

March 11, 2025

HOA Board of Directors

Herschel Condo Association

7434 Herschel Ave, MB 10
La Jolla, CA 92037

CC Shay Wickline

Associated Professional Services

Subject: Appeal of Fine of \$41,000 for False 'Non Compliance "Imposed by HOA

Dear HOA Board of Directors,

I hope this letter finds you well. I am writing to formally appeal the fine of \$41,000 that has been imposed on me for alleged violations of "Non Compliance" unknown]. I believe this fine is unjust, retaliatory, and based on false allegations, and I respectfully request a thorough review of the situation.

As a long-standing member of the Herschel Condo Association community, I have always made an effort to abide by the HOA's rules and contribute positively to the neighborhood. However, I believe the fine in question has been levied for retaliatory reasons and possibly due to personal conflicts with the current and former HOA Board Members and, which the County of San Diego has confirmed involving Elder Abuse against me.

1. **False Allegations:** The fine is based on the HOA's charge of "non compliance" related to the plumbing work that the HOA Board and APS granted several times in advance of the work. In fact the Boards own HOA minutes reflect the first ever HOA Board vote after I made the request during the March 2024 Board meeting after weeks of delaying my request , but granting verbal requests to then new Buyer and owner of Unit 9. She completely remodeled her unit, including the installation of a washer and dryer, new showers and windows and doors, which were not permitted. Associated Professional Services, Shay Wickline's granted multiple pre approvals to me, sent me the March 2024 HOA meeting notes with an approval, sent approval emails and granted pre approval on the phone to my licensed Contractor, John Meza. Furthermore, my MD suggested improved accessibility yet, the HOA purposely delayed my requests while granting water turn off to other owners who also were conducting plumbing or remodel work. Since the beginning, I have made several requests to speak, meet in person like all other owners enjoy when doing their work, but my meetings are denied.
2. **Retaliation:** I strongly believe the fine is retaliatory in nature. I have raised concerns regarding the Board not placing the illegal remodel above me on the HOA agenda for the

past 5 years, resulting in harm to me and my son. Prior owner, Erica Derby was cited in 2022 and new Board member and owner Kristin Moore was also cited by the City of San Diego for Building code violations (pending now) inside and outside of her unit, that has caused damage in the form of a popping and cracking ceiling noise each time adult foot pressure is present. The noise also resulted from carpet and flooring replacement that increased overall noise levels for me below, causing me and my son less quiet enjoyment. The issue remains because the Board has failed its duties to resolve any of my verified and valid complaints, vs addressing other wonders needs timely.

3. I have consistently reported the failure to maintain, set aside proper budgets to pay for the emergency repaired that are required by the Board, but instead all 9 owners received an emergency assessment of \$65,000 because of the failures budgeting and because the Board did not request assessments to build reserves, but waited years till the maintenance was an emergency, then conducted construction of our back stairs and roof waterproofing describe any actions you took that may have led to the retaliation, such as filing complaints, opposing being physically pushed by Board member and using the Band App to further hate against me among the the 9 unit community. This fine appears to be an attempt to silence my concerns of selective enforcement of CC&Rs and rules. For example the Board voted with full approval that parking spaces are for vehicle parking, the board is non compliant. Unit 7 Board members opened up the exterior wall on her patio and installed an electrical outlet in 2024 without pre approval or a permit. There was a wall heater installed above me without permit or pre approval. There was a dog that exceeded the weight limit approved by the Board yet violates the CCR's since the dog exceeds the building guidelines. But the board claimed " social emotional support" was the reason to allow the CCR's to accommodate the Board members' rental to a new tenant in August 2024.
4. Finally, Three other units installed a p trap below their units in prior years, without pre approval of any kind. The holes made to widen remain unfilled and are located easily for all to see (look above at parking space 9 and you see the unfilled holes caused when a p trap was added to serve units 3 and 8. And then another P trap was added to serve Units 1 and 6. For unit 5, a p trap was added and the hole remains. You can see this hole if you look up from the parking space for unit 2-there you see another hole. The City has cited the HOA for these holes. My work was conducted and completed and a permit was issued. The Board is making false claims about my plumbing as a form of entrapment to drive me out of my home.
5. My unit 2 is fully permitted for a washer and dryer, despite the Board President filing a complaint against me. It was denied by the City because it was permitted. The complaints filed by the board against my contractor were also untrue. He is licensed and bonded, yet days after I started my plumbing, the Board refused to speak to me or my contractor, yet filed a complaint with the California Contractors Board and Bond. Both complaints dismissed
6. The BAND App sent a message to all owners about an emergency repair. The Board President embedded the Denied Elder Abuse Case documents in his profile picture for all to see. This included the SD Superior Court Case information.

7. **Elder Abuse Allegations:** Additionally, there have been ongoing instances of mistreatment and aggressive behavior toward me. I believe these actions, which I consider to be elder abuse, may be influencing the decision to impose this fine. San Diego County Adult Protective Services conducted a full investigation into these matters and confirmed elder abuse and financial abuse, but is hindered by the “business Judgement Rule” to proceed against the protected Board.

I respectfully request that the HOA Board:

- **Review the fine:** In light of the evidence I have provided, I ask that the fine be rescinded or reduced to a more reasonable amount and conduct an IDR or ADR as required by law and settle the matter. The board has denied any resolution for Unit 2 complaining about deferred maintenance and failure to maintain, conduct fair elections and perform required duties, instead I have faced fines from this 9 unit self managed community. We always had community and met with owners and were reasonable until the Serial meeting on 2/12/2020 removed all in person meetings and denied any process to file complaints, request work or maintain our building. We no longer have the Garne we had, we have detached handles, elevator permits posted expired, some owners get to bypass the process, others not. Selective enforcement of CC&Rs has become the norm and hate has filled our once peaceful community. New owners took away noise reduction rugs, inclusiveness and now bully to manage, yet our building remains unpainted, mismatched stucco, plants growing from rotting wood and violence inside the gates.
- **Investigate the circumstances:** I request a full investigation into the actions of Board members who physically assaulted me, of President who violated the Brown meeting act on 2/12/2020 by holding and conducting a serial meeting inside then non board member, Mary Cahil's Unit 3. On that date 5 HOA members were excluded, violating the Davis Stirling act by conducting an illegal type of meeting. Unit 4 Barbara Trip and 40 year member Bernice Abernathy denied access to that meeting to the other 5 Board members and took over our board illegally. The meeting was fully recorded by the now current board member where he admits to his illegal deeds of rewiring the building laundry room light without a license and the Feb 12, 2020 Serial HOA meeting.
- **Fair hearing:** I ask for a fair and impartial hearing where I can present my case in detail and respond to any concerns the Board may have regarding the alleged violation. If necessary, I would appreciate the opportunity to have an independent mediator present during the hearing. I am appealing the decisions and object that for 5 months there has been no accounting of any costs related to the enormous and unprecedented use of an abusive for of Financial Abuse of \$41, 000 with premeditated plan to drive me and my son from my home of over 27 years and which I was an elected President of the HOA.

I value the community we have here and have always aimed to contribute positively by often being the first to alert Shay Wickline of emergency or urgent repairs. However, I believe that the actions taken against me are not only unfair but also illegal. I trust the HOA will take the appropriate steps to review the matter thoroughly and ensure that all parties are treated fairly.

Please confirm the date and time for the hearing or meeting where this appeal will be reviewed. I would be happy to discuss this further and provide additional information as needed.

Thank you for your attention to this serious matter. I look forward to your prompt response and a fair resolution. Please engage in mediation at our building, in the courtyard in a transparent and open place.

Sincerely,

Sandra Punta, Owner since 1997

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