
RE: ContactCRM:Complaint Against Omega Villas Condo Association, Inc. -- Failed to Deliver Records

CRM, CCC <CCC.CRM@dbpr.state.fl.us>

Tue, Sep 26, 2023 at 1:20 PM

To: "SHAWN MARTIN" <smartin@isccompany.net>

Dear Shawn Martin,

Thank you for contacting the Department of Business and Professional Regulation (DBPR) regarding your inquiry.

The division can investigate only alleged violations of the provisions in Chapter 718, Florida Statutes, and Chapters 61B-15 through 61B-24, Florida Administrative Code, pertaining to condominiums, and Chapter 719, Florida Statutes, along with Chapters 61B-75 through 61B-79, Florida Administrative Code, pertaining to cooperatives. As a result, the division does not generally investigate issues involving: maintenance of the common elements or common areas, alterations or additions to the common elements or common areas, or violations of the condominium (or cooperative) documents. The division does not investigate issues involving: contractual disputes, criminal matters, discrimination pertaining to age, race, special needs, et cetera, and internal disputes (for example, most issues involving noise, pets, and parking). I would suggest you to review over this section of the statue to see if your complaint falls under the jurisdiction of what the department can investigate. I would also suggest you to check with the association bylaws to see who is responsible for the issue and your rights as the unit owner. If you feel the issued falls under what the department can investigate, please submit the complaint form from the link below.

<http://www.myfloridalicense.com/DBPR/condos-timeshares-mobile-homes/complaints/>

The statues can be located through the second link below for you to review.

<http://www.myfloridalicense.com/DBPR/condominiums-and-cooperatives/division-of-condominiums-timeshares-and-mobile-homes-statutes-rules/>

If you need further assistance on this matter or other license inquiries in the future, please note that online functions are available at Myfloridalicense.com which will allow you to submit an application, check the status of the application, make a payment, renew your license, and obtain other information and resources. If you need further information, you can reach us at 850.487-1395 or by completing our email correspondence form available online at <http://www.myfloridalicense.com/contactus/>

This response prepared by:

N. Frison

----- Original Message -----

From: smartin@isccompany.net**Received:** Sat Sep 23 2023 12:38:36 GMT-0400 (Eastern Daylight Time)**To:** DBPR Call Center**Subject:** ContactCRM:Complaint Against Omega Villas Condo Association, Inc. -- Failed to Deliver Records

10/27/23, 6:19 AM

RE: ContactCRM:Complaint Against Omega Villas Condo Association, Inc. -- Failed to Deliver Records

Contact Information

First Name :Shawn

Last Name :Martin

Phone Number :9547160915

Email :smartin@isccompany.net

Is Contact Email :Yes

Case Information

Case Number :E Martin

Board Type :HOA - Homeowner Association Reporting

License Number :

File Number :

Application Number:

Hello,

I am reaching out to file a complaint against the Board at Omega Villas Condominium Association, Inc. They did not give me the records that I requested in the 10 working day window as requested. They had me go to an attorney's office and collect a fraction of the records that I specifically requested. I have photos and copies of the records I received which was a small stack of half of my request. This management firm, Sunrise Management, does nothing but stall and say they will deliver documents. They are only wasting time.

Please let me know if you require further information on documentation to process my complaint.

-----END-----

Re: ContactCRM:Complaint Against Omega Villas Condo Association, Inc. -- Failed to Deliver Records

Shawn Martin <smartin@isccompany.net>

Wed, Sep 27, 2023 at 10:24 AM

To: "CRM, CCC" <CCC.CRM@dbpr.state.fl.us>

N. Frison,

Thanks for getting back to me on my complaint. Are you saying that the document that is posted on your website titled OFFICIAL RECORDS OF CONDOMINIUM ASSOCIATIONS is no longer valid?

This document states the following:

DENIAL OF ACCESS

An association must make its books and records available to a unit owner or the unit owner's designated representative within ten (10) working days of the owner's written request. If an association fails to provide requested records within ten (10) working days after receipt of a written request, the association is presumed to have willfully failed to comply with the law. The association's noncompliance entitles the unit owner to seek actual or minimum damages. Section 718.111(12)(c), Florida Statutes provides for minimum damages of \$50 per calendar day, for up to ten days, beginning on the 11th working day after receipt of the written request. Such damages must be awarded by a court of law. A unit owner who prevails in court may also recover reasonable attorney's fees from the person in control of the records who knowingly denied access. The failure of the board to allow inspection of books and records constitutes a dispute for which a unit owner may either file a complaint with the Division or petition the Division for alternative dispute resolution.

So, are you saying your department no longer has this authority to enforce this??

Thanks,

Shawn Martin, MBA

Principal | Senior Product & Compliance Consultant

ISC | www.isccompany.net

Main | (954) 909-5178 | Cell (954) 716-0915



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On Sep 26 2023, at 1:20 pm, CRM, CCC <CCC.CRM@dbpr.state.fl.us> wrote:

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Please let me know if you require further information on documentation to process my complaint.

-----END-----

RE: RE: CONTACTCRM:COMPLAINT AGAINST OMEGA VILLAS CONDO ASSOCIATION, I

CTMH, Arbitration <Arbitration.CTMH@myfloridalicense.com>

Wed, Oct 18, 2023 at 10:13 AM

To: "smartin@isccompany.net" <smartin@isccompany.net>

Good morning,

The department received your inquiry regarding your association's failure to produce the records you requested. If you wish to open a case with the Arbitration section, please see the following steps and links regarding the process of an Arbitration case.

Before filing a petition for arbitration, you must send the association a pre-arbitration notice (I have included a sample notice below), you must also give the association a REASONABLE time to either respond and/or fix the problem (the amount of time you give is completely up to you), once the allowed time is up you can mail in your petition along with the association's governing documents, a \$50.00 filing fee in check or money order, and a copy of the petition. Below is a sample of a proper Pre-Arbitration notice, a template of the Petition for Arbitration form, and the Non-Binding Arbitration Rules of Procedure.

<http://www.myfloridalicense.com/dbpr/lsc/documents/SamplePre-ArbitrationLetter.pdf>

<http://www.myfloridalicense.com/dbpr/lsc/documents/PetitionforArbitration.pdf>

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0718/0718ContentsIndex.html&StatuteYear=2021&Title=%2D%3E2021%2D%3EChapter%20718

<http://www.myfloridalicense.com/dbpr/lsc/documents/61B-45.pdf>

Thank you,

Destinee Lovely, Government Analyst I

Office of the General Counsel

Division of Florida Condominiums, Timeshares and Mobile Homes

Department of Business and Professional Regulation

2601 Blair Stone Road, Tallahassee, FL 32399-1030

850.414.6867 office | 850.487.0870 fax

Arbitration Website: <http://www.myfloridalicense.com/DBPR/condos-timeshares-mobile-homes/arbitration/>

The information contained in this transmission is intended solely for the use of the person(s) named herein. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact me by reply e-mail and destroy all copies of the original message.

The State of Florida has a very broad public records law pursuant to Chapter 119, Florida Statutes. Most written communications to and from state officials regarding state business are public records, available to the public and media upon request. Therefore, your e-mail communications may be subject to public disclosure.

----- Original Message -----

From: SHAWN MARTIN

Received: Wed Sep 27 2023 10:24:37 GMT-0400 (Eastern Daylight Time)

To: DBPR Call Center

Subject: Re: ContactCRM:Complaint Against Omega Villas Condo Association, Inc. -- Failed to Deliver Records

[NOTICE] This message comes from a system outside of DBPR. Please exercise caution when clicking on links and/or providing sensitive information. If you have concerns, please contact your Knowledge Champion or the DBPR Helpdesk.

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