

Open letter to the Ranchos community.

My name is Mats Fogelvik. I have been a full-time resident of Ranchos since 2010 and a Hawaii resident since 1992, immigrant from Sweden, now a US citizen. I have served on the HRRMC board since 2011.

This letter is my story, opinion, and experience as a HRRMC board member. I am sharing my personal and professional experience as a board member, not the Boards. I have given the HRRMC office the permission to share my letter with the Ranchos membership.

I was introduced to the board by a friend and attended a board meeting in January 2011. One of the discussed items was that they needed a website. Most of the board members were very old and I could tell that they didn't quite understand the concept of a website. Since I was a hobby webmaster, I offered my help, and before I knew it, I was appointed board member and I built and managed the HRRMC website, as a volunteer, until recently when the HRRMC office manager took over the task.

Later, I was elected board member by the membership, and then VP. When the president, Galen Lutz, resigned I became the president for 5 years. I would like to mention that I was rather enthusiastic to become a board member of HRRMC, I was new in the community, and I was excited about helping and meeting fellow residents. Boy, was I naïve!

I had quite a lot of previous experience serving on boards, but they were nothing like HRRMC. I have and still am, serving on various boards, local and statewide. The huge difference is that they are all trade or art organizations, all the members are there by choice, with common interests. Board meetings are pleasant and friendly. With HRRMC, the only thing in common is the ownership of a lot in Ranchos. Quite a mixed bag of people. Suddenly, I am surrounded by members with anger issues, personal agendas, board members screaming at each other, guests screaming at the board, it was quite a challenge. At my first annual meeting, Galen suggested calling for police presence. I couldn't believe it! But he was right, we have had police present at our meeting many times in the past, to maintain order.

Meanwhile, I was carrying out my duties the best I could, and I am proud of what was achieved during my presidency. We got the whole subdivision fog sealed, many miles chip sealed (quality questionable, but that is a different story) The website got expanded with a PayPal function that I set up to make payments easy. Remember, I did all this as a volunteer and I am not retired, I still have a day job. What seems most odd to me is that very few people care to understand and fully appreciate the efforts this volunteer job demands of its elected officials. It's not only 'thankless', but quite emotionally burdensome. Yet individuals NOT volunteering their own time and efforts go to great lengths to undermine those few people trying to make a difference for our communities. This is unfortunate, unforgiving, and the reason why I am writing is the support of all members of our board. I'd like to be an example that perhaps some of you can reflect a little bit as to your actions.

During my first years as president, certain board member(s) and community members were pushing their personal agendas, mainly about gates. This caused the Board to make decisions and put items on the agenda and the ballot, which was unwittingly in conflict with some bylaws and state statutes. This was exploited by the people who later sued HRRMC. Unfortunately, this started a trend of negativity and hostility. Election results were constantly questioned, basically by the same handful of people.

Documents were stolen from the office when the office manager turned her back, later to be used against us in lawsuits. Office managers were being bothered and harassed by members. This is why I

installed the Dutch door entry at the office, to provide more security for the office employees. The hostile environment caused several office managers to resign and every time this happened it was a loss of intellectual property. The office manager is an important position, keeping all the records current for 1227 members takes some work, and training is required. Now the office is closed to the public, there is no reason to keep it open, HRRMC is not a community center. You can reach us via mail, phone, email, pay with check, PayPal or mail a money order.

The Kohala Gate has caused a lot of controversy that the current board has finally cleaned up. When I came on board it was not operational, but it was scheduled to be soon. I am technically inclined, and I like to fix things, so I got involved with the gate maintenance. I quickly found out that the gate had NO safety features whatsoever, and the closing force was set to “crush”, it could have killed someone! I proposed to the board to install safety devices such as electronic eyes, pinch bars, key entrance for emergency vehicles, etc. This was done, but I still did not know that the gate was installed without permits and the electric hookup was extremely mickey-mouse. (Fast forward to today and we now realize every homeowner is actually liable for the stupid thing).

We had an employee at the time that took it upon himself to use, without approval, the HRRMC tractor to scrape up rocks and pile them on the side of the gate to block the side of the gate for bikes and motorcycles. While doing this, he pulled up and broke the electric conduit to the gate, it was only buried a few inches. He called me, and I helped him fix it. If I knew then what I know now (illegal electrical hookup, no permit, no insurance) I would just have left the gate open and non-operational. For years I was the gate maintenance guy (unpaid) and I am the one that got the remote opener installed. When I started to get calls on my personal phone that the gate was broken, I started to get really tired of it. Now, thanks to current board efforts, bylaws have been amended by the membership, and it is legally possible for HRRMC to install gates, but the membership voted against installing them when the true cost was revealed. I can only say, if you want to live in a gated community, sell your Ranchos lot and move to a gated one!

Five years into my presidency, in 2017, I was ready to step down, this took too much time out of my life and my hundreds of volunteer hours was felt as a loss of income. But trouble was brewing. Three members of Ranchos filed a lawsuit against HRRMC and its board of directors. The suit literally dropped in my lap at our 2017 annual meeting. Why would anyone sue their own road corporation? I wasn't totally surprised; these people had caused a lot of commotion in past board meetings. The basis of the lawsuit was that they combed through past board meeting minutes and challenged everything they thought or claimed was wrong or illegal. Most of the allegations were frivolous. We as a board are volunteers with limited understanding of Roberts Rules, Bylaws, State Statutes, and such things, but I can assure you that none of us had any illegal intentions in performing our duties as board members and I take pride in being honest and reliable myself. You can ask anyone that knows me.

Without tiring you with details, the 2017 lawsuit started a process which is not quite finished yet, and since has been a time of a lot of stress, worries and sleepless nights over this legal bulls**t. Why did they do this? My belief is that they are con people, they knew HRRMC had corporate insurance. At one point our liability insurance attorney asked them what they wanted out of this? They replied with that they wanted money, for personal damages (?) totaling \$4.2 million.

This was just the beginning of our legal challenges. The same group as above and a few others had a petition going for a special election. The petition failed, but the group went ahead and held their own

“election” and claimed victory. They sent out communications to Ranchos members announcing that they were the new board and that “letters have been mailed to the lawyers. The bank has been notified” They went to the HRRMC bank with fake documents and managed to have the HRRMC corporate accounts frozen, suddenly our checks bounced and we, the legally elected HRRMC board, had no access to a quarter million dollars! Hence the “fake board” which you probably heard about?

This caused quite a crisis for HRRMC, we had payroll and bills to pay. I had just stepped down as president, hoping to be “just a board member” for a while. We had an emergency meeting, our Treasurer was on the mainland on sick leave, I had to step up to be interim Treasurer. We had a few undeposited checks and some money in the PayPal account (which I had started earlier) I went to a different bank than Bank of Hawaii (which really botched this one) and opened a new corporate account for HRRMC. We asked supportive members to pre-pay their dues for next year (this was in the fall) to keep HRRMC solvent. I am still the Treasure of HRRMC.

To regain control of and reopen the HRRMC account, HRRMC had no choice but to file suit against the “fake board” and their six members. I had no idea how long a legal process would take; it took a couple of years to reopen the HRRMC bank account. Finally, HRRMC won all the cases, and the “fake board” was ruled to pay all the legal expenses to HRRMC, totaling about \$250k. Three of the six have already paid.

I had to endure harassment and stress during this process. Numerous court hearings, having to drive to Hilo and Kona. One fake board person was sitting at the swap meet area for weeks with billboard signs and handing out propaganda leaflets. Various flyers and petitions smearing my name, and other board members, people giving me the finger while driving in my own neighborhood. I and other board members were turned in to the Building Department for alleged building code violations on our private properties, just for spite and revenge. I and other board members were accused of having our driveways paved by HRRMC contractor. Ridiculous, of course we paid for our own driveway chip sealing. I have been accused of being an illegal immigrant! I can’t help but see that the stupidity going on in our neighborhood is parallel with the politics of the world, the craziness and intolerance which seems to be spreading. I am the one starting the HRRMC Facebook page, thought it would be good for the community. I had to shut it down due to negative and nasty commentary.

The HRRMC liability insurance defended the board in the first lawsuit. The insurance premium went up ten-fold, which was caused by these people, for what? HRRMC won the case. I had spent hundreds of hours on depositions and emailing documents. There are thousands of documents, and it took over 5 years, and thankfully HRRMC won! It was dismissed in February 2023. Case # 3CC171000341, knock yourself out if you are interested in it and the people involved. All the current lawsuits which HRRMC has been involved in have been dismissed and/or won by HRRMC. This is thanks to the leadership of our current president Roy Thornton and our legal team.

I am aware of the recent petition against Roy. Another group of people recently branched out, calling themselves the Ranchos Garden Club, and had a petition going for a special board meeting with Roy as its main target. But that petition also failed to get enough valid signatures.

Roy has certain skills when it comes to dealing with lawsuits and attorneys, I could not have done that. He might have ruffled some feathers, but he got the job done, he is my friend and I committed to be his wingman during the process to get the lawsuits resolved. It saddens me to see another petition against HRRMC volunteers, but what is the saying? “No good deed goes unpunished” I just wish that people

would focus on positive change and volunteer for the board themselves instead of attacking duly elected members doing their job.

I am unequivocally done by the end of this year, which will conclude 13 years as a HRRMC volunteer, most of the time as an officer. The road assessment is now \$250/year, that's about \$20/month, most of us probably spend more on coffee per month! The roads are in decent shape, and we are very close to being able to start chip sealing with our own equipment, as voted on by the membership.

Here we are, living in one of the most beautiful places in the world, perfect climate, most of us are retired, (I'm getting there) enjoying the golden years, we all have three acres to spread out on. For 12 years I had to deal with lawsuits and harassment?!? Pathetic! I, Roy, and another past board member recently got sued by one of those fake board members, I had a process server circling my property for a week. The case was stupid and got dismissed, but it had to be dealt with, which Roy did, thank you!

In conclusion I am grateful for being able to live here and through all this drama with HRRMC I have met many people and made many new friends. I have done my part. If you care for HRRMC and our roads, heck, if you care for fellow neighbors, I encourage you to get involved and ask how you can help. I am very concerned about this recent (failed) petition, targeting a serving HRRMC president, it creates a hostile environment and complicates the "handing of the baton". It is a lot of knowledge about how to run HRRMC which can get lost during a "hostile takeover". Better to focus on the positive. Nevertheless, I must let go and trust that new members will step up. New board members are always needed, an election is upcoming, take great care who you vote for, or run for the board yourself.

Your neighbor, Mats Fogelvik