

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

**IN RE: PETITION FOR ARBITRATION**

**Ocean Club Townhomes Condominium  
Association, Inc.,**

**Petitioner,**

**v.**

**Case No. 2006-01-8271**

**Unit Owners Voting for Recall,**

**Respondent.**

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**SUMMARY FINAL ORDER**

On March 29, 2006, Ocean Club Townhomes Condominium Association, Inc. (the association) filed a petition for recall arbitration with the undersigned arbitrator, seeking a final order upholding its decision not to certify the written recall agreement served on the association on March 15, 2006, for the reasons stated in the petition. On April 5, 2006, the arbitrator issued an Order Allowing Answer, directing the representative for the respondent to answer the recall petition. On May 5, 2006, the respondent's representative answered the recall petition for arbitration. The pleading does not indicate that a copy was provided to the association. By this order, the answer is made part of the record and a copy is enclosed for the association.

In its answer, the respondent maintains that it did not receive a copy of the petition for recall arbitration or the arbitrator's Order Requiring Answer until May 4, 2006. Additionally, the respondent indicated that it did not intend to formally respond to the allegations of the petition for recall arbitration. Therefore, the respondent's answer

will be treated as an admission to the facts alleged in the petition for arbitration. This order is entered accordingly.

The association consists of a total of thirteen (13) voting interests and is operated by a three member board of directors. On March 15, 2006, the board was served with a written recall agreement consisting of six ballots signed by unit owners seeking to recall Kristen McLeod, Judi Trotman and Kathleen DeChristopher from the board. The board held a recall meeting on March 20, 2006, and did not certify the recall because one of the six voting unit owners rescinded her ballot prior to the written recall agreement being served on the board. The respondent does not dispute the timely rescission of the recall ballot. Thus, the board correctly determined not to certify the recall because a majority of the unit owners had not voted to recall the listed board members. Accordingly, the board's decision is affirmed.

DONE AND ORDERED this 16<sup>th</sup> day of May 2006, at Tallahassee, Leon County, Florida.

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Catherine Bembry, Arbitrator  
Department of Business and  
Professional Regulation  
Arbitration Section  
1940 North Monroe Street  
Tallahassee, Florida 32399-1029

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing summary final order has been sent by U.S. Mail, postage prepaid, to the following persons, on this 16<sup>th</sup> day of May, 2006.

Royal Property Management  
8317 West Atlantic Blvd.  
Coral Springs, Florida 33071

Kathleen A. DeChristopher  
3213 NE 16 Street, #112  
Pompano Beach, Florida 33602

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— Catherine Bemby, Arbitrator