

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES

IN RE: PETITION FOR ARBITRATION

LES CHATEAUX AT
INTERNATIONAL GARDENS
CONDOMINIUM ASSOCIATION, INC.,

Petitioner,

v.

Case No. 2006-02-2607

UNIT OWNERS VOTING FOR RECALL,

Respondent.

NOTICE OF COMMUNICATION AND
ORDER DENYING MOTION FOR CLARIFICATION OR REHEARING

This cause comes before the undersigned on the "Motion for Clarification of Order Dated May 15, 2006 and For Rehearing" filed by facsimile copy on May 19, 2006. Although a respondent is usually given seven business days in which to respond to a motion pursuant to Florida Administrative Code Rule 61B-50.117, because the response would not be due until 5 p.m. on May 31, 2006, the day the undersigned officially retires, and because a response to the petitioner's motion is not necessary, this order is being entered before waiting to receive a response from respondent.

The parties are also notified of an email forwarded to me, a copy of which was received by the undersigned on or sometime after May 16, 2006, in which the identities of the new board members were provided to a different arbitrator by the property manager four days after the undersigned requested that the property manager's office immediately notify the undersigned or counsel for the petitioner of their identities.

During the conference call on May 11, 2006, the undersigned clearly stated that the petitioner's counsel, including office staff, should attempt to discover the identities of the newly elected board members as soon as possible and that, if his office was unable to discover the names of the board members, the undersigned would call the property manager's office to find out the information. Counsel for petitioner even provided the property manager's name and phone number. The property manager's office was contacted by the undersigned on October 11, 2006, after the undersigned contacted the offices of counsel for the petitioner and counsel for the respondent and discovered that neither office had received the information from the property manager. The undersigned called the property manager's office, talked to two different people there, and explained to them the importance providing the information because there had been an allegation that an election had not actually been held. They were told that the attorney for the association had also tried to find out the information from them and had been unsuccessful. I found it incomprehensible that no one in the office could look at the records and state who had won the election. However, since they were adamant that only Ms. Bianco could reveal the information, I explained that it was of vital importance that she call me as soon as possible and tell me the names of the newly elected board members. I provided my name and personal telephone number at work. I wanted to get out the order requiring supplement information as soon as possible and wanted to include in it the names of the new board members. After not receiving a telephone call from the property manager or from the office of counsel for the petitioner on either Thursday, May 11, 2006, or Friday, May 12, 2006, or the morning of Monday, May 15, 2006, the order requiring supplemental information was entered.

The property manager's workers certainly did not act "gravely intimidated" or "near panic." However, the importance of providing the information as soon as possible was certainly stressed. It certainly would have been simple for them to contact Ms. Blanco and have her call counsel for the petitioner, who had been calling and requesting the same information (or at least was supposed to be), if they had been intimidated by my phone call. However, the property manager did not call and provide the information either to the undersigned or, apparently, to counsel for the petitioner. Instead, four days later, for unknown reasons, she provided the information to a totally different arbitrator, who then forwarded it to me by email, which I received, at the earliest on May 16, 2006. The email is attached to this order.

The property manager's claim that she called the undersigned at the telephone number provided to her office is simply untrue. When I answer the phone and someone asks for me, I always respond the same way, "This is she." No one else answers the phone and there are few phone calls to this number. The only phone call during that period of time until the present day to that phone number from any person who did not ask to speak to me was from a woman who asked to speak to Karl Scheuerman. When I explained that this was not his number, but I could take a message for him, the person refused to give her name or leave a message. If that was the property manager, she certainly gave no indication of who she was, and she did not ask to speak to undersigned. Of course, since the property manager was clearly aware of the importance of timely providing the information in the face of allegations that an election had not been held, it is certainly unclear why she would have called the number provided and not have asked to speak to the undersigned or provided the information.

Based on the forgoing, it is

ORDERED:

1. Other than as stated above, the motion for clarification or rehearing is

DENIED.

2. Henceforth, any documents or materials filed in this case should be sent to

the attention of Arbitrator Catherine Bemby at the same address as specified below.

DONE AND ORDERED this 30th day of May, 2006, in Tallahassee, Leon

County, Florida.



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