

Presented by Luis M. Zervigon on 12/09/2019 at the WTCMUD #1 Deed Restriction Committee and Board Meeting at 1000 Old Mill Road

I am Luis Zervigon, an elected Director of WTCMUD 1 since 2006. I was motivated to run for the Board during a surge of unhappiness on the part of many residents in reaction to how the MUD was enforcing Deed Restrictions.

I want to apologize in advance to my colleagues on this Board and to our staff, for taking far too much of their time tonight to illustrate what has become a form of metastasized mendacity, wrought by a small group of people.

Your Board always faces and deals with new challenges and for more than a year that has included an assault by two residents, Ms. Linda Fabre and Ms. Sarah Dillard Teal, who have produced a continuous stream of complex false narratives, designed to elicit distrust and suspicion of your MUD as an entity and the Directors as individuals. Their presentations are wrapped in anger and indignation, conveyed with a zeal that brooks no disagreement. They have negatively affected our operations and our expenditure of your and my hard-earned taxpayer funds.

Their unprecedented volume of Open Records demands has created a huge distraction for our limited staff and run up over \$100,000.00 in costs to address their Open Records demands.

It would require endless time and effort to address the continuous stream of false narratives. But we have lives to live and the business of the MUD to address so we are not prepared to go down their endless "Rabbit Holes".

So, how can I address these false narratives in a way that will be illustrative and compelling to you, our residents? That's what I propose to do tonight by unpacking a part of just one of the frequent remarkable false narratives presented by Mrs. Linda Fabre. I won't present a detailed examination, instead I will highlight several important and illustrative points.

I will address the narrative she presented at our Board meeting last month on November 20 when she directed her ire against me. You can see her presentation in the video of the WTCMUD #1 Board meeting posted on the MUD website. It occurs from 7.25 minutes through 12.1 minutes of the video. I urge you to watch it so that you can see and appreciate the acid tenor of her presentation.

Ms. Fabre begins with, and I quote:

"In late 2017, the board made the decision to replace the Deed Enforcement Contractor at that time, a property management company called Real Manage because this board was not pleased with their service. Luis already knew Jimmy and Diana Sagnes and he invited them to attend a meeting prior to terminating the Real Manage contract and in January 2018, Luis wrote a Request For Proposal in an effort to find a replacement deed enforcement service provider."

END OF QUOTE.

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Yes, the Board reluctantly made the decision to replace Real Manage and the facts surrounding that decision are important. Real Manage discharged the Inspector assigned to our MUD without prior notice and did little to provide continuity of service. Real Manage, further, informed us that they could not meet their contractual obligation to hand over the records of their work.

Your Directors of WTCMUD1 then decided to undertake a selection process for a new contractor. The RFP used was a reissuance of the RFP used in 2007 when Real Manage was selected. I did prepare a draft of that 2007 RFP, long before Sage Management began their Deed Restriction enforcement business in 2010. In 2018 the 2007 RFP was updated to incorporate contractual provisions that had been added, over time, to the Real Manage contract. **Ms. Fabre's allegation that I wrote the RFP in January 2018 is false.**

As to my invitation to Sage Management to present their bona fides to the Directors, I offer the following pertinent information:

Most Deed Restriction Enforcement companies work for HOA's. Very few provide the service to MUDS. MUDs are public entities, HOA's are not. MUD's involve multiple neighborhoods, HOA's do not. Those facts serve to illustrate important differences.

WTCMUD1 Directors participation in MUD related conferences and seminars helped to identify the few local companies that do have experience in Deed Restriction Enforcement for MUDs. In 2007 we were able to find a company that was well respected that provided Deed Restriction Enforcement for a nearby MUD. They bid on the 2007 RFP but their pricing was very high and the contract was awarded to Real Manage. By the time of the 2018 RFP the Principal was deceased and the company was no longer in business.

In 2018 when we issued the RFP, Sage Management had been in business since 2010 and got high marks from our neighbors, the Directors of the Anderson Mill Limited District. I personally questioned Mark Maxwell, the Executive Director and several of the Board members about how their MUD conducted enforcement and how Sage performed. I and many of my Board colleagues knew the Principals, Jimmy and Diana Sagnes, from the activities at the MUD related conferences. When I was satisfied of the fit. I urged the Sage Principals to introduce themselves to the WTCMUD1 Directors and I arranged for them to make a presentation at a Board meeting.

My actions were entirely open and above board they were entirely appropriate and needed. Ms. Linda Fabre's spurious allegations would have you believe that my actions were part of a plot or even a conspiracy to "Stack the Deck".

Ms. Fabre continues with, and I quote:

"I raised concerns with Luis directly about the requirements he set forth in the RFP. My concern was that some of the requirements he was mandating would be so costly for a

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business to do, it would drive away qualified bidders and honestly, were totally unnecessary in supporting this district. We exchanged emails about it. He insisted he was right as he always does.

One example that Luis insisted was necessary is this:

Inspectors shall be so equipped that the District can randomly monitor the GPS locations of the inspectors to verify complete coverage.

I conveyed to Luis that the cost to store GPS data is enormous and I was concerned that qualified bidders would not bid when they saw this in the RFP. I also suspect that Sage Management isn't meeting this requirement that qualified them as a bidder for this contract.

END OF QUOTE.

This entire allegation is nonsense! I will tell you why. Ms. Fabre correctly quotes the contract provision: ***Inspectors shall be so equipped that the District can randomly monitor the GPS locations of the inspectors to verify complete coverage.***

Does the provision call for, or even remotely allude to any requirement to record GPS data? No, it does not. Of course, anyone with even a rudimentary familiarity with the use of Cell Phones to track a person's location knows that such tracking is a trivial and easy procedure. Every time I travel, I use it to assure that my family will know where I am so that they can find me in the event of an accident.

Notably, no bidder that responded to the 2018 RFP indicated the slightest reservation to the requirement, not in their written or verbal presentations. When Real Manage agreed to conduct after hours inspections the provision was transferred to their contract, with no objection from Real Manage. When the recent 2018 RFP was prepared the provision was included in the RFP.

This allegation by Ms. Fabre is a classic example of what is called "Astro Turfing", wherein an issue is invented and presented with great indignation as a great revelation. If the invented allegation becomes an active source of controversy the mischief is successful. Ms. Fabre has been trying for a long time to give substance to her absurd Astro Turf allegation.

Ms. Fabre concludes with a summary that strings together even more false and vicious narratives directed specifically against me. She is not constrained by truth nor the boundaries of reality.

Again, I apologize for the time I have required to convey this important observation. To you, our residents of WTCMUD1, I apologize for the level of disharmony wrought by the pernicious activities of a very small number of our residents. I invite you to share your observations with me and my fellow Directors. Our contact information is available on the MUD website.

Luis M. Zervigon, Director WTCMUD1