

Watkins: Exposing the naked emperor

Contributed by Darrell Watkins
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It walks like an emperor, talks like an emperor, looks like an emperor, and is an emperor. Unfortunately, this emperor doesn't wear new clothes. He parades up and down Clear Lake Riviera's streets stark naked. He thinks nobody can see.

His name is Clear Lake Riviera Community Association. His letters have official looking letterheads. He uses words like "abatement," "code enforcement" and "members in good standing." His envelopes seem legitimate. Board members wear sanctioned titles like "president" and "first vice president." Some people say they admire his new clothes.

Unhappily for the emperor, a little boy lives in the Riviera. Some people call him the Riviera-Little-Boy. He keeps saying, the emperor is naked. Heads are turning. Everyone is taking another look.

Riviera Caesar isn't wearing new clothes at all, says the little boy. He's just another nude old dictator who thinks CC&R laws are for homeowners, not him. The little boy has many naked stories to tell.

Riviera-Little-Boy saw President Alan Siegel and First Vice President Sid Donnell violate two-year term limit laws of the Riviera CC&Rs (Article VI, Section 1 of Riviera rules that establishes term limits, "Directors shall be elected for terms of two years and shall serve until their successors are elected and qualified, and not be eligible for re-election after serving a 2-year term until they shall have not been a director for at least one year"; Also, Article VI, Section 5 of the by-laws says, "The board may fill a vacancy by calling for a special election to choose a new director."). Alan and Sid didn't call a new election. They didn't get the approval of the homeowners to break the by-laws. People saw they were naked and they resigned.

The little boy also saw Alan and Sid (along with board members Boone Bridges and Sandra Orchid) amend Riviera CC&Rs without the acceptance of the owners. Their amendments (mailed to the owners in June 2006) weren't approved by the owners but the emperor started enforcement anyway; flagrant violations of Riviera CC&Rs (Article One) and California civil code (section 1355a). One of the unclad sultan's amendments instituted a wolfish fining policy.

Outside the above laws, the rapacious and plundering emperor devours Riviera widows and single parents like a dragon. His fines are \$250 per month if they don't cut Manzanita bushes according to some freakish desires of his bush inspectors. The little boy saw many disadvantaged and poor people crying because they didn't have money to cut the bushes or pay the unlawful fines. One widow in Los Angeles can't sleep at night. She can't figure out how to raise \$3,600 required (by one emperor-recommended bush contractor) to trim her chaparral. She had a worried look on her face because she knows live oak grows fast and the emperor orders it cut every year. He saw money pouring out of the savings accounts of Riviera's elderly and into the pockets of the emperor's brush-cutting contractors.

Riviera-Little-Boy also saw the disrobed kaiser's invalid election of 2008. The emperor showed no respect for California civil codes that govern elections of homeowners associations (1363.03a1, 1363.03 a2, 1363.03 a3, 1363.03 a4, 1363.03 a5, 1363.03 a5a, 1363.03 a6c3a, 1363.03 a6c3d, and 1363.03 a6h). He violated nine laws. Also, the emperor's ballot said four openings, vote for two, when the law says vote for four when openings are four. Most voters only voted for two in a very close election. The boy saw ballots thrown in the trash and heard board members tell owners they couldn't see ballots when laws say they can. People saw all the nakedness of the election. The emperor ordered a new election after consulting his attorney. Unfortunately, the little boy thinks the emperor will break the same laws in a new election and the people will see the same nakedness.

It gets worse. Riviera-Little-Boy saw one elderly lady drive 300 miles to attend the annual meeting described in a 2008 voting package the emperor mailed. The meeting was canceled at the last minute because a crowd of angry homeowners showed up. The law says emperors must notify shareholders in advance when annual meetings are canceled so they don't waste time and money traveling. The emperor didn't care about this law, either. Homeowners who had questions didn't get answers from emperor au natural.

The naked emperor is not above threatening his critics or even the "free press" with strategic lawsuits against public participation (SLAPPs) in an attempt to silence them. He's breaking another law with his threats and intimidation by burdening them with costs of legal defense until they abandon their criticism or opposition (California code of civil procedure 425.17). Winning his suit is not the purpose of his threats. His goal is accomplished when the "free press" spikes stories and homeowners succumb to fear and intimidation and abandon their criticism.

Riviera-Little-Boy sees all this injustice and wonders, where's the law? Who's protecting the loyal subjects from the wicked ruler? Injustice anywhere is a threat to justice everywhere, he said. The elderly, poor and disadvantaged, are suffering everywhere. The emperor is crossing state lines and using the US mail to collect his atrocious fines of \$250 per month, outside laws of his own CC&Rs. The boy says, it's not "just breaking civil laws" when dishonest business practices cause the elderly to lose large amounts of money. He says anarchy reigns in the Clear Lake Riviera Community Association clubhouse. Sheriff Mitchell, District Attorney Hopkins and Attorney General Brown all have investigation teams. Riviera-Little-Boy thinks they might be friends with the emperor or don't care. Why don't they make the naked king keep the CC&Rs? "Hire an attorney," they say. The little boy may hire an attorney. Something must be done to stop the beastly crimes against humanity.

DA Jon Hopkins has a record of investigating and prosecuting anyone in Lake County who takes a relative's credit card and charges \$2,000 or \$3,000 without permission. That's a white collar felony. He's extremely concerned when credit card companies lose money. Apparently, he's not concerned for real people like retired homeowners in the Riviera. How long can he turn his head and pretend he doesn't see?

There are other stories the little boy could tell. He will, if the emperor doesn't get dressed.
Darrell Watkins has lived in Clear Lake Riviera for 23 years.
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