

**Transcript of the Recording of the Second of Two Actions Taken Under
Item XIV. E. on the August 23, 2007 SCA Board Meeting--With Bob Frank Notes.**

Note: The following transcript is from the final 2 minutes and 35 seconds of the August 23, 2007 SCA Board Meeting. Elapsed time from the start to end of specific sections of this board action is reflected in the numbers showing minutes and seconds at the beginning of each transcript period.

Board Agenda Item: "E. Complaints Against Board Members (**Action May Be Taken**)"

(Note: This was a modified agenda with XIV.E added two days before the BoD meeting. It was illegal because it was less than four days before the meeting and it did not specify that actions against two Board Members would be considered.

The secret action to be taken on a homeowner's formal complaint against Board Secretary Elaine Berg was to dismiss the complaint without a hearing, and the secret action planned (without any formal complaint filed or a board hearing conducted) against Vice President Bob Frank was to remove him as SCA VP for bogus reasons—a classic kangaroo-court type of procedure.

(This September action was later confirmed by the State of Nevada to violate Statutes and the Board had to try again in October. Some argue even the October Board action did not comply with Statutes, but that action was not formally challenged through the Ombudsman's Office.)

00:02 Mr. Michael Dixon began: "For the past several months, the board has received numerous frequent complaints alleging violations by a board member of provisions of NRS 116 and NAC 116. The allegations and supporting documentation were reviewed by our attorney who determined that both statutes had been violated."

My Note: This statement is false. No written/authenticated allegations have ever been provided. It is significant that no names or specific violations are mentioned. This is highly significant since Dixon always reads from his law book when he has specific sections he wants to cite. Since no specific citations are mentioned here, the conclusion is that he had none to cite.

00:20 Mr. Dixon Continued: "On the attorney's advice, the board sent a certified letter to the board member asking him to agree in writing to cease violating the law. The board member's failure to comply with the laws of governance put the association at risk of a law suit. If the board allows the board member to willfully violate provisions of NRS 116, it may result in the association and the entire board losing coverage under our Directors and Officers insurance policy."

My Note: Mr. Dixon and Ms. Berg sent a certified letter containing false and unsubstantiated complaints in a bullet-style of format. No detailed allegations by any named individuals were cited. No clear violations of statute or SCA governing rule were included in the letter. My written response asked for specific examples of law violations to enable me to respond. I confirmed (in writing by certified mail and hand-delivered) that I believed I was complying with all laws and rules, and that I would continue to do so.

I requested a written response containing specific complaints. No reply was ever received and no open Board hearing to confirm the facts was allowed to be held. Instead, Board President Dixon filed an Intervention Affidavit with the State of Nevada's Real Estate Division. This filing action was assisted by Attorney John Leach and RMI Community Manager Terry DaSilva.

00:47 Mr. Dixon continued: "When the board member refused to agree in writing to obey all applicable laws and our governing documents, the board met with the attorney to discuss further action. The board's fiduciary duty is to the association, and we must take action to protect it. While our discussions with the board member and the attorney on these matters took place in executive session, any sanction by the board must voted at an open meeting."

My Note: The above statements are provably false. I was never charged with a specific violation of any statute or CC&R, and I never refused to obey statutes and association rules and regulations. To the contrary, the letter I sent to all Board Members on August 14, 2007, responding to BoD letter of August 7, clearly stated that:

"I have made "every effort to comply with the law, administrative code, and governing documents applicable to the community" and I will continue to do so."

Moreover, Mr. Dixon flagrantly violated SCA governing rules by making his public allegations of law violations (1) without allowing me to respond at that time, (2) without holding a prior hearing to allow me to defend myself, and (3) without providing me the right to request a public hearing on the allegations.

Instead, Dixon violated SCA CC&Rs and By-Laws and established grounds for a law suit for libel per se. Dixon, Berg and fellow board member conspirators were in flagrant violation of both statutes and CC&Rs at this point. But, with the protection of association attorney, John Leach, they moved ahead.

01:09 Mr. Dixon stated: Is there a motion on this matter?"

01:11 Ms. Kay Dwyer stated: "Mr. President, I move that we remove Bob Frank as Vice President of this Sun City Anthem Community Association."

00:17 Large numbers of members in attendance shouted loud objections, but they were ignored.

00:19 Three clear violations of Roberts Rules of Order followed.

1. **No second was made,**
 2. **No restatement of the motion and a second was made, and**
 3. **No discussion/debate was allowed.**
-

01:21 Mr. Dixon shouted over the crowd noise: "All in favor of the motion signify by saying aye, and raise your hand." (Some ayes were heard.)

01:26 Mr. Bob Frank shouted: "That's illegal!"

01:27 Mr. Dixon said: "Opposed?" (None were heard.)

01:29 Mr. Frank shouted: "Point of order! You can't vote before there is discussion!"

01:31 Mr. Dixon stated: "No, we don't have to have discussion."

01:32 Mr. Frank stated: "Yes, you do!"

01:34 Mr. Dixon shouted: "All those opposed signify by raising your hand." (No clear sound, but Mr. Frank raised his hand.)

01:38 Mr. Frank stated: "This is an illegal action!"

01:40 Members of the audience were repeatedly shouting: "This is illegal!"

01:42 Mr. Dixon stated: "Please signify by saying aye if you oppose. (None were heard over the crowd.)

01:45 Members of the audience were shouting: "You are wasting my lawyer money!"

01:48 Mr. Dixon stated: "Abstaining?" (No sound, but Barry Friedman was seen raising his hand.)

01:49 Mr. Frank stated: "I remind you Mr. President, I have not had a chance to respond to your complaints, and you can not charge me or consider me guilty without taking action and allowing me to defend myself."

01:58 Mr. Dixon stated: "Under our by-laws we are allowed to remove an officer any time the board feels that it is in the best interests of the association, without regard..." (garbled at this point due to mumbled comments covered up by crowd noise).

2:09 Mr. Frank interrupted and stated: "You have to conduct due process!"

2:11 Mr. Dixon stated: "...under the by-laws, we do not."

- 2:14 Mr. Frank stated: "I have to advise you are violating the law."
- 2:16: (Sustained loud crowd noise from large numbers of members.)
- 2:24 Mr. Dixon shouted: "Do I have a motion to adjourn?"
- 2:27 Mr. Bob Berman shouted: "I move we adjourn."
- 2:30 Ms. Berg stated: "I second." (Somewhat garbled by the continuing shouting objections by the members.)
- 2:31 Mr. Dixon shouted: "All in favor of adjourning signify by saying aye." (Ayes were heard.)
- 2:34 Mr. Dixon shouted: "Opposed?" (Nothing else could be heard due to the crowd shouting and people swarming in the isles.)

(No further actions were taken on that date. The membership was outraged at the action taken against Mr. Frank, and Mr. Dixon was observed to quickly call 911 for personal protection by the Henderson Police Department—although no physical threats or actions against him were observed. Three uniformed officers arrived in less than 5 minutes. Since the HPD officers are normally more than 20 minutes away, this quick response indicated they had most likely been pre-alerted to be available.)

Note: The digital recorded evidence of the above major law violation by the SCA Board is available on CD-ROM, or it can be heard online in MP3 format at:

<http://www.anthemvoice.org/violations.html>
