



Lake Meadows
H O A, Inc.
Agustin Alamo
Bashir Mohamed
Steadman Mclean
Hussain Mohamed
Santiago Silva

LAKE MEADOWS HOMEOWNERS ASSOCIATION, INC.

C / O 149 VISTA VIEW AVE, EAGLE LAKE, FLORIDA 33839

To: Director, Kevin Stanfield
Florida Division of Condominiums, Timeshares & Mobile Homes
2601 Blair Stone Road
Tallahassee, Florida 32399

Re: OIG Case No. 2018-144-REF
Referral by Mr. Jerome Worley, Director of investigations
Leah A. Simms DBPR Arbitrator, Case # 2018-00-5373
Complaint: Election matter & the Erasure of Fraud, Waste, Abuse
Contact:: Agustin Alamo, for LMHOA Inc. Shareholders

Date: May 29, 2018

Dear, Mr. Stanfield: Florida DBPR Director of Investigations,

On or about the 8th of January 2018, the Lake Meadows HOA, Inc. held their Shareholders' mandatory annual meeting and elected 5 new directors for the 2018 season. An annual report was filed on January 9, 2018 document # CC7697731075 in compliance with law. Despite the election decision of the shareholders on Sept 8, 2018, Respondents Goss, et-al also filed an amended annual report #CC8466363559 on January 11, 2018 in an attempt to re-elected themselves in total disregards to LMHOA By-laws. Having gone through these maneuvers several times in the past, we filed a complaint on behalf of the Shareholders of the Association [LMHOA] on the 12th of January [Case # 2018-00-5373] for the probable violations of Florida Statutes, possible fraudulent misuse of our LMHOA corporate By-laws regarding election of officers and the false filing of an amended annual statement with the DBPR on January 11, 2018 by the outgoing board.

Four months after the above filing [April 18, 2018] DBPR Arbitrator Leah A. Simms mailed a response to that complainant and "Final Order Of Dismissal". Dismayed by the lengthy none-responsive decision to the actual complaint, we asked for an investigation. For four months, [\$200 check was not cashed for over a month], we sat and waited for a response from the DBPR to any concerns or for any clarification of the facts. Arbitrator Leah A. Simms dismissed the case relying on data that was obsolete and irrelevant to the election facts raised in original election case [DBPR # 2018-00-5373] . The dismissal of the election case and Arbitrator Simms' determination herein baffled Petitioners, LMHOA Shareholders, in that the determination did not reflect the key election issue raised in the original complaint.

Arbitrator Simms cited a DBPR case 2014-03-7815 [settled three years ago] which had no effect to any of the issues raised in the instant election matter. Simms' statement of facts at #3 admitted that this was indeed an election dispute. Further, Arbitrator Simms' Conclusion of Law cites a July 18, 2016 agreement that had absolutely no bearing on the election of LMHOA officers on January 8, 2018. Simms erred in that there

was no election held in September of 2016 as was alleged. The alleged Agreement was breached in 2016 due to non-compliance with law and was never signed by Samuel Goss, Meredith Travis, Dhanraj Jasopersad, Mark Crawford or April Weiss.

At Number 4 of Simms' Conclusions of law [case# 2016-CA-000246] clearly stated the named persons that were part said agreement and that the regular annual election was to be held as scheduled in the second week of January 2018 as per LMHOA by-laws. Even if the agreement was valid, the agreement never made any other ruling that prevented the January 8, 2018 election from being held in accordance with LMHOA governing documents. Further the July 16, 2016 Agreement was never ratified by the court as a legal and binding document.

Arbitrator Simms erred by not reading the actual election complaint nor the detailed out-dated agreement. The parties named as Respondents in the 2018-00-5373 complaint above, were not the parties to the July 2016 Agreement. Further the mandated Audit was never realized by respondents and the LMHOA By-laws clearly state that Board members may only serve a one year term [Article V sec.1]. The LMHOA January 8, 2018 annual election was legal and properly held. Respondents Goss, Travis, Jasopersad, Crawford and Weiss ran and improper election on January 10, 2018, filed an improper amended filing with the DBPR on January 11th and refused to comply with the will of the LMHOA Shareholders. Respondents cannot serve in perpetuity.

Respondents Samuel Goss, Meredith Travis and Dhanraj Jasopersad, were LMHOA board members from November 7, 2016 to November 7, 2017 when their one year term expired under LMHOA By-laws [Article V sec.1.] Respondents relied on various management agencies to maintain control of the HOA association and its finances. Respondents ran LMHOA's business without regard for either the LMHOA By-laws or Florida Statutes 720. In September of 2017 LMHOA Shareholders made a demand from the Goss board for financial compliance under FS: 720.303(4)-(8) demanding a full financial accounting of their LMHOA Inc. expenditures. The HOA shareholders informed the Goss-board that they had violated their fiduciary responsibility to the Shareholders under 720.303(1) by their arbitrary actions of non-compliance and wanted change.

Under Florida Statutes the proper venue for the Goss group to contest the January 8th election was to file a mandatory election complaint under Statutes 720.306(9)a & 720.306(9)c which they chose not to implement. Petitioners LMHOA [Alamo et-al] filed for a formal determination by the DBPR as to the validity of subsequent Goss-Garrison filings with the DBPR and adherence to the LMHOA governing documents.

Arbitrator Simms' Order of Dismissal ignores the above concerns of improper filings with the DBPR and the abuse of the rules that are clearly mandated in the filing rules of the DBPR. The Simms order skews

the facts to achieve an improper outcome given the actual facts presented. Petitioners' concern is that it has taken four months to realize the within Order and the community has suffered due to the unfair delay. LMHOA shareholders are mostly retirees and cannot afford legal fees to right a wrong that has lasted for many years.

Further: LMHOA Shareholders have made several request of the DBPR for resolution to the fraud, waste and abuse Respondents have bestowed on Shareholders. We contend that unauthorized funds have been used improperly by the above individuals to hire Law firms to fulfill some of the above filings abuses with the State DBPR and Bartow Clerks office.

The Goss respondents have always ignored LMHOA amended By-laws and the procedures under Title XL Chapter 720.303 & 720.306. Shareholders further discovered the malicious use of the doctored June 23, 2014 By-laws when on June 13, 2016 the same so-called Goss-Team individuals attempted to elect themselves [second time] by filing a self-serving DBPR petition to recall the legal 2016 LMHOA board [DBPR case # 2016-02-8158]. The recall ballot that was submitted for the recall was purposely filed to replace and supplant "the legally elected January 11, 2016 LMHOA board" with the Titan agents' selected individuals. Said filing indicated that there was indeed a legal and binding LMHOA board elected by Shareholders. Said Goss-TITAN filing was deemed moot by DBPR arbitrator Hon. David R. Slaton.

Lake Meadows Shareholders were stopped from having their day in court because they could no longer afford to pay their lawyers [2016-CA-000246]. LMHOA shareholders have been boxed in by legal systems that have not responded to the protections under Florida Statutes nor the legal LMHOA Corporation's By-laws. Shareholders' only remedy is to implore the Florida DBPR Inspector General to investigate and seek answers the herein questions and to the fair application of the Florida Statues. We also ask that the amended October 15, 2013 official by-laws [never contested] be affirmed once and for all by the DBPR and allow the LMHOA shareholders run their community!

To that end LMHOA Shareholders' requested that the Florida DBPR OIG look into the above Final Order of dismissal by Arbitrator Simms and Respondents' violations of Florida Statutes and LMHOA's corporate By-laws. Only the DBPR can Help Determine the legitimacy of Respondents' filing of doctored documents with the DBPR! We ask that this case be investigated and more imperatively that an audit of the finances be ordered. Since June of 2014 the same individuals have maintained control of LMHOA Corporation's assets and they have yet to give LMHOA Shareholders a line item accounting of how over \$100.000 has been spent. We implore the Florida DBPR's OIG to take into account the petitions filed by Shareholders in this matter. Shareholders are desperate for relief.

The Shareholders in the Lake Meadows HOA, a Florida State Corporation request this investigation. The 2018 Board President and member Agustin Alamo has been the lead on this investigation and has been

requested by Shareholders' petition to file this application in anticipation for justice.

Contact person for Shareholders that have petitioned the Florida Inspector General

Agustin Alamo, 2018 LMHOA President [1-646-410-3886]

149 Vista View Ave., Eagle Lake Florida 33839

/S/Agustin Alamo/

Jonathan Zachem, Secretary

Rick Scott, Governor

May 23, 2018

Agustin Alamo
149 Vista View Avenue
Eagle Lake, Florida 33839

RE: OIG Case No. 2018-144-REF

Dear Mr. Alamo:

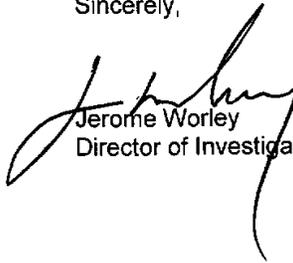
The Office of Inspector General would like to acknowledge receipt of your correspondence received on May 21, 2018, concerning your complaint filed with the Office of the Chief Inspector General.

This office has the responsibility to initiate, conduct, supervise, and coordinate investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses within the Department of Business and Professional Regulation.

In an effort to address your concerns, this office has referred your correspondence to the Director of the Division of Condominiums, Timeshares, and Mobile Homes, who has authority over this matter, for review and appropriate action. The division has been asked to respond directly to you with their findings and actions.

If you have any further questions or inquiries into this matter, please contact Director Kevin Stanfield at (850) 488-1631.

Sincerely,



Jerome Worley
Director of Investigations

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

IN RE: PETITION FOR BINDING ARBITRATION - HOA

LAKE MEADOWS HOMEOWNERS ASSOCIATION, INC.,

Filed with
Arbitration Section

APR 18 2018

Petitioner,

v.

Div. of FL Condos, Timeshares & MH
Dept of Business & Professional Reg **Case No. 2018-00-5373**

**SAMUEL GOSS, MEREDITY TRAVIS
DHANRAJ JASOPERSAD, MARK CRAWFORD
AND APRIL WEISS,**

Respondents

FINAL ORDER OF DISMISSAL

On January 22, 2018, the Lake Meadows Homeowners Association, Inc. (the Association), filed a petition for binding election dispute arbitration naming as Respondents, the former board of directors individually. Accompanying the petition was a qualified representative application naming parcel owner, Agustin Alamo, as the Association's representative.

This is the second petition filed by the Association Alamo which identifies him as the representative/president of the Association. The first concerned an earlier petition assigned case number 2014-03-7815, and styled *Augustin Alamo v. Lake Meadows Homeowner Association, Inc.* There, the petition alleged Petitioner had been improperly removed as president of the Association.¹

¹ This case was dismissed because a dispute regarding the removal of a president from the board of directors is outside of the arbitrator's jurisdiction; the Division may only hear homeowners association disputes related to recalls and the election of directors.

Statement of Facts

1. The Lake Meadows Homeowners Association, Inc., is the governing body of the Lake Meadows Homeowners community. It is responsible for the community's day to day operations and the upkeep of its real property.
2. Petitioner is a homeowner in the community and is therefore, a member of the Association.
3. This dispute concerns two competing boards of directors for the Association; the Goss-board comprised of Samuel Goss, Meredith Travis, Dhanray Jasonpersad, Mark Crawford and April Weiss and the Alamo-board whose members are allegedly Agustin Alamo, Bashir Mohamed, Steadman McClean, Hussain Mohamed and Santiago Silva.

Conclusions of Law

4. On July 18, 2016, the parties, in state court litigation entitled, *Lake Meadows Homeowners Association, Inc., v. Juanita Coley, Della Sabratis, Krishawn Soleyn, Edwin Sutton (deceased) and Mary Travis (deceased)*, 2016-CA-000246, in and for the Circuit Court of Polk County, Florida, entered into a settlement agreement which required the Association to conduct a new election within 60 days of the date of the settlement agreement. The agreement prohibited Petitioner and Soleyn from submitting their names or accepting nominations as candidates to the board in the September 2016 election. The agreement also mandated that the board elected in the September 2016 election, were to serve until January, 2018.

5. Petitioner's allegations in the current petition are in direct contravention of the settlement agreement entered in the state court proceeding. Therefore, the actions complained of in the instant petition must be sorted out and resolved in state court, not by arbitration in the Division.

For all the reasons set forth above, the petition in this cause is dismissed.

DONE AND ORDERED this 18th day of April, 2018, at Tallahassee, Leon County, Florida.



Leah A. Simms, Arbitrator
Department of Business and
Professional Regulation
Arbitration Section
2601 Blair Stone Road
Tallahassee, Florida 32399-1030
Section Telephone: 850-414-6867
Section Facsimile: 850-487-0870

Certificate of Service

I hereby certify that a true and correct copy of the foregoing final order has been sent by U.S. Mail to the following person on this 18th day of April, 2018:

Agustin Alamo
149 Vista View Avenue
Eagle Lake, FL 33839
Petitioner



Leah A. Simms, Arbitrator