

Online Complaint Summary

7/5/24, 1:46 PM

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Board:	Condominiums, Cooperatives, Timeshares, & Multi-Site Timeshares
License Type:	Condominium Project
Complaint Number:	2024038286
Incident Date:	07/01/2024
Description:	This complaint is about possible financial issues to fraud that has been occurring in our Condominium Association here at Omega Villas Condominium Association, Inc for a very long time now, possibly since 2006 which are continuing to this day. For a quick background, we have the President, Patty Sabates, the Treasurer, Blaire Lapides, who have been officers on our Board since 2005 after they forced the former President off the Board in 2006. NOTE: on Sunbiz.org, under Omega Villas Condo Assoc. Annual Reports, you can clearly see that no annual report was filed for this year, but we do have minutes for 2005 and 2006 which state Paul McManus was the President until Ken Aker became the President in 2006. Further, we also understand the Florida DBPR only has authority to investigate: 1. HOA Financial Issues, 2. HOA Board Member Elections, and 3. HOA Records Request for Maintenance. Further, we have complaints for all of these areas which to us are red flags for possible fraud and we believe investigations should be launched into this activity!

Attestation

Electronic Signature:	Yes
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Developer/Association

Select who the complaint is filed against:	Association
If Association list President:	Patty Sabates

Notification

Has the respondent been notified of the issues in this complaint?	Yes
If you answered yes to the above question , what was the method of notification?	Emails and Board Meetings

Attorney Legal

If you have retained legal counsel regarding the issues listed in this complaint, do you want the division to contact your attorney?	No
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Has court action been filed regarding any of the allegations in this complaint? **No**

Has a petition for a Declaratory Statement been filed with the division regarding any of the allegations in this complaint? **No**

Has a petition for Mandatory Nonbinding Arbitration been filed with the division regarding any of the allegations in this complaint? **No**

Allegation 1

Allegation: **Financial Issues**

List Each Issue. If possible specify the provisions in the condominium act, or the cooperative act if applicable, which you allege have been violated:

Since this time, they have embedded control tactics that appear to have hidden financial information from unit owners. They, as in previous Boards, made it difficult for unit owners to get copies of condo association records. i.e. SHAWN MARTIN submitted a record request on August 30, 2023, and they tried to prevent him from accessing the records that SHAWN MARTIN requested. Thus, SHAWN MARTIN filed a complaint regarding my request being late per Florida Statutes which is now going to arbitration. We discovered that we believe they have hidden pertinent financial information that our community was being fined by the City of Plantation since 2022 and we weren't made aware of this. We calculate that by the time our 40-year recertification is completed we will owe \$1.5 to \$2.1 +/- millions of dollars to the City of Plantation. We only found this information out because Shawn Martin submitted the Certified Records Request, and the fine and lien information were in those records that were finally given. Next, the Board used the City of Plantation PD to try to discourage unit owners from expressing their concerns at the meetings. SHAWN MARTIN has a video tape of the Police Officers discussing the condo docs that the President, Patty Sabates, discussed with these officers. SHAWN MARTIN explained to them that they were violating my rights by asking him to leave a meeting, but they insisted so SHAWN MARTIN reported them and sent the video to the City of Plantation Internal Affairs Division which they quickly corrected this matter, per Sergeant Christopher King. (Attached Supporting Documentation: links to YouTube videos that contain video evidence of these statements in video footage from 2023-2024 Omega Villas Board Meetings & also actual Liens on our four subdivisions (Phases) signed by the City of Plantations Special Magistrate.)

Allegation 2

Allegation:

Financial Issues

List Each Issue. If possible specify the provisions in the condominium act, or the cooperative act if applicable, which you allege have been violated:

The next issue is they have been hiding the total cost of our construction project from our community. We secured a \$4.6 Million Loan from Banco Popular, but our true construction cost is somewhere between \$6 to \$8 Million or more for which we dont have the money. We calculated our expenses to be \$4.85 Million for the Construction Company Loan, so we would still owe \$285k after the construction is completed. Then, we have extra expenses such as tree trimming, engineers that are overseeing the construction, tree trimming and landscaping to clear the construction sites, foundation repairs to lift some of the buildings that are sinking, as well as other miscellaneous expenses. We do not have a budget, or at least our unit owners havent seen one, or financial plan on how we will pay all these costs for this construction project. We have videos and examples that the Board has been lying to us about our financial affairs.

Allegation 3

Allegation:

Financial Issues

List Each Issue. If possible specify the provisions in the condominium act, or the cooperative act if applicable, which you allege have been violated:

Cost of our 2023-2024 Recertification Estimations???

1. \$4.85 Million to Austro Construction - \$285k will be due upon construction completion.

2. \$\$\$ to S&D Engineering we hired a project manager without Board approval (possibly requested by Patty Sabates) we dont have any projections of how much this will cost the community through the duration of this project. They hired the project manager, Larry, sometime around April-May 2024. To date, we have spent \$1 million and mostly to the repairs in the Phase 4 subdivision where the President lives. That means we likely only have around \$3.6 million left to repair all the other phases. The President first released a construction schedule to fix the worst roofs in the community but then changed it to her subdivision when our group started trying to end the corruption. However, our biggest concern is that we will run out of money before the construction is completed!

3. Landscaping and tree trimming we are spending thousands to cut down trees and stump grinding so we have no idea how much this will be at construction completion. We have no idea how much this will be by the end of the construction. Now, we have a new estimate for foundation dirt and sod installation of \$7,200, and we have leaky roofs that havent been repaired yet. (Attached Supporting Documentation: ProScapes Estimate for Sod and Dirt & Solid Foundations Estimate for foundation repairs.)

Allegation 4

Allegation:

Financial Issues

List Each Issue. If possible specify the provisions in the condominium act, or the cooperative act if applicable, which you allege have been violated:

- 4. Sprinkler Repair** we are having to pay for sprinklers that get damaged during construction.
- 5. City of Plantation Liens and Fines** Since 2022, we have been accruing liens and fines on all of our 4 subdivisions (we call them Phases). We had to contact the City of Plantation ourselves to determine how much the fees were and then Shawn Martin, finance professional, calculated that they would be \$1.5 to \$2.1 million for the 2-to-3-year construction period. We have yet to be advised of these numbers by our Board. Only Shawn Martin has brought these figures to the attention of the unit owners. The reason our fines are so much appears to be that Patty & Blaire plus others that were on the Board in 2007-2008 hired unlicensed contractors for which the work was never corrected so the City of Plantation has continued to hold us accountable including severe fines. As of today, we are at approximately \$600k +/- in fines that have accrued. (Attached Supporting Documentation: Liens placed on all Phases from the City of Plantation Special Magistrate.)
- 6. Austro construction** is trying to state that we must replace our second story windows to possibly all of our windows. They have given us so many excuses because they just cant replace the siding and make the hurricane code upgrades without breaking our current windows. Refer to exhibit
- 7. Total Construction Project Cost** = \$4.85 Million to Austro + \$2.1 Million to City of Plantation + Any Other Expenses = \$6.95 Million plus the miscellaneous expenses mentioned above, so guessing \$6 to \$8 Million in total costs for this construction project. We only have a loan of \$4.6 Million at the moment for this project and there is no budget or financial plan in place for this project.
- 8. The \$4.6 Million Loan** has been divided up amongst all 128-unit owners so we ALL will now have a 20-year loan to pay starting in July of 2024 with no sound budget or financial plan in place. The accounting firm, Juda Eskew & Associates, has not given us our coupon books yet either for which the payment is due July 15, supposedly.
- 9. We cannot trust any contractors or service providers** that were hired by this rogue Board. They have all been documented on video over the past 10 months of lying to the

unit owners. It appears that the rogue Board Members are using our contractors and service providers to provide false information to unit owners to further spread more possible misinformation to false information. i.e. Shawn Martin emailed the Chief Structural Inspector for the City of Plantation and he stated that our window systems are not required to be replaced as a part of this 40-year recertification project. Yet, Austro, S&D Engineering and the Board are insisting that we must replace the window systems which by law are a unit owner responsibility according to our Condo Docs. Unit owners are now discussing hiring attorneys to fight this matter in court. (Attached Supporting Documents: Juda Eskew General Ledger Information Document and the two Excel Reports ran in 2024, Hollander, Goode, Lopez letter dated May 3, 2024, Letter from Dorin Frai with no date, Email from Rudy Esteve, Structural Building Chief for the City of Plantation dated January 9, 2024, and the Omega Villas Board Meeting YouTube Videos Regarding Various Confrontations Document.)

Allegation 5

Allegation:

List Each Issue. If possible specify the provisions in the condominium act, or the cooperative act if applicable, which you allege have been violated:

Financial Issues

For other suspicious matters, our new Secretary, Elizabeth Palen, had us meet poolside in 2023 after we received the proposed budget for 2024 to sign a Petition because the budget increased more than 115%. We never received a Special Meeting with the Board as per Florida Statutes and I have an email dated 7.5.24 where I requested this official record according to Florida law. This was also before she was immediately voted President by the 7 suspicious Board Members that we believe based on their actions may be corrupt. And she didnt even submit her resume and was immediately appointed as an Officer of the Board?? Seems very suspicious to our community! (Attached Supporting Documentation: Document titled Omega Villas Budget and Major Items Noticed & Email Discussion with Elizabeth Palen requesting documentation for the emails or other documentation that she submitted for the Special Meeting for the Budget in an email dated 7.6.24)

Allegation 6

Allegation:

Financial Issues

List Each Issue. If possible specify the provisions in the condominium act, or the cooperative act if applicable, which you allege have been violated:

So, we have no idea how much this construction project will cost this community. Further, since unit owners are responsible for replacing our windows. The Board came up with some window options back at this projects commencement in 2023 and have been trying to push these windows on the community. We have videotapes of them stating unit owners must replace all their windows to now just the windows that are 2nd story tall. We have videos of all these statements. The community is already struggling with these added costs, so we dont need any more costs associated with this project until its completion. (Attached Supporting Documentation: 1. Letter with no date posted to all of our doors from Dorin Flai, 2. Letter dated May 3, 2024, from Hollander, Goode, and Lopez law firm and a response from Shawn Martins attorney at Glantz Law letter dated 6.26.24.)

Allegation 7

Allegation:

List Each Issue. If possible specify the provisions in the condominium act, or the cooperative act if applicable, which you allege have been violated:

Financial Issues

Our HOA fees for maintenance alone have jumped to historical astronomical levels from 2023 to 2024. Our community is suffering from this, and we dont have a sound financial plan on how to get out of this situation. We also have reported possible election tampering that we noticed in March of 2024 which is under investigation in DBPR Case No. 2024019952 Omega Villas Condo Association, Inc. However, the bottom line is that we dont have clear transparency here, we dont know our financial situation, and we dont know if we will have the money to pay for all these costs or if we will run out of money during this construction process. The latest attempt to hide this financial information, in my opinion, was Juda Eskew removing transaction notes in the electronic General Ledger that Board Members have access to. I have also been blocked recently from being about to run any further reports or see any financial information that the other Board Members have access to. (Further, the Board read this complaint in an open Board Meeting with our community to try to villainize me for filing this complaint attached video links document the Omega Villas Board Meeting YouTube Videos Regarding Various Confrontations Document.)

Allegation 8

Allegation:

List Each Issue. If possible specify the provisions in the condominium act, or the cooperative act if applicable, which you allege have been violated:

Financial Issues

In July to August of 2023, Shawn Martin placed his home on the market and couldnt sell it because of the high HOA fees. So, we are trapped here as we cannot sell our homes or refinance or at least it is very hard to. (Attached Supporting Documentation: Copy of Shawn Martins listing dated around February of 2024). We had at least 5 or more people unable to sell their homes at that time. Also, we could not refinance our homes at a decent interest rate because we were under the 40-year renovation construction, and we were advised this by 5 mortgage brokers in 2023.

Allegation 9**Allegation:**

List Each Issue. If possible specify the provisions in the condominium act, or the cooperative act if applicable, which you allege have been violated:

Financial Issues

Our community needs the Florida DBPRs assistance in making sure these financial issues are corrected quickly. Our community needs to gain access to capital to ensure our \$6 to \$8 Million 40-year recertification project is a success and we cannot do this under these corrupt conditions. Thus, we need to maintain a responsible HOA Board that is clear and transparent with all our financial issues. These are possible financial issues that the DBPR should have direct oversight of and our community hopes that they will investigate these matters as they are destroying the financial affairs of our community!

Respondent**License Type:****Condominium Project****Organization Name:****Omega Villas Condominium Association, Inc.****Address:****1713 NW 72ND AVE.****C/O Hollander, Goode & Lopez PLLC****314 South Federal Highway, Dania Beach,****Plantation, FL****33313****US****Phone Number:****954-923-1985****Extension:****Complainant****First Name:****Shawn****Last Name:****Martin**

Address: **1760 NW 73rd Ave.**
Plantation, FL
33313
US

Phone Number: **954-716-0915**

Extension:

E-mail Address: **smartin@isccompany.net**

Attachments

1.2023_09_18_09_28_24Scan2.pdf

1.1.24to6.7.24LedgerAllAccountsSMCustomi
zed6.7.24.xlsx

2.BUDGETIMPORTANTISSUESNOTICED.d
ocx

1760NW73rdAveUnit48PlantationFL33313_r
ealtor.com.pdf

GlantzLawLtr6.26.24.pdf

JudaEskewAccountingDiscrepanciesNoticed
TransactionSupportRequests6.28.24.pdf

JudaEskewLedgerInformation.docx

LedgerAllAccountsfrom1123to32624.xls

LinkstoYouTubeVideosofBoardMeetingsExhi
bit1B.docx

Phase1Lien3.pdf

Phase2Lien1.pdf

Phase3Lien.pdf

Phase4Lienconfirmation.pdf

Phase4Lien.pdf

RE_EXTERNALSENDEROmegaVillas40Yea
rRecertificationDiscussion.pdf

Re_MinutesSMResponsetoElizabeth7.5.24.p
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