category; please note, however, that this is not an exhaustive list of potential nuisances, inasmuch as any activity that falls within the above definition of a nuisance shall be deemed a violation of Third’s Governing Documents:

1. **Noise:** Things that interfere with quiet enjoyment such as improperly installed hardwood floors, residents playing their music or TV at an excessively loud volume, overly loud conversations, yelling or shouting, barking dogs, excessively loud vehicles, etc. Excessive and overly loud characteristics are measured against what a reasonable person in the same or similar circumstance would consider to be excessive or overly loud.
2. **Odors:** This includes second-hand smoke or smoke odors (cigarettes, cigars, vaping matter/materials and marijuana), strong odors from e-cigarettes or vaping devices, strong cooking odors, smoke from a BBQ grill entering other units, etc. The word strong shall be measured against what a reasonable person in the same or similar circumstance would consider to be strong.
3. **Visual:** Draping articles over balcony rails or patio walls, storing inoperable vehicles in parking spaces, excessive amount of items or clutter in visible areas, etc.
4. **Health/Safety:** Persons who allow unsanitary conditions to exist in and around their unit/manor where the accumulation of household items, belongings and/or materials, that attract insects, pests and rodents or creates strong odors that are recognizable in the common area or another unit/or manor, or residents who wash dog feces and/or urine off their unit/manor balcony onto the property below them.
5. **Violation of Laws:** A violation of federal or state laws or local ordinances, including, without limitation, such violations as public nudity, brandishing weapons which are registered or unregistered at or in the presence of another resident, the resident’s guest and invitees and/or a staff member or a Resident, the resident’s guest and invitees engaged in drug dealing (selling drugs for money or in exchange for some other form of remuneration) or prostitution. Instances of these law violations should be reported to the OCSD.

#### **IV. Nuisance Complaints and Investigation**

A complaint may be registered by calling the Security Department at 949-580-1400 or the Compliance Division by calling 949-268-2255 or email to [compliance@vmsinc.org](mailto:compliance@vmsinc.org). Staff will inform the reporting party to call the Security Department for documentation of the ongoing nuisance violation.

**Investigating Alleged Nuisances:** To determine whether or not a nuisance in violation of the Governing Documents is taking place or has occurred, Staff evaluates the alleged behavior, based upon the written complaint provided along with all of the information provided to support the complaint, and may further investigate the complaint before determining if the alleged behavior or nuisance activity in fact occurred, and whether the impact on other Members/Residents or units is deemed reasonable or unreasonable to an average reasonable person similarly situated. This may include, without limitation, further conversations with the reporting party and neighbors, and inspection of the unit(s)/manor(s) in question. Staff may also take the following steps when investigating certain nuisance complaints:

- For hard surface flooring complaints: Staff may perform informal sound tests that include two Staff members in the downstairs unit at the same time that two Staff members are in the upstairs unit, with an attempt to replicate the alleged noise.
- For odor complaints: Staff may perform an informal odor test that includes two Staff members in the unit from which the alleged nuisance odor arose at the same time that two Staff members are in the reporting party's unit, with an attempt to replicate the alleged odors. Staff may also seek assistance from the Maintenance Department to determine if the building structure is a factor that allows for the transmission of the odor that can be remedied.

If Staff determines that the alleged nuisance in violation of the Governing Documents has or may have occurred, a warning letter may be sent to the responsible Member and/or the Member may be sent a notice that the Member is being called to a disciplinary hearing before the Board or a committee thereof. At the disciplinary hearing, the Board will consider all evidence and documentation of the alleged nuisance violation, and the Member may speak and present evidence regarding the nuisance before the Board makes a decision on disciplinary action to be taken, if any.

#### **V. Enforcement**

Third is authorized to take disciplinary action against any Member who may be found in violation of the Governing Documents, or whose unit or Residents, tenants, or guests are found to be in violation of the Governing Documents (CC&R Article XIX; Bylaws Article 4, Section 4.5). When a complaint is lodged regarding the occurrence of a violation, the Board of Directors has a duty to investigate and impose, if appropriate, discipline as set forth in the Governing Documents. Discipline shall be imposed, if at all, after a duly noticed disciplinary hearing in accordance with the requirements of statute and Third's Governing Documents.

If a Member or such Member's unit/manor is found to have committed a nuisance violation as defined herein, the Board has the authority to impose monetary fines, suspend Member(s) privileges, and/or bring forth legal action, as more fully set forth in the Governing Documents, including without limitation the Schedule of Monetary Penalties, as may be

revised from time to time. Each Member is entirely responsible for ensuring that the Governing Documents are followed by anyone they allow into the Community—this includes any co-occupant, lessee, guest, care provider, vendor, invitee or contractor.

In the event there is an ongoing dispute between neighbors over nuisance violations or alleged violations, and the Board ultimately determines that the activity/behavior in question does not rise to the level of a governing document violation, although the Mutual is not obligated to do so, Staff, on behalf of the Mutual, may offer informal mediation performed by the Compliance and Social Services Division to help facilitate a resolution to the dispute. Staff will also recommend, as an alternative for the complainant and the owner against whom the complaint is made, professional mediation services offered by the County of Orange. Notwithstanding the foregoing, nothing in this paragraph or this Policy shall be construed to create a duty on the Board to resolve any dispute between neighbors or an obligation beyond those duties imposed on Third and its Board by the Governing Documents or by law.