

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

**IN RE: PETITION FOR ARBITRATION**

**Town & Country Estates Condominium  
Apartments Association, Inc.,**

**Petitioner,**

**v.**

**Case No. 2007-01-8897**

**Unit Owners Voting For Recall,**

**Respondent.**

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**NOTICE OF COMMUNICATION AND  
ORDER DENYING REHEARING**

This case came before the undersigned upon receipt of a letter dated April 9, 2007, a copy of which is attached. Transmittal of such a letter to the arbitrator is not authorized. Additionally, Rule 61B-50.140(3), Florida Administrative Code, provides, "No motion for rehearing of a final order certifying the recall shall be filed." Thus, the arbitrator is without authority to change the result of the Summary Final Order entered April 4, 2007.

For guidance of the parties only, a copy of the fax-filed Recall Arbitration Petition is also attached to this Order. Paragraph 9 of that document clearly states, "The board determined not to certify the recall at a meeting held on 3/13/07." In addition, no identifiable minutes of a meeting of March 18, 2007, accompanied the Recall Arbitration Petition. As of the date of this Order, the Petition for Arbitration remains defective for failure to provide a copy of minutes of a board meeting at which the board determined

not to certify the recall. Failure to have complete and accurate minutes to support a Recall Arbitration Petition is a fatal defect. See, *The Village of Kings Creek Condominium Association, Inc., v. Unit Owners Voting For Recall*, Arb. Case No. 99-1919 (November 1, 1999).

Enforcement of the Summary Final Order certifying the recall may proceed in Circuit Court pursuant to section 718.1255(4)(m), Florida Statutes.

Based on the foregoing, it is

ORDERED:

1. To the extent the letter of April 9, 2007 may be considered a Motion for Rehearing, it is Denied.
2. Arbitration Case No. 2007-01-8897, is closed and no additional papers will be accepted for filing in the case file.

DONE AND ORDERED this 11th day of April, 2007, at Tallahassee, Leon County, Florida.

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Bruce A. Campbell, Arbitrator  
Department of Business and  
Professional Regulation  
Arbitration Section  
Northwood Centre  
1940 North Monroe Street  
Tallahassee, Florida 32399-1029

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Notice of Communication and Order Denying Rehearing, with attached letter and photocopy of

Recall Arbitration Petition, has been sent by U.S. Mail to the following persons on this  
11th day of April, 2007:

Les Schneiderman, Esquire  
4700 N.W. Boca Raton Blvd.  
Suite 301  
Boca Raton, Florida 33431

Scott A. Stoloff, Esq.  
1818 Australian Avenue Sout,  
Suite 400  
West Palm Beach, Florida 33409

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Bruce A. Campbell, Arbitrator