



**10. HAVE YOU COMPLAINED TO THE BUSINESS? (Check box when applicable)** Yes  NoWhen? July, 2009Action taken? Complained at Board of Directors Meetings  
and Board E-Mailings**11. WITH WHAT OTHER AGENCY HAVE YOU FILED THIS COMPLAINT?**

When? \_\_\_\_\_

Action taken? \_\_\_\_\_

**12. HAVE YOU CONTACTED A PRIVATE ATTORNEY?** Yes  No**13. HAVE YOU STARTED A COURT ACTION? IF YES, PLEASE ATTACH A COPY OF ALL COURT PAPERS.** Yes  No**14. HAVE YOU BEEN SUED OVER THIS ISSUE? IF YES, PLEASE ATTACH A COPY OF ALL COURT PAPERS.** Yes  No**15. DOLLAR AMOUNT ASSOCIATED WITH YOUR LOSS, IF ANY. \$ 3,000 +/-****16. PLEASE DESCRIBE YOUR COMPLAINT IN DETAIL (ATTACH ADDITIONAL PAGES IF NECESSARY)**

Please attach a copy of all papers involved (order blank, warranty, credit card receipt and statement, invoice, contract or written agreement, advertisement, cancelled check, correspondence and all other related documents). Please print clearly or type. DO NOT INCLUDE YOUR SOCIAL SECURITY NUMBER.

1. The Harbours Condominium Homes Assoc. Inc. hired a temporary employee on July, 2009 for special duties without the approval of the Board of Directors. The position and salary of the employee were also not included in the Annual Budget or approved by the Co-Owners. The Board President & Harbours' Managing Agent/Community Director also did not consult with the Board nor did they provide the Board any information related to the employee including: Her full name, her salary, her background & experience, and her duties & responsibilities related to the position. The employee hiring and the Board President's operational decisions to justify the hiring (see attached 7-23-2009 Board e-mail) are in violation of The Harbours Condominium Association's Code of By-Laws which indicate the Duties and Powers of the Board of Directors and Office of the President (see copy of related Harbours By-Laws).

2. The Harbours Board of Directors and Co-Owners were not provided detailed expenses related to employee bonuses. The Harbours Condominium Association's Annual Budgets include amounts for employee bonuses. However the Board has never revealed or voted to approve a bonus for any specific employee nor the bonus amount paid to any employee at Board meetings or on written statements. This is in violation of The Harbours Condominium Association's Code of By-Laws which indicate the Duties of Board of Directors related to preparing a full accounting of all expenses incurred.

**17. HOW WOULD YOU LIKE YOUR COMPLAINT RESOLVED?**

Develop a formal document that indicates the duties and responsibilities of the Board President and Managing Agent of The Harbours Condominiums. Provide the Board of Directors and Co-Owners a full accounting and audit of all expenses incurred related to all employees.

**18. CONSENT AND VERIFICATION**

I affirm, under the penalties for perjury, that the foregoing representations, and those in all attachments, are true. The information I have provided in this complaint form is based upon my personal knowledge. I consent to the Consumer Protection Division obtaining or releasing any information in furtherance of the disposition of this complaint. I understand that I should not include my Social Security Number in any information submitted to the Consumer Protection Division. If I do provide my Social Security Number, I expressly consent to the disclosure of my Social Security Number in accordance with Indiana Code § 4-1-10-5(2).

*Walter R. Kunder*

Your Signature

Date

*3/15/2010*

**WHAT WILL HAPPEN NOW? WHAT ELSE SHOULD YOU DO?**

The Consumer Protection Division will send a copy of your complaint to the respondent firm or licensed professional. This office cannot disclose your complaint against a licensed professional to the public unless this office files a disciplinary action against the licensed professional. This office represents the State of Indiana and is limited in the remedies it can pursue. You may be entitled to compensation or other rights that we cannot pursue for you. In addition to filing this complaint, you may want to consider contacting a private attorney or your local small claims court.

**MAIL COMPLETED FORMS TO:**

Attorney General Greg Zoeller  
Consumer Protection Division  
Government Center South, 5<sup>th</sup> floor  
302 West Washington Street  
Indianapolis, IN 46204  
PH: 317-232-6330 • FAX: 317-233-4393  
www.IndianaConsumer.com



**10. HAVE YOU COMPLAINED TO THE BUSINESS? (Check box when applicable)**  Yes  No

When? February & March, 2010 Action taken? Complaint filed with the Board of Directors and Board E-Mailings

**11. WITH WHAT OTHER AGENCY HAVE YOU FILED THIS COMPLAINT?**

When? \_\_\_\_\_ Action taken? \_\_\_\_\_

**12. HAVE YOU CONTACTED A PRIVATE ATTORNEY?**  Yes  No

**13. HAVE YOU STARTED A COURT ACTION? IF YES, PLEASE ATTACH A COPY OF ALL COURT PAPERS.**  Yes  No

**14. HAVE YOU BEEN SUED OVER THIS ISSUE? IF YES, PLEASE ATTACH A COPY OF ALL COURT PAPERS.**  Yes  No

**15. DOLLAR AMOUNT ASSOCIATED WITH YOUR LOSS, IF ANY. \$** \_\_\_\_\_

**16. PLEASE DESCRIBE YOUR COMPLAINT IN DETAIL (ATTACH ADDITIONAL PAGES IF NECESSARY)**

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On February 25, 2010 Mrs. Norma Stivers, the Assistant Director of The Harbours Condominiums and I had a dispute over a piece of exercise equipment that she was using in our Fitness Center. During the incident, Mrs. Stivers telephoned the Jeffersonville Police and claimed in the police report that I had threatened her - which I strongly deny. A Fitness Center surveillance camera recorded the incident and my husband, Walter Kindler, was able to view the video tape on March 3, 2010. While reviewing the tape he did not see any criminal activity or threatening actions on my part to justify contacting the police. I later contacted the police and the Mayor of Jeffersonville regarding the incident (see attached e-mail and letter). The Police Report was revised on 3/12/2010 to state that I did not threaten Mrs. Stivers. This incident should have been resolved in-house without calling the police.

Since the incident, the President of the Board of Directors (who also viewed the video tape with my husband), has e-mailed the Board and requested that I be removed from a committee and provided them with misinformation regarding my conduct - without allowing me to present my side of the story (see attached Board e-mail messages).

In response, I have filed a formal complaint to the Board of Directors regarding the employee justification for denying me the use of the exercise equipment, contacting the police, and providing false information to a police officer (see attached complaint). I feel Mrs. Stivers and the Board President's actions were made to intimidate me and as a reprisal for a previous complaint against Mrs. Stivers.

**17. HOW WOULD YOU LIKE YOUR COMPLAINT RESOLVED?**

Have the Harbours Board of Directors review my complaint and develop a policy that would prevent employees from contacting the police to resolve minor disputes - that could be settled in-house. Also develop a policy regarding an employee's use of community facilities and equipment that are paid for with the homeowner's association fees.

**18. CONSENT AND VERIFICATION**

I affirm, under the penalties for perjury, that the foregoing representations, and those in all attachments, are true. The information I have provided in this complaint form is based upon my personal knowledge. I consent to the Consumer Protection Division obtaining or releasing any information in furtherance of the disposition of this complaint. I understand that I should not include my Social Security Number in any information submitted to the Consumer Protection Division. If I do provide my Social Security Number, I expressly consent to the disclosure of my Social Security Number in accordance with Indiana Code § 4-1-10-5(2).

Helen Ryan Kindler Date 3/15/2010  
Your Signature \_\_\_\_\_

**WHAT WILL HAPPEN NOW? WHAT ELSE SHOULD YOU DO?**

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