

May 20, 2023

Dear U3 Owners,

Today I write you my first, and what may be my last, report as your president. The last two months have been a process of discovery where we have uncovered many issues that should concern all of us. The journey has been painful. There are those upon whom these revelations do not reflect well. Not surprisingly, they have inappropriately conflated constructive and firm efforts to bring about change with claims of creating dangerous and hostile work conditions. The more significant the issues uncovered, the greater the claims of hostile working conditions. Deflection at work.

On May 18, I was presented an ultimatum by other Board members. Resign as president by today at 5:00 pm and, for an undefined time period, have no direct communications with building staff. Or, failing to resign, face removal as president in an “emergency” meeting and, presumably, also be restricted from communicating with building staff.

I write this letter not to dwell on the past, but to make you aware of how the significant deferred maintenance we are facing has compromised our building and its systems, including those critical for life-safety protections. We, as a community, need to focus on these issues and not allow deflection to take our focus from what needs to be done. We need to hold the Board and building staff accountable to get the job done.

### ***Life Safety Systems***

A surprise inspection by the Clearwater Fire Marshal on May 11 revealed that our building manager had failed to perform required maintenance and repairs on key elements of our life safety systems: the fire pump, stand pipe, and sprinkler. These systems were “red tagged”

on December 9, 2022 indicating elements were found to have critical deficiencies or impairments required to be addressed within 30 days by law. Our building manager not only failed to address these concerns for over 5 months, but failed to alert anyone of his neglect and the risks he exposed us to. Only a surprise inspection brought the issue to light.

The same surprise inspection revealed what appears to be the manager falsifying entries on a fire watch monitor report and recruiting a new staff member to help cover for his actions placing her in an untenable position. A fire watch is required when a fire system is shut down for an extended period. Starting on 5/10 the fire sprinkler system on the 17<sup>th</sup> floor was shut down due to a water leak which was not corrected until the following day.

Much has already been said of the manager's failure to carry out required maintenance and repairs on our emergency generator. For years the professionals we contract to inspect the generator provided detailed reports of required work which the manager ignored and again failed to alert the community of his inaction.

Our elevators are of growing concern. One cab was just put back into operation after having been offline for I believe seven weeks. There are plenty of anecdotal reports of systems failures, but not any formal reports as the manager has not maintained a system for reporting of building issues.

I have asked the manager repeatedly to provide us the maintenance logs for the elevators for the past few years. He has failed to do so.

At the 5/6 Board meeting the manager made us aware for the first time of a "new" code requiring the installation of a safety device by year-end at a cost of \$58 thousand. The code provision was actually enacted in 12/31/2020. Performing this fix now will be a complete waste of money as we are scheduled for a complete rebuild of the system in the next

couple of years. But we have no other choice as failure to do so will result in a non-renewal of our elevator operating permit.

Knowledge of this significant expense combined with the more frequent system failures could have guided an informed decision for an earlier rebuild of the system. But again the manager withholds information making it difficult, if not impossible, to assess the condition of our assets and resulting in much higher expenses when problems can no longer be swept under the carpet.

### ***Deferred Maintenance***

The manager had been aware of problems with the glass block towers for many years. Maintenance recommendations presented by an owner dating back to 2017 were never acted upon. Board minutes for the 4/17/21 meeting reflect that a masonry contractor was brought in to assess conditions of the towers. Last year we learned from a Board member that a repair quote for \$400 thousand had been received, discarded, and never acted upon. Today we are facing repair costs that will likely exceed \$500 thousand.

At the 5/6 Board meeting we learned that the manager had excluded the application of water seal from the last paint cycle for the building, but yet our Reserve Study reflects the work as having been performed. It appears the same is true for the caulking of windows, sliding doors, and rail posts. These are all critical items to protect our building from water intrusion. Yet further examples of gross neglect of our building and obfuscation of the facts.

The above reveal disturbing behavior and actions by the building manager. He debases and ignores the advice of professionals specifically contracted to service and maintain our building and its systems. He then keeps the Board and the community in the dark on his failure to take the recommended actions. When the manager and staff were approached on questions relating to building maintenance, systems,

and reporting inconsistencies, claims of a hostile work environment were leveled against me which the Board appears to accept with no question as these form the basis of the demand for my resignation.

I believe my fellow Board members recognize the maintenance and safety issues we are facing. The problem is they appear more concerned over a lawsuit from a manager who constantly deflects his failure to address building concerns with claims of harassment and dangerous work conditions. Instead, the Board should embrace their fiduciary duty to protect owner interests from potential claims resulting from building neglect and/or corresponding loss in the value of owner investments in U3. The Board needs to understand that the Association can be held responsible and liable for failures to maintain the building. For instance, in the event of a fire and our fire protection equipment failed when it was “red tagged”, not only might we lose our insurance coverage when most needed, we could also be held liable for losses suffered by owners and others.

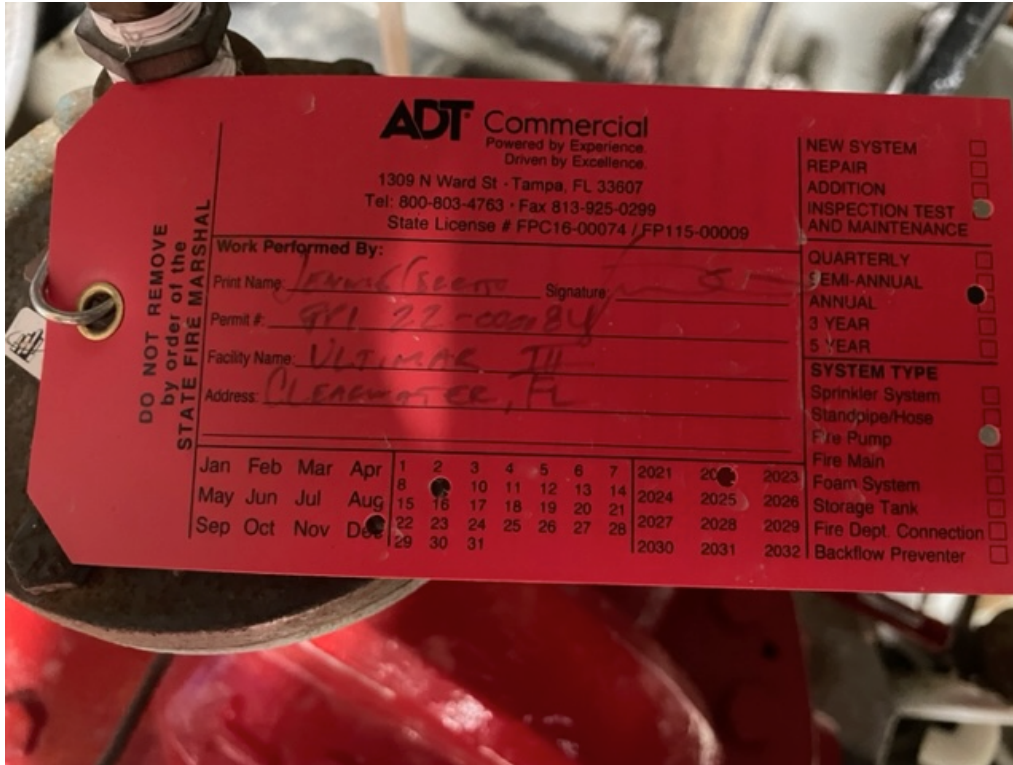
There are many more areas we have uncovered where the manager’s actions have not been in the best interests of the community, and others which we may never uncover. His actions are exposing the Association to significant risks and expenses.

The Board has an obligation to address this problem. And owners need to hold the Board accountable.

Your concerned neighbor and president,

Gus Fleites

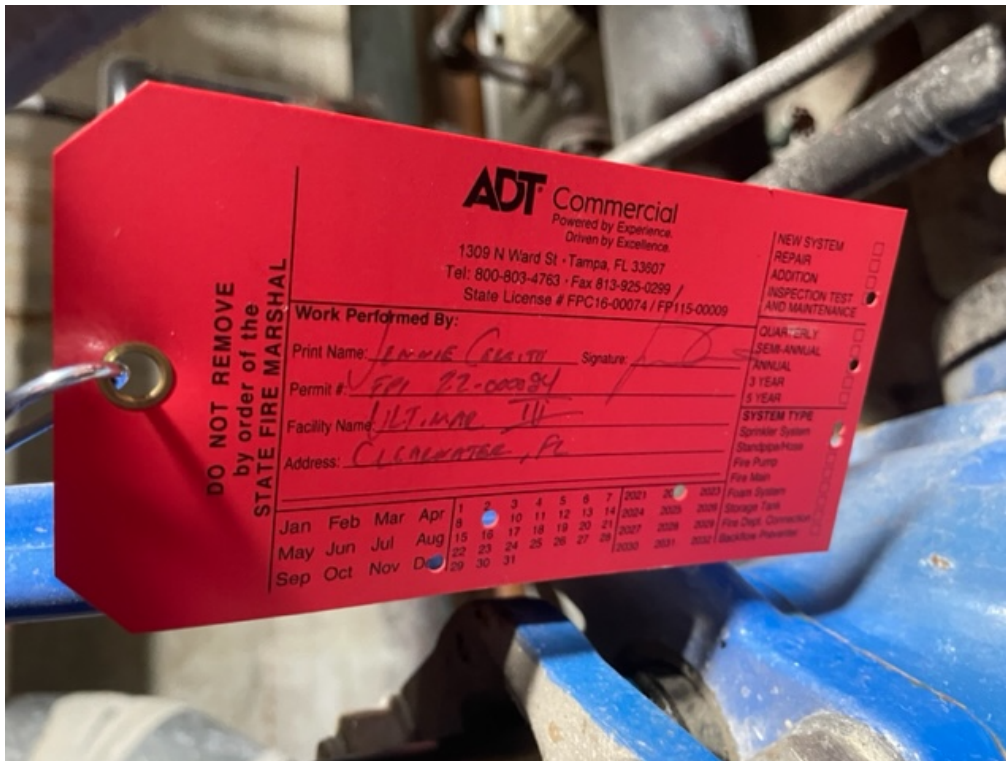
# Fire Safety Systems 'Red Tagged'



Fire Pump

Inspector:  
J. Cerrito

Date:  
12/9/22



Sprinkler/  
Standpipe

Inspector:  
J. Cerrito

Date:  
12/9/22

# 12/9/2022 ADT Commercial Report of Fire Safety System Deficiencies



Powered by Experience. Driven by Excellence.™

## Discrepancy Report

Generated by: BuildingReports.com

Building: ULTIMAR III				
<p>The Discrepancy Report consolidates each discrepancy listed within the various Testing sections of your Inspection. Discrepancies are listed by Category, and grouped by device type. The description of the problem is provided and where appropriate, code references are listed for your convenience. Any item that was inspected that is subject to a recall or part of a manufacturer's replacement/upgrade program is included.</p>				
Device Type	Manufacturer	ModelNumber	Date	Qty
Items listed for Recall or Replacement/Upgrade				
No items found during this inspection.				
ScanID	Location	Problem	Reference	
<b>Fire Pump</b>				
<b>Control Valve</b>				
2 79471409	2nd Pump Room System Discharge	Rusted/Corroded	NFPA25 13.2.3	
<b>Fire Pump Gauge</b>				
79471414	2nd Pump Room Suction	Damaged/Worn	NFPA25 4.1.5.1	
<b>Pressure Relief</b>				
2 79471405	2nd Pump Room	Failed Test		
<b>Pump</b>				
79471403	2nd Pump Room	Failed Test	NFPA25 8.2.1	
<b>Standpipe, South</b>				
<b>Control Valve</b>				
2 79471387	Garage South	Rusted/Corroded	NFPA25 13.2.3	
<b>Tamper Switch</b>				
79471386	Garage South	Failed Test	NFPA25 13.3.3.5.2	
<b>Standpipe, South Center</b>				
<b>Control Valve</b>				
2 79471375	Garage South Outside Central Stair 2	Rusted/Corroded	NFPA25 13.2.3	
<b>Wet Pipe</b>				
<b>Control Valve</b>				
79471295	18th South Stair 1	Improper Operation	NFPA25 13.3.3.1	
<b>Piping</b>				
79471435	Sprinkler System	Rusted/Corroded	NFPA25 5.2.2.1	
<b>Sprinkler Box Spares</b>				
79471280	Sprinkler System	Painted	NFPA25 4.1.5.1	

## Fire Watch Log 5/10 – 5/11/2023

### Time Line of Events

5/10

- 8:10 pm phone call from S. Alexeeva to RR notifying of water leak
- 8:30 pm RR arrives @ U3 (Clip from HOA video)
- 9:36 pm phone call from RR to S. Alexeeva notifying water had been shut off
- 9:36 pm RR departs U3 (Clip from HOA video)
- 10:00 pm first entry in Fire Watch log with RR initials. RR not @ U3
- 10:32 pm RR arrives @ U3 (Clip from HOA video)
- 10:52 Legacy Fire arrives on-site to assess 5/11

5/11

- 5:44 am RR departs U3 (Clip from HOA video)
- 6:00-7:00 am Fire Watch log reflects RR monitoring, RR not present beginning 5:44 am
- 5:50 am MS arrives @ U3 (Clip from HOA video), No overlap with RR
- 7:00-9:00 am RR writes in MS as monitoring these blocks (per MS)
- 9:00-12:00 pm m.s. initials log
- 1:00 pm RR arrives @ U3

# Fire Watch Log

## Fire Log 5/10 - 5/11

RR left U3 @ 5:44 am  
5/11. MS arrives U3 @  
5:50am- No overlap

Watch Log Start Date 5/10/2023 & Watch Log End Date 5/11/2023

Hour	Time	Initials	Notes	Hour	Time	Initials	Notes
12 AM	1111	MS	Clear	12 PM	1111		
1 AM	1111	MS	Clear	1 PM			
2 AM	1111	MS	Clear	2 PM			
3 AM	1111	MS	Clear	3 PM			
4 AM	1111	MS	Clear	4 PM			
5 AM	1111	MS	Clear	5 PM			
6 AM	1111	MS	Clear	6 PM			
7 AM	1111	MS	Clear	7 PM			
8 AM	1111	MS	Clear	8 PM			
9 AM	1111	MS	Clear	9 PM			
10 AM	1111	MS	Clear	10 PM			
11 AM	1111	MS	Clear	11 PM			

RR not @U3 for  
6:00 am block,  
but initialed as  
present

Per MS, RR  
initialed for her  
7:00 & 8:00:00 am  
blocks, she  
initialed 9:00,  
10:00, & 11:00 am  
blocks

RR initials beginning @10  
pm, but not return @ U3  
until 10:32 pm

RR notified of water leak @ 8:10 pm,  
5/10. Arrives @U3 at 8:30pm. Shut off  
water BTW 8:30-9:36 pm, left U3 @  
9:36pm.