

Date: June 29, 2017, at Diamond Heights Village.

A Reply By: Terence Groeper, 970 Duncan Street, F307, SF, CA 94131: (415) 970-0900

## **President Jack W. Lenk's Defamations, Transgressions and Violations (Partial) ...What Every Diamond Heights Village Homeowner Should Know**

Dear Neighbors and Friends,

Two-thirds of our Membership never vote in any election or survey. Only a few have ever attended a full Board of Directors Meeting or witnessed the spending of the \$2.3M per year in dues we pay. Those very few owners who have, are often appalled at President Jack W. Lenk's repeated disparagement of anyone who politely and factually challenges his inept dictatorial rule or ethical violations.

I am one of those few...and here's some of the long suppressed truth about what really happens...needed to refute, once and for all, the hateful libel in Mr. Lenk's 2017 Candidate's Statement and his many public slanderings during Meetings.

I have peacefully lived here for over 20 years, have studied HOA governance, laws, and best practices extensively. Have served diligently and cooperatively for many years on the Board and its committees. Therefore, I am well prepared to honestly recognize and challenge malfeasance when I see it...

And see it I did, as a Board Member/Secretary of the Association, in 2008 (soon after the hiring of CIMS management by Pres. Lenk and two on his Board), when CIM's Barry James emailed the Board, saying there would be a "\$2000 office reorganization" and the next thing I saw was all the office furniture, records and file cases piled in the lobby, with a team of construction workers tearing out walls, electrical wiring and flooring! All with no qualified designer, no RFP, no competitive bids, no approved plans, and no Board vote! Nor did I ever see Building Permits or Insurance documents.

That's dangerous and illegal under our Governing Documents and California Civil Code. As is allowing Mr. James, as our management agent, to gift this expensive unlimited construction project to his unlicensed uninsured unqualified girlfriend for her first ever remodeling job! But all forever defended by President Lenk and his cronies, over my objections.

With nothing more to go on than that one email about this sudden "\$2000" project, it was my clear duty, as the Association's Secretary and as a Director, to courteously investigate this unauthorized hazard to our records, our computers, and our finances...

Which I did by openly and politely questioning these three: The girlfriend (Anastasia Padis), our Manager (Deborah Garcia, then working for and "on notice" from CIMS) and her recently hired by CIMS Office Assistant (Priscilla Aguilar), while surrounded by others in the Lobby and the Office. That was my only option, as all previous attempts to ask Mr. James, Mr. Lenk or his complicit Board were ignored, rebuffed or censored.

An earlier incident, with similar results, occurred shortly after being re-elected to the Board in 2008, when, as Secretary, I went *into* the Office to pick up some paperwork from my inbox and to talk to

our Manager, Ms. Garcia. (Routine procedure in those days and in the past, as all directors had keys and access. Indeed, President Lenk, not having his own computer, often used one of those in the Office, wherever he liked, no problem.)

There, while quietly waiting in the outer office to speak to her boss, is where I first met the (newly-hired by CIMS) Office Assistant, Priscilla Aguilar, who almost immediately became hostile, angrily saying I “had no right to be in ‘her’ office” or to quietly wait there for the Manager or to talk to a resident at the window.

No one, including Ms. Aguilar, has ever had any valid sane or rational reason for such a reaction to my mere proximity, my quiet respectful manner, or my always-courteous behavior...nor for her continuing her antipathy to this day. She has reacted with similar baseless accusations against *other* mild-mannered and honest homeowners...even calling the police on one. Indeed, against anyone she suspects of questioning her unchecked ambition.

However, President Lenk, in what should be his impartial oversight role towards the ever-growing CIMS contract and all its employees, instead brings her bouquets of roses, raises and bonuses. (As he once did for her predecessor, Deborah Garcia...before assisting Barry James and CIMS in forcing Ms. Garcia from the job she performed so well for so many years...clearing the way to promote the totally unqualified, but ambitious Assistant into that vacancy.) I call that rank favoritism, not fiduciary duty...and observe that such favors are returned to him and any director who supports him...they can violate any rule with impunity, while the rest of us receive CIMS’ warnings, sanctions and fines.

Nowhere is that quid pro quo more evident that during elections, when our CIMS manager apparently and covertly works behind the scenes to recruit and elect compliant inexperienced members to the Board...those that will unquestionably support Mr. Lenk’s self-serving projects and total authoritarianism, with disdain and slander for anyone else, like myself, who call for more openness and democracy.

If you doubt this, ask why, with the 2017 ballot, envelopes and candidates statements ready to be mailed by CIMS, were they, for the first time ever, inexplicably delayed by more than a week? Invalidating that election. (Members were not given the full 30 days to return their ballots, as required by law.) Could it be to allow Mr. Lenk time to insert his venomous “P.S.” lies about me? Until the Annual Members Meeting and Candidates Forum, he could not even have known that I was running...and that Meeting was/is the supposed final deadline for submitting those statements, with mailings to follow, usually the very next day. Yet President Lenk had a week to write his lies?

During that Election, Lenk illegally posted more scurrilous lies on gym windows and public rooms, while defacing my one posting (legally, of my Candidate’s Statement to the residents’ bulletin board). Management, of course, made no effort to remove or correct that behavior.

As it was, the LWV then miscounted the returned ballots, but, even with irrefutable evidence, the newly re-elected President Lenk and his two sycophants actively opposed a recount, then or eight months later. Why should they support fair elections, when they won, didn’t they? (And, with that slim majority of three, have subsequently rewritten and biased our Election Rules to favor incumbents...i.e. themselves.)

I could fill countless volumes with similar examples of President Lenk’s underhanded self-serving “leadership”, but suffice to say, he has every foul motive to falsely discredit any homeowner who’s

willing to courageously expose his shameful past, his blatant cronyism, or his extravagant pet projects...and I will continue to do so, on and off the Board. Shouldn't you, too?

### **The real truth about Jack Lenk's odious lies and libel in his 2017 Candidates Statement....**

“P.S. I urge you **not** to vote for Terence Groeper. He has a history of harassing our on-site staff.” That was and is the false accusation made by Priscilla Aguilar, Barry James and CIMS management, as they sought to discredit this whistle-blower and advance their self-aggrandizement, cozy advancement and unwarranted profits, all at the expense of the Membership.

By repeatedly using the highly-charged word, “harass”, these accusers seeks to imply sexual, physical, violent or emotional harassment, which no reasonable, sane unbiased observer would *ever* attribute to my behavior or speech. If questioned, they will back-track and deny that's what they meant, but they continue to use the word, unsupported by any fact or due-process.

“The Board has had to censure him and he was not allowed to come to the office unless another Board member was present. Management does not have to endure this again.” That was in 2008, during the expensive, illegal and unapproved office remodel by Barry James' unqualified girlfriend. Still fresh in my mind is how those same directors who had recently hired CIMS (Lenk, Mader and Poston) along with CIMS's Barry James sprung their surprise “hearing” on me at the end of a closed Executive Session of the BOD...with none of the legally required advance notice, witnesses, or even a copy of the written (hearsay) accusations they all had in hand. I.e. with no due process, fairness or authority...a true “star chamber” witch burning.

Their prohibitions on an elected director or on any member ever visiting the office window was illegal, unworkable and unenforceable. To pick up mailed packages and Board Packets, I politely, as always, ignored it.

“His misbehavior and obstructionism have cost the Association tens of thousands of dollars in legal fees.” On the contrary, President Lenk and his cronies on the Board and employed by CIMS, spend those legal fees to hide their own malfeasance and incompetence, while silencing all transparency and accountability. And if you think that the DHVA attorney, David Feingold, always supports fairness and homeowner rights, consider a different legal matter from 2008, when the same Board spent over \$129,000 in legal fee pursuing Feingold's novel legal theories in cases that took us all the way through the California Trial, Appellate and Supreme Courts...and he *lost* every one, along with the additional, very large sum the Association was owed, but never collected.

“He has been given many chances to work with fellow homeowners on the Board and various committees. His behavior has always been disruptive and detrimental to the Association.” That's Mr. Lenk's opinion of *anyone* who quietly presents facts and opinions contrary to his own authoritarian dictates or opposes his excess DHVA spending.

“His past actions have always shown that he is incapable of working with other people. All you need to do is talk to people who have volunteered on committees with him – they will tell you how bad Terence can be.” No need to believe Mr. Lenk, I encourage you to actually talk to *all* those volunteers (not just to his appointed liaisons or chairpersons) ...and also talk to the many other homeowners and residents who know me. You'll then find that I am always well-mannered and well-informed about the daily business of the Association, its history, and the laws that govern HOAs.

Or you might talk to the many thousands of my former co-workers and managers at the US-EPA

and other clients, where I once consulted full-time, on-site for decades. If, for all those years, IF I was as “disruptive, detrimental or harassing” and “incapable of working with other people,” as Lenk alleges, do you think that I would have been steadily promoted, my contracts renewed, or the team I managed repeatedly given new projects to successfully complete?

Indeed, if you think I “harass” or commit the other crimes that Lenk asserts, perhaps you should ask the senior managers or their deputies (all women) who led the US-EPA’s very proactive Offices of Civil Rights, Enforcement, and General Council, with all of whom I had a close, affable and productive working relationship...the same for my entire career, indeed my entire life.

“A vote for Terence is a vote against the best interests of DHVA. Please consider what is best for the future of DHVA and cast your vote for ANYONE but ~~TERENCE GROEPPER~~.” Again, the opinion of Mr. Lenk and his relatively few supporters, i.e. those who directly benefit from his costly, self-serving projects, unenforced rules, and other largesses, including our management company and its employees.

### **Other misconduct by President Jack Lenk and his cronies....**

President Lenk, always big on favoritism, appointed a friend as Chairperson to a past Gym Committee, where I and another volunteer served. I advocated a competitive bidding for the gym equipment contract, but Lenk insisted that it go to a friend of that Chairperson (where it remains). What I could not say, was that Lenk’s appointee was a serial child molester and twice-convicted felon living here. Had he taken my hint, he could have done a quick online search of Megan’s List, but Lenk stubbornly refused.

The 2009 Special Election was to fill a Board vacancy...during which Jack Lenk stuffed his odious libelous hit pieces about me under almost every door in the middle of the night...even though neither he nor I were even candidates! How do I know it was Jack? Aside from his name on the fliers, I caught him red-handed, 10’ outside my front door, sitting splay-legged on the floor, oblivious to my presence, with a box of Xeroxes in his lap, studying a fresh address list of Members. When his dog (off-leash, as usual) saw me, he was startled into asking, “What are *you* doing here?” I replied, “I live here.” And “what are *you* doing here?” He answered, “Hee, hee, jus’ doin’ my thing, ha ha.” Apparently, his “thing” is spreading vicious falsehoods in the dead of night. He was back with a second round later that same night...and has done similar sneaky after-midnight libeling in other elections.

And why do I believe our CIMS Manager repeatedly helps him (using Association resources)? Because, earlier that same evening, after a long Board Meeting (which Jack unexpectedly attended) she didn’t go home as usual, but was observed in the Office running off hundreds of photocopies. Two hours later is when I observed Jack distributing them to selected doorsteps (to the disgust of most recipients).

Consider President Jack Lenk’s illegally-ordered topping and then removal of two tall trees, supposedly blocking the view of his best friends, the Paganos, although a good 50’ from their window...to the anger of many other homeowners...against the advice the tree company...and all without a Board vote. His illegal favor to his friends cost us twice as much as normal.

Or, in a separate and more formal “tree-trimming” project, not content with our Arborist’s approved written instructions, Director Lenk was observed leaning out of another buddy’s top-floor window, personally directing the workers to top trees and open up his friend’s view, contrary to the “green

canopy” and privacy that all the units below wanted. During a packed Special Board Meeting to hear homeowner complains about this supreme authoritarianism, other directors, myself included, were dismayed, but not too surprised, to learn all this, but little could be done after the fact.

There are many other instances of Jack Lenk’s reckless irresponsible behavior or his cover-up lies, but if you want to witness those first-hand, attend any Board Meeting, where he circles the Directors with their backs to the audience, never allowing regular homeowners to speak, while pushing through his agenda and pet projects, democracy and transparency be damned. Of course, without audience questions (or a Board Packet), you won’t really know what the Board is discussing in their supposedly “open meeting”...to which very very few regular homeowners ever go...or stay to the end. But I have. More, perhaps, than any other Member in the past 20 years.

Certainly more than some of the newly-elected first-time Directors. (Might be good questions for any candidate...how many DHVA meetings have you ever attended *before* running for the Board? Or after? What do you know about Directors’ and Officers’ legal duties or the Stirling-Davis Act?)

Given that two-thirds membership apathy and “lack of time,” which I fully understand, can’t promise that I’ll continue to attend every (or any) future Board or Committee Meeting, as I long have, but do encourage other progressive homeowners to continue the fight for their rights and for justice, despite the odds. Carry it on! And thanks for reading this.

Sincerely,

A handwritten signature in cursive script that reads "Terence Groeper". The signature is written in black ink and has a long, horizontal flourish extending to the right.

Terence Groeper [terence.groeper@gmail.com](mailto:terence.groeper@gmail.com) (415) 970-0900

*The clear choice for honesty, openness, good governance and fiscal responsibility.*

More useful info on DHVA at [www.dhva.info](http://www.dhva.info)

Addendum - President Jack Lenk's Candidate Statement's Libel (refuted above):

P.S. I urge you **not** to vote for Terence Groeper. He has a history of harassing our on-site staff. The Board has had to censure him and he was not allowed to come to the office unless another Board member was present. Management does not have to endure this again. His misbehavior and obstructionism have cost the Association tens of thousands of dollars in legal fees. He has been given many chances to work with fellow homeowners on the Board and various committees. His behavior has always been disruptive and detrimental to the Association. His past actions have always shown that he is incapable of working with other people. All you need to do is talk to people who have volunteered on committees with him – they will tell you how bad Terence can be. A vote for Terence is a vote against the best interests of DHVA. Please consider what is best for the future of DHVA and cast your vote for ANYONE but ~~TERENCE GROEPER~~.