

**AGENDA**  
**OVA Board Executive Session**  
**CLOSED SESSION**  
**Tuesday, May 19, 2015 – 11:00 PM**  
**6633 Oakmont Drive, Room G**

1. Contract – **Discuss/Action**
2. Correspondence and fining – Legal – **Discuss/Action**
3. AC Shed Violation - **Discuss/Action**
4. VRBO – Correspondence/Legal – **Discuss/Action**
5. Office Space – Interior Design – **Discuss/Action**
6. Adjournment

1, 0

**Cathy Dougherty**

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**To:** Cassie Turner  
**Subject:** RE: Exec session item

-----Original Message-----

**From:** Cassie Turner  
**Sent:** Wednesday, May 13, 2015 12:38 PM  
**To:** Cathy Dougherty  
**Subject:** FW: Exec session item

Exec Session agenda item

Cassie Turner, CCAM, PCAM  
Association Manager  
Oakmont Village Association  
P: (707) 539-1611  
Cassie@oakmontvillage.com

-----Original Message-----

**From:** ova.bod.batchelor [mailto:ova.bod.batchelor@sonic.net]  
**Sent:** Wednesday, May 13, 2015 10:31 AM  
**To:** Cassie Turner; Andie Altman  
**Subject:** Re: Exec session item

On 5/13/2015 9:15 AM, Cassie Turner wrote:

> Just so both of you are aware, I got 2 invoices from Malcolm that totals \$10,302.50. His billing for the De Wolfe shed has cost us \$2,285.00 and his cost to date for the detention basin is \$4,072.50. Then he is billing us for the Mesa Oaks easement debacle - which I don't feel we should pay for. We can go over the invoice this Thursday.

>  
> Cassie Turner, CCAM, PCAM  
> Association Manager  
> Oakmont Village Association  
> P: (707) 539-1611  
> Cassie@oakmontvillage.com

>> -----Original Message-----

> **From:** Andie Altman [mailto:ova.bod.altman@sonic.net]  
> **Sent:** Tuesday, May 12, 2015 3:01 PM  
> **To:** ova.bod.batchelor  
> **Cc:** Cassie Turner  
> **Subject:** Exec session item

> Frank,  
> Cassie and I had been emailing about one subject and I threw out a question on status recorded in minutes about the "too high" shed violation. I realized today when filing old emails you weren't in the thread.  
> I had requested we add to exec agenda to close the loop on the issue in our recorded minutes.

>  
> Andie  
> Sent from my iPhone

## Attorney Manwell 2014-2015

January to May 2015

	1/1/2015	2/1/2015	3/15/2015	4/1/2015	5/15/2015									Total
Donham	\$0	\$0	\$0	\$0	\$0									\$0
DeWolfe	\$0	\$0	\$0	\$0	\$0									\$0
DeWolf	\$0	\$0	inv. #87505 \$33.75	inv. 88771 \$639.17	inv. 88772 \$1,769.17									\$2,442

### January to February 2014

	1/1/2014	2/1/2014	3/1/2014	4/1/2014	5/5/2014	6/1/2015	7/16/2014	8/5/2014	9/3/2014	10/02014	11/18/2014	12/16/2014	
Darin Donham	inv.78419 \$12.5		\$0	inv. 80025 \$660	inv. 80471 \$1,165	inv.81156\$ 1,697	inv.81584 \$987.5	inv.82143 \$550	inv. 82863 \$207.5	inv.83357 \$1363.17		\$0	5,642.67
DeWolfe	\$0	\$0	\$0	inv. 80025 \$125	inv. 80471 \$815	inv.81156\$ 733	inv.81584 \$ 1337.5	inv.82143 \$235	inv. 82863 \$1055	inv.83357 \$75	inv. 84097 \$150	\$0	\$4,525.50
Shed DeWolf		inv.78975 \$250	\$0	\$0	\$0	inv.81156 \$175	\$0	\$0	\$0	\$0	\$0	\$0	\$425

### Total for 2014 & 2015

Donham	
<b>X</b>	<b>Total</b> <b>\$5,642.67</b>
DeWolfe	
<b>X</b>	<b>Total</b> <b>\$4,525.50</b>
DeWolf	
<b>X</b>	<b>Total</b> <b>\$2,867.09</b>

Cassie Turner

Executive Session  
Re: Donham Violation

From: Rick Yates <rickyates@sonic.net>  
Sent: Monday, May 11, 2015 4:24 PM  
To: Cassie Turner  
Subject: Re: Darin

Underage Son Living  
With them  
2014-2015 Legal fees \$5,642.67

Cassie, We are willing to verify to the board what has been going on. It is truly disappointing how long this violation has continued. Our neighbor Stephanie Stowe lives directly across the street (7002 Oakmont Dr.) 538-8732. She can also testify as to what she has seen.

We will be out of town May 18th - May 30th. Thanks, Rick and Linda On May 11, 2015, at 3:50 PM, Cassie Turner wrote:

> Rick,

>

> How disappointing - but not unexpected. Now that we have a fining mechanism in place, I need you to do the following:

> Approve that this email is your formal complaint. You will need to attend a hearing so that you can verify in front of the board what Darin is doing. If you are not willing to do that, and unless you can take daily photos of the vehicles coming and going - we won't have a case. Feel free to invite your neighbors to attend and testify as well.

> Our AC committee will help by inspecting the property.

>

> Sent from my iPad

>

>> On May 11, 2015, at 12:56 PM, Rick Yates <rickyates@sonic.net> wrote:

>>

>> Cassie,

>>

>> I know Malcom thinks Darin Donham is not staying at 7009 Oakmont

>> because they have observed the black Toyota truck at another address. The fact is, he uses Roy's black Porche which is driven in and out of the garage. He has been in the house continuously. The garbage cans go out about every other week. He now has some friends staying there, one with a very loud motorcycle which we saw arrive yesterday afternoon going into the garage. In the recent survey conducted by the OVA, safety in our community was rated the highest concern (96%).

>> This person has a was arrested for assault in Nevada. We don't feel comfortable with him living here. Per your email dated June 11, 2014: Virginia Donam Manos signed a statement that "She will ensure that, in the future, no unqualified residents stay at the Oakmont home" and Darin was to sign a declaration under penalty of perjury that: "He is not living there ..... etc.". There must be something that can be done.

>> Also, in the Oakmont News that The Architectural Committee will

>> begin drive-by inspections of Oakmont properties. Will you have them check out the condition of 7009 Oakmont Drive - front and back yards?

>>

>> Thank you, Rick & Linda Yates 538-3636

>>

>

**Cathy Dougherty**

---

**To:** Cassie Turner  
**Subject:** RE: I fled. I highly recommend it! Monday looks good for lunch.

*Dewolf Attorney  
Fees \$ 2,867.09*

-----Original Message-----

From: Cassie Turner  
Sent: Tuesday, May 12, 2015 8:59 AM  
To: Cathy Dougherty  
Subject: FW: I fled. I highly recommend it! Monday looks good for lunch.

Cathy,

Please add the Shed to executive session.

Cassie Turner, CCAM, PCAM  
Association Manager  
Oakmont Village Association  
P: (707) 539-1611  
Cassie@oakmontvillage.com

-----Original Message-----

From: Andie Altman [mailto:ova.bod.altman@sonic.net]  
Sent: Tuesday, May 12, 2015 8:55 AM  
To: Cassie Turner  
Subject: Re: I fled. I highly recommend it! Monday looks good for lunch.

This may be touchy, can we add the dewolfe shed to exec agenda if we are having one? I understand the desire is to abandon all parts of this, but I also think there is an expectation that something is going to be done, since it is currently recorded as such. Should we close the loop by recording the next step at exec session, whatever it is?

And want to confirm the Pickleball policy changes (times of play and other bullet points) is also included in next week's packet and on agenda?

Thank you!

Andie  
Sent from my iPad

Board Agenda (4.0)  
VRBO'S

Cassie Turner

**From:** Cyrus Koochek <ck@sghoalaw.com>  
**Sent:** Friday, May 08, 2015 6:14 PM  
**To:** Cassie Turner  
**Cc:** Sandra Gottlieb; Sharyn Casaly  
**Subject:** Re: Short term Oakmont rentals  
**Attachments:** 5.8.15 Oakmont - Cease and Desist Letter re Short Term Rentals (form).docx; ATT00001.htm

**Importance:** High

Hi Cassie,

Attached is a short term leasing violation form letter to be placed on Association letterhead. Although this is prepared as a "form," each situation is different and the contents of this letter could be subject to change. Additionally, although the leasing prohibition is contained in the Bylaws, an owner could challenge its enforceability inasmuch as it is not in the CC&Rs, which run with the land and which buyers are on notice of at the time of purchase. Although we think it is enforceable and clearly a violation worth enforcing as you are doing, we cannot say with 100% certainty how a court would determine a challenge brought forth by an owner who alleges that the rental restriction should not be enforceable because it is not contained in the CC&Rs. Should you have additional questions, feel free to contact me any time.

Have a great weekend!

[TO BE PLACED ON ASSOCIATION LETTERHEAD]

**FOR BOARD REVIEW AND APPROVAL**

\_\_\_\_, 2015

**Via U.S. Mail**

[Owner Name and Address]  
Santa Rosa, California 95409

**Re: Oakmont Village Association // Short Term Leasing Violation  
[Unit Address]; CEASE AND DESIST**

Dear \_\_\_\_\_:

The Board of Directors (the "Board") is sending you this letter in light of your ongoing violation of Oakmont's governing documents, specifically the leasing of your property (listed above) within Oakmont's premises for a period of less than thirty (30) days.

Oakmont's Bylaws, in Article II, Section 2.3, prohibit the lease of a unit for a period less than thirty (30) days. Your daily and/or weekly rentals of your property, evidenced by online rental listings on [www.VRBO.com](http://www.VRBO.com) (and potentially other rental sites), is in violation of this restriction. Your daily and/or weekly rentals also amount to providing hotel/motel services, which is in no way permitted by the Association's governing documents and potentially violates local ordinances.

Additionally, the Oakmont Protective Restrictions, to which your property is subject, contain a restriction in Article III, Section 2 against the commercial use of units. This section explicitly requires that your property be used for residential purposes only, which your hotel/motel services are not. As a result of your actions, you are currently (1) causing an increase in strangers and non-authorized persons within Oakmont's premises, which may increase the rate of insurance for Oakmont, (2) creating an influx of short term renters who may interfere with the rights of other owners, and (3) committing violations of the Bylaws and Protective Restrictions as referenced above.

We are hereby demanding that you **immediately cease and desist** from leasing your property for less than thirty (30) days and that you remove all rental listings for your property which permit lease periods of less than thirty (30) days. Alternatively you may modify your listing(s) so that the minimum booking option in the listing is thirty (30) days and provide proof of same. If you fail to (1) provide written confirmation of your

[Owner(s) Name]

Re: Oakmont Village // Short Term Leasing Violation

\_\_\_\_\_, 2015

Page 2 of 2

compliance to me within seven (7) days of the date of this letter and (2) remove all rental listings which permit lease periods of less than thirty (30) days or modify the listing to require a thirty (30) day minimum booking function, the Board will seek all disciplinary action available against you after the required notice and hearing procedures. Such disciplinary action may include, without limitation, the suspension of your membership privileges and deactivation of access FOBs for all applicable community and recreational facilities, so that neither you nor your tenants may enjoy the benefit of same while you are in violation.

The Board may also seek legal action against you to enforce/correct your violations. Such legal actions which may be taken against you may include, without limitation, obtaining a court ordered injunction against you to cease entering into short term leases and further violating the Association's governing documents. When the Association is likely successful in such legal action, you will be responsible for legal fees and costs incurred by the Association pursuant to California Civil Code Section 5975.

If you do not comply with this cease and desist letter, the Board will also instruct Oakmont's legal counsel to contact [www.VRBO.com](http://www.VRBO.com) (and any other rental sites you are discovered to be using) and demand that they remove your listing in violation of Oakmont's governing documents or alternatively require a 30 day minimum booking requirement for all visitors to your listing.

We expect your immediate compliance and confirmation of same as stated above. Please direct your response to Oakmont's Manager Cassie Turner at \_\_\_\_\_ or by email at \_\_\_\_\_ .com.

Sincerely,

THE BOARD OF DIRECTORS OF OAKMONT VILLAGE ASSOCIATION



Re: VRBO's  
4/0

**Cassie Turner**

---

**From:** Cyrus Koochek <ck@sghoalaw.com>  
**Sent:** Tuesday, May 12, 2015 10:42 AM  
**To:** Cassie Turner  
**Cc:** Mariantques@aol.com  
**Subject:** Re: Need advice - Oakmont Village

Cassie,

Yes, generally speaking, CC&Rs do carry more weight than Bylaws, especially for restrictions on the use of units because such restrictions are said to run with the land (by way of being recorded). If a restriction runs with the land, the recording of the restriction (typically via CC&Rs) puts all prospective owners on notice of and binds them contractually to the obligations set forth in such CC&Rs. That is why most restrictions relating to topics such as pets, modification requirements, smoking, leasing, parking, etc. are generally contained in CC&Rs. If such restrictions run with the land, it is more difficult for an owner to claim that he or she is not subject to them.

This email is a "Confidential Communication" and is subject to SwedelsonGottlieb's privacy and email policy that can be reviewed by clicking [here](#).



**Cyrus Koochek, Esq.**

Telephone: 310.207.2207 ext. 216 | 800.372.2207 | Fax: 310.207.2115  
[ck@sghoalaw.com](mailto:ck@sghoalaw.com) | [www.lawforhoas.com](http://www.lawforhoas.com) | [www.hoalawblog.com](http://www.hoalawblog.com)



On May 12, 2015, at 10:04 AM, Cassie Turner <[cassie@oakmontvillage.com](mailto:cassie@oakmontvillage.com)> wrote:

Marianne,

I will leave his request to you.

Cyrus, on another topic, you mentioned something yesterday about not having anything in the CC&R's about short term leasing. Do the CC&R's carry more weight than the OVA Bylaws? Is that why you mentioned that it would be better if the lease restrictions were in the CC&Rs?

Cassie Turner, CCAM, PCAM  
Association Manager  
Oakmont Village Association  
P: (707) 539-1611  
[Cassie@oakmontvillage.com](mailto:Cassie@oakmontvillage.com)

<image001.png>

May 14<sup>th</sup>, 2015

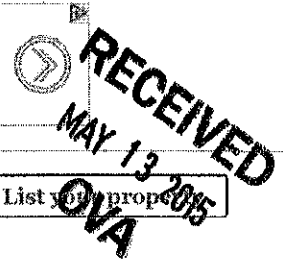
## **VRBO Inquiry**

**VRBO#- 6555746**

**Property Address- 177 Mountain Vista Pl**

**Owner- Shelley Lewis**

**Reason for Inquiry- Property is listed on VRBO (Vacation Rental By Owner) site as a 3 night minimum stay, violation of Oakmont Bylaws.**



Login ▾ Help ▾

List your property

Santa Rosa, Sonoma County, California

Arrival

Depart

I don't have dates yet

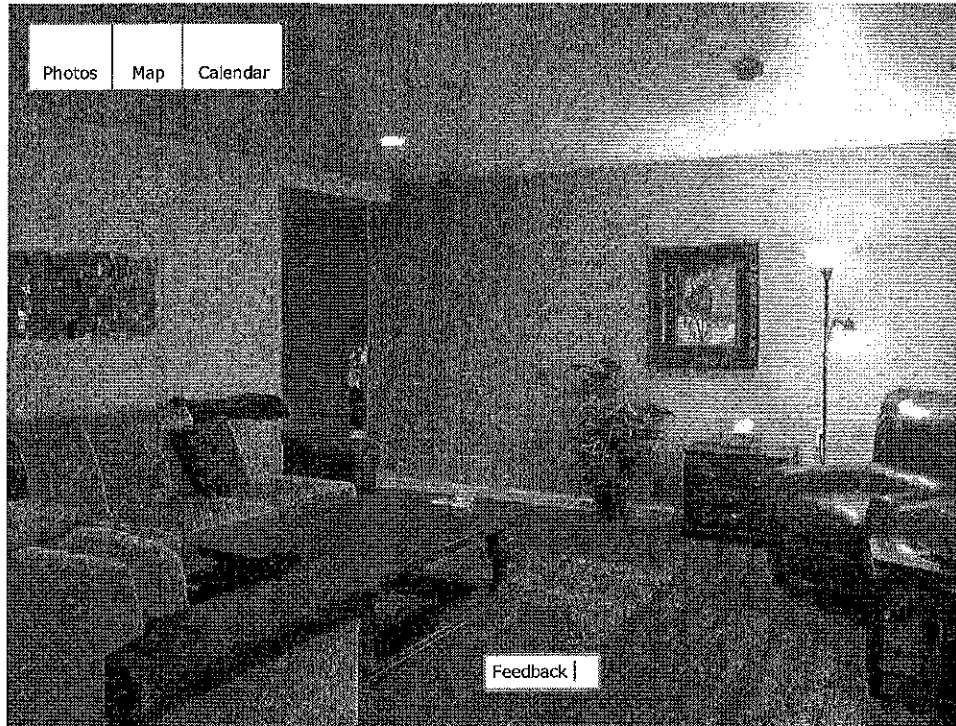
[← Browse properties](#) Home ▸ USA ▸ California ▸ Wine Country ▸ Sonoma County ▸ Santa Rosa

VRBO Listing #655746

Like

## Location, Location, Location! Heart of Sonoma Wine Country & Golfing

You sent a message to this owner.



Photos Map Calendar

Feedback |



Overview Reviews Rates Calendar Location Owner Info Photos

Minimum stay: 3 nights Pets considered: No  
Internet: Yes Wheel chair accessible: No

**\$180 - \$270**  
per night (USD)

Arrival

Departure

Minimum stay: 3 nights

Get an instant quote

Save to my favorites

Reviews ★★★★★ 4  
Sleeps 4  
Bedrooms 2  
Bathrooms 2  
Property type House



Owner

Member since: 2014  
Speaks: English

Response time

**W** Always call the number on the listing to confirm booking request. NEVER pay by cash or instant money transfer services such as Western Union or MoneyGram.

Call

Email owner

+1 916-532-7355



Pay with confidence

Guaranteed, secure, with no booking fees

### Property description

\*Located off Famous Hwy 12 Winery Road\* Most Scenic and beautiful area in Santa Rosa with views of surrounding State Parks. Over 55 Retirement Community on Oakmont Golf Course. Gorgeous vineyards nearby. Kenwood wineries and highly acclaimed dining next door. Newly remodeled with brand new kitchen, appliances, bathrooms, beds and more. Fully equipped kitchen. Lovely bathrooms feature granite counters and spacious bathing areas. Large family room with fireplace, cable tv and internet provided. 2 car garage. Very private and quiet setting.

Why VRBO



Amanda Graves <mandygraves55@gmail.com>

**Re: Your inquiry: VRBO.com #655746**

1 message

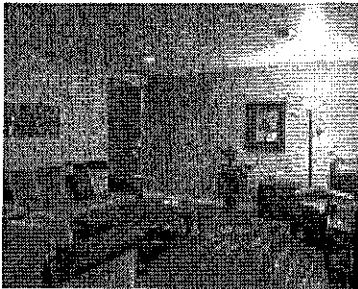
Shelley Lewis <sender@messages.homeaway.com>

Tue, May 12, 2015 at 4:11 PM

Reply-To: Shelley Lewis <a46e6cba-74df-43fb-8285-430b815d6835@messages.homeaway.com>

To: Amanda Graves <mandygraves55@gmail.com>

Shelley Lewis has replied to your message



<b>Property</b>	#655746
<b>Dates</b>	Not provided
<b>Flexible dates</b>	Yes
<b>Guests</b>	2 adults, 0 children
<b>Traveler name</b>	Amanda Graves

No Worries!

We only do 30 day rentals, its in an adult community!

Thanks for the interest!

To help keep you protected, email addresses will be removed from conversations between owners and travelers. If you include an email address in your message, it will appear as ----@----- to the recipient.

### Conversation history

**Amanda Graves sent an inquiry**

May 12, 2015

**Dates** Not provided

**Guests** 2 adults, 0 children

I apologize I sent you the wrong Email last time.

May 14<sup>th</sup>, 2015

## **VRBO Inquiry**

**VRBO#- 287678**

**Property Address- 17 Valley Green St**

**Owner- Jaci Rienecker**

**Reason for Inquiry- Property is listed on VRBO (Vacation Rental By Owner) site as a "contact owner" for minimum stay. Should say "30 night minimum stay" per Oakmont Bylaws.**



View New Messages

RECEIVED  
MAY 13 2015  
OVA  
InboxNow

Login Help

List your property

Santa Rosa, Sonoma County, California

Arrival

Depart

I don't have dates yet

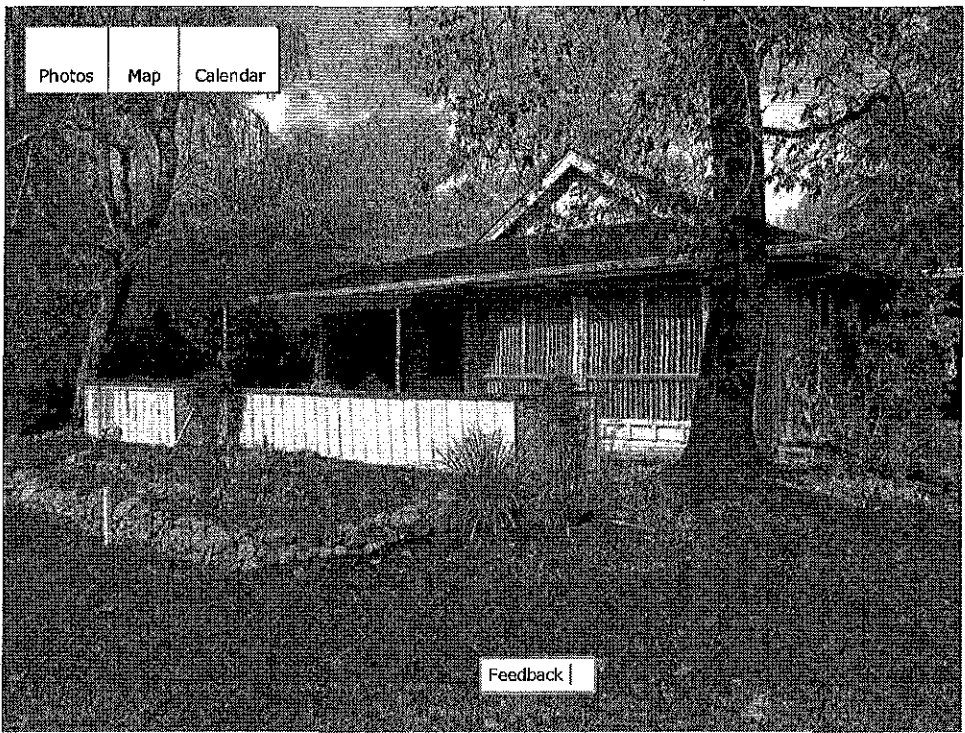
Home > USA > California > Wine Country > Sonoma County > Santa Rosa

VRBO Listing #287678

Like 0

# Golf Course Home in the Heart of Wine Country in Oakmont

You sent a message to this owner.



Photos Map Calendar

Feedback



Save to my favorites

View calendar: Updated 04/28/15

Reviews	★★★★★	1
Sleeps		4
Bedrooms		2
Bathrooms		2
Property type		House

**Owner**  
Member since: 2010  
Speaks: English

**Response time:**  
Always call the number on the listing to confirm booking request. NEVER pay by cash or instant money transfer services such as Western Union or MoneyGram.

**Email owner**  
(707) 889-4061 (California, USA)

Overview	Reviews	Rates	Calendar	Location	Owner Info	Photos
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Minimum stay:	Contact owner:	Pets considered:	No
Internet:	Yes	Wheel chair accessible:	N/A

## Property description

This lovely patio home in on the 4th tee of the West course at Oakmont. This is the long course. Easy walk to the pool, library, market, banks, lawn bowling & many amenities. There are over 100 activities in which to participate, here in Oakmont.

Very short distance to about 200 wineries along with many very fine restaurants. Santa Rosa is served by the Charles Schultz airport for private planes and regional carriers. Just 54 miles to the Golden Gate bridge and San Francisco. Enjoy nature walks in Annadel State Park and Hood Mt.

Many theaters for live shows and musicals in Santa Rosa & the surrounding towns. Close to Russian River and Bodega Bay.

**Travel with confidence**  
Guaranteed, secure, with no booking fees  
Learn how to pay safely

**Add vacation protection services to your booking**  
Three services to protect your trip:  
Protect your payments in case you need to cancel.

**Re: Your inquiry: VRBO.com #287678**

1 message

Jaci Rienecker <sender@messages.homeaway.com>

Tue, May 12, 2015 at 4:00 PM

Reply-To: Jaci Rienecker <32ff58f5-0dce-42ea-a8a6-131535ecd7c9@messages.homeaway.com>

To: Amanda Graves <mandygraves55@gmail.com>

Jaci Rienecker has replied to your message



<b>Property</b>	#287678
<b>Dates</b>	Not provided
<b>Flexible dates</b>	Yes
<b>Guests</b>	2 adults, 0 children
<b>Traveler name</b>	Amanda Graves

The shortest term I can do by the Oakmont rules is one month. When would you be thinking about your stay?

**To help keep you protected**, email addresses will be removed from conversations between owners and travelers. If you include an email address in your message, it will appear as ---@----- to the recipient.

### Conversation history

**Amanda Graves sent an inquiry**

May 12, 2015

**Dates** Not provided

**Guests** 2 adults, 0 children

Good morning, My husband and I will be traveling from the Los Angeles area this Memorial weekend. We would like to stop by and take a look at your vacation home,

to see if this would meet our requirements. We were wondering if it were possible to do a 2 week rental while visiting family?

Download the HomeAway mobile app so you can find and book your next vacation rental quickly and easily... no matter where you are!



© 2006 - Present HomeAway.com Inc. 1011 W. Fifth Street, Suite 300, Austin, TX 78703

This email was sent to [mandygraves55@gmail.com](mailto:mandygraves55@gmail.com).

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5.0

*Office Space*

**Cathy Dougherty**

---

**From:** Cassie Turner  
**Sent:** Thursday, May 14, 2015 9:19 AM  
**To:** Cathy Dougherty  
**Subject:** FW: Office space

Please put in executive Session. *2015-05-19*

Cassie Turner, CCAM, PCAM  
Association Manager  
Oakmont Village Association  
P: (707) 539-1611  
[Cassie@oakmontvillage.com](mailto:Cassie@oakmontvillage.com)



**From:** ova.bod.batchelor [mailto:ova.bod.batchelor@sonic.net]  
**Sent:** Thursday, May 14, 2015 6:43 AM  
**To:** Cassie Turner; Andie Altman; Cathy Dougherty  
**Subject:** Re: Office space

Cassie,

The offer to donate the mural is very generous of Richard and David. Would you include the \$500 request in the next available meeting, either at the Executive Session under contracts or the regular Board meeting. I think we have to do this for the reason that we specifically excluded the mural from the contract.

Nice work on your part. I am sure that you were faced with a very delicate situation.

Frank

On 5/13/2015 5:35 PM, Cassie Turner wrote:

Board,

I have done a synopsis on the new office space in order to garner support for the move. If you can think of anything else you would like to add, please do.

Richard and David stopped in today and they are going to be submitting some invoices soon for the work already done and some that will take a long lead time to get. Richard and David said they basically designed the entire front office around the mural. They are willing to paint the mural on removable canvas for NOTHING. They said it is their donation to Oakmont. Plus they feel they will get a lot of good PR from it. They would only ask for about \$500.00 – which is what they think the cost of the canvas and the paint materials would be.