

November 21st, 2022

Tonto Hills Improvement Association
Board of Directors (BOD)
Tonto Hills

Dear BOD,

Thank you for sharing this formal complaint send by a resident, Charles Kieffner. I will respond to his concerns and accusations in this letter. I will copy portions of his note to make sure I don't miss any concerns as written.

Mr. Kieffner's complaint:

The Owner shall, in any event, complete the construction within eighteen (18) months after commencing construction . . .” And as you've stated several times the ACC is an arm of the BOD (therefore still responsible for actions of). Lot #65 construction has been going on for 20 months without notice of to ACC as to extension requests.

Mark LaLiberte's response:

This complaint is correct. I started the home on May 4th, 2021. The home is scheduled to be completed on December 17th, 2022. That will make the time of construction, 19 months and 13 days. The current market, with significant labor challenges and supply chain issues, has created a slower time to build. The project has never stopped throughout this period and we are quite confident it will be done just 1 month and 13 days from the 18-month time frame set a few decades ago. I appreciate the patience of Mr. Kieffner. While this has taken 43+ days longer than I had hoped, I am pleased it is nearly finished. I have attached an article, addressing the supply chain challenges, in case it helps validate and reinforce the extra 43 days.

<https://www.cnbc.com/2021/10/18/supply-chain-chaos-is-hitting-global-growth-and-could-get-worse.html>

Mr. Kieffner's complaint:

- 1) In addition, the owner of lot #65 is failing to control his subs' code of conduct, work ethics, and respect for the members of our community.
Examples included: **destruction of my personal property, multiple trespassing instances by Laliberte(documented via cameras), littering (cigarette butts), intimidation, harassment, public urination, parking violations (in accordance of Maricopa County), dust control violations,illegal Finer Touch contracting sign, concrete washouts onto Blue Wash and into a wash, and many other items. We also have email from the owner(Laliberte) stating he would repair our property(crushed pavers/cracked driveway/address tiles broken), and not park equipment/vehicles in front of driveway, which has not been exhibited nor repairs attempted in over 14 months . MCSO has been called 3x(documented). There are NO more strikes. You allow this individual to hold a position on a TH board? When he lies to his constituents? There is NO PARKING allowed along Blue Wash Rd (or anywhere in TH)as per MCSO and we are continually having our ingress/egress completely blocked from our driveway. As well as vehicles parked on our property with catalytic converters. We have documented over 750 incidents with pictures to prove.We are**

*especially surprised at the selective enforcement under the watchful eyes of BOD/ACC
Welcome Wagon member Jackie Hoaglund next door.*

Mark LaLiberte's response:

This of course is a much lengthier complaint. I will be responding to the items that are factual. If there are 750 actual incidents, I would suggest Mr. Kieffner send those along so I can see these infractions, and respond accordingly.

I am unaware of any "destruction of his personal property". I did tell him if there is anything he can verify was not previous damage, I would help him repair those items. No such verification has been presented or requested. The only time during construction I have stepped on his property was to pick up some debris that had blown into his yard, just a short-ways from the road. It seemed neighborly.

There is a dust permit issued and in force. The sheriff that visited the site, after Mr. Kieffner called them the first time, said there were no violations and we were free to proceed building my home. The last visit by the Sheriff, after being called by Mr. Kieffner, never even came up the driveway. It seems if there was a violation, they would have come up and spoken to the builder.

There is a large swath of blocked out roadway, with clearly marked signage, *Do not park across the road adjacent to Mr. Kieffner's driveway*. It is respected, the vast majority of time. There have been instances, when a contractor, not reading the sign, parked there anyway. I have instructed the builder to ask those who park there to move their cars immediately. I do travel from home a bit and I am sure there are times when there is a car or truck across from his driveway. I am sorry about those times Mr. Kieffner. I respect the concern of having clear access. He has been very prompt at addressing anyone who does park there with abusive language and threats. He left a note on a car calling him a moron. We have audio recordings of people being confronted across the street, by Mr. Kieffner when they were simply sweeping the street to remove debris and dirt. Never on his property. They calmly asked him to please let them proceed. He continued to berate them. If you would like the recording, I will ask the builder to share it.

I tried to speak to Mr. Kieffner once, the day Jennifer and I broke ground, to see what could be done to alleviate his concerns. He threatened both of us, called us abusive names, and we have never tried to talk with him again.

Jacki Hoagland is also my neighbor, right next door. He is correct, she is a Welcome Wagon member and long-time resident. If the board would like to speak to Mrs. Hoagland about the site and the workers, I would suggest they do so.

Finally, I would like to address Mr. Kieffner and share my apologies for building my home across from him. It is a noisy, disruptive, dusty process. I am sure it is frustrating, after 19 months and 13 days, to see the contractors there every day. Building a custom home is slow and painful. No one wants this done faster than me. I had hoped, when the dust settles and the trade contractors are gone, life on Blue Wash would return to normal

for Mr. Kieffner. Unfortunately, there was a house approved for construction at the last ACC meeting on the west side of Mr. Kieffner. It will begin construction shortly. I will therefore also have a home under construction, across the street, for the next 18 months or so. I hope Mr. Kieffner will be kinder and more patient with our new neighbors on Lot 78. It is important to remember, his home was also a custom home, constructed over a long period of time, creating its challenges to the others near his home.

Thank you for the opportunity to share my response and to serve the community over the past 9 years on several boards, fire department and DWID. Like most residents in Tonto Hills, I love living here. If there are further questions, please send them via email and I will respond promptly.

Kind regards,
Mark LaLiberte
Lot 65