

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION

Please submit to appropriate address on Page 4

COMPLAINANT INFORMATION				
Last Name Bergemann	First Jan	Middle W.	Title President	Suffix
Your Company/Occupation Cyber Citizens For Justice, Inc.				
MAILING ADDRESS				
Street Address or P.O. Box 1156 Tall Oaks Rd.				
City Deland		State FL	Zip Code (+4 optional) 32720	
County (if Florida address) Volusia		Country USA		
CONTACT INFORMATION				
Primary Phone Number (386) 740-1503		Primary E-Mail Address ian@ccfi.net		
Unlicensed Activity Complaint? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>				
COMPLAINT DESCRIPTION				
<p>In a board meeting of the OAK HOLLOW PROPERTY OWNERS' ASSOCIATION on December 18, 2008, CAM Julie Marr outright lied when making the statements that (quote from minutes): "We learned from the Cyber Citizens for Justice attorney and from the investigator of the Department for Business and Professional Regulations that the data should not be given out." [Actual Minutes of board meeting attached]. The statements reflected in these minutes were made by Julie Marr in her capacity as the community association manager of this association according to witnesses present at this board meeting.</p> <p>The "data" referred to above are the financial records of the association pertaining to employee salaries and benefits.</p> <p>I can't speak for the quoted "investigator of the DBPR", but I seriously doubt that an employee of the DBPR would comment on provisions of Chapter 720, since the DBPR has repeatedly stated that it lacks jurisdiction over homeowners' associations regulated by FS 720.</p> <p>Ms. Marr talked with Barbara Billiot Stage, Esq., who was present at the CCFJ Town Hall meeting in Punta Gorda on December 6, 2008 and was clearly advised that financial records, including salary of employees, are open to inspection by association members according to FS 720.</p> <p>The position of CCFJ, Inc. in this matter has been made very clear in various publications. Our reading of Florida Statutes 720.303(4), has been consistent and clear:</p> <ol style="list-style-type: none"> 1. All contracts and financial records (FS 720.303(4)(i) + (j)), including salaries, bonuses, benefits etc. of association employees are Official Records of the association and can be requested by all homeowners according to FS 720.303(5). 2. All personal data – like Social Security numbers, health records, driver's license numbers, credit card numbers, and other personal identifying information in possession of the association are not subject to record requests according to FS 720.303(5). <p>CAM Julie Marr's reckless disregard for the truth has caused the board to deny record requests made by individual members of the association, which ultimately led to litigation and payment of legal fees and cost to opposing parties.</p>				
CONTINUED ON ATTACHMENT				

Attach additional sheets as necessary.

CONTINUED DESCRIPTION OF COMPLAINT

Ms. Marr used her status as the employed CAM of this association to influence the board members in pursuit of her personal agenda. Her actions caused financial damage to the association and its members.

This complaint alleges violations of:

468.436 (5). Committing acts of gross misconduct or gross negligence in connection with the profession.

61E14-2.001 Standards of Professional Conduct.

(2) Honesty. During the performance of management services, a licensee or registrant shall not knowingly make an untrue statement of a material fact or knowingly fail to state a material fact.

(4) Due Professional Care.

(a) A licensee or registrant shall exercise due professional care in the performance of community association management services.

(6) Records.

(b) A licensee or registrant shall not deny access to association records, for the purpose of inspecting or photocopying the same, to a person entitled to such by law, to the extent and under the procedures set forth in the applicable law.

(8) Other Licenses.

(a) A licensee or registrant shall not commit acts of gross negligence or gross misconduct in the pursuit of community association management or any other profession for which a state or federal license is required or permitted. It shall be presumed that gross negligence or gross misconduct has been committed where a licensee's or registrant's other professional license has been suspended or revoked for reasons other than non-payment of dues or noncompliance with applicable continuing education requirements.

455.227 Grounds for discipline; penalties; enforcement.--

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

CONTACT PERSON (IF OTHER THAN YOURSELF)

Last Name	First	Middle	Title	Suffix
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ADDRESS

Street Address or P.O. Box

City	State	Zip Code (+4 optional)
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County (if Florida address)	Country
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CONTACT INFORMATION

Primary Phone Number	Primary E-Mail Address
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PRIVATE ATTORNEY FOR COMPLAINANT (IF APPLICABLE)

Last Name	First	Middle	Title	Suffix
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ADDRESS

Street Address or P.O. Box

City	State	Zip Code (+4 optional)
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County (if Florida address)	Country
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CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number
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SUBJECT OF COMPLAINT

Last Name Marr	First Julie	Middle M	Title CAM	Suffix
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License Number (if known)
CAM30369Company/Occupation
CAM employed by: OAK HOLLOW PROPERTY OWNERS' ASSOCIATION. INC.**MAILING ADDRESS**Street Address or P.O. Box
1379 SALYERS ST

City Port CHARLOTTE	State FL	Zip Code (+4 optional) 33952
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County (if Florida address) Charlotte	Country USA
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CONTACT INFORMATION

Primary Phone Number	Primary E-Mail Address
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RESIDENCE ADDRESS (IF DIFFERENT THAN MAILING ADDRESS)

Street Address

City	State	Zip Code (+4 optional)
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County (if Florida address)	Country
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PRIVATE ATTORNEY FOR SUBJECT OF COMPLAINT (IF APPLICABLE)

Last Name	First	Middle	Title	Suffix
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ADDRESS

Street Address or P.O. Box

City	State	Zip Code (+4 optional)
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County (if Florida address)	Country
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CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number
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WITNESS (IF APPLICABLE)

Last Name Grimes	First Arthur	Middle	Title	Suffix
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ADDRESSStreet Address or P.O. Box
1236 E CORKTREE CIRCLE

City PORT CHARLOTTE	State FL	Zip Code (+4 optional) 33952
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County (if Florida address) CHARLOTTE	Country USA
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CONTACT INFORMATION

Primary Phone Number (941) 629-0996	Alternate Phone Number (941) 286-4312
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WITNESS (IF APPLICABLE)

Last Name Cheney	First Sue	Middle	Title	Suffix
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ADDRESSStreet Address or P.O. Box
20110 Melos Court

City PORT CHARLOTTE	State FL	Zip Code (+4 optional) 33954
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County (if Florida address) CHARLOTTE	Country USA
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CONTACT INFORMATION

Primary Phone Number (941) 255-1083.	Alternate Phone Number
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I affirm that I have provided the above information completely and truthfully to the best of my knowledge.

Complainant Sign Here: 

Date: 6/16/2009