

February 18, 2020

Honorable David R. Jones
U.S. Bankruptcy Court
515 Rusk Street Rm 4202
Houston, TX 77002

RE: In Garden Oaks Maintenance Organization, Inc., Case 18-60018

Dear Judge Jones:

I am writing you to ask that you deny all or most of the Compensation requested by Charles Rubio. While I fully agree with the letter written by Al Thomas I have additional specific complaints about the performance of Mr. Rubio. As the Office Manager for GOMO I had a unique position from which to observe Mr. Rubio's performance.

The three situations I will mention reflect only a tiny part of all that has gone on since the filing, but I believe they are indicative of a profound disregard for the assets of the homeowners association. Whether you believe the assets should be returned to creditors or to the HOA, these examples raise serious questions about Mr. Rubio's performance in protecting the assets of the constituents he represented.

Mr. Rubio informally requested and received a considerable volume of association files in mid-June of 2018. These included, but were not limited to all Governance Documents, Financial Statements 2015-2018, Schedules of Receivables, Bank Statements, Office Lease and all legal invoices 2016-2018. The request for these data was followed by a mishandled 2004 Examination scheduled for July 19, 2018. This examination failed to occur because Mr. Rubio confused the date and failed to have a court recorder available. The failed Examination was followed up instead with a subpoena on August 2. I had the pleasure of reviewing and organizing over 11,000 emails to satisfy this subpoena. Fortunately, we were able to avoid the costs of actually delivering thousands of documents when Mr. Rubio dropped the request. The actions taken by Mr. Rubio to obtain information throughout this proceeding were costly and ineffectual.

Mr. Rubio was instrumental in hiring and directing Hoover Slovacsek's efforts to provide a forensic analysis of GOMO's Financials and to provide expertise in HOA law. The cost of the H/S efforts totaled more than \$25K and produced no deliverable to the community. The forensic accounting billed at \$3060 compared with GOMO's most recent audit at \$2450 which is shared with all homeowners via its website. The over \$21K in Deed Restriction work billed by H/S contrasts with the work done by Roberts Markel which produced two complete sets of Deed Restrictions and Bylaws for a cost of \$29K. These

amended restrictions very likely will find use in a future effort to update the DRs for Garden Oaks. Mr. Rubio is largely responsible for there being zero value to our homeowners for the \$25K paid to Hoover Slovacek.

As counsel to the Creditor Committee Mr. Rubio was in a position to know when the direction of the Committee was running counter to the desires and needs of the creditors and homeowners of GO as a whole. Mr. Rubio would have to have known the unique composition and motivations of his committee and how three of the five stand out from the majority of creditors and homeowners. These three had a contentious past with the HOA which had not resolved to their satisfaction. Ms. Luck was the recipient of a letter from GOMO counsel in 2006 demanding that she cure a DR violation. Peter Chang was involved in litigation with the HOA from 2016-2018. Patricia Mehrkam based her claim on the cost of redrawing building plans when initial plans were denied in 2005. Mr. Rubio should have quickly recognized that if he could not get the committee to recognize their duty to represent both the homeowners and the creditors that his job was to seek a review of the Creditor Committee itself.

The final damning fact for Mr. Rubio is that at no point did the Creditor Committee bring forward a proposal or plan that would have required homeowner approval of the plan. His strategy and that of the committee never departed from seeking to put the future of the HOA into the hands of the smallest possible subset of creditors, a large portion of which no longer own or live in Garden Oaks. Mr. Rubio efforts in this case failed this community.

Very truly yours,



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