

**ADMINISTRATIVE OFFICE
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April 13, 2011

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**BY CERTIFIED MAIL 7118 9448 4181 0001 1011
RETURN RECEIPT REQUESTED**

**Re: Southwind Lakes
Records Inspection; Threatening Manager**

Dear

Please be advised this Firm represents Southwind Lakes Homeowners Association, Inc.

We have been asked to review your claim that you have a special right as a director to inspect all of the Association's official records whenever you want. Further, that you object to making a written request to inspect the records or otherwise follow the rules owners must follow when inspecting the Association's official records.

There is nothing in Chapter 720, Florida Statutes, and, in particular, Florida Statutes, Section 720.303(5), that gives directors any right to inspect the Association's official records or gives directors any rights different from owners. The statute merely grants owners the right to inspect the official records, provided the owners follow the proper procedure. Because the statutes do not give directors any special or different rights to inspect the official records, directors do not have any rights to inspect official records that are special or different from owners. Therefore, your claim or demand to inspect any and all of the Association's official records at any and all times is without merit. If you want to inspect the Association's official records, you must do so in accordance with the Board's duly adopted rules and regulations, just like any other owner.

The reason some officers or directors have access to certain records without having to make a written request to inspect those records is because those directors or officers have specific duties that require access to those particular records in order to fulfill their duties. For example, the Treasurer is required to keep and maintain the financial records, so the Treasurer must have access to the financial records in order to keep and maintain them. This is not a records inspection. This is access to the specific records needed to carry out the duties of the Treasurer. However, that does not give the Treasurer any right to inspect other records. In that case, the Treasurer would have to make a written request to inspect those other records, like any owner. You, as a director, not an officer, who does not have any specific duties assigned, have no right to access any records

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because none are needed to fulfill your assigned duties, since you do not have any assigned duties. Nevertheless, should any specific duty be assigned, you would have access to those records needed to carry out that specific duty. For example, if you were asked to approve a raise for an employee, you would be entitled to see the records showing what that employee was paid and what duties that employee performed, in order to make an intelligent decision on the proposed raise, but otherwise, you could not simply inspect the employee's personnel records out of curiosity to see what that employee is paid.


As you are familiar with the Board's rules governing records inspections, you should know that you, like any owner, are entitled to only one records inspection per month. Further, you cannot make a partial inspection of records you requested, then demand to inspect additional records when you complete your initial inspection. That constitutes a second records request within the same month and is prohibited. Because you can only make one records inspection per month, any and all additional records requests within that month are null and void and cannot be honored. You will not be entitled to inspect those additional records, unless you wait until the following month and make another written request to inspect those records.

In sum, you are required to follow the Board's rules and regulations governing records inspection like any owner. You do not have any rights superior to or different from any owner to inspect the records. If you do not follow the Board's rules governing records inspections, your request will be null and void, will not be honored and you will not be entitled to inspect the records.

In addition to the above, it has come to our attention that you threatened to file a complaint to revoke the Association's manager's license, if she did not comply with your demands to inspect the records. Since your demands to inspect the records were not valid and in violation of the Association's rules, as set forth above, your threat was unfounded. More importantly, such coercion creates a hostile working environment, which constitutes employment discrimination or harassment, exposing you and the Association to liability. Your threats and improper demands also prevent the manager from performing her work and interfere with the Association's business.

Therefore, demand is made for you to immediately cease threatening the manager, immediately cease making invalid demands on the manager and immediately cease interfering with the Association's business. Time is of the essence.

Sincerely,


Robert Rubinstein
For the Firm

RR/kas

cc: _____ (also by regular mail)

Southwind Lakes Homeowners Association, Inc. (by e-mail)