

## Frank Debunks Berman Blog Deception on Construction Defects

Once again, David Berman has attempted to deceive our community and blocks me from correcting his errors except on this and the AV blog. Am I the only one who believes it is morally wrong for David to constantly harass and attempt to bully me by name on his blog, and not allow me to post and respond on his blog?

DB said today: "Bob Frank then asked a question from the floor. Noting that he is a current Board member, he told Johnson that our 7,000 homes all have one construction defect or another, and he asked her whether the Board/Association has an obligation to assist homeowners with their construction defects when such problems are universal in the community."

My Comment: I specifically asked if there was any problem with an HOA Board EDUCATING its homeowners about common defects so they could be better prepared to deal with their own problems with the developer. Everyone knows the law does not REQUIRE the board to provide such information.

DB comment: "Judge Johnson's reply was blunt and unequivocal, and I quote from my notes: "The statutes are clear," she said, referencing NRS 116, "that a homeowners association's obligation with regard to construction defects applies only to the common areas of the association, and not to individual homes. Johnson then went on to say that an association may have the freedom to provide general information to homeowners about construction defects in their homes, but is under no legal obligation to do so."

My comment: **REST MY CASE!!** I have NEVER argued that the law REQUIRED SCA to help homeowners to know about construction defects problems. But, the Board is MORALLY AND ETHICALLY WRONG TO WITHHOLD the construction defects information it has from our community and thereby force thousands of our neighbors to individually fend for themselves.

The only party who benefits from denying residents of such educational information is the developer. I have frequently accused David and Roz Berman, Mike Dixon, Favil West, and other former and current board members of favoring the developer's interests over our SCA neighbor's needs. The evidence to support this allegation is overwhelming when you look at past SCA board behavior to cover up massive problems on plumbing defects, missing rebar in foundations, etc.

The whole history of unethical SCA board behavior on this matter since 2005 is disgusting! The info on Kitec plumbing was known long before it blew up in 2006. The Rehau repeat took a year to confirm. And, now there is confirmed evidence that the Wirsbo system is also failing for the same types of reasons. This means that every plumbing system in SCA has defective plumbing! How many new buyers in the past years were told they were buying a replacement plumbing

system that would solve the past problems? The developer is obviously responsible for that compounded mistake or deception, but if Mike Dixon, Roz Berman and Barry Friedman had voted with me to set up Ken Anderson's Construction Defects Committee, at least the new buyers could have learned of the nature of the previous brass defects, and had a chance to negotiate a better solution. Truly shameful behavior by Dixon, Berman, Burman, Friedman, Dwyer and Berg! How can they be allowed to get by without consequences?

Moreover, massive repairs to Del Webb-built foundations due to no rebar were being done for years prior to it becoming universally known. Ask Chuck Davis and others about how they identified the defective foundation problems in their homes many years ago, quietly moved out for weeks at full Pulte expense, while Pulte replaced the entire foundation of their homes as well as make other no-cost improvements! Today, I hear that none of that is being done. What difference would there be today if the Board had advised all Del Webb-constructed homeowners in 2006 to be aware that their concrete foundations may not contain reinforcement materials, and that floor cracks and tile cracks could occur?

Unfortunately, David Berman's latest distorted report proves once again he and Roz care nothing about the plight of our neighbors in SCA—at least when it comes to fair treatment on construction defects. As far as they are concerned, it is everyone for themselves. Since the Bermans, Dixons, Wests, Davis' and others in their inner circle have had privileged sources of developer information and personal contacts, they are usually able to quickly solve their construction defects matters. But, what about our other 7,000+ neighbors? Who is looking out for them? Does it require a law to be passed, or should the community require humane/ethical actions be taken by the board?

As the community will recall, I promised, along with all other ACE candidates, to implement educational seminars on construction defects matters. I worked hard with Ken Anderson and his technical committee to honor my promises. David (as the ACE org. leader) and Roz Berman, Mike Dixon and Barry Friedman also made those same promises. But, they reversed themselves immediately after being elected. SCA members are making a big mistake to allow these people to get away with such dishonorable behavior on this critical matter.

Failure to act on this matter affects everyone one in SCA. I believe all of our property values will suffer in the long-run due to the failed board leadership on this set of issues. Instead of having a community-wide educational program so everyone can quickly get on top of all major construction defects, and feel good about their homes, we face years of uncertainty and doubt about what will happen while settling the major defects. And, time is on the side of the developer. Once they have finished building, you will not get much, if anything, from them.

At this time, the lack of timely information on construction defects will cost thousands of our neighbors thousands of unnecessary dollars and massive worry

and hassles. I consider the board's action to withhold such important defect information from the community to be a very serious breach of faith and gross failure of fiduciary duty.

Deceptive board arguments about how they have claimed to be avoiding litigation risks are bogus! It is just about saving the developer's money--at our neighbor's expense. I believe community members need to help me and Ken Anderson to solve this problem. There are millions of dollars and your well-being at stake!

Construction defects since 1990 have been a massive problem in Nevada, and HOA Boards have a MORAL obligation to help their members deal with the fear, uncertainty and doubt about their homes. This can not be more important than in a "retirement community" where people are buying new homes and hoping they will not have home problems for the rest of their lives!

So, I am asking you to join Ken Anderson and I in seeking a solution on this vital issue. We can start with getting clarification from Judge Susan Johnson and her political opposition, Donn Ianuzi. And, there may be others in all types of political races who might find it useful to come down on the side of homeowner (voter!) interests in this vital area.

For more information, contact me at: bobfrank@cox.net