

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

IN RE: PETITION FOR ARBITRATION

**JAMES SPINELLI, in his capacity as Unit Owner
Representative,**

Petitioner(s)

v.

Case No.

ELDORADO PLAZA WEST ASSOCIATION, INC.,

Respondent(s)

_____ /

PETITION FOR RECALL ARBITRATION

1. Name, mailing address, and phone number of party filing petition (if the party filing the petition is an association, provide both the street address and mailing address, if different, for the association):

**James Spinelli – UNIT OWNER REPRESENTATIVE
180 N.E. 12th Avenue, Apt. 17B
Hallandale Beach, FL 33009**

2. Name, mailing address, and phone number of Petitioner's representative, if any:

**Eric Glazer, Esquire
Glazer and Sachs, P.A.
3113 Stirling Road, Suite 201
Fort Lauderdale, Florida 33312**

3. The name, mailing address, and phone number, if known, of each Respondent (if

Respondent is an association, give the name and address of the president or the secretary of the association or the registered agent of the association):

**Anatalia Sanchez, Esquire (Registered Agent)
123 SE 3rd Ave #359
Miami, FL 33131**

4. The arbitrator has jurisdiction over this cause pursuant to Section 718.1255, Florida Statutes.

STATEMENT OF THE FACTS

6. Explain the dispute, including all relevant facts. Each fact must be set forth in a separate paragraph. Be sure to attach copies of all relevant documents as exhibits to the petition.
 - a. The Association is the corporate entity responsible for managing the affairs of the Eldorado Plaza West Association, Inc. (the "Association"). The association is comprised of 85 units. (See Declaration of Condominium – Exhibit A)
 - b. The plaintiff, James Spinelli is a unit owner and member of the association and served as the unit owner representative for the recall.
 - c. On February 19th, 2018 the unit owner representative caused to be served 52 Written Recall Ballots seeking the removal of the following directors:
 1. **Tara Aviano**
 2. **Matt Khamut**
 3. **Peter Popoff**
 4. **Sonia Silva**
 5. **Melvina Kennedy Corrado**

(See Written Recall Agreements - Exhibit B)
 - d. The Petitioner is attaching a Verified Return of Service signed by Colyn A. Thompson, a licensed Process Server, indicating that the ballots were served on Tara Aviano. **(See Exhibit C)**
 - e. On February 26th, the Board of Directors allegedly held a closed door attorney-client privileged meeting to decide whether or not to certify the recall. **(See Exhibit D)** Inasmuch as the meeting was not open to the owners, said meeting

was illegal and a nullity. Members of an association have a right to attend and to speak at a meeting regarding a written recall agreement. *Edenrock Home Owners Association, Inc. v. Homeowners Voting for Recall*, Arb. Case No. 2013-04-8816, April, 2014.

REQUEST FOR RELIEF

7. The Petitioner respectfully requests an Order from the Arbitrator:

a) certifying the recall as to :

i. **Tara Aviano**

ii. **Matt Khamut**

iii. **Peter Popoff**

iv. **Sonia Silva**

v. **Melvina Kennedy Corrado**

b) Declaring that the following replacement candidates are the new members of the Board:

i. **Robert Petrsek**

ii. **Jeanette Weitz**

iii. **James Spinelli**

iv. **Phillip Locicero**

v. **Hugo Santiago Daniele**

c) Award the Petitioner such other relief deemed appropriate.

DATED THIS 27th DAY OF FEBRUARY, 2018.

GLAZER & SACHS, P.A.
One Emerald Place
3113 Stirling Road
Second Floor
Fort Lauderdale, Florida 33312
(954) 983-1112
(954) 333-3983 FAX

By: /s/ Eric M. Glazer

ERIC M. GLAZER, ESQUIRE

Florida Bar No. 946494