

Herron, Susan

From: Jim Smith [jsmithivgidtrustee@gmail.com]
Sent: Thursday, August 13, 2015 10:47 AM
To: Herron, Susan
Subject: Fwd: Goodby Pinkerton

Susan, Correspondence received

Thank You,

Community, Commitment, and Collaboration

Jim Smith
Chairman of the Board of Trustees
Incline Village General Improvement District
Email: smith_trustee@ivgid.org
Phone: (775) 298-1128
www.ivgid.org

Begin forwarded message:

From: Mike Abel <MikeAbel@Pacbell.net>
Date: August 13, 2015 at 10:27:52 AM PDT
To: Kendra Wong <kwong.ivgid@gmail.com>
Cc: Jim Smith <jsmithivgidtrustee@gmail.com>, Tim Callicrate <Tim2Tahoe@msn.com>, devine_trustee@ivgid.org
Subject: Goodby Pinkerton

It used to be just a couple of nuts in the audience at the Board meetings.

Now we have in our camp of “malcontents”, scores of people who have seen the light of IVGID’s mismanagement.

Among them are accountants, investment bankers, business people, housewives, lawyers, airline pilots, teachers, government executives, and retirees.

You saw three of those eloquent and intelligent voices in last week’s Bonanza. (Thank you Mr. McMillan)

More are joining our team every day when we talk to others in our small community.

Stockton, Davis, and now Incline Village - Mr. P has done his two years here and failed our community miserably. Time for him to move on!

Recent financial actions make IVGID look like a rudderless ship and are drawing the scrutiny of the Washoe Board and hopefully the Nevada AG.

Hopefully our Board majority will see the light and set the ship on a responsible path.

Mr. P. has listened to none of the suggestions of the minority faction here in town and has blithely pursued his own agenda.

The proposal for the \$262,000 MIG contract was the height of audacity.

The long train of “no bid” consultants and contracts has frittered our reserves to dangerous levels.

Where is the money (\$1 million +) to fix the wastewater pipe at Diamond Peak?

Excuse my French, but when the hell is IVGID management and board going to get it and demand competitive bidding on every major contract.

Even Pinkerton knows that current policy (no bid) would not stand the smell test just 4 miles away in California.

But the misappropriation of the funds from the paid off bonds (\$160-\$180) from each taxpayer was the straw that broke the camels back.

Call it smoothing or anything else - I call it theft when money for one thing is allocated and spent on another.

Naturally this was done complicit with the majority of the board.

How would you like it if you gave money to a charity and the principals use it as a slush fund for their pet luxury items or projects?

The retroactive implementation of policy is a real winner for the good governance award!

Meanwhile, It looks like the heat in the kitchen is increasing and it is time for Mr. P. to pack his carpet bag.

I hope that enjoys his new house in Folsom.

The sooner he departs - the better.

Herron, Susan

From: cindy.ferrell@wellsfargoadvisors.com
Sent: Monday, August 10, 2015 2:13 PM
To: Pinkerton, Steve J.; Smith_At_Home, Jim
Cc: Herron, Susan; Winquest, Indra S.
Subject: RE: Resident comments re: beach

Thank you very much for your quick replies! I really appreciate it! Not sure what you meant by 'vendor parking' (below) Jim Smith. The boat rental guys I referred to are not vendors like the Action Water Sports which is (I assume) authorized by IVGID. These guys I'm referring to are just local dudes renting out their boats and watercrafts and basically taking the majority of space in the parking lot, the launch ramp, and practically ALL the boat parking spots at ski beach. Taking away from the ability of residents to use the resident facilities. Using the resident facilities as if it's there solely for their business purposes. I wouldn't mind at all if they at least had consideration for residents to park solely in overflow, keep it to a maximum of two trailers each, and no commercial boat parking on Ski Beach. Go out to anchor. Or best of all, run your business elsewhere. These guys have no thought or hesitation about taking up the whole beach with rental boats. In contrast George Mathews of Sand Harbor water sports is the most courteous of all, he only launches one trailer of jetskis, keeps his boat on a permitted buoy, and runs his business from sand harbor and when he does meet clients at ski beach he takes them out to his jetskis which are kept off the beach on anchor or at Sand Harbor out of the normal flow of boat traffic and access. He's the only one who's that courteous and professional. The other guys appear to be just out to make a killing off the fact that we at Incline have one of the only viable boat ramps this year.

THANK YOU AGAIN FOR YOUR THOUGHTS, INPUT AND CONSIDERATION!

Cynthia Ferrell

Vice President – Investments, Financial Advisor

Wells Fargo Advisors | 925 Tahoe Blvd., Suite 202 | Incline Village, NV 89451
Office 775-831-6107 x206 | Cell 775-690-3772 | Toll Free 800-677-6795 | Fax 775-831-6165
Email: cindy.ferrell@wfadvisors.com
Website: <https://home.wellsfargoadvisors.com/cindy.ferrell>

From: Pinkerton, Steve J. [mailto:steve_pinkerton@ivgid.org]
Sent: Monday, August 10, 2015 11:59 AM
To: Smith_At_Home, Jim; Ferrell, Cindy
Cc: Herron, Susan; Winquest, Indra S.
Subject: RE: Resident comments re: beach

Thanks, will be happy to follow up.

Steven J. Pinkerton

General Manager
Incline Village General Improvement District
893 Southwood Boulevard, Incline Village, NV 89451
P: 775-832-1206
F: 775-832-1122
sjp@ivgid.org
www.ivgid.org

From: Jim Smith [<mailto:jsmithivgidtrustee@gmail.com>]
Sent: Monday, August 10, 2015 11:36 AM
To: <cindy.ferrell@wellsfargoadvisors.com>
Cc: Herron, Susan; Pinkerton, Steve J.
Subject: Re: Resident comments re: beach

Good morning Cindy,

Thank you for your email. I'm not sure we have ever met?

You make some valid points that I have been discussing with Staff especially the vendor parking and kayak/paddle board storage. Just about a year ago I lobbied for additional kayak racks and to find a paddle board storage solution. There needs to be a managed balance to meet the communities needs for the greatest good!

I have forwarded your correspondence to IVGID General Manager Steve Pinkerton. Steve, please contact Cindy and address her concerns.

Thank You,

Community, Commitment, and Collaboration

Jim Smith
Chairman of the Board of Trustees
Incline Village General Improvement District
Email: smith_trustee@ivgid.org
Phone: (775) 298-1128
www.ivgid.org

On Aug 10, 2015, at 11:18 AM, <cindy.ferrell@wellsfargoadvisors.com> <cindy.ferrell@wellsfargoadvisors.com> wrote:

Hi IVGID trustees,

Sadly I cannot make the meeting tomorrow. I've read the report re: the beach study and I would like to ask you to strongly consider my comments as a long time (over 20 years) Incline Village resident, parent, boat owner, and beach lover.

I have never written to you and I'm not the type to complain or criticize the great job you do. And I appreciate the beach study and it's thoroughness. However, a couple of glaring items need to be addressed. My friends, neighbors, and fellow boat-owners and beach goers have all expressed similar thoughts so I'm not alone. Please consider this:

- 1) As a boater and boat owner I've seen our "private" (ha ha) beaches turned into a commercial fleet boat rental operation and this summer is the worst I've ever seen. There are 3 or 4 (or more?) commercial boat rental operations that run their business on Incline's (private) beach – Ski Beach. They launch 5 or 6 boats EACH! And leave the trailers in the primary boat parking lot so they can go get another boat to launch. Then when residents try to launch there is no boat trailer parking because at least half of the lot is taken up by these commercial operators. They use the IVGID resident boat parking lot for their trailer storage, thereby eliminating the parking availability for individual resident boat owners. Then they leave the trailers overnight despite a sign saying no overnight parking.

Even worse – when they launch these boats (I've seen 10 at a time on a Saturday – prime local beach day!!!) they park them on the sand at Incline's Ski Beach. They're lined up right up next to each other on the beach – solely for profit. Then there is NO PLACE for a resident boat owner to come into the beach since the entire beach is taken up by commercial rental boats. These boats sit on the beach for hours at a time (or all day) awaiting customers. There are jet skis too and jet ski rides (like a hover board that runs on water) on ski beach. No room for locals and residents!

So the boat parking lot, the launch ramp, and the prime (and only) beach boat parking area are completely taken up by 3 or 4 guys with 4 – 6 boats each. Just this last Sunday I observed that the area right next to the ramp on the West Side now – finally – has 2 signs that say (unloading only) but despite those sign being there a commercial rental boat operator parked 3 boats right in front of those signs, taking up the entire unloading area (and the ONLY spot that's sandy not rocky) for the storage of his rental boats.

I don't think ANY commercial boat rental operation should be run out of our private beach. We already have action water sports there. This is not beneficial to the beach or the residents. The only ones who benefit are the for-profit boat rental operators. Why is this happening? How is it that they're allowed unlimited guest passes for their commercial operation? The solution is to disallow this commercial activity. Or at the very least have them go directly to overflow parking. And enforce the "unloading only" signs adjacent to the launch to keep at least some of our private beach available for residents use.

(2) Next topic – As you know there is no more kayak or paddle board storage. I've been on the waiting list for ever. This was not addressed in the beach report. There is plenty of space for more racks at Incline Beach West End by the parking lot – which is also the area designated for launch of paddleboards. There is also plenty of space at Burnt Cedar to on the far East side of the facility – above where action water sports is located. That would be a great solution because the parking at Ski Beach / Incline Beach has become a nightmare and having paddleboard / kayak racks at Bunt Cedar could alleviate some of the parking nightmare. Also Burnt Cedar has less boat traffic whereas trying to paddle board at Incline Beach means you're mixing paddle boards and non-motorized people in with a very crowded boat launch, and also right next to a very crowded jet ski and boat rental operation at the Hyatt. IE- it's better, calmer, safer for paddling and kayaking from Burnt Cedar. Despite the low water, paddle boards and kayaks area still being rented at Burnt Cedar by action water sports just last Sunday.

Thank you for your consideration!!! Please would you let me know you received this and your thoughts. Thank you again!

Cindy Ferrell – resident since 1984. Parent. Boat owner. Beach goer. Lover of Incline Village. In favor of keeping the private beach private.

Cynthia Ferrell

Vice President – Investments, Financial Advisor

Wells Fargo Advisors | 925 Tahoe Blvd., Suite 202 | Incline Village, NV 89451

Office 775-831-6107 x206 | Cell 775-690-3772 | Toll Free 800-677-6795 | Fax 775-831-6165

Email: cindy.ferrell@wfadvisors.com

Website: <https://home.wellsfargoadvisors.com/cindy.ferrell>

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Herron, Susan

From: Jim Smith [jsmithivgidtrustee@gmail.com]
Sent: Monday, August 10, 2015 1:06 PM
To: Herron, Susan
Subject: Fwd: Missing Boat Ramp Privileges for Lakefront members of Incline Village Association

Correspondence received
Thank You,

Community, Commitment, and Collaboration

Jim Smith
Chairman of the Board of Trustees
Incline Village General Improvement District
Email: smith_trustee@ivgid.org
Phone: (775) 298-1128
www.ivgid.org

Begin forwarded message:

Resent-From: <jimsmith@ivgid.org>
From: Jerry Kennelly <Jerry.Kennelly@riverbed.com>
Date: August 10, 2015 at 1:03:35 PM PDT
To: "smith_trustee@ivgid.org" <smith_trustee@ivgid.org>, "callicrate_trustee@ivgid.org" <callicrate_trustee@ivgid.org>, "wong_trustee@ivgid.org" <wong_trustee@ivgid.org>, "hammerel_trustee@ivgid.org" <hammerel_trustee@ivgid.org>, "devine_trustee@ivgid.org" <devine_trustee@ivgid.org>
Subject: **Missing Boat Ramp Privileges for Lakefront members of Incline Village Association**

Dear Trustees:

I purchased the lakefront home at 865 Lakeshore Boulevard seven years ago. I love the lake and have two buoys where I keep a ski boat and an antique wood boat. However, every year I must find some other location to launch my boats in June and then take them back off the lake in September because of the archaic rules that prevent lakefront owners from using the Incline Village boat ramp.

I know there is a longstanding provision that keeps lakefront owners from using the Incline beach. That makes some sense and we have no desire to use that beach since we have our own. But neither we, nor any other lakefront owner has their own private boat ramp to launch and retrieve a boat once each season. Right now, I will have to drive all the way down to Cave Rock to take my boats out for the winter. This makes no sense at all. I am an Incline resident, I pay tens of thousands of dollars in property tax, and I pay an association fee.

Last year, I had to pay a commercial boat operator \$160 to launch my boat for me at the Incline ramp because you give them rights but not to me. Very strange. I am not going to try to sneak onto the public beach twice a year when I launch and retrieve my boat. I could do that anyway by a five minute paddle along the shore in my kayak.

My request is that you amend the ordinance and allow ALL Incline residents to use the only boat ramp in town. Can you advise me of how to get this onto the agenda? Would a petition drive be helpful? Please let me know.

Thank you,

Jerry

Jerry M. Kennelly
Chairman & CEO
Riverbed Technology
Mobile: +1 510 220 6706
Desk: +1 415 247 7303
Email: jerry@riverbed.com
www.riverbed.com

Herron, Susan

From: s4s@ix.netcom.com
Sent: Thursday, August 06, 2015 11:29 PM
To: Wright Frank; Newman Linda; Warren Dick; margaretmartini@liveintahoe.com; Miller Judith; Olmer Robert
Cc: Hammerel, Jim; Devine, Bill; Tim Callicrate; Kendra Wong; Herron, Susan; DReese@rkglawyers.com
Subject: The IVGID Board Has a Conflict of Interest With IVGID's Attorney - the IVGID Board Needs its Own Attorney Because of Mr. Reese's Conflict of Interest

Have I gone too far or do each of you think it is appropriate to send this e-mail to the IVGID Board?

Thanks for your input.

Aaron

Dear Chairperson Smith and Other Honorable Members of the IVGID Board -

I am writing to alert the IVGID Board to the fact that it is now apparent to myself and others that the Devon Reese law firm neither represents the public nor the IVGID Board.

Mr. Reese is advising and making recommendations to IVGID staff which are in conflict with the best interests of the IVGID Board and the public. Let me give an example.

The Board will recall that I asked for the details giving rise to Mr. Reese's July 30, 2015 letter to the County Board of Commissioners ("the County Board") declining the County Board's invitation to appear on August 25, 2015 and provide answers to several questions. I asked for the details because Mr. Reese's letter appears to communicate prior Board action, yet that action was taken without the benefit of a public meeting. Mr. Reese has suggested there was a meeting of the Board, however, it was not a meeting for purposes of the Open Meeting Law ("OML"). Notwithstanding the fact Mr. Reese's letter to the County Board that IVGID residents have the ability to ask the IVGID Board and staff questions of Incline Village concern, and to receive answers, I asked such questions and there have been no answers (I am certain at Mr. Reese's counsel).

Well I have now learned THERE WAS NO IN PERSON MEETING. Rather, staff and Mr. Reese got together and decided they would use Mr. Reese to decline the County Board's invitation. So Mr. Reese sent a proposed letter to each Board member for his/her review/approval. The cover e-mail instructed that unless objections were returned to Mr. Reese (rather than other members of the IVGID Board), Mr. Reese would construe non-action as approval.

After one or more trustees communicated objection/proposed revisions, Mr. Reese serially polled the communications of all trustees, incorporated them into his proposed letter, and then went ahead and sent the July 30, 2015 letter. At no time did the Board as a whole direct the mailing of Mr. Reese's letter.

What you have here is either serial polling of the Board by someone who has been hired to ensure that such polling NOT occur (because it represents an OML violation), or unelected staff action without first securing approval of the IVGID Board (which Mr. Reese should know is impermissible because he has represented himself to be an expert in representing public agencies, UNLESS his client is unelected staff rather than the IVGID Board). Mr. Reese is attempting to protect unelected staff from the embarrassment and employment termination which in my opinion is warranted.

If the former took place, we're talking malpractice. If the latter took place, we're talking a conflict of interest. In either event, the IVGID Board requires its own attorney who has undivided loyalty to the IVGID Board and the public.

I am therefore asking that the IVGID Board engage its own attorney because it requires legal advice from someone other than IVGID staff, and the advice it is getting from Mr. Reese, in my opinion is the product of his negligence/conflict of interest. And most of you don't even realize this fact because you are lay persons and too close to the situation to know otherwise.

How many of you have examined Mr. Reese's engagement letter? For those of you who haven't, I suggest you do. And I

suggest you examine who Mr. Reese's client really is. It's NOT the IVGID Board. According to the agreement Mr. Reese drafted, it's "IVGID."

Well who is IVGID? Whoever it is, it's certainly not the IVGID Board.

I say it's the public.

But Mr. Reese will tell you it's not the public. It's IVGID staff.

So there you go, a conflict of interest. Mr. Reese represents staff and the IVGID Board represents the public.

Even if staff and the IVGID Board were on the same page on this issue (which it should not be because staff obtained no direction from the IVGID Board to go into the magazine publishing and regional transportation businesses), because of the potential for a conflict of interest (giving Mr. Reese the benefit of the doubt which in my opinion doesn't exist), I believe each must have its own legal representation.

But here staff and the IVGID Board are not on the same page.

Mr. Reese has instructed Board members to keep their mouths shut about the truth. In other words, to protect IVGID staff (his true client) to the public's detriment. I've been informed that because trustees Smith and Callicrate have announced they plan on attending the County Board's August 25, 2015 hearing, Mr. Reese plans on being there as well (Why? Who is he representing?) in order to patently if not subliminally insure that trustees Smith and Callicrate don't speak the truth which would otherwise compromise staff - his real clients. It's a scene straight out of Godfather II. You remember. The U.S. Senate is investigating Michael's alleged ordering of a murder and it has an informer; Frank "Frankie Five Angels" Pentangeli. Frankie has already given a deposition to Federal agents where he has testified that Michael ordered the hit. So Michael brings Frankie's father from Sicily into the audience where he just sits. Frankie sees his father and because of the subliminal "pressure," changes his testimony. He was pressured and confused by federal marshals. His deposition testimony cannot be relied upon.

Well in our case, Mr. Reese is the equivalent of Frankie's father. He will be present on August 25, 2015 to make sure trustees Smith and Callicrate don't open their mouths and spill the beans. All allegedly in the best interests of the public Mr. Reese represents.

Therefore, I urge the IVGID Board to seek outside counsel for itself.

I also ask that Board members to come forward and share the truth with the public. Mr. Taylor will soon be asking all of you to do what I have asked and if you have nothing to hide, TELL THE TRUTH! Turn over the two or more e-mails and proposed letters to the County Board so the serial polling Mr. Reese engaged in will be up and center for all to see. And then if there is liability, it can be affixed to the person who is really responsible.

Or if there was no serial polling, then all will see that Mr. Reese's letter of July 30, 2015 was nothing more the culmination of conversations between he and his real client, IVGID staff.

Thank you for your cooperation and decision to hopefully do the right thing in the public's best interest. Aaron Katz

Herron, Susan

From: Al Cabito [1966lotuselan@gmail.com]
Sent: Tuesday, August 04, 2015 5:25 PM
To: Herron, Susan
Subject: Re: Notice
Attachments: 0805 - Special - Retreat - Final.pdf; ATT00001.htm

Follow Up Flag: Follow up
Due By: Thursday, August 06, 2015 9:00 AM
Flag Status: Flagged

Susan:

In the presentation last month, regarding the Master Plan for ski area, I was interested in the rationale for improvements to Snowflake Lodge in phase two (other than there is some community investment concerns). My assessment is twofold:

- 1) New trail based activities (which should not be a large investment) would be well served with an attractive and functional Lodge. A comparison could be made with the cafe at the end of the "Flume Trail" which appears very successful. I am less interested in "activities" that have large investments and would not draw recurring use by the same households/visitors.
- 2) IVGID should be depreciating assets, such as the Lodge, and in the process homeowners should expect all the facilities do not have an infinite life. I'm in favor of improving Snowflake earlier than phase two.

Thanks for listening to my input

Al Cabito
305 Second Creek Drive

On Aug 4, 2015, at 4:19 PM, Herron, Susan wrote:

Herron, Susan

From: Ryan R [ryanritchienv@gmail.com]
Sent: Monday, August 03, 2015 4:46 PM
To: Herron, Susan; Smith, Jim; Kendra Wong; Hammerel, Jim; Tim Callicrate; Devine, Bill
Cc: Wilson, Brad R.
Subject: ATTN: Board of Trustees

IVGID Board of Trustees:

I am in support of the Diamond Peak Master Plan.

Visitors and residents often have limited access to recreational offerings while in town, and providing additional summer and winter activities would be of economic benefit to our community while more fully utilizing the land and infrastructure we already own.

Diamond Peak's winter activities have already proven to be an effective draw for people to come to this community to visit and to reside - my family is a case in point. We moved here from South Shore in part because of Diamond Peak and its offerings (specifically the very strong program of the Diamond Peak Ski Education Foundation).

I encourage you to implement what is a sensible, phased approach to further development of year round recreational opportunities at Diamond Peak.

Ryan Ritchie

IVGID Homeowner (841 Lakeshore Blvd)

IVGID Business Owner

Herron, Susan

From: jhammerel@gmail.com on behalf of Jim Hammerel - IVGID [hammerel_trustee@ivgid.org]
Sent: Friday, July 31, 2015 12:17 PM
To: Herron, Susan
Cc: Pinkerton, Steve J.
Subject: Fwd: We Want Our Beaches Back!

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Correspondence received.

Jim Hammerel
Secretary, Board of Trustees
893 Southwood Blvd.
Incline Village, NV 89451
email: hammerel_trustee@ivgid.org
phone: 775-298-1546



----- Forwarded message -----

From: Karen & Jack Barney <pizzazz@pyramid.net>
Date: Fri, Jul 31, 2015 at 11:19 AM
Subject: We Want Our Beaches Back!
To: Bill Devine <devine_trustee@ivgid.org>, Jim Smith <smith_trustee@ivgid.org>, Jim Hammerel <Hammerel_trustee@ivgid.org>, Kendra Wong <wong_trustee@ivgid.org>, Tim Callicrate <callicrate_trustee@ivgid.org>

Every time we have been at the beaches this summer, I notice the license plates of cars in the parking lots (where we often couldn't park, as they were full), and found that the majority, often the vast majority, of cars had California plates.

I realize that some of those cars are those of part-time owners, who have valid picture passes and/or punch cards due them as parcel owners. But the ratio is too high for all the cars to belong to owners.

What happened to the promise of lining up Ordinance 7 to the wishes of us residents, who own and are paying for the beaches? Last year many owners expressed dissatisfaction with beach access, with the abuse of punch cards, with the opening of the beaches to a flood of non-owners. Ordinance 7 was suppose to have been reviewed and revised months ago!

Selling punch cards and beach passes without restrictions to owners of rental properties and whoever else(?) is buying them, is unacceptable. I was at some of those meeting where this was discussed, the overwhelming opinion was that the issuing of passes, photo and punch, should be restricted to five/parcel, the only exception being for

households with more than five members as a family unit. Punch cards could be refilled, but that's it! No extra cards to sell for gain. No commercial involvement. Nada.

Our beaches should not be for sale!

Respectfully,

Karen Barney, Incline Village full-timer

Herron, Susan

From: jhammerel@gmail.com on behalf of Jim Hammerel - IVGID [hammerel_trustee@ivgid.org]
Sent: Thursday, July 30, 2015 3:51 PM
To: Herron, Susan
Subject: Fwd: IVGID

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Correspondence received.

Jim Hammerel
Secretary, Board of Trustees
893 Southwood Blvd.
Incline Village, NV 89451
email: hammerel_trustee@ivgid.org
phone: 775-298-1546



----- Forwarded message -----

From: Tom Bruno <tom@oliverlux.com>
Date: Thu, Jul 30, 2015 at 3:28 PM
Subject: IVGID
To: mberkbigler@washoecounty.us
Cc: smith_trustee@ivgid.org, callicarate_trustee@ivgid.org, wong_trustee@ivgid.org,
hammerel_trustee@ivgid.org, devine_trustee@ivgid.org

7/30/15

Ms. Berkbigler:

I have no idea if you have ever attended an IVGID meeting. If you haven't I would suggest that you do so to get a firsthand experience of who you are dealing with and you would probably conclude that your actions against the Board of Trustees is frivolous and an embarrassment. I have stopped going to the meetings do to those unprincipled individuals who are constantly disrupting and agitating. I don't even need to ask you who the complainers are because I know.

It is extremely difficult to be an IVGID trustee dealing with a population which regards itself as privileged. The agitators in particular make it hard for good people who currently sit on the board to act effectively. As a 44 year resident of Incline, I have been asked to run for trustee, but seeing the abuse over the years of the trustees, I would never subject myself to such abuse.

Please let me know if you have ever attended a meeting. If you have not, please do so, then give the Board an apology because you will truly know the accurate facts and not the lies and misrepresentations presented to you.

Respectfully,

Tom Bruno

Tom Bruno

Broker Salesperson

C 775 742 3106

o 775 831 8400

f 775 831 8410

OLIVER LUXURY REAL ESTATE

907 Tahoe Blvd., #20B

Incline Village, NV 89451

tom@oliverlux.com

www.oliverlux.com

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