

Fern Acres Community Association Board of Directors

Meeting Minutes February 21, 2026

[Please see addendum from Ditas Fleck, dated April 8, 2026, at the end of these minutes.]

Members Present: Roy Kalili, Hank Schultz, Patti Pinto, Cristi Fields, Joe Utt, Mark Laret, Rick Kaluli, Claudia Ziroli.

Members Absent:, JR absent with excuse.

Visitors: Vivian Tollner, Jason and Ditas Fleck, Julia Mitchell, Patty Goodwin, Benjamin Dixon, Felix and Alison Dela Cruz, Richard Walsh, Stewart Studer, Laila Moire-Selvage, Brian Fields, Debra Weber, Austin Martin, George and Misty Wellman, Albert Santiago, James Franco (sp?) Lynette Smith, Jemma Alta, Cody Mattos, April and Mario Chavez, [others who did not sign in.]

CTO: 9:04am

Minutes: Patti asks the Board to review January Minutes. Joe proposes the January minutes for acceptance. Hank seconds. Corrections made. Cristi opposes. Passed.

President's Report: Welcomes visitors to the meeting.

Treasurer's Report: Joe presents the December/January 2026 financial report as follows:

December 2025:

MRMA	112,538.76
FACA	4,137.14
PETTY PURCHASE	907.16
Money Market	30,514.99

January 2026:

MRMA	114,581.33
FACA	3,612.11
PETTY PURCHASE	3,160.67
Money Market	30,516.02

Roy motions that the Treasurer's Report be accepted as written – subject to correction. Hank seconds. Joe tried to produce a profit and loss statement. QB found an error on their end. So, they will do our 2025 financial review for free as well as offer a discount for any other accounting requests for 2026. Joe asks that any questions be directed to him in writing. He will get the answers for the requester. He received a note in response from Maria in the office regarding access and profit and loss access. [Corporate Financial Agreement]

Austin comments on voting on Bylaw changes.

Visitor: Minutes are not posted for 2024 on the website. [Laila is checking that they are on the website]

Notes are being made to check the minutes on the website. Please check and upload from 2021. Must be done in 15 days according to Bylaws..

****ACTION:** Claudia.

Visitor asks, clarify what is "office" Maria? Joe replies to her question..

Benjamin reads again from the Bylaws regarding access to personal information? Can we produce a report info without anything personal?

Visitor: He belongs to another Association reports by lot number, not by name.

Patti responds: We are trying to not disclose who is in arrears, on a payment plan etc.

Visitor wants to know that information... It is public information as to whether or not they are current on their property taxes- (County taxes – yes, but not our Road Maintenance Assessment.

Roy: Answers that we try to protect our employees and their payroll info.

Comments: We should be able to see that information and be able to act on the basis of knowing.

[Discussion] Refer to the Bylaws re access and information available to the public.

Visitor: This is information that can be redacted and presented to the public. _____ clarifies that we only receive payment when there is a sale transfer- otherwise, we do not collect on liens. Roy also responds to this discussion, as does a visitor- for several years, no new owners packet went out to the new owners, which IS our policy. Roy responds that they do go out to the owners.

Visitor does not receive mail at his address.- He should go to the office and check the address on file.

Patty asks, Do we still have hundreds of liens. Is that the case? Patti responds that we, as volunteers do not have that information.

Austin: Even as a volunteer, you have fiduciary duties. Laila did offer to do the website. She responds that she is happy to see that she is pleased that we are getting more information on the website. She thanks the Board for purchasing the recording equipment to make the meetings public.

Julia: Thinks it is pretty miraculous that we are willing to serve and take this on.

Patty G. Asks in addition to Liens, how many people have payment programs?

Austin: He really wants us to be more transparent and available to make the information available.

George: Cites that any information regarding liens placed- can be used to leverage property away from people, so he can see how that can work. {Discussion- That's for Tax liens, Patti

Benjamin reads from the Bylaws- Re: the financial reviews by the Audit Committee

Benjamin, Asks if the questions that he submitted before the meeting be answered today? Joe answers that Benjamin is asking for personal financial information, which is not permissible by law.

Vivian asks if we are using a local QB review? Joe answers that there is no local presence for Quickbooks... it is the national program, that they are investigating the bank/QB errors.

Vivian Tollner is a retired accountant and offers her services.

Patty G. wants to refer to her submission from last month's meeting. Defer to next month. [Attached]

Visitor asks- aggressive... Who has access to QB? Does the Board have access and passwords?

Are the passwords available if something happens to Maria?

Visitor: Who on the Board has access to the key to the passwords file?

Austin: We have a legal right to have access to all of the financial documents. We should be able to examine at any time. [The group becomes loud and abusive – they have to be shouted down]

Visitor: Is there an audit Committee who meet to review? [Discussion]

Patty G: At the last Audit Committee meeting, the non-disclosure agreement was sprung on those in attendance. They didn't agree with it and the meeting fell apart. She maintains that the material being reviewed should not have been "confidential" and shouldn't have been treated as such. Patti responds that she is correct. Benjamin asks if we can reschedule the audit committee? Laila, Cristi, April Travis, Vivian, Julia want to be involved at the next meeting for review.

Austin states that that is not in the Bylaws. Argue that it should pertain to MRMA budget as well.

Re: Roy's membership on the Board. The members threaten to remove the Board through the Attorney General for not acting in our legally specified duties. The notice went to US in January 15 or 16th. The Executive meeting was held on January 19th.

Austin asks if Patti as acting lead to take action on the measure.

Patti responds that this is our first official Board meeting since the January meeting, that we are able to take action officially. [There is cross talk and yelling at the Board]

Ditas Fleck: Reads from a written statement. The packet was a 'Director

Compliance & Liability Packet,' which included a formal speech objecting to Roy's Board service, a Notice of Intent to Escalate, a Directors Compliance & Liability sheet and also included a Member Petition signed by members in good standing, requesting the Board take action regarding Roy Kalili's eligibility."

09:53 RICK WALKS OUT OF THE MEETING, RESIGNING FROM THE BOARD.

09:55 ROY JUST LEFT THE MEETING. HE JOINS THE MEETING FROM THE FLOOR. 10:04 ROY FORMALLY RESIGNS FROM THE BOARD? Ditas that it is an automatic vacancy

[Later in the meeting after it calms down a bit, Patti states that Roy cannot remain on the Board as per Bylaw rules of property ownership. He is excused from the Board]

Ditas Fleck-The language "He is excused from the Board" is legally inaccurate — it characterizes the vacancy as discretionary rather than automatic-The characterization fails to reflect the legal consequence established by Article IV, Section 2 of the Bylaws

(Comment submitted after the February 21, 2026 meeting)

09:59 JOE HAS JUST LEFT THE BOARD IN RESIGNATION.

Patti reports that we have five people who have nominated themselves as potential Board members to fill open positions. They will be voted in by the Board at the March meeting for approval.

Benjamin asks if he should post something? Please have them contact Claudia, Secretary.

Laila responds regarding posting official information – rather than social media things. She has proposed that we have a post-only, no-response page for getting information out to every resident. It would become a permanent archive of calendar, minutes, announcements etc.

Austin: Thinks that the Board should be the control and moderator of the Fern Acres profile page. Laila clarifies etc. The five FB pages up now are not an official page- would require monitoring.

Misty: She has spoken to Maria regarding the person of record to handle the FB page. She suggests that any public page would be for information only- not comment. Laila says, yes. That is it. Misty continues that Website- official, FB for public info,

[Discussion] 'Public Page' does not allow comments.

Austin continues on the facebook presence...

Patti responds that the Board has NO control or interest in FB.

Cristi says she would like to work with Laila to create the .org site that is just a info based page.

[Comments and Discussion]

Benjamin states that other subdivisions are posting limited financial docs on their websites.

Felix: states doesn't think that Roy actually resigned from the Board....

Austin says that we cannot vote on Roy as an Associate member after the fact. Since an action is on the floor, we cannot act to nominate Roy to be an Associate.

****ACTION:** Need to discuss this with Thomas re: legality according to our Bylaws.

Julia Mitchell, Vivian Tollner, Laila Moire-Savage, Patty Goodwin and Felix Dela Cruz have nominated themselves for the Board to fill the empty positions just vacated.

Road Committee: Met last Wednesday. Actively patching potholes, they got the new compactor and an asphalt saw in order to do maintenance.

Cristi: Regarding the last meeting regarding cutting trees under the power lines? Liability etc.. Helco should do this. Hank responds that the mention are about the two RODS trees that are in front of FACA.

Felix says that HELCO will come out and cut them down -Hank answers they are on FACA property.

Bids are being accepted by the public to come and cut down the trees. Please use a licensed and insured arborist to do the work.

Visitor: Would like to be on record regarding the sale of old equipment and purchase of large equipment, licensing, insurance etc. She feels that we should hire any large equipment we need, and continue to use our existing tractor and equipment.

Hank responds getting an excavator or backhoe. Our John Deere is worn out, and the Kubota cannot do what we need it to do. He feels that we need another piece of equipment for our general road maintenance and improvements. We have considered upgrading our current needs- but not efficient. Misty responds that the discussion at the road committee regarding the lease on the excavator we use is by the hour. We wouldn't need the backhoe. Cristi asks, Who owns the backhoe? Is it insured? Hank responds that the cost to run it each month varies due to usage.

Patti asks if Cristi will attend the Road Meeting? She would if it isn't violent...

Comment from audience that if we don't know anything about the roads, why are we on the Board? Hank responds that Roy left before the report was finished. Patti responds that we are all volunteers. Each Committee has its own experts and those who are knowledgeable about what that group is doing. We rely on Committee Chair reports to share that information with the entire Board.

Laila responds to Patty G that the road committee was live streamed.

Roy addresses the Board and community about his continuing his duties to clean up the community with all the stuff he is doing.

Public Safety: Brian reports that they had a great turn out at their recognition ceremony. Lately, they haven't been dispatched to local fires- a political thing going on in the structure Please call the Mayor's office or the Fire Chief regarding not having local fire coverage with our Volunteer Fire Department. Patti responds that our past chief, Kazuo Todd was very supportive of the Volunteer Fire Departments. Brian answers that it would be really good to contact the powers that be that we want to have our volunteer fire respond!

Julia: We should email both of them- Could Cristi come up with a template for us to follow

FANW: No report.

Food Basket: No report. Joe left meeting...

CERT: Claudia reports that the team met last Saturday. Each month on the second Saturday, the team meets to train. We had a new member attend this month. CERT training opportunities are coming up in March. Everyone should prepare for the upcoming storm season. To that end, we are working on completing our Community Emergency Action Plan working with Vibrant Hawaii. A QR code will be posted on our Facebook page to collect anonymous data re: our readiness demographics. Please take a minute to fill that out. Patti adds that we are working to create this plan in order to work with County to create a distribution site in case of an emergency.

Cristi, would like to work on getting our SUP and permitting in place with Patty G and Alexandra Haban. They will work towards having a farm goods exchange etc.

HUB: No report

Fundraising and Events: Annual Picnic? July 12 or 19? Cristi likes July 19. Proposes that date for the picnic. Hank seconds. All in favor, Passed.

Nominating Committee: The Committee: Hank, Cristi, Claudia.

Audit Committee: The Committee: Chair Joe, Patti, Hank, Patty Goodwin, Laila Moire-Selvage, JR.

Policy Committee: The Committee: Chair Patti, Joe, Hank. Deferred to February.

Internet Committee:

Old Business: Felix Asks if we can get the minutes up on the website in draft form to be reviewed before hand? [*can we post draft minutes?*]

Benjamin: Currently, we have a working plan of what to pave htis year- to set priority for paving for 2026. It is currently on the Residents page for input. Please let Benjamin and Laila know.

New Business: Richard asks that we table any further action on the roads and pertinent items deferred until we put in a new Road Committee member and full Board.

Austin asks about pausing work?

Cristi proposes that we table all spending and major decisions regarding the roads until we have a road chair. Mark seconds. Hank no vote. Passed.

Visitor asks about not receiving mail... Claudia responds that a huge number of envelopes were returned by the Kurtistown. They are being rechecked and remailed.

Bills can be sent by email. However, we have very few emails on file. Please check with Maria to confirm

[Discussion]

Member's Report: See minutes.

Adjourn: 10:54 Hank moved to adjourn, Cristi seconds. All in favor passed.

[Regarding demand letter, dated April 8, 2026 below, I believe that the 'draft minutes' referred to in the demand letter were a recorded AI summary of the February 21, minutes.

The 'Official Minutes' of February 21, 2026 have yet to be approved by the Fern Acres Board of Directors as of this date: April 12, 2026 due to demands for corrections from Ms. Fleck.

The Hawaii State Attorney General's office has digital and printed copies of the minutes of the February 21, 2026 meeting (above) submitted by our legal counsel April 8, 2026.]

The minutes must record that a formal petition from Members in Good Standing was presented to the Board on February 21, 2026. The corrected language should read:

"The formal petition from Members in Good Standing was presented to the Board, requesting action regarding the Board seat held by Roymonty Kalili Jr. Because the Board acted to recognize the Automatic Vacancy during the meeting solely on the basis of Property Ownership requirements established in Article IV, Section 2, the formal processing of the petition's additional grounds became moot. To protect member privacy, the signature pages of the petition have been retained separately from this public record, in accordance with member privacy protections, once the legal requirement of the vacancy was acknowledged and resolved by the Board." (Comment submitted after the February 21, 2026 meeting).

Formal Demand for Correction of February 21, 2026 Board Meeting Minutes

FACA

- To: me, and 7 others · Thu, Apr 2 at 8:54 AM

Message Body

Dear Members of the Board of Directors,

Please find attached a Formal Demand for Correction of the February 21, 2026 Board Meeting Minutes.

This demand addresses six substantive areas where the current draft minutes contain inaccuracies, misattributions, and omissions that must be corrected to ensure an accurate official record.

The February 21, 2026 minutes have been specifically requested by the Hawaii Attorney General's Tax and Charities Division as part of an active investigation. The inaccurate draft minutes have already been transmitted to the AG in my supplemental filing dated March 23, 2026, along with my Formal Demand for Correction submitted at the March 21, 2026 Board meeting, accompanied by a link to the YouTube video of that meeting. The Board's decision to defer correction is documented on the public record.

The Board cannot submit inaccurate or misleading minutes to a government agency in response to a formal records request. Correction of these minutes is essential and non-negotiable.

I request that the Board:

1. Place this demand on the agenda for the April 18, 2026 Board meeting
2. Distribute this demand to all Board members prior to that meeting
3. Vote to approve the corrected minutes using the specific language provided in this demand
4. Record each director's position in a formal roll-call vote in the official minutes

This demand is submitted for the official Association record and constitutes formal notice that failure to act will result in an additional supplemental filing to the Hawaii Attorney General Tax and Charities Division.

Respectfully,

Ditas Fleck Member in Good Standing

Fern Acres Community Association

Mountain View, HI 96771

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