

# Minutes of the Sunset Mesa Property Owners Association's Board Meeting

October 11, 2015

10/11/15 at 9:06 am called to order:

Present at today's Board Meeting:

Linda Kaye  
Anne Burkin  
Marco Rufo  
Greg Bernstein

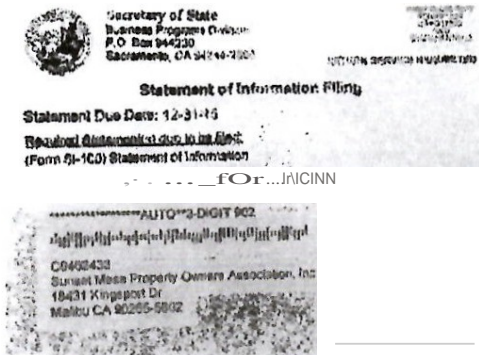
Not Present: Nancy Posner

September minutes posted:

Approved and Accepted Septembers 13, 2015 minutes.

Old Business

Secretary of States Statement of Information was timely filed on behalf of SMPOA:



Architecture Committee Site Visits and Determinations/Minutes:

Training for the Architecture Committee for new members: Stuart Burkin and Rahul Jain was on 9/20/2015. Duties and procedures for the committee were explained.

Site Visits of September 20, 2015

1. 3749 Malibu Vista (Flaherty) (Homme) (Review revised plans for remodel - Homeowner agreed to revise plans and resubmit to AC.
2. 18408 Wakecrest Dr (Brenda Williams) OVI caused by 18359 Coastline Dr (Ullian Mazon Habiby) OVI caused by trees and shrubbery - OVI Letter of Determinations (LOD) will be sent to 18359 Coastline Homeowner.

3. 18402 Wakecrest (Rudzinsky) OVI caused by palm tree at 18341 Coastline. Property sold 6/16/15 to La Nina LLC and is currently under remodel construction. OVI LOD will be sent.
4. 18449 Kingsport (Urbanas) OVI caused by trees at 3839 Malibu Vista (Ashfar), deferred to the next site visit. Urbanas was not available.
5. 3905 Malibu Vista (Ahmad Pashmforoush) OVI caused by 3913 Malibu Vista (Steve and Hae Han) deferred to the next site visit, homeowner Pashmforoush was not available.
6. 3920 Malibu Vista (Melikian) An LOD was previously sent 18452 Wakecrest. Homeowner ignored Letter of Determination 30 day notice. Board sent matter to ADR and Melikian partially complied. Board will take under consideration and discuss with homeowner on the next steps to take regarding OVI and ADR action.
7. 18452 Wakecrest (Mahmood) OVI to be decided; Site visit previously cancelled until homeowner paid his dues. Now compliant, site visit deferred to next month.

Other AC Board matters:

1. Ron Rice at: 18444 Coastline Drive filed a complaint regarding new construction at: 18450 Coastline Drive against new homeowners Richard & Bridgette Carroll due to a newly constructed deck. There was no record of the Carroll's submitting plans to the AC or having prior approval of same. Counsel for the Board, (Kaiser, Swindells & Eiler) was retained to issue a "Cease & Desist" Letter. Richard Carroll, Esq. communicated with the Board's counsel that they would bring their project into compliance by removing the OVI, complying with the cease and desist order, and submitting plans to the AC for approval.
2. AC site visit will be moved to the last Sunday of every month until further notice.

Getty Update:

*What Is Community Upset with Getty About?*

1. Meeting coming up on the 20th of October at 5 PM.
2. Original Conditional Use Permit (CUP) required them to meet with the community once a month. Getty Liaison Nancy Posner reported in 2013 it was changed in the community meeting by Getty's recommendation to a quarterly basis about two years ago.
3. Changes to the CUP. In every meeting with the GVRRC {Getty Villa Review Committee} we have requested a copy of their CUP and any revisions, to determine if the Getty had violated conditions under which their CUP is governed. All requests have been ignored. Traffic flow has increased onto Coastline. Why? At a minimum the community is to be provided with notices of any intended changes as well as sign off on them.
4. The SMPOA Board believes the Getty has violated their CUP by repeatedly allowing cars to exit from their property into our neighborhood and requests for a copy of their traffic report has been ignored.
5. Throughout 2015 the SMPOA Board notified Getty verbally in the only meetings we can address issues, the GVCRC now quarterly meetings, and in writing, that they have violated the conditions of the CUP .



6. Exit of Getty onto Coastline. At the summer GVRRCR quarterly meeting they informed the community they would be closing their Los Lioness exit to all previously exiting traffic except employees and tour buses. We believe this is a change of conditions to their CUP. This means that now all traffic to and from the Getty will now enter from PCH and exit only onto Coastline.
7. To date all efforts to seek a resolution regarding traffic into our neighborhood with the Getty; traffic jams caused by their exits from evening performances; dangerous conditions the Sheriff's Dept is creating by shining their police-issue flashlights into the eyes of the oncoming traffic of the left-hand-turns off of PCH; preventing LH turns to safely exit PCH; refusal to provide updated traffic studies (presumably one was reviewed and approved by them when the view deck at PCH and Coastline was done); or a copy of their CUP changes have all failed to produce any result. Their refusal has resulted in our President's (Linda Kaye) exercise of the Freedom Of Information Act to seek an alternative sources that will provide a copy of all these documents. A request was sent late September 2015.
8. At the last Getty community meeting, Getty counsel denied any wrong doing. Special Issues Chair Becky Rickley, and Natasha Roit, on behalf of the SMPOA asked Getty counsel present at this meeting, to confirm whether or not the required set aside funds (required in the original issuance of the CUP), approximately \$2Mil, were still available to address community issues and traffic. They answered on record that those funds were no longer required as a condition of their CUP. Without verification of those conditions, outlined in any subsequent CUP modifications, it would be hard to determine how a violation of the CUP has occurred.
9. Every home owner is encouraged to send Linda Kaye at [lindakaye@smpoa.com](mailto:lindakaye@smpoa.com) an email account of their own experiences or observations or complaints that concern the community and specifically regarding the Getty.

#### Special Issue committees update:

Bankruptcy of Marvin Goodfriend matter, 3925 Malibu Vista Drive:

The settlement agreement was signed on behalf of the SMPOA, and not an individual homeowner(s.) However it came to the attention of our President, Linda Kaye that adjacent homeowners were sent a notice by the Bankruptcy Trustee advising them of this settlement. Due to delays in that settlement caused by winning-bid-homeowner Jacob Cohan, who filed a lawsuit objecting to the settlement agreement he was not party to, the settlement was not entered or signed into court order. As of this date SMPOA has not been notified, served and communicated about the lawsuit. It is the SMPOA's position that the lawsuit by Jacob Cohan, et al, was brought in bad faith and will act on this assumption accordingly.

#### Treasurer's Report:

A \$200 gift card was given to Joe Carr for his pro bono services in the Goodfriend Bankruptcy appeal.



SMPOA Block Party Expenses are attached

WELLS FARGO CHECKING ACCOUNT STATEMENTS OF SEPTEMBER, 2015

DEPOSITS	DATES	AMOUNT	From	CHECKS	PURPOSE	DATES	AMOUNT	CHECKS
None				2131		9/15/15	545	
Interest				2132	Interest	8/17/15	1110	
	9/30/15	1.06		2133		11/14/15	ISO	
				2134		0/21/15	200	
				2135		9/10/15	332.5	
						11/11/15	197.43	MICHELE
						11/11/15	489.04	Smart N Fine!
						11/11/15	52.07	None
						0<14/11	63.98	Nonil HairWin!!
WELLS CHECKING ACCOUNT GRAND TOTAL		5140.62931				11/11/15	44.34	Ralpho
<b>Undeposited Funds: None</b>						9/11/15	171.13	Any Occallen Lido
						9/15/15	200	tan 2
						9/11/15	134.94	lam

WELLS FINANCIAL ACCOUNT STATEMENTS OF SEPTEMBER, 2015	WELLS ACCOUNT STATEMENTS OF SEPTEMBER, 2015
CASH 110003	CASHEQUIV 0
FIXED INC 78,000.52	MUTUAL FUNDS \$330M.77
SUM \$711,600.55	SUM \$33,095

**Budget:**

Taxes are due in October and will be paid on time.

**New Business:**

1. A very public thank you goes out to Ann Burkin and Lola Ross for their amazing help in this year's block party!!! This year's block party was completely funded by sponsors and was a huge success.
2. Next year the block party will be in October with Halloween theme.
3. Board is considering the costs associated with the ongoing preservation and converting digitally into perpetuity all documents in the SMPOA storage unit. We will investigate the costs to digitize all the records, including plans, in the storage unit. No plans to have all the old documents certified and destroyed were discussed until costs to digitize were agreed on.
4. Board members had a discussion regarding families that had befallen recent catastrophes when they happen in our neighborhood and are in good standing that we consider doing the following:
  - a. Creating a discretionary fund – created with both voluntary donations from the community as well as matching funds from SMPOA. This money could be used to help offset the costs to remove trees creating an OVI assisting families unable to afford the removal cost due to serious verifiable financial hardships and circumstances.
  - b. The Board has received 2 current specifically verified financial hardship issues that are causing an OVI to their neighbors and expressed desire to comply but were unable to afford the cost of (palm tree) removal.
  - c. Donations accepted on behalf of the SMPOA are tax deductible. If you would like to donate on behalf of this cause please send checks c/o SMPOA and mailed or dropped off at 18431 Kingsport, Malibu, CA 90265 and in the memo write the description of the donation.
  - d. SMPOA is also researching how to donate a tree when a tree is cut down in the Sunset Mesa due to an OVI. Moneys from donations may be used for such.
  - e. If you are a family of wealth/means and can send a donation, it is tax deductible and would help immensely!

- f. A strict accounting will be provided in the minutes of all the moneys we receive and what it will be spent on. Families of hardship will be kept under strict confidentiality and will not be posted only the amount used.

No further issues were discussed. Meeting was adjourned at 11:00 am.



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