



Club Cascadas de Baja

December 12, 2018

Dear Club Cascadas Valued Member,

This letter will be of little to no consolation if your stay here at Club Cascadas was disrupted by offensive music and excessive noise coming from the neighboring property. However, we feel it is important to let you know that we have done everything legally possible to prevent it and are continuing to do everything possible to permanently stop it.

First, some background: Mexican law specifically addresses prohibited uses of the property adjacent to our resort known as Salto Seco Arroyo, and its protection falls under the jurisdiction of a number of Federal, State, and Local governmental authorities. While there is no dispute that prohibited activities are taking place, authorities have taken limited action to effectively prevent, restrict or even mitigate them. Unfortunately, there has been a long history of prohibited activities on this Arroyo that have been conducted with impunity due to a lack of enforcement, but the impact on abutters, and indeed the entire community, has never been more untenable. We have attempted to reason and seek mutual cooperation with the individuals who “claim” to have use rights over the Arroyo but this has proven fruitless.

As a result, the Board and management in conjunction with legal counsel, The Los Cabos Hotel Association, and others began filing numerous formal complaints with and providing documented evidence of illegal activity to:

- The Federal Environmental Protection Agency (PROFEPA)
- National Water Commission (CONAGUA)
- Director of Municipal Planning and Urban Development
- Municipal Construction License Director
- Municipal Director of Ecology
- A Federal Prosecutor
- Local Police
- Tourism Attention Center (CATAC)

We have gone to extraordinary lengths to evidence our formal complaints with documented dates, times, and detailed events. Filings include photographs, video tapes, decibel readings, and statements from Certified Vigilante Interveners; all irrefutable proof of unlawful activities that include but are not limited to:

- Illegal invasion
- Use and storage of hazardous materials
- Unlawful construction
- Use of heavy equipment to divert natural water run-off
- Unlawful installation of fencing

- Obstructing public access
- Operating unlicensed and unregulated business – massage, food, beverage, and other services
- Noise which far exceeds Federal noise ordinance much less any tolerable or reasonable level

Again, there is no dispute that prohibited activities are taking place, but any responses from the authorities have been without enforcement and therefore, totally ineffective. As an example, earlier this year, PROFEPA posted “Shut Down” Seals at the entrance of the Arroyo which were removed within minutes, which is a violation in of itself. Notwithstanding the total disregard, no one was held accountable and no further action taken. We are typically told that “the case is still open” or “it is under investigation.”

Police are routinely called, often multiple times in a single night, to shut down music played at full volume over loudspeakers throughout the night. We keep a record of decibel readings along with the number of police calls that were effective, ineffective, or simply ignored. We have spoken directly with whoever is guarding the Arroyo entrance and occasionally receive cooperation but more often do not. Police are apparently not always allowed through the gates which is particularly baffling.

As of this writing, we have meetings scheduled with the newly elected Mayor, Chief of Police, and The Secretary of State Tourism and are relentlessly pursuing a final resolution through all legal, governmental, and public means. Although the Arroyo situation has been unpredictable and beyond our control, we felt it important to share the reasons why and the extent of our ongoing efforts. We wish there was more favorable news to report but, in any event, offer our profound and sincerest apologies if this extraordinarily frustrating issue affected your vacation.

Please consider helping us by filing a complaint with The Tourist Attention Center. A complimentary shuttle is available every Monday to the Center. Please contact the resort or the front desk if you are onsite. Staff can guide you through the process and respond to any additional concerns or questions you may have.

We truly regret any disruption in the quiet enjoyment of Club Cascadas and hope for your understanding. We will do our utmost to permanently prevent any reoccurrence during your next visit.

Very truly yours,

Mauricio Quezada
Chief Operating Officer Club Cascadas

Richard Muller
Chief Operating Officer VRI Americas