

Charles W. Drago
Secretary

Charlie Crist
Governor

December 1, 2008

**VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED
CERT. NO. 7007 1490 0001 1570 2033**

Board of Directors
c/o Mr. Joseph Sachs, President
Condo Owners Org of CVE/NC
3501 West Drive
Deerfield Beach, Florida 33442

Re: Ashby D Condominium Association, Inc. (Association)
Case No. 2008042475

Dear Mr. Sachs:

As discussed in our October 13, 2008, telephone conversation, the Division has completed its investigation and is addressing the violation below through this Warning Letter pursuant to rule 61B-21.002(2), Florida Administrative Code. The issue will require a response to the Division by the Association.

The Association failed to maintain sufficient accounting records. Specifically, the Association failed to maintain invoices for the \$100 paid monthly to Mr. Joseph Sachs.

The Association admitted that there was a monthly expense of \$100 paid to Mr. Joseph Sachs, which was approved by the Board on December 7, 2007. However, the Association denied that the expenditure was for the cleaning of the president's unit, but was for payment of the use of part of Mr. Sachs' apartment as an office for the Association, and for the use of his personal computer, printer, fax machine and telephone. The Association did provide copy of the December 7, 2007, meeting minutes which show the approval of this expenditure; however they admitted to not having supporting receipts or invoices to determine if these monthly expenditures are proper common expense.

The Association will be cited for this violation and shall begin to maintain sufficient accounting records to determine proper common expenses.

Rule 61B-21.002(4), Florida Administrative Code, provides that Associations must provide a written response to a Warning Letter. Please provide a written response to the above issue to ensure compliance with the referenced statute by **December 15, 2008**.

However, should the Association disagree with, or want to challenge, the Division's findings, the Association may request the Division to enter a Notice to Show Cause. If such a request is

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received or if the Association disputes the Division's findings, the Division may conduct further investigation into the Association's response, which may require the production of further documentation, and issue a Notice to Show Cause that will provide the Association an opportunity to dispute the Division's findings and ask for a hearing.

Failure to reply, take corrective action as requested herein, or repeated violations of a similar nature within two years from the date the violation is resolved, may result in an enforcement action by the division as well as civil penalties of up to \$5,000 per violation.

Please address your response to me at the address at the top of the page. If you have any questions regarding the foregoing, please call me at (954) 202-3982, Extension # 213. Thank you for your cooperation with this investigation.

YOUR ATTENTION IS DIRECTED TO RULE 61B-23.002(7)(b)1., FLORIDA ADMINISTRATIVE CODE, WHICH REQUIRES RETENTION OF THIS LETTER OR A COPY THEREOF AMONG THE OFFICIAL RECORDS OF YOUR CONDOMINIUM ASSOCIATION FOR FUTURE REFERENCE.

Sincerely,
BUREAU OF COMPLIANCE



Constance McCallum
Financial Examiner/Analyst II
Email: Constance.Mccallum@dbpr.state.fl.us

/cm

Cc: Mr. Harry Balaban, Vice President
1020 Ashby D
Deerfield Beach, FL 33442

Ms. Madeleine Plante, Treasurer
3025 Ashby D
Deerfield Beach, FL 33442