

Euclid Management Company
and Board of Directors Park Mediterrania HOA
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Subject: Negligence-roof leak for a year

To Whom It May Concern:

11/17/02

On Friday, November 8th, I phoned Euclid about a reoccurring roof leak and then on the following Monday I left a note on a rung of the ladder to the roof stating:

Hi Stan:

11/11/02

Roof still leaks at the same location that it has since last November, at the air return above the top of the stairs. While you are here can you fix the gutter? Water is getting between edge of roof and the gutter and dripping down on the bedroom window, sliding patio door and us going in and out. Thanks.

As this problem has been going on for a year, ever since the first leak on 11/12/01, after not getting a return phone call, telephoned Euclid again Monday. As usual was reassured someone would get back to me. Phoned again twice more last week. So have phoned 4 times since the latest rain and no one have gotten back to me. **And the note is still there on the ladder rung.**

Euclid is collecting over \$1300 per month in "Management Fees" for what, mismanagement? In my opinion based upon my personal experiences what I have observed is negligence, willful misconduct, breach of contract, fraud (misrepresentation), fraud (concealment), unfair business practices, Tort Per Se and infliction of emotional distress. Oh, also incompetence. I wonder about how the Board of Directors, Park Mediterrania HOA chooses their vendors and if there are minimum standards vendors must maintain to be retained.

I have phoned Euclid repeatedly trying to get this leak fixed. Have also written several times trying to get this leak fixed. Euclid claims they forward letters from the homeowners to the Board of Directors. I know the President of the Board of Directors has seen at least some of the letters as I have mailed them directly to his condominium, but to no avail, the roof still leaks.

In my letter to you (Euclid Management Company and Board of Directors Park Mediterrania HOA) dated 5/2/02 with subject: "Request either a waiver for my newly installed security door or \$536.70 reimbursement for costs of uninstalling security door" under "P.S. Can I get some help with the lack of quality customer service?" the third paragraph states:

My roof has leaked during every rain ever since I reported the problem on 11/12/01. Fanning Roofing patched the roof twice without any positive results. Then after telling Kathy the leak shows up at the A/C air duct return, she said it might be condensation from the air conditioner. Again, say what? Condensation coming from the air conditioner that is not even running and also condensation from the A/C when it is raining causing the leaking? Aero Fresh Heating & Air Conditioning patched the ducts, but it still leaks. Fanning Roofing was scheduled to make another attempt at fixing the roof, but it was called off due to rain. Suppose to reschedule, someday.

In my letter to the President of Euclid Management Company, Glennon Gray dated 5/14/02 with subject: "Complaint about poor customer service from Kathy Johnston, Association Administrator" I referred to the above letter dated 5/2/02 and Kathy Johnston's response to that letter dated 5/3/02:

Third 5/2/02 complaint about poor customer service:

"My roof has leaked during every rain since I reported the problem on 11/12/01. Fanning Roofing patched the roof twice without any positive results. Then after telling Kathy the leak shows up at the A/C air duct return, she said it might be condensation from the air conditioner. Again, say what? Condensation coming from an air conditioner that is not even running or condensation from an the A/C when it is raining causing the leaking? Aero Fresh Heating & Air Conditioning patched the ducts, but it still leaks. Fanning Roofing was scheduled to make another attempt at fixing the roof, but it was called off due to rain. Suppose to reschedule, someday."

Kathy responded with:

"9. Euclid Management Company, Aero Fresh and Fanning Roofing have addressed your concerns regarding your roof every time you have reported a problem. If there have been additional problems, you would need to report them to me. To date, you have not contacted me regarding a recurring problem that has not been addressed."

As I stated earlier Fanning Roofing tried twice, the A/C people once, then the roofing company scheduled a day to replace the roof, but cancelled due to rain was forecast. Apparently Kathy is claiming she did not know about that. **Well, after reading my letter she knows the roof still leaks. So it meets her criteria of a "a recurring problem that has not been addressed."** I bet she has not even followed-up on this problem by contacting Fanning Roofing and asking about the status of the repairs. Prior to purchasing a condo at Park Mediterrania, I was a renter at Terrace Oaks Apartments. During a major storm several apartments had roof leaks. The management company there quickly had tarps put on the roof, protecting the owners and the tenants property, than soon had workers fix the roof. **Apartment renters there get better customer service from Cal-American then homeowners do here from Euclid Management.**

Ended the letter with " Request your intervention about the security door and improving that poor customer service so my maintenance problems are fixed, especially that leaky condo roof and broken tile on the garage roof."

In my letter to Dana Mathey, Division Manager, Euclid Management Company and Board of Directors Park Mediterrania HOA dated 7/12/02 with subject "2nd complaint letter about Criminal and CC&R violations by neighbors at 1097 Unit #70" I wrote in part:

Thank you for replying to my letter dated 5/14/02 addressed to President Glennon Gray with the subject: "Complaint about poor customer service from Kathy Johnston, Association Administrator" with your letter dated 6/11/02 titled "Re: Letter concerning customer service" which stated in part: "All the correspondence for Park Mediterrania Homeowners Association is forwarded to the Board of Directors in a monthly packet. Your letter along with the letters sent to you from Kathy Johnston are in the packet and **reviewed by the Board.**"

Are they really, reviewed by the Board? After going to the Tuesday, 6/25/02, Board of Directors meeting and observing the Directors, I doubt that the correspondence is reviewed. Kathy Johnston was late and Alex Taylor, the President of the Board, decided to wait for her before starting the meeting. All 5 Directors had those monthly board packets, but not one of them looked through them while waiting for Kathy to arrive. Sat through the whole meeting including the part of which the Directors went through the packet, but there was no review of

correspondence or statement made that the Directors would review it later. At the very end of the meeting was a member comment section during which I gave a copy of my 1st complaint letter about Criminal and CC&R violations by neighbors at 1097 Unit #70 to one of the Board members who apparently saw it for the first time as he read it. Kathy Johnston had sent me a note dated 5/23/02 stating she was in receipt of that same letter and would forward the information to the Board. The 5/28/02 Board of Directors Meeting was cancelled due to no quorum. So at the 6/25/02 meeting, a month after she received the letter, wondering what had been done about my complaint letter, **I asked Kathy Johnston if the offending neighbors had been contacted by Euclid or the HOA. She said No.** I also mailed a copy directly to the residence of the President of the Board of Directors, Alex Taylor. Like Kathy he also took no action on the 1st complaint letter about Criminal and CC&R violations by neighbors at 1097 Unit #70. (Wanting the mother to know what her teenage daughter and friends were doing while she spent the night elsewhere and to be given an opportunity to put a stop to it, I also mailed on 5/20/02 a copy of that 1st complaint letter to her condo addressed to "Homeowner" but the post office returned it stamped "Return to sender undeliverable as addressed)."

In my letter to Dana Mathey, Division Manager, Euclid Management Company and Board of Directors Park Mediterranean HOA dated 7/17/02 with subject " 2nd Complaint about poor customer service from Kathy Johnston, Association Administrator" I wrote in part:

Actually by the time of the 6/25/02 Board of Directors meeting, only 2 of the 3 maintenance requests referred to in my 5/2/02 and 5/14/02 letters were completed. At the meeting I asked Kathy Johnston about the status of the repairs to my roof, which had been patched 3 times since it started leaking on 11/12/01. She claimed the roof had been replaced a month earlier. Better customer service would have been to inform me that it had been done. For over 7 months I had been walking around a cement mixing tub on the floor on my 2nd floor landing under the A/C air return that I had been using to catch the dripping water from the roof leak. Assuming it had been finally fixed I have removed the tub.

There are two issues involved here. One issue is have my requests been taken care of and the other issue is the quality of customer service. In your reply to my letter to Mr. Gray with the subject: "Complaint about poor customer service from Kathy Johnston, Association Administrator," you addressed the first issue, the requests, but did not respond to the second issue, the (continuing) poor quality of customer service from Kathy Johnston.

So I have written Euclid and the Board of Directors several times trying to get this leak fixed. Have been told by Euclid that they forward the letters from the homeowners to the Board of Directors. I know the President of the Board of Directors has seen at least some of the letters as I have mailed them directly to his condominium.

I have received very little response to my letters from Euclid about my roof leak. Kathy Johnston replied to my 5/2/02 letter with a **false** statement in her letter dated 5/3/02:

"9. Euclid Management Company, Aero Fresh and Fanning Roofing have addressed your concerns regarding your roof every time you have reported a problem. If there have been additional problems, you would need to report them to me. To date, you have not contacted me regarding a recurring problem that has not been addressed."

After writing a letter to the President of Euclid Management Company, Glennon Gray dated 5/14/02 with subject "Complaint about poor customer service from Kathy Johnston, Association Administrator," I received a reply from Dana Mathey, Division Manager dated 6/11/02 that had two **false** statements:

After reviewing the correspondence from Kathy Johnston, I found that your requests had been taken care of. This was also stated in your letter to Mr. Gray.

The correspondence from Kathy Johnston referred to in which Dana Mathey falsely claims my requests were taken care of was dated 5/3/02 and my later letter to Mr. Gray referred to in which Dana Mathey falsely claims I stated they were taken care of was dated 5/14/02. I don't understand how someone can read those letters and have the opinion that my requests had been taken care of especially since I ended my letter with:

Request your intervention about the security door and improving that poor customer service so my maintenance problems are fixed, especially that leaky condo roof and broken tile on the garage roof.

I have received no response from the Board of Directors of Park Mediterrania HOA and/or its President about either my maintenance requests problems or poor customer service from Kathy Johnston and others at Euclid.

As I noted earlier in this letter in my letter to Dana Mathey, Division Manager, Euclid Management Company and Board of Directors Park Mediterrania HOA dated 7/17/02 with subject " 2nd Complaint about poor customer service from Kathy Johnston, Association Administrator" I wrote about the 6/25/02 Board of Directors meeting:

At the meeting I asked Kathy Johnston about the status of the repairs to my roof, which had been patched 3 times since it started leaking on 11/12/01. She claimed the roof had been replaced a month earlier. Better customer service would have been to inform me that it had been done. For over 7 months I had been walking around a cement mixing tub on the floor on my 2nd floor landing under the A/C air return that I had been using to catch the dripping water from the roof leak. Assuming it had been finally fixed I have removed the tub.

As the roof still leaks "Assuming" was a good choice of words. Back then I used the word "Assuming" as I doubted Kathy Johnston's claim the roof had been replaced. Replaced could have several meanings. In the apartment complex next door a crane lifted off the air conditioners and reset them after the roof had been replaced. Or without removing the air conditioners, the old roofing materials, felt paper and roofing tar, could have been scrapped off and replaced followed by sealing all ducts. If the roof was replaced, we would have heard and seen lots of activity, but we did not. Scrapping and carting off all of that old roofing material would have left at least some debris on our patio, but there wasn't any. If the roof really was replaced, we would not have continued to have a leak in the same place. Using just Henry's is not replacing the roof. Apparently four failed attempts at patching have occurred over the last 12 months.

Sincerely Yours,



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C.C. Pre-Paid Legal Services