

Steven E. Kroll, Esq.  
Nevada Bar #4309  
550 Gonowabie Rd. Box 8  
Crystal Bay, Nv 89402  
[KrollLaw@mac.com](mailto:KrollLaw@mac.com)  
Tel. 775-831-8281

Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

STEVEN E. KROLL,

Plaintiff,

vs.

INCLINE VILLAGE GENERAL IMPROVEMENT  
DISTRICT, a/k/a IVGID, a governmental subdivi-  
sion of the State of Nevada; et al.,

Defendants.

Case No. 3:08-cv-00166-ECR-RAM  
**Plaintiff's Requests for Admissions  
to Defendant John Bohn (First Set)**  
**Exhibits (4)**  
and  
Certificate of Service

**TO defendant JOHN A. BOHN and his attorneys of record:**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Plaintiff STEVEN E. KROLL requests that defendant JOHN A. BOHN admit within thirty days after service hereof, for the purposes of this action only, the truth of the facts set forth hereafter.

Defendant BOHN's Responses to these Requests for Admissions shall specifically admit or deny each separately stated matter, or set forth in detail the reasons why he cannot truthfully admit or deny the matter. **A denial shall fairly meet the substance of the requested Admission,** and when good faith requires that defendant BOHN qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. **Defendant BOHN may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or**

Steven E. Kroll • Attorney at Law  
P.O. Box 8 • Crystal Bay, NV 89402  
Tel: 775-831-8281  
eMail: [KrollLaw@mac.com](mailto:KrollLaw@mac.com)

deny. If in responding to these Requests for Admission defendant BOHN considers that a matter of which an admission has been requested presents a genuine issue for trial, he may not on that ground alone object to the Request.

Defendant BOHN is further advised that **each matter hereinafter set forth will be deemed admitted by him unless, within 30 days after being served therewith he serves upon Plaintiff his written answer or objection** addressed to the matter and signed by him or his attorney. Further, if said Defendant denies any matter herein sought to be admitted and Plaintiff later proves a document to be genuine or the matter true, Plaintiff may move that the party who failed to admit pay his reasonable expenses, including attorney's fees, incurred in making that proof. Finally, defendant BOHN is advised that Rule 37(a)(4) of the Federal Rules of Civil Procedure provides that **an evasive or incomplete response to any of the following Requests will be treated as a failure to respond** for purposes of compelling discovery and/or seeking sanctions in court.

**DEFENDANT JOHN A. BOHN IS REQUESTED TO ADMIT THAT EACH OF THE FOLLOWING STATEMENTS IS TRUE:**

1. Each of the following documents exhibited with this Request is genuine:

(a) The 1968 Deed conveying the Beach Properties<sup>1</sup> to the Incline Village General Improvement District [hereinafter sometimes referred to as "the 1968 Deed" and "IVGID"] attached hereto as Plaintiff's Exhibit 2 for identification, and which is attached to Plaintiff's First Amended Complaint herein marked Exhibit A;

(b) The extracts from the IVGID Minutes of its Regular Meeting of August 30, 2006, pages 32 through 38, marked Plaintiff's Exhibit 94 for identification, attached hereto;

(c) The front-page article in the September 1, 2006 issue of the North Lake Tahoe Bonanza newspaper entitled "Residents Debate Rec Passes", attached hereto as Exhibit 88 for identification;

(d) The partial transcript extracts of the Board of Trustees' public hearing on Beach Access which took place on June 18, 2007 attached hereto marked Exhibit 74 for identification, and that it is an accurate transcription of the audio recording of said public hearing.

2. The 1968 Deed granted exclusive access to the Beach Properties to the Seller of that property and to property owners and their tenants within the geographical boundaries of the

---

<sup>1</sup> The "Beach Properties" refer to Incline Beach, Ski Beach, Burnt Cedar Beach, and Hermit Beach.

District as it existed in 1968 and their successors, and to such of their guests as IVGID's Board of Trustees should determine. [These provisions of the 1968 Deed are sometimes referred to herein as the "Restrictive Covenant"].

3. The geographical boundary of the District as it existed in 1968 encompasses the community known as "Incline Village".

4. The Restrictive Covenant in the 1968 Deed requires exclusion from the Beach Properties of all persons who are not Incline Village property owners or their guests, or successors of the original Grantor of the Beach Properties.

5. The Incline Village General Improvement District today has expanded beyond its 1968 boundaries, and prior to May 1, 2008 IVGID has always denied access to the Beach Properties to members of the District who are not property owners from Incline Village unless they were guests of an Incline Village property owner.

6. In your opinion, the exclusive right of Incline Village property owners to enter the IVGID Beach Properties has a monetary or economic value.

7. You, JOHN A. BOHN, are a 1968 Deed holder in Incline Village.

8. In your personal opinion the economic value of your exclusive right as a 1968 Deed Holder to enter the IVGID Beach Properties and to sponsor as many guests thereto as you may wish exceeds the sum of \$10,000.

9. At the IVGID Regular Meeting on or about August 30, 2006 (a portion of whose Minutes are attached hereto marked Plaintiff's Exhibit 94 for identification), you said in words or substance: "this Board can no more give away the pink slip to your car than they can give away access to the beaches; only a court of law can vacate those restrictive covenants."

10. At the same IVGID meeting on or about August 30, 2006, you said in words or substance that with respect to granting beach access specifically to residents of IVGID who did not live in Incline Village but lived in Crystal Bay "that it wasn't this Board's decision to make, rather it was for a court of law to decide".

11. The following report in the September 1, 2006 edition of the Tahoe Bonanza (Exhibit 88 attached) is essentially accurate: "On the latter topic, chairman John Bohn said deed restrictions on the beaches explicitly state that Crystal Bay residents are not eligible for beach privileges, and that changing the rules would require a court order."

12. At an IVGID public hearing on Beach Access at the Chateau on or about June 18, 2007, you told a constituent from Crystal Bay named Joy Dahlgren in words or substance that with respect to the 1968 deed restriction, "this Board and other Boards have decided that it's not an administrative thing that we can waive, it has to be done by a court of law."

13. On or about April 23, 2008 you met with other IVGID Trustees without notice to the public and outside the public eye and discussed what was later to become Policy 136<sup>2</sup>.

14. At the Board meeting of April 30, 2008 at which the adoption of Policy 136 was on the Agenda, you moved the formal adoption of Policy 136 without disclosing that you had previously met in secret with other Trustees to discuss this matter.

15. You had decided upon the way you intended to vote on Policy 136 before the public meeting of the Board on April 30, 2008 and notwithstanding whatever public input was made at that meeting.

16. Policy 136 was adopted by a unanimous vote of the Board on April 30, 2008, and went into effect the next day.

17. Policy 136 allows persons who are not 1968 deed holders or guests of 1968 deed holders to enter the Beach Properties for purposes of expressing their First Amendment rights.

18. Policy 136 violates the 1968 Deed and Restrictive Covenant, in your opinion.

19. In adopting Policy 136, the IVGID Board of Trustees administratively changed the scope of the Restrictive Covenant without a court order.

DATED: at Crystal Bay, Nevada this 28<sup>th</sup> day of July, 2008.



Steven E. Kroll, Esq.  
Attorney for Plaintiff

Steven E. Kroll • Attorney at Law  
P.O. Box 8 • Crystal Bay, NV 89402  
Tel: 775-831-8281  
eMail: [KrollLaw@mac.com](mailto:KrollLaw@mac.com)

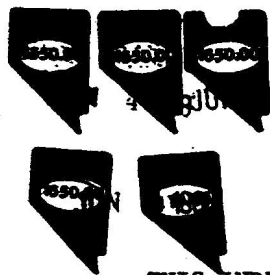
<sup>2</sup> IVGID Policy and Procedure Number 136 – Policy Concerning Access to District Property and the Use of District Facilities for Expression effective May 1, 2008.

Exhibits are not  
numbered  
consecutively but bear  
the numbers of  
Plaintiff's identification  
system.

The following 4  
Exhibits begin with the  
Exhibit numbered 2

# EXHIBIT 2

16713



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

D E E D

THIS INDENTURE, made this 4~~th~~ day of June, 1968,  
between VILLAGE DEVELOPMENT CO., formerly known as CRYSTAL BAY  
DEVELOPMENT CO., a Nevada corporation, party of the first part,  
(hereinafter referred to as "Grantor"), and INCLINE VILLAGE  
GENERAL IMPROVEMENT DISTRICT, a quasi-municipal corporation organized  
and existing pursuant to the provisions of the General Improvement  
District Law, Chapter 318, Nevada Revised Statutes, party of the  
second part (hereinafter referred to as "Grantee"),

W I T N E S S E T H:

That the said party of the first part, for and in con-  
sideration of the sum of TEN DOLLARS (\$10.00), lawful money of  
the United States, to it in hand paid by the said party of the  
second part, the receipt whereof is hereby acknowledged, does  
by these presents grant, bargain, sell and convey unto the said  
party of the second part, and to its successors and assigns, all  
that certain lot, piece or parcel of land situate in the County  
of Washoe, State of Nevada, more particularly described in Exhibit  
"A" attached hereto.

TOGETHER with all and singular the tenements, heredita-  
ments and appurtenances thereunto belonging, or in anywise apper-  
taining and the reversion and reversions, remainder and remainders,  
rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises,  
together with the appurtenances, unto the said party of the second  
part, and to its successors and assigns forever.

It is hereby covenanted and agreed that the real property  
above described, and any and all improvements now or hereafter  
located thereon, shall be held, maintained and used by grantee,

BOOK 324 PAGE 192

16713

24  
Exhibit A

BOOK 324 PAGE 193

1 its successors and assigns, only for the purposes of recreation  
2 by, and for the benefit of, property owners and their tenants  
3 (specifically including occupants of motels and hotels) within the  
4 Incline Village General Improvement District as now constituted,  
5 and, as the Board of Trustees of said District may determine, the  
6 guests of such property owners, and for such other purposes as  
7 are herein expressly authorized.

8 This covenant shall be in perpetuity, shall be binding  
9 upon the successors and assigns of grantee, shall run with and be  
10 a charge against the land herein described, shall be for the  
11 benefit of each parcel of real property located within the area  
12 presently designated and described as Incline Village General  
13 Improvement District and shall be enforceable by the owners  
14 of such parcels and their heirs, successors and assigns; provided,  
15 however, that said Board of Trustees shall have authority to levy  
16 assessments and charges as provided by law, and to control, regu-  
17 late, maintain and improve said property as in its sole discretion  
18 it shall deem reasonable and necessary to effectuate the purposes  
19 herein mentioned; and provided, further, the said District shall  
20 have the right to use the real property above described for the  
21 maintenance and operation of the water pumping facilities now  
22 located thereon and such other utility facilities necessary to  
23 the operation of the District.

24 Grantor, for the benefit of itself and its successors  
25 and assigns in the ownership of real properties located within the  
26 presently constituted boundaries of Incline Village General Improve-  
27 ment District, and for the benefit of all other owners of property  
28 located within said boundaries, and their respective successors  
29 and assigns in such ownership, hereby specifically reserves an  
30 easement to enter upon the above described real property and to

Wm. McDonald, Corcoran & Wilson  
ATTORNEYS AT LAW  
300 SOUTH WASHINGTON ST.  
RENO, NEVADA 89505

16713

25



BOOK 324 PAGE 194

1 use said real property for the recreational uses and purposes  
2 specified herein. Said District shall have the authority to  
3 impose reasonable rules, regulations and controls upon the use  
4 of said easement by the owners thereof.

5 The easement hereby created and reserved shall be appur-  
6 tenant to all properties located within the Incline Village  
7 General Improvement District, as said District is now constituted.  
8 Such easement may not be sold, assigned or transferred in gross,  
9 either voluntarily or involuntarily, but shall pass with any  
10 conveyance of real properties within said District as now consti-  
11 tuted.

12 IN WITNESS WHEREOF, the said party of the first part  
13 has hereunto set its hand and seal the day and year first above  
14 written.

16 ATTEST:

17 [Signature]  
18 Secretary

VILLAGE DEVELOPMENT CO.

By [Signature]  
President

ACCEPTED AND APPROVED:

INCLINE VILLAGE GENERAL IMPROVE-  
MENT DISTRICT

22 ATTEST:

23 [Signature]  
Secretary

By [Signature]  
President

# Exhibit 94

## **MINUTES**

### **REGULAR MEETING OF AUGUST 30, 2006 Incline Village General Improvement District**

The regular meeting of the Board of Trustees of the Incline Village General Improvement District was called to order by Chairman John Bohn at the Chateau, 955 Fairway Boulevard, Incline Village, Nevada, at 5:30 p.m. on Wednesday, August 30, 2006.

#### **A. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was recited.

#### **B. ORDINANCE 7 PUBLIC WORKSHOP (TIME CERTAIN: 5:35 P.M. TO 6:25 P.M.)**

Chairman Bohn introduced the members of the Ordinance 7 Focus Group that were present and stated the format for this workshop. Trustee Brockman stated that he has been involved in looking at Ordinance 7 for at least 10 years, going back to golf course advisory committee days and since, and that he has certain ideas about how it might be changed but tonight is for us to listen to what the audience has to say.

Ted Harris asked if public comment, at this time, was strictly limited to Ordinance 7. Chairman Bohn confirmed that all public comment at this time is limited to Ordinance 7.

Bill Hane stated that he was here this evening as the President of Board of Realtors and that for years; realtors have been able to access the beaches for touring, for a duration of five minutes, by showing the gate host a business card. This year, a policy was adopted that non-resident realtors aren't allowed. The Board needs to face the fact that basically after 7:00 p.m.; anyone can get on the beach. Mr. Hane continued by stating this is an issue during the summer and that he is looking to the Board for input on how to solve this situation and still allow tours and that Ken Cash had submitted a letter to this effect. Chairman Bohn responded that the District has have had beach access lawsuits filed and fought vigilantly. At the Board's direction, Staff has tightened up the access to realtors. Right now a realtor must show their Recreation Photo ID and present a punch card for their guest, or pay the fee, and that the Board has asked Staff to shore up our policy due to the beach access issue.

Tom Bruno suggested, that in response to Mr. Hane's request, could the realtors have a pass, at a fee of \$1 or \$2, that would allow access for touring and that this could be a guest pass that is good for a limited amount of time. Chairman Bohn responded that the answer is that the lawsuit requires the Board to not allow non-residents onto our beaches and that if we don't do this, we will not be adhering to our own regulations.

Dick Monnier stated that the beaches are all ready crowded and that there have been more days, this summer, that we have had no parking and that he feels it is very important to keep a lid on access. The line has to be drawn somewhere and that wherever it is drawn, there are going to be objections. Regarding the editorial in today's *North Lake Tahoe Bonanza* newspaper, he feels that \$8 is a really good deal as it costs more than that to go to a movie. Mr. Monnier then added, regarding the Recreation Fee charged to the hotels, that the materials provided becomes obscure and that the list runs short in 1999. The Recreation Fee has increased by 3-1/2 times and that factoring that in for the hotel, they should have charges of \$341 per room and that he would like more information regarding this item. Mr. Monnier concluded by stating that he would like the Board to continue with the effort to keep our beaches private as it is something that distinguishes us from other communities around the lake. General Manager Bill Horn responded that the Hyatt Lake Tahoe Resort and Spa is treated as two parcels and that the District is collecting more on the Hyatt timeshares; they pay about \$45,000 per year.

John Sell, a property owner in Crystal Bay, said that the District's charter is to provide recreational services to Incline Village and Crystal Bay yet there seems to be second class citizenship regarding beach access for Crystal Bay residents. As he was reading through the packet, he assumes that it is only Crystal Bay that has deed restrictions. When he first bought his property, his deed had a restriction that his property could only be sold to a Caucasian – his deed has since been changed so deeds can be changed. Nowhere within the materials did he see anything mentioned about how the District might accommodate Crystal Bay residents. The District owns property and with only 128 parcels in Crystal Bay, it appears that it would be very easy for the District to assign a small parcel of land to each of the parcels in Crystal Bay so that they have could have an option to be granted privileges. Mr. Sell concluded his comments by stating that he would like to see effort put towards finding ways to accommodate Crystal Bay residents. Chairman Bohn commented that there are other pockets around the District that are excluded and that in 1986, the District purchased the beaches via bonds and that residents were asked to help and they declined because they had

their own beaches. Regarding fairness issues, this Board can no more give away the pink slip to your car then they can give away access to the beaches; only a court of law can vacate those restrictive covenants.

Ken Cash said that he was here this evening to talk about the realtors concerns and that he had submitted a letter to General Manager Horn regarding this concern. The point where he learned that realtors didn't have access was when a visitor from Connecticut was in his car and the visitor told him that realtors have the same issue, in Connecticut, with access to their private beaches. What they did was they gave the realtors a 15-minute pass to solve their problems which is the same as ours. Mr. Cash asked the Board to look at that suggestion. Mr. Cash continued by saying that the realtors aren't just going down to the beach to see the lake, rather the realtors are promoting the values of the assets that everyone owns and that he thinks it is a real important aspect that the realtors do a complete demonstration and disclosure of what someone is buying into as a whole and that the solution is to have continued access so the realtors can demonstrate part of the reasons why we have the charges we do.

Cathy Colvin said she is also a realtor and that she is very much in favor of Mr. Bruno's suggestion of a limited beach access pass. Further, if the realtor has to pay for it that is fine. What the realtors are trying to do is to show the future residents why our community is so special and that the reason people stay is because of the facilities. Ms. Colvin continued on to say that she has had a number of people discuss this matter with her as well as the turning away from the beaches and that the turn away has been abrupt and rude which does not make a good impression. She urged the Board to seek a compromise that wouldn't breach the legal issues.

Tracy Saunders said that it is amazing to live in this community and that she is so impressed with our facilities. The reason she is here tonight is to ask for consideration that the punch cards be changed so that it can be used dollar for dollar and that the pass holder should be able to use the money on the card anyway they want. Also is there a legal reason that we can't add nannies to the tree? Right now, they are claimed as sisters. Ms. Saunders continued on by asking why when another pass is purchased, it doesn't include golf privileges and that access to the beach backs up to the highway and might the District consider going to swipe cards and wrist bands instead so that this dangerous situation might be eliminated; the swipe cards could be similar to the ones currently used at the Recreation Center. Ms. Saunders concluded by saying that people don't realize how great they have it and thank you for all your hard work and vision.

Alexandra Profant asked if condominium owners were designated as parcel owner. Chairman Bohn responded yes. Ms. Profant continued by asking if it was true that condominium owners could transfer their ownership to anyone. Chairman Bohn responded yes. Ms. Profant then asked if she could give her pass to a Crystal Bay resident. Chairman Bohn said the answer was yes however that would put you in violation of the ordinance. Ms. Profant than said, from a public service standpoint, how can we help those coming up to serve us, such as Washoe County Planning, to have their families have access to the beaches and how is the lease situation, with Action Motorsports at Hermit Beach, being addressed through this ordinance. Chairman Bohn said that District General Counsel Brooke is studying the lease issue with Action Motorsports, Hermit Beach is a deed restricted beach, and we do not believe there is a violation with this lease but we are researching it.

Patricia Owens said that she pays the Recreation Fee which covers guests, GPS at the Championship Golf Course, Incline Lake, etc. therefore if we are paying \$690 we should be able to get punch cards to pay for those items we wish to enjoy and that she can't afford to do any of these things and that when she moved up here it wasn't as expensive. Ms. Owens asked that if the property owner is paying the Recreation Fee that they be allowed to use the facilities up to the amount of the punch cards.

Anne Pelligrini said Ordinance 7 has her up in arms because when we become homeowners, we will be six in our family and how do they decide which family members they will disenfranchise. Ms. Pelligrini continued that she has considered challenging the legality of this ordinance and that in her discussions, with Board members, she has learned that she can make an application to get a sixth pass. As a property owner, this ordinance is saying that you have the right but it is also chopping off the privileges. Right now she is a little hesitant about being a property owner and that she and her family may not be the only ones in this situation and asked what solution there might possibly be to this situation. Chairman Bohn remarked that feels bad that Ms. Pelligrini is feeling disenfranchised, that there is a solution currently and that is the checkbook solution as you can purchase a pass, and as to what is the right number of passes, that is why the District is studying the issues and that the team is considering, very seriously, the number of privileges per parcel.

Allen Eckle commented that the Ordinance 7 frequently asked questions (FAQs) cited the ordinance but failed to put the logic in to the responses. Chairman Bohn responded that the FAQs reflected the first blush response, that it is an

evolutionary process, and that next time they will be more readable and make more sense.

Tom Hinds said that when he relocated, from Lakeshore to Third Creek, that his Recreation Photo ID was cancelled and that when it was looked up, the old owner's name was still listed. Mr. Hinds continued that he had a hard time getting his pass reinstated and that the Recreation staff accepted an e-mail for one part of the transaction but wanted a recorded deed for another part of the transaction; can you look at this process please. Chairman Bohn asked Parks and Recreation Director Paris to get with Mr. Hinds to get the details so that a behind the scenes look could be done.

Hans Keller said that in looking at the numbers up there, he didn't see why we couldn't increase the number of passes. He too has a large family and he didn't think that an increase in the number of passes would affect the problems we are having at the beach and that upping the number to eight would be great as it would be a nice accommodation while keeping the riff raff out.

Jacquie Chandler said that she was curious to know what was being considered for our Crystal Bay neighbors as they are full time, legitimate members of the community and that couldn't a guest recreation pass be created that wouldn't violate the ordinance as it would relieve a long standing irritation. Chairman Bohn responded that it wasn't this Board's decision to make rather it was for a court of law to decide and that Crystal Bay residents can be a guest of an Incline Village resident.

Art Berliner said that as his family grows, he knows he can pay to another card and that if you give a guest one of the orange punch cards, at the present time, it is fully transferable and that he thought that the District was a doing a good job with the ordinance.

Bob Sendall said that he was surprised by the number of people who want to increase the number of passes as they are missing the abuse that has and could occur and that where the abuse has occurred, and been the worst, was the golf course. There have been way too many cases where it isn't the local families that get the pass and abuses the rights and urged that the District not forget the abuse that has taken place with the passes.

Ginny Yates commented that the minute the District makes any type of release, we open ourselves up to everyone. The residents of Incline Village pay more for their property and that she agrees with Mr. Sendall regarding the passes and that

it is up to the parcel owner on who gets a pass and that her family does it by who plays golf. Further, we have the option to purchase an additional pass as well as the white form option. Ms. Yates concluded by stating that the current system works well, don't consider going past six passes, and the Board is a doing a good job.

Don Epstein said that when you buy into this town, you know what you are buying into and that before you make any changes you have to look at what it is going on and look at the covenants as we could open up a Pandora's box; if it isn't broken, don't fix it.

Kim Williams asked that the policy be kept at five recreation passes per household as there is an option that if more is needed, then they can be bought and that when they are purchasing the additional passes, they are contributing to the offsetting of the costs to run our facilities.

Paige Harrison Adcock said that she is not a realtor and that she is seeing more and more usage of the beaches as the parking lots are full, signs are out, and cars are backed up. If the realtors are touring at no fee then it is going to be more congested. She suggested that the realtors can drive by the beaches to do their tours. Ms. Harrison Adcock concluded by stating that she thinks the District should hold to the number of passes we currently have and that we don't need to get into nannygate.

Rick Frewert said that he would like to throw out a thought about passes – consider making one of the passes a wild card and that if you want to limit it to one use, at the golf course, per day, you could track it via the scanning.

Ted Harris said that he isn't a realtor but if he were a prospect, shopping for a property, he would be offended if he couldn't see an attribute of the community and suggested that the Board consider a 15-minute pass or something else.

Jim Kosik said that he didn't think you got the worth of the Recreation Fee paid as the only thing you get free is to go onto the beach therefore he isn't sure that we are getting the value of the money paid. When he goes to Sand Harbor, he pays something close to eight dollars for a carload and that the beaches at Kings Beach are free. True, we do get resident discounts but he still doesn't think we are getting value. When he goes to launch his boat and takes his friends, he must pay for his friends who go with him even though he has a season pass to launch his boat he must pay additionally for his guests.



Sarah Horton commented that one of the hats she wears is working part time at the beaches and that a user friendly pamphlet would be most helpful. Chairman Bohn responded that there is a two page document at the Recreation Center but we can make it more user friendly.

Dick Freeman asked how many passes were outstanding and asked about the privileges of employees and students. Chairman Bohn responded that the Sierra Nevada College students and staff only have privileges to the Recreation Center. Director of Human Resources Susan Johnson responded that there are 125 to 130 full time, year round employees. Mr. Freeman asked how many of those employees were residents. Director of Human Resources Johnson said approximately 70 were residents. Mr. Freeman then asked how many members of the families of these employees had passes. Parks and Recreation Director Hal Paris responded that employees only receive photo ID's and that their families members do not receive privileges given to the employee.

Gwen Toso said that the Recreation ID card has the biggest benefit to the golfers and that the benefit isn't across the board for everything else. Ms. Toso suggested that a twilight rate at the beaches would be beneficial as the rates recently prevented her and her family and guests from having an evening supper picnic at the beach because it was just too expensive.

Chairman Bohn thanked all the community members who came this evening to provide input on Ordinance 7 and closed the public workshop at 6:29 p.m. and asked the Board to take a short break. The Board meeting reconvened at 6:39 p.m.

### **C. ROLL CALL**

On roll call, present were Trustees Bea Epstein, Bob Wolf, Beverly Mapps, Gene Brockman and John Bohn. Also present was Utilities Superintendent Harvey Johnson, Parks and Recreation Director Hal Paris, Recreation Coordinator Sara Smrha, Controller Brian Bundy, Mountain Operations Manager Mike Bandelin, Director of Human Resources Susan Johnson, Director of Golf Cathy Jo Johnson, Director of Finance, Accounting and Information Technology Ramona Cruz, Director of Public Works Dan St. John, Henry Gastelum of Waste Management, Jim Nowlin, Alexandra Profant, Mike Young, Ted Harris, Dick Monnier, Tom Bruno, Karen Bruno, Bob Sendall, Dave Ziegler, Barbara Perlman-Whyman, Andy Whyman, Don Epstein, Art Berliner, W. J. Marks, Janet Eckle, Ted Fuller, Tom Meyer of the *North Lake Tahoe Bonanza*, and others.

# Exhibit 88

**What makes your company so special?**  
Tell your potential employees right here! Call for details on advertising here. 888-965-JOBS

Home

### Residents debate rec passes

Tom Meyer  
BONANZA STAFF WRITER

Send a [Letter to the Editor](#)  
Send a [Letter to the Editor](#)  
<< back  
Friday, September 1, 2006

Welcome, Guest



[LOGIN](#) | [Become a Member](#) | [What's This?](#)

#### Event Calendar

[Submit an event](#)

July 2008						
S	M	T	W	T	F	S
29	30	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2
3	4	5	6	7	8	9

[Email](#) [Print](#) [Comment](#) [Recommend](#) [Recommend](#)

Realtors and those with large families expressed frustration Wednesday evening and requested Incline Village General Improvement District better accommodate their recreation needs .

More than 100 Incline residents participated in an IVGID-sponsored rec pass workshop at the Chateau.

The current ordinance states that Incline Village property owners are entitled to five photo ID rec passes or punch cards.

The rec card regulations have been amended four times since inception in 1988.

In July, the IVGID Board of Trustees created a focus group to investigate possible changes to the policy known as "Ordinance 7".

#### Realtor use

A number of local Realtors were eager to voice their frustration at the inability to show Incline beaches to prospective homeowners.

"Many of our Realtors are not residents and have not been able to get beach access recently," said Bill Hane of Prudential Nevada Realty. "How can we find a way to live within the regulations and still tour the beaches with our clients?"

Realtors Ken Cash of Century 21 Mountain Properties and Kathy Colvin of Dickson Realty expressed similar views.

"We are trying to show the future residents of Incline why this place is so special," Colvin said. "(Telling our clients that they can't visit the beaches) didn't make a good impression."

Tom Bruno of Tanager Realty suggested the board might institute a new half-hour pass that Realtors and their clients could purchase.

#### Family use

The ordinance gives property owners five recreation passes per property. Additional passes can be purchased through the district for \$138 each.

Local constable Hans Keller, who recently moved to Incline with his large family, said the district should be willing to issue more passes to large families.

"The point of the ordinance is to keep the riff-raff off the beach, not families," he said.

Incline resident Ann Pellegrini agreed.

"How do I decide which member of my family I disenfranchise?" she queried. "What other solutions can there be besides applying for additional passes?"

Board member Beverly Mapps suggested the focus group allow large families to get passes for all dependents. Otherwise, the five-card-per-household policy would remain.

Other ideas brought before the board included creating a discounted "twilight-pass" for evening use of the beach; allowing families to secure rec passes for nannies; a reduced entry fees for guests loading at



**YOUR FUTURE STARTS HERE!**

Top Jobs

- Sugar Bowl: Trail Crew Positions...
- Tahoe Keys Resort: Spa Technician...
- Tahoe Daily Tribune classified ad: Dental Hygienist...
- Nevada Appeal classified ad: Accountant...
- The Record Courier classified ad: Accountant...
- SierraNevadaJobs.com classified ad: Accountant...
- The Record Courier classified ad: Dental Hygienist...



the Ski Beach boat launch; and whether Crystal Bay residents should get rec passes.

Document hosted at JDSUPRA™  
http://www.jdsupra.com/post/documentViewer.aspx?id=ed805d57-5661-4b02-afd4-13afd3116f85

On the latter topic, chairman John Bohn said deed restrictions on the beaches explicitly state that Crystal Bay residents are not eligible for beach privileges, and that changing the rules would require a court order.

The Ordinance 7 focus group will meet next Tuesday. Bohn, also a focus group member, expects the focus group to bring the issue back before the board and the public at another workshop in the near future.

Other business

At the IVGID Board of Trustees meeting that followed the workshop Wednesday, Incline's Waste Management district manager Henry Gastelum presented the district with a \$45,330 rebate for all recycled last year.

He also reported that the Incline station had been named the no. 1 station in the country for one quarter last year. Waste Management also increased pine needle recycling to 62,000 pounds and plans a new bear-proofing garbage container program.

While several Incline residents praised the garbage collection conglomerate, Incline resident Ted Harris questioned why the district receives the recycling rebate when the actual work was done by individual residents.

Waste Management's contract is up for renewal this March.

IVGID director of public works Dan St. John announced that he and North Lake Tahoe Fire Protection District Fire Chief Jim Linardos had been appointed to the Lake Tahoe Federal Advisory Committee.

The committee advises the secretary of agriculture about ecological issues in the Tahoe Basin. St. John stated that the appointments will give Incline Village a "front seat" at the committee's table.

Staff writer Tom Meyer can be reached at 831-4666 ext. 112 or at [tmeyer@tahoebonanza.com](mailto:tmeyer@tahoebonanza.com).

[Email](#) [Print](#) [Recommend](#) [Recommend](#) [del.icio.us](#) [digg](#) [reddit](#)

Other Top Items

Related Articles	Most Recommended Articles
<a href="#">Going green: EcoBrokering gains popularity</a> <a href="#">Keeping homes and forests safe</a> <a href="#">All American Cash Giveaway at Biltmore</a> <a href="#">Citizen Advisory Board meeting cancelled</a>	<a href="#">Latest issue with beach access full of shock,...</a> <a href="#">Xstream Clean covers more streets, collects l...</a> <a href="#">The whole county deserves beach access</a> <a href="#">Motorcycle safety</a> <a href="#">Xstream Clean covers more streets, collects l...</a> <a href="#">Mock accident shocks IHS community</a> <a href="#">Latest issue with beach access full of shock,...</a> <a href="#">Motorcycle safety</a>

Comments

POWERED BY Pluck

You must be logged in to leave a comment. [Login](#) | [Register](#)

Empty text input box for comments.

Submit

POWERED BY Pluck



# Exhibit 74

32:60 MR. BOHN: Quick question Joy? Thank you for coming today. Can you help us with a suggestion about how you would waive the current deed restriction which this Board and other Boards have decided that it's not an administrative thing that we can waive, it has to be done by a court of law. Can you think of a workaround for us and help us out here?

JOY DAHLGREN: Well I'm not a an attorney you know, but I am sure that where there's a will there's a way, you always change things around. ...

33:20 MR. BOHN: Just to follow up. Would you suggest that the Board could administratively find a way to take the deed to your Crystal Bay property that you've had since 1950?

\*\*\*

35:75 MR. BOHN: I'll try to speak for the Board, I believe that it's CRYSTAL clear that the beaches were not included in that Washoe County meeting actually.

QUESTIONER: Thank you.

MR. KROLL: Point of order madam chairman, point of order. Point of order. This is making a mockery of your sound system (laugh) -- ... this is making a mockery of your rules. First of all the exposition of Mr. Bohn on what Washoe County's understanding was when the communities were merged is argument which you said is not allowed. And if I might suggest if we are to have our 4 minutes and then be questioned by the Board then that's the way it should be done. But if a gentleman here, Mr. Otto wants to make a speech then I'd like to make a speech too.

MR. OTTO: ... I didn't make a speech I asked a question. You don't like that much do you? ...

1:14:25 SECTY: Frank Wright.

FRANK WRIGHT: ... I'd like to speak partly to you guys but really I'd like to speak directly to my fellow community members, I'd like to have this addressed to them, and I'd like – can I turn this thing around?

CHAIR: If you take the microphone out of the stand ...

WRIGHT: (turning towards audience) My name is Frank Wright and I've been involved in this for quite a while. I've listened to everything said today and I'm sorry that some of the [dissenters?] have left because I think they need to hear this; maybe those who are here can carry the message to them. We have a problem. We have a problem because of the fact that I'm a community member, I belong to this community I've lived in this community, I pay taxes in this community. As all you do. You have something that is held in possession by the city, IVGID whatever you want to call it, that's a problem

with peoples' interpretation, but they run us, they run our recreation, they run our water and sewer and services. That makes them, we elect them, they [are public players?]. [1:15:50..... ]how they stand on this issue by the questions they've been asking. Mr. Bohn? You're very clear on where you stand on this. Which is a shame, because you represent the whole community. You'll have to represent Crystal Bay as well as Incline. You have to listen to what's being SAID, by Incline AND Crystal Bay. And the people here have all had some valid points, they've had some interesting points, but, one thing that has not been said here is that this is going to be litigated very soon. I'd rather not be involved in that, I'd rather not be part of that, but I'm not going to stand back and let the ignorance of the community, the stupidity of the community, take precedence over, OVER common sense at the end result. I'll promise you this: if it does get litigated, Crystal Bay and Incline will both lose. We will lose our beaches to the people in Reno and everywhere else. You've got to hear me. You've got to stand back and you've got to stop taking the positions you've been taking – Mr. Bohn you've got to start listening to what we're saying – and you've got to hear where this is going. If we litigate this we will WIN, but we're really going to lose. We will open those beaches up to everybody. They are community property, they've been held in community property, {????} Crystal Bay, I do not want to see that happen. But I am involved right now and I WILL sue. And I will WIN on one issue and one issue alone: that is I can't get equality in this community when I run for public office because I am outvoted by 9,000 people. I can not meet with my fellow community members at the beaches, my sons and daughters cannot go to the beaches to mingle with their friends because of the segregation and isolation that you're giving Crystal Bay. If you want this community to be a community we need to get together here [??] and do the best for this community. One is to stop publicizing what's going on. Because even if we do open it up to Crystal Bay we're not [?????] other people, because all it takes is one person from Kings Beach to walk on those beaches and you have a problem. Those beaches will [still be opened up?]. You have to hear what I'm saying. This is an issue of Civil Rights. Anyone can walk on those beaches. You guys say take it to court. You're making a mistake, Board members? You're making a mistake by not listening to what we're saying. Mr. Bohn, I'm asking you to step back and say wait a minute, what is really going to happen if this does go to court? We're going to spend thousands and thousands of dollars to litigate something that will give the beaches to the General Public. That is insane and asinine. Because we have some hard-core people we don't want to listen to what's going on here.

VOICE: Frank? [time at end]

FRANK: (garbled) ... I'm angry? [?] You're angry too. I'm going to stop now. I hope you people listen: don't do it. If you do it, you're going to regret it. Honest to god you're gonna regret it. Thank you. [1:18:40 end].

**CERTIFICATE OF SERVICE BY MAIL and EMAIL**

Pursuant to Rule 5(b) FRCP, I certify that I am the attorney for Plaintiff in the above entitled action, and that on this date I caused a true and correct copy of the “ **Plaintiff’s Requests for Admissions to Defendant John Bohn (First Set)**” herein to be served upon the parties or attorneys by depositing the same with the U.S. Post Office from a point within the State of Nevada, first class postage pre-paid, and addressed to:

**Stephen C. Balkenbush, Esq.**  
**Thorndal, Armstrong, Delk, Balkenbush & Eisinger**  
**6590 South McCarran Blvd. Suite B**  
**Reno, Nevada 89509**

and also electronically by eMail to said parties or attorneys addressed to:

**Stephen C. Balkenbush**  
[rla@thorndal.com](mailto:rla@thorndal.com),  
[receptionist2@thorndal.com](mailto:receptionist2@thorndal.com)  
[sbalkenbush@thorndal.com](mailto:sbalkenbush@thorndal.com)  
[smb@thorndal.com](mailto:smb@thorndal.com)

DATED: at Crystal Bay, Nevada this 28th day of July, 2008.



STEVEN E. KROLL

Steven E. Kroll • Attorney at Law  
P.O. Box 8 • Crystal Bay, NV 89402  
Tel: 775-831-8281  
eMail: [KrollLaw@mac.com](mailto:KrollLaw@mac.com)