

Letter to the Editor, South Valley Home News,

My husband, Bob Frank, Sun City Anthem Director, answered your reporter, Mr. Tovin Lapan's questions last week, only to find that Mr. Lapan had **left out** critical facts (June 19 article) that **distorted** the entire report on the case before the Nevada Real Estate Division (NRED). The following is provided to try to help clear up some of those critical facts.

For example, Bob Frank was **denied** a chance to participate in a mediation meeting in the Ombudsman Office, and that fact was grossly **misrepresented** in your article. When Bob was originally offered mediation in September 2007, he was only allowed to see a two-page summary (composed by the NRED staff) of the 110 pages of the allegations. He told the Ombudsman Office he could agree to a mediation meeting **after** he had had a chance to review the **entire complaint**. However, Ombudsman Lindsay Waite **refused** to release the entire complaint, and immediately sent the case for investigation by **Bruce Alitt** in the Compliance Section. Why did SVHN **fail** to report on that critical fact? That apparent **violation** of the law by the State Division was fully described in the provided source material, and discussed during the interview with Mr. Lapan. Should we consider that professional incompetence, or just laziness by Mr. Lapan?

And, what about some pithy SVHN editorial comments about our Nevada **system** of justice as practiced by the NRED? Does not Ombudsman Ms. Waite (an attorney) deserve to be publicly condemned and **investigated** by the news media for making such a gross legal error to **deny** a defendant the full allegation of a law violation? Should SVHN not be looking into whether this is a frequent, or isolated case of **misbehavior** by NRED?

How can an **honorable** man like my husband defend himself when NRED and the local newspaper **both** get it wrong? Does this rank up there with the "When did you stop beating your wife" situation? It was only after mediation had been **denied**, and the case had been sent to the Compliance Section, that my husband's association-provided attorney was **finally** able to get a copy of the full 110 pages of allegations. At that point, my husband notified the Ombudsman Office he was ready for a mediation meeting, but the Compliance Section **refused** to return the case to Ms. Waite.

Meanwhile, the basic affidavit information submitted by Mr. Mike Dixon contained false certifications under **oath**. But, neither section in the NRED was paying close attention to their own regulations and procedures. Handling the case was put on a "**fast track**" ahead of many other cases. What was that all about? Why did Mr. Lapan, the professional journalist, **not pick up** on those factors in the documents he was provided? Mr. Lapan clearly missed many critical parts of this story!

At the association level, my husband the board member, was not even given the opportunity to ask for a **public** hearing--as is every other member's right under our SCA CC& Rs. He was convicted and punished in a **secret** executive session without being allowed to **defend himself** against the massive, 110 pages of allegations! He was **denied** the opportunity to be present at his "trial" or have his attorney--although the board had their attorney, John Leach, present. Sounds like a **Kangaroo Court** to you?

So Mr. Lapan's story line should have been that my husband, Bob Frank, was **denied his basic due process rights** at the association level, and then denied them **again** by the Nevada Real Estate Division. Unless Mr. Lapan heard something different from talking to some other secret source, and he never allowed my husband to respond to such **defamatory** information? If Mr. Dixon and Ms Berman had nothing to hide from the SCA members, why not legally **follow** the CC&Rs and not elevate the harassment to the State levels? It certainly would have been much better and **cheaper**

for our members!

Another critical fact that your readers may be interested in is the costs to SCA that Mr. Dixon, former president, and Roz Berman, current president, have already **obligated** by their actions on this case. Although the Directors and Officers Insurance Policy is helping to defend my husband, there is a **\$25,000** deductible that Sun City **must** pay. As a Director, Bob Frank is also entitled to have his own attorney, Mr. Bob Maddox, at association expense. In addition, the association's attorney, John Leach is fully engaged. The **total** costs of legal fees are already estimated to be over **\$60,000!** And, if this case is **pushed** into a trial, it is likely to cost over **\$200,000**--because my husband will have to vigorously defend himself, and it make take a **couple of years** to finally settle the legal issues. Perhaps the SVHN should be asking the NV Attorney General if it will be investigating the special kind of **elder abuse** being practiced by the SCA board and the NRED? Under the circumstances, my husband will have to ask the Attorney General to look into the illegal behavior by the SCA board and NRED where there is evidence of **systematically** punishing, harassing and retaliating against board members who stand up for ethics and principles.

A good journalist should also be interested in investigating why there are such **extreme** measures being used to harass, punish and embarrass my husband for his attempts to keep his campaign **promises** to fully investigate the finances and records of the association, and to make good decisions based on **facts**. I believe that the SCA board officers, the finance committee members, and the RMI Community Manager appear to be covering up serious financial problems when they **steadfastly** refuse to provide full access to official records and documentation to a director and interested residents. But, they continue to refuse to furnish requested documentation and clear answers to questions as required by **law**.

In my opinion, the sustained actions to harass and punish a board member only serves to **validate** the concern that something is wrong. If nothing was wrong, the secrecy and attempted intimidation would be **unnecessary**. Should not the former SCA treasurer, and now president of the board (who is married to an self-acknowledged forger and suspended attorney) feel a need for validation through an open **forensic audit**--rather than be part of a large cover up about the financial mismanagement of the past? Is there not a news story **buried** in these facts?

As the daughter of a retired journalist and newspaper editor, I can not tell you how disappointed I have become in the last few months by the shallow, inaccurate reporting in the SVHN. Frequently, you have **relied** on your former columnist, David A. Berman (that self acknowledged forger, suspended attorney, former SCA Board member, and husband to the current board president that I previously mentioned) to be a key source for your paper's articles on SCA. Shame on you for not doing a better job on **qualifying** the integrity of your sources!

My hope that this letter will not fall on deaf ears. Your paper **can be** a valuable resource for Sun City Anthem residents, and it would be a shame if it loses its reputation for honest and **accurate** reporting.

Kay Frank
Sun City Anthem Homeowner
Nevada Resident