

6 Apr 2020

Gus Aarnaes, President
Park Paseo Homeowner Association
Board of Directors
25 Christamon W.
Irvine, CA 92620

Mr. Aarnaes;

This Request for Alternate Dispute Resolution (ADR) is made in compliance with the *Civil Code* Section [§5930\(b\)](#).

I Prelude

On [9 Mar 2020](#) a request for an Internal Dispute Resolution (IDR) meeting was personally delivered to the Board of Directors President.

On a letter dated [24 Mar 2020](#) the Association Attorney stated:

1. The Board President delayed informing the Attorney about the IDR request for one week.
2. The California Governor issued a Shelter-in-Place Order.
3. Meeting coordination will begin in two (2) weeks (4 weeks from the date of the request).
4. The meeting will take place in the Association clubhouse.

On a fax dated [26 Mar 2020](#) I stated:

1. A four week delay to a meeting is not 'prompt', see *Civil Code* [§5915\(b\)\(4\)](#).
2. Request for a meeting during the week of 29 Mar 2020 at a mutually agreed time and place, see *Civil Code* [§5915\(b\)\(4\)](#).

A [27 Mar 2020](#) email received from the Association attorney stated:

1. Subject to the Governor's Order (ed. For a Shelter-in-Place), and for the safety of our families, we are not allowed to meet during the week of 29 Mar 2020.

A [27 Mar 2020](#) email from me stated:

1. In order to comply with the Governor's Order an electronic meeting should be convoked.
2. There are three (3) identified electronic meeting mechanisms for a 2-party meeting.
3. There are four (4) identified electronic meeting mechanisms for a multi-party meeting.
4. The Board of Directors President has a [Skype](#) account.

5. It looks like the Association Attorney has a [Skype](#) account.
6. A link to a multi-party [Skype](#) setup page was provided.

A [3 Apr 2020](#) email requesting a teleconference meeting on 6 Apr from the Association's attorney.

A [3 Apr 2020](#) email from me agreeing to the meeting.

A [6 Apr 2020](#) teleconference meeting attended by Mr. Aarnaes and myself was canceled because:

1. Mr. Aarnaes, the Board Director assigned to represent the Board would not commence the meeting without the Association attorney being present.
2. A rejection of a rescheduling request because the current five (5) week delay from presenting the IDR request was not 'prompt' (see *Civil Code* §[5925\(b\)\(4\)](#)) and delaying the meeting further is less 'prompt'

A [6 Apr 2020](#) email from the Association attorney stating that he was unable to connect to the session.

The history of the IDR meeting is that there was a one (1) week delay in informing the Association Attorney by the Board President, a one (1) week delay for the Attorney to communicate, no response to a request for an electronic meeting after one (1) week. Then a request for an electronic meeting in the fifth (5) week after the request canceled after non-appearance of the Association attorney.

II Request For an Alternate Dispute Resolution (ADR)

It is five (5) weeks since the request for an IDR was personally delivered to the Board President and there is no indication that an IDR meeting will be successfully scheduled, in violation of *Civil Code* §[5915\(b\)\(2\)](#). We conclude that the Association is unable to successfully engage in an [IDR](#) and request an ADR pursuant to *Civil Code* Sections §[5925\(b\)\(1\)](#) and §[5925\(b\)\(3\)](#).

Pursuant to the *Civil Code* Section §[5930\(c\)](#) you must respond within thirty (30) days to this request. If no response is received within thirty (30) days then the request for an ADR will be considered as rejected pursuant to the *Civil Code* Section §[5930\(a\)\(3\)](#).

We acknowledge that there is a challenge in isolating ourselves from personal contact during the COVID-19 pandemic but have provided alternatives ([27 Mar 2020](#)) to communicate and not congregate.

The proximate cause for this ADR is the Board's refusal to allow inspection and copying of Architecture Committee documents, in violation of the *Civil Code* Sections §4765(a)(1), §[5200\(a\)\(4\)](#), §[5200\(a\)\(8\)](#), §[5205\(a\)](#), §[5210\(a\)\(2\)](#), §[5210\(b\)\(1\)](#), §[5215\(1\)\(5\)\(D\)](#), §[5240\(b\)](#) and Bylaw (X)(1)

Thank you;

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