

To our fellow PSMRA Homeowners
We encourage you to vote "YES" to recall **Tyler Larkey**

A broad consensus of the Association membership representing owners of Court Homes, Garden Homes and Single-Family Homes has filed a petition for **the recall of Mr. Tyler Larkey from the Board of Directors**. This is a vote of "no confidence," with serious concerns that Mr. Larkey is not acting in the best interests of the community and is unsuitable to continue to be in a leadership role. You are encouraged to read the following concerns, and to **VOTE YES** for the removal of Mr. Larkey from the Board of Directors.

- **Breach of Fiduciary Duty:** by voting in favor of the December 1, 2022 Special Meeting's Motion to extract funds from the Courthome Exterior Maintenance account for the payment of management fees beginning in January of 2023, in direct conflict with wording in 6.2 of the Declaration of Homeowners Benefits and Assurances for Pointe South Mountain Residential Association (aka CC&Rs) and in direct violation of the permanent Court Injunction (Maricopa County Superior Court Case No. CV2012-017609 filed and dated 3/25/2014). In the March 22, 2022 Open Board Meeting, Mr. Larkey denied a request made by a homeowner to reinstate irrigation to Pima Wash in keeping with CC&R 3.8, stating, "No, we are not going to do that."
- **Dismissive of homeowners:** Mr. Larkey has repeatedly failed to acknowledge raised hands during Board Meetings, cutting off speakers prematurely, disallowing the Homeowners Forum (even though it appeared on the Open Meeting Agenda), and being intolerant of opposing points of view. This behavior is chronic, and examples are available by watching or listening to Zoom records of every Board Meeting.
- **Failure to utilize the skills of community members:** Mr. Larkey has obstructed the volunteer Communication Committee's formation, dissolved the Budget and Finance Committee, the Courthome Advisory Committee, and the Wash and Drainage Committee, only to be forced to reinstate W&D upon receipt of a community petition, with these decisions in total resulting in elevated management costs and delays in maintenance and capital improvements.
- **Perpetuation of Association's exposure to liability and failing to comply with Bylaw Article VI Section 2, Item (g) under Duties of the Board** by continuing to defer maintenance on Courthomes and in Common Areas, including Capistrano and other balconies, pergolas, roofs, skylights, stucco and paint, washes, drainage systems, sewer lines, irrigation structures, pools, roads, parking areas, sidewalks, landscape shrubs and trees.
- **Failure to demonstrate an understanding of PSMRA's governing documents and a willingness to misrepresent facts in formal communications:** Mr. Larkey has made statements during Open Board Meetings that contain misinformation and/or inaccurate interpretation of our governing documents. Sending formal letters to the entire community containing partial or misinformation has led to a growing fracture in our community, forcing a portion of the community to respond and increase its reliance on costly legal opinion.
- **Failure to operate Board Meetings with transparency:** By introducing topics during Open Board Meetings that often lead to the submission of surprise motions that are outside of the advertised agenda, and failing to announce their addition at the opening of the meeting, Mr. Larkey denies community members the ability to prepare and engage. Mr. Larkey failed to advise the community that not all Courthome maintenance records had been located in the files by the current management company, therefore, management could not update homeowners' records, resulting in increased calls by homeowners to the management company seeking status reports. This failure created the false notion that Courthome owners were responsible for increasing the management company's work load. This

oversight was brought to the community's attention in January 2023. The current management company has been on site for almost a year.

- **Overstepping boundaries and abusing powers of position:** Away from actual Open Board Meetings, Mr. Larkey has acted within the community with the authority of the Office of President, using the community's management company to convey messages with bias. In addition, he has conducted selective enforcement of PSMRA bylaws. For example, on 1/7/23, Mr. Larkey demanded that the gate to the Euclid pool remain locked during a community gathering that did not favor him and threatened to call the health department and police, whereas on 12/21/22 Mr. Larkey allowed the Monte Way pool gates to remain open for several hours for a Special Board meeting and on 1/14/23 to host a Board of Directors' community gathering. This irrational behavior is not in accord with the Code of Conduct approved by the PSMRA Board of Directors.
- **Micromanagement:** Under Mr. Larkey's leadership, the current management company has been limited in their ability to serve the community by operating under a spending limit set at \$1500.00 per month. As reported in the January 17, 2023 Open Board Meeting, the intended spending limit was \$1500 per incident. In spite of having the ability to rectify this error on two occasions as part of formal Board proceedings (Minutes approval for the March 22, 2022 meeting in which the original motion was made and discussion of a limit increase brought forth in a motion during the June 21, 2022 Open Board Meeting), the error was not discovered until January 17, 2023. This caused the Board to process a multitude of maintenance work orders during Open Board Meetings as well as the management company's untold timely and costly delays in getting work done.