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CONDOMINIUM
AND PLANNED
DEVELOPMENT LAW

August 6, 2024

Office of the Condominium Ombudsman

1400 West Commercial Boulevard

Suite 185-J

Fort Lauderdale, Florida 33309-3782

Attn: Aneel Maharaj, Supervisor

Re: Cypress Chase Condominium Association D, Inc.

Mr. Maharaj,

Please be advised that the undersigned presided over the election of directors at the Annual Meeting for Cypress Chase Condominium Association D, Inc. (hereinafter the "Association") on Tuesday, August 6, 2024. The Association previously attempted to conduct the Annual Meeting on February 27, 2024, April 4, 2024, and June 26, 2024; such meetings cancelled as further detailed below. The herein correspondence constitutes my report.

It was determined that the first notice of annual meeting and election for February 27, 2024, contained incorrect deadlines for submission of the notice of intent and candidate information sheets, in contravention of §718.112(2)(d)(4)(a), *Florida Statutes* (2023)¹ and Rule 61B-23.0021(4), *Florida Administrative Code*².

¹ §718.112(2)(d)(4)(a), *Florida Statutes* (2023), provides in pertinent part, "At least 60 days before a scheduled election, the association shall mail, deliver or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election.

² Rule 61B-23.0021(4), *Florida Administrative Code* provides, "The first notice of the date of the election, which is required to be mailed, electronically transmitted, or delivered not less than 60 days before a scheduled election, must contain the name and correct mailing address of the association. The first notice must also disclose the procedure and deadline to consent to electronic voting, if the board of administration has provided for and authorized an online voting system. Failure to follow the procedures for giving the first notice of the date of the election shall require the

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It was determined that the first notice of annual meeting and election for April 4, 2024, was sent out less than sixty (60) days from the date of the annual meeting and election, in contravention of §718.112(2)(d)(4)(a), *Florida Statutes (2023)*³ and Rule 61B-23.0021(4), *Florida Administrative Code*⁴. The first notice of annual meeting and election should have been mailed to the unit owners on or before February 4, 2024. However, based upon the affidavit of mailing provided by Juda Eskew and Associates, LLC, it was not mailed until February 7, 2024.

It was determined that the second notice of annual meeting and election for June 26, 2024, included an ineligible candidate that was delinquent in the payment of an assessment to the Association prior to the deadline for the declaration of candidacy, in contravention of §718.112(2)(d)(2), *Florida Statutes (2023)*⁵ and Rule 61B-23.0021(9)(b), *Florida Administrative Code*⁶.

The meeting was called to order at 7:12 PM. The Association consists of two hundred and eight (208) condominium units, none of which have had their voting rights suspended, nor are any units owned by the Association. A quorum of the membership was not

association to conduct a new election, if the election has been conducted. Where the election has not occurred, the association shall mail, transmit, or deliver an amended first notice to the eligible voters not less than 60 days before the scheduled election, which shall explain the need for the amended notice. If an amended notice cannot be mailed, transmitted or delivered not less than 60 days before the election, then the association must re-notice and reschedule the election.”

³ §718.112(2)(d)(4)(a), *Florida Statutes (2023)*, provides in pertinent part, “At least 60 days before a scheduled election, the association shall mail, deliver or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election.

⁴ Rule 61B-23.0021(4), *Florida Administrative Code* provides, “The first notice of the date of the election, which is required to be mailed, electronically transmitted, or delivered not less than 60 days before a scheduled election, must contain the name and correct mailing address of the association. The first notice must also disclose the procedure and deadline to consent to electronic voting, if the board of administration has provided for and authorized an online voting system. Failure to follow the procedures for giving the first notice of the date of the election shall require the association to conduct a new election, if the election has been conducted. Where the election has not occurred, the association shall mail, transmit, or deliver an amended first notice to the eligible voters not less than 60 days before the scheduled election, which shall explain the need for the amended notice. If an amended notice cannot be mailed, transmitted or delivered not less than 60 days before the election, then the association must re-notice and reschedule the election.”

⁵ §718.112(2)(d)(2), *Florida Statutes (2023)*, provides in pertinent part, “A person who has been suspended or removed by the division under this chapter, or who is delinquent in the payment of any assessment due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot.”

⁶ Rule 61B-23.0021(4), *Florida Administrative Code* provides, “If the ballot includes the name of any ineligible person, the association shall mail, transmit, or deliver an amended second notice within the time required by this rule, which shall explain the need for the amended notice and include a revised ballot with the names of only the eligible persons. If an amended second notice cannot be timely mailed, transmitted or delivered, then the association must re-notice and reschedule the election following the procedures as set forth in subsection (8) of this rule. If the election has already occurred, the election is deemed void and the association must renotice the election following the procedures as set forth in subsection (8) of this rule. This paragraph (b) does not apply to a ballot that includes the name of any ineligible person who became ineligible after the deadline for filing a notice of intent to be a candidate.”

attained, however in excess of twenty percent (20%) of the unit owners cast a valid ballot for the election of directors. The Association does not strictly enforce voting certificates, requiring the trustee (of a trust) or officer/director (of an entity) to designate the voting member for the Condominium Unit on a Voting Certificate.

The Annual Meeting and Election was conducted via in-person attendance. A total of eighty-one (81) ballots were cast by paper ballot. Two (2) ballots were disqualified as to duplicates

All paper ballots were sequentially numbered by the election monitor 1 to 80 in light blue marker.⁷

Ballots 1 to 75 cast votes for five (5) candidates. (Ballots 1 to 23, 24 to 36 and 37 to 43 cast votes for the same five (5) candidates). Ballots 76 to 78 cast votes for four (4) candidates. Ballot 79 cast votes for three (3) candidates. Ballot 80 cast votes for more than five (5) candidates and was thus disqualified.

On the ballots that voted for less than five (5) candidates, the election monitor indicated the number of votes cast in red ink with a stamp to ensure that the ballots cannot be tampered with later. All election materials utilized by the election monitor bear a unique stamp to discourage tampering with Association official records.

The results of the election were as follows:

Martha Adams	64 votes
Joseph Ber	14 votes
Deborah Blok	14 votes
Angela Dolce	52 votes
Andree Faulkner	16 votes
Chistine Forbes	11 votes
Nanette Huddle	10 votes
Thomas Manyoki	22 votes
Euphema (Faye) Marston	29 votes
Jocelyn Rousseau	54 votes
Laseymore Seymour	60 votes
Jose A. Torres	44 votes

The five (5) directors elected were Martha Adams, Angela Dolce, Jocelyn Rousseau, Laseymore Seymour and Jose A. Torres. The meeting was concluded at 8:15 PM. The Association thereafter did not conduct the Organizational Meeting. Martha Adams, as President of the Association, was provided with all inner and outer ballots, sign-in sheets, tally sheets, etc. and signed a receipt acknowledging same.

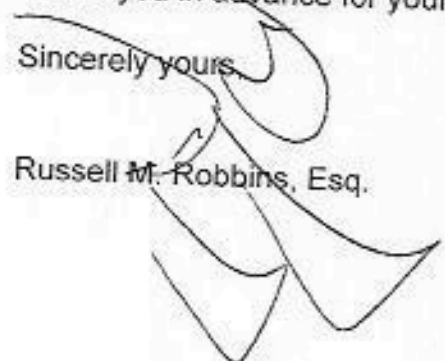
⁷ One (1) inner envelope did not contain a ballot, but instead contained five (5) candidate information sheets. This ballot was disqualified.

Report of Election Monitor
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Should you have any further questions or concerns, please do not hesitate to contact me at the above referenced telephone number or via my cellular phone at (954) 592-7131. Thank you in advance for your consideration with regards to this matter.

Sincerely yours,

Russell M. Robbins, Esq.



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