

Subject: Urgent Concerns: Rick Wagner's Abuse of Power, Denial of Due Process, and Potential Elder Abuse - Intent to Pursue All Remedies

Dear Fellow Board Members,

I am writing to express grave concerns about Rick Wagner's ongoing conduct, which constitutes a severe abuse of power, breach of fiduciary duty, denial of due process, and potential elder abuse. I want to emphasize that I do not intend to move or sell my unit. Instead, I am committed to utilizing every available resource to stop Mr. Wagner's and other two owners involved in elder abuse.

Our HOA consists of nine owners: seven women and two men. Mr. Wagner, who runs the UCSD SuperComputer Lab, possesses significant technical expertise that could be used to ensure equitable access to meetings. However, he has selectively targeted me in a campaign of harassment and retaliation.

During last night's HOA meeting, which lasted only 15-20 minutes before the Board (units 1, 6, and 7) went into executive session, Mr. Wagner's statements regarding the Epstein debt revealed a plan to have me, a unit owner, cover this debt. He also demanded I remove my website (HerschelCondominiumAssociation), which exposes excessive spending with Epstein Law Firm and a 5-year vendetta. **The San Diego District Attorney is currently investigating related real estate fraud with an open case.** Most critically, Mr. Wagner runs the UCSD Zoom meeting and denied my access and support to join the via video Zoom.

The pattern of abuse by Mr. Wagner includes, but is not limited to, the following:

- **Denial of Due Process and Potential Elder Abuse:** I've been repeatedly denied access to HOA meetings. Mr. Wagner explained that the meeting access now requires attendees to sign into a Zoom account due to "Zoom bombing" issues. He stated this after hearing me join by phone and asking me if that was me from Unit 2 and when I mentioned the continuing issue of accessibility. For months, since November 2024, I have received a "denied access" message. Previously, HOA Zoom meetings only required clicking a link and entering a password. Mr. Wagner never informed me or announced that he changed the settings on his UCSD work Zoom account to require attendees to log into Zoom prior to accessing the link or password provided, which I was unfamiliar with despite my use of Zoom. This behavior raises serious concerns, especially given that San Diego County Elder Services has confirmed elder abuse. I immediately requested assistance by notifying APS (Associated Professional Services) representative, Shay Wickline, both last night and previously, of these access issues. APS was present on the Zoom call last night but did not offer any owner support to me. I was finally able to access the meeting via telephone, which is not my preferred method and limits my ability to fully participate. Mr. Wagner, with his technical expertise from running the UCSD SuperComputer Lab, is certainly capable of providing assistance to ensure I can access the meetings, yet he has chosen not to. California law, specifically

the Elder Abuse and Dependent Adult Civil Protection Act (California Welfare and Institutions Code Section 15600 et seq.), defines elder abuse broadly, including:

- **Financial Abuse:** (WIC 15610.30) This includes taking or retaining property of an elder for a wrongful use or with intent to defraud.
- **Emotional Abuse:** This can include isolation, intimidation, and other treatment resulting in mental suffering.
- Denying an elderly resident access to essential HOA meetings, especially when it impacts their property rights and financial obligations, could be construed as a form of emotional and potentially financial abuse, particularly when a person with the technical skills to assist \*refuses\* to do so and selectively targets that resident.
- **Filing of False TROs:** Mr. Wagner has filed false Temporary Restraining Orders against me, demonstrating a clear intent to harass and intimidate.
- **Harassment and Surveillance:** He has hired security guards to stalk me and my minor son, creating a hostile and unsafe environment.
- **Discriminatory Enforcement:** Mr. Wagner has called the police during my plumbing work, while allowing all other units to conduct similar work without harassment. This selective enforcement demonstrates a clear pattern of discrimination.
- **False Claims Regarding Contractor:** Mr. Wagner has made false claims that my worker was not a licensed contractor, further attempting to undermine my ability to maintain my property.
- **Predatory Foreclosure and Bad Faith:** Mr. Wagner is attempting to foreclose on my property in retaliation for raising concerns. This is happening while the Wagner Board is urgently attempting to have Epstein Law amend the CC&Rs. This demonstrates bad faith, as mediation with my attorney is scheduled for the end of June.
- **Misuse of Funds and False Pretense:** He seeks \$5,000 to amend CC&Rs to facilitate further action against me, claiming urgency for a smoking ban. However, the existing rules already address noise, smoking, and the one pet policy limit of up to 35 lbs.

These actions demonstrate a clear pattern of:

- **Abuse of Power:** Targeting and harassing dissenting homeowners.
- **Breach of Fiduciary Duty:** Prioritizing personal vendettas and engaging in discriminatory enforcement.
- **Harassment and Retaliation:** Denying meeting access, filing false TROs, and employing surveillance tactics.
- **Potential Violation of California Elder Abuse Laws:** The denial of access, combined with other actions, may constitute elder abuse under California law.

Given the severity and ongoing nature of these abuses, I urge you to take immediate action to:

- Censure Mr. Wagner.
- Conduct an impartial investigation into these matters, including the elder abuse concerns and the misuse of authority.
- Seek legal counsel with expertise in both HOA law and elder abuse to determine the full extent of Mr. Wagner's liability and the HOA's potential liability.

- Take all necessary steps to restore my full and equal access to HOA meetings and ensure my and my son's safety.
- Cease all attempts at retaliatory foreclosure and other punitive actions.

I am prepared to pursue all available legal and equitable remedies to protect my rights and ensure that Mr. Wagner is held accountable for his actions.

Sincerely,

Sandra Punta

Unit 2 owner since 1997