



# The Owners' Voice

EMAIL: [org@mcc-owners.org](mailto:org@mcc-owners.org)

February 2021 Issue 1

## Next Owners' Zoom Meeting

**TUESDAY**  
**February 23rd**  
**7 p.m. to 8:30 p.m.**

**You will receive  
a Zoom  
Invitation**

### ARTICLES

The Slate	1
Recall Numbers Game	1
Ground Rent Committee Sacked	2
Annual Election Voting Rules	3
Cease & Desist for Board Director Actions	4

## Candidate Slate Pledges to Better MCC

Four of MCC's most active owners announced that they have joined together to run as a slate in the **March 17th Annual Election**. Their stated goal is to cut through the rancor and dysfunction of the current Board of Directors and restore sense and order to MCC. The slate of four candidates are; **Sandra Clark, Jack Fishman, Steve Rehling, and Andrea Robin.**

Four seats are up for this election because 1 of the current directors will continue on the new board. As we have reported here, MCC has been plagued with numerous lawsuits, recall attempts, and director resignations. As a result, the board's order of director succession was interrupted by a court decision, and only President Mark Greenberg retained his 2-year term.

The 4 Slate Candidates say they will negotiate a favorable Ground Rent deal with LA County, and bring back long-time practices that have been badly neglected by the current board including;

- Regularly scheduled monthly meetings with up-to-date, understandable financials and minutes of the last meeting sent to owners beforehand,
- Reinvigorating committees and Club Council to take advantage of the expertise of MCC owners who want to serve.

They emphasized that they will **NOT**:

- Close the Restaurant—they will better manage and improve all amenities
- File lawsuits against the Condo Owners' Association
- Bicker and cause conflict and confusion,
- Send out incendiary email blasts libeling others.

**Sandra, Jack, Steve, and Andrea urge all owners to vote like your community and your property values depend on it, because they do!**

## Recall Numbers Game

**The January 29th recall effort was initiated by homeowner Mark Farag.**

COA bylaws require a Board Recall Election quorum of at least 51% (301) of the 600 condo owners' votes. Also, 51% (301) of the owners must vote YES for the recall. In this case, quorum was met when 52.33% (313) votes were received, with 257 YES for the recall—16 NO—10 voters abstained—30 ballots were disqualified, so how the owners voted will never be known.

Some owners did not follow voting instructions. For example, not properly using the State mandated 2 envelopes per ballot voting system, Some wrote on the outside of the Secret Ballot Envelopes which disqualified the ballot. Others forgot to print *and* sign their names on the return envelope.

MCC's Annual Election of a new board is scheduled for March 17. It is important to follow voting instructions carefully. Be assured, every vote is important in this election. The candidates are urging owners to get your neighbors to vote, and perhaps assist if someone you know needs help.

(See Voting Guide, Page 3)

**Editorial****Board Disbands Ground Rent Committee**

The MCC Board of Directors (Board) has removed Edward Robin and Sandra Clark from all committees, including the County Ground Rent Committee. This was decided at an irregular closed “Emergency Executive Meeting” attended by Elena Mondragon, Duvan Mejia, and Michael Greenberg, without the presence of our General Manager, Jennie Twyman.

California state law states that an “Executive Meeting” may not be held without prior notice to the Members and an “Emergency Meeting” may only be held if it involves an actual physical emergency such as fire or flood or, “circumstances that could not have been foreseen which require immediate attention and possible action by the Board.” None of these elements apply to the removal of Sandra and Edward from the Ground Rent Committee.

Why is this important? Because Edward and Sandra are the only two members serving on the Ground Rent Committee. They have been involved with the Ground Rent issue for a long time and are considered to be the most informed of any members of our Community on this particular subject. They have volunteered without costing us a cent. The Board’s action could not occur at a worse time. Our relationships with Essex and LA County are at a critical juncture. The County has demanded the production of documentation and payment of \$2,627,786 in deferred MCC Ground Rent. The correct handling of this and other related matters are vital to successfully negotiate revisions to our current and future Ground Rent payments. The removal of Sandra and Edward deprives the Homeowners of the expertise required to adequately advise the Board on this important topic.

This decision is also confusing since it was Elena Mondragon who sent an email on January 1, 2021 to Sandra Clark asking her to “HUMBLY OFFER YOUR HELP BECAUSE YOU ARE ALREADY INFORMED THAT COUNTY AND ESSEX ARE SCREWING US MORE THAN EVER NOW....AND WE ARE IN REAL TROUBLE.”

It is our understanding that any lack of progress in the negotiations between MCC and the County is due to the Board taking virtually no action on this matter. Since taking office, they not only failed to authorize the Committee to move forward with their work; the Board also ignored their recommendations. Clearly, these 3 Board members are willing to sacrifice the best interests of the Homeowners, rather than allow the only 2 people on the Ground Rent Committee to continue helping them negotiate a successful resolution. They appear to be more consumed with maintaining their power base than helping the Homeowners. One can only speculate this radical move by the Board was in retaliation for the recent Recall efforts.

This action by the Board is, at minimum, a lapse in judgment, and perhaps a violation of their fiduciary responsibility to the Homeowners. This negligence could carry a potentially disastrous aftermath. These complex decisions will significantly impact our current and long-term property values.

You have the right to know about the Board’s actions and question them.

**MCC Owners’ Voice**

To make Marina City Club the best it can be!

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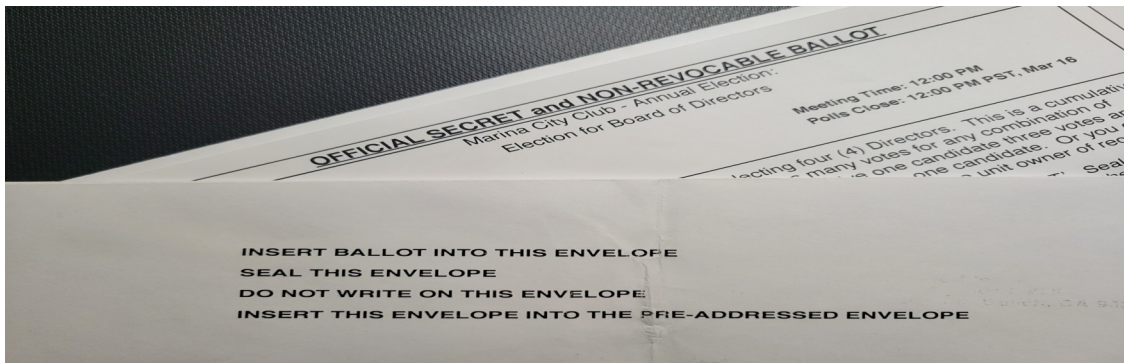
## Annual Election Voting Guide

Many HOA's have eliminated proxies due to the problems they often create. MCC certainly has had its share of proxy troubles, including the recent costly lawsuit over the legitimacy of some proxies. Rules for submitting proxies have been tightened for the March 17th Annual Election, and owners are encouraged to vote with their **ballots** to prevent proxy problems. However, as experienced in January's Recall Election, owner's votes will be rejected if ALL voting rules are not followed correctly.

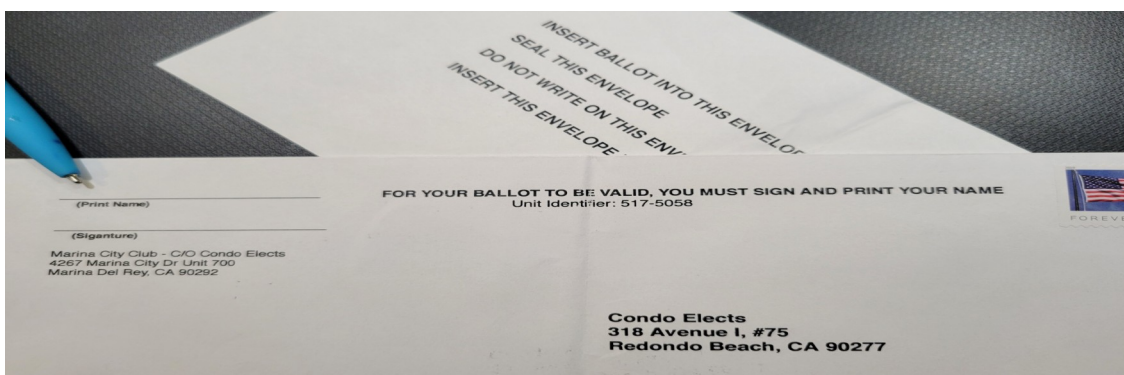
- Each unit is entitled to 1 ballot. Owners of multiple units will receive multiple ballots.
- There are 4 seats up for election, and each unit's ballot gets 4 votes.
- Even though more than one owner's name may be a unit's deed, only 1 owner listed can vote.
- Although the ballot lists 7 candidates, **Michael Greenberg has dropped out**, so there are now 6.
- Sandra Clark, Jack Fishman, Steve Rehling, and Andrea Robin are running together as MCC's "Slate".
- Elena Mondragon and Duvan Meija are current board members running to retain their seats.

Once you have decided on the candidates you prefer, enter your 4 votes on the ballot accordingly. If you want to vote for the 4 candidate MCC Slate, they are requesting that you give each Slate candidate 1 vote. Do not write anything on the ballot except your 4 votes, or your vote will not count!

Put your ballot in the "INSERT BALLOT" envelope, and follow all instructions, or your vote will not count!



Put the sealed INSERT BALLOT (aka "Secret Ballot") envelope into the Pre-Stamped envelope. In the return address area of the Pre-Stamped envelope print your name on the first line, and also sign your name on the second line. If you don't follow all directions on the 2 envelopes, your vote will not count!



Then, just seal and mail the Pre-Stamped envelope.

By following the Election Inspector's rules, your vote will be counted!

# **Board Director Warned to Cease & Desist**

**Over the past few years, Elena Mondragon, now a Board Director, has received several Cease and Desist letters from COA's legal counsel at the time. Each of these actions is paid for by the homeowners. Here is the latest from our current legal counsel, Roseman Law.**

**Condominium Owners Association // Cease and Desist**

Dear Ms. Mondragon:

As you know, this firm represents Marina City Club Condominium Owners Association ("Association"), the common interest development in which you reside and serve as Vice President on the Board of Directors ("Board"). We have prepared this correspondence at the direction of the remaining members of the Board to address your unsuccessful attempt to remove fellow director and Board President, Mark Greenberg, and declare his seat on the Board vacant at the meeting on Wednesday, February 3, 2021, as well as your unauthorized engagement with Association legal counsel regarding various Association legal matters.

It is our understanding that you have disseminated information indicating that Mark Greenberg has been removed from the Board to the Association's membership, management, and legal counsel. Please note that Mark Greenberg's term cannot be abridged by a vote of the remaining directors. Only association members can remove a qualified director from the Board. Corporations Code §7222.

This correspondence is also intended to address your consistent unauthorized communication with Association legal counsel on various legal matters. As you know, the Board formed an Executive Committee and delegated its authority to discuss and make decisions concerning all pending legal matters to the Executive Committee. As you are personally involved in several lawsuits against the Association, the Executive Committee excludes you. As such, you are not authorized to engage in any Association legal matters in your capacity as a Board member. This includes communicating with Association legal counsel or opposing counsel/parties regarding any pending legal matters, including, but not limited to, current negotiations with the County of Los Angeles.

By way of this correspondence, the Association hereby demands that you immediately cease and desist from any further engagement in Association legal matters or communications with legal counsel. You, in your capacity as a Board member, are not authorized to contact Association legal counsel, including this firm, to discuss or inquire about pending legal matters.

Should you fail to abide by the within demands, the Association will have no choice but to avail itself of all remedies available to stop such behavior, including, without limitation, pursuing legal action against you. Nothing contained herein or omitted herefrom is intended, nor shall be construed, to operate as an admission, limitation, or waiver of any of the Association's rights, remedies or defenses, at law and/or in equity, all of which are hereby expressly reserved.

Sincerely, ROSEMAN LAW, APC

JACQUELINE PAGANO, ESQ.