

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

SHAWN MARTIN,

Petitioner,

v.

OMEGA VILLAS CONDOMINIUM
ASSOCIATION, INC.,

Case No. 2024-03-7842

Filed with
Arbitration Section

Respondent.

JUL - 3 2024

ORDER REQUIRING AMENDED PETITION and
FILING OF ASSOCIATION DOCUMENTS

On July 1, 2024, Shawn Martin (Petitioner) filed a petition for non-binding

arbitration that named Omega Villas Condominium Association, Inc., as the respondent.

The petition must be re-filed for the reasons stated below:

1. All documents were filed double sided.
2. The type face used in the petition is 10 and 8 point type.
3. The petition was not accompanied by a full set of Association documents.

ORDERED:

Petitioner shall, by **July 19, 2024**, refile the petition such that:

- a. All documents are filed single sided.
- b. Petitioner uses 12 point Arial or Univers type face.
- c. Petitioner files a complete set of governing documents.

Done and Ordered on July 3, 2024, in Tallahassee, Leon County, Florida.

J.A. Spejankowski
J.A. Spejankowski, Arbitrator

Dept. of Business and Professional Regulation
Division of Florida Condominiums,
Timeshares and Mobile Homes
Arbitration Section
2601 Blair Stone Road
Tallahassee, FL 32399-1030
Telephone: 850.414.6867
Facsimile: 850.487.0870

Copy via US Mail to:

Shawn Martin
1760 NW 73RD Ave
Plantation, FL 33313

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

IN RE: PETITION FOR ARBITRATION

Petitioner(s) (name of association
or unit owner filing petition),

V. Case No. _____
(To be assigned by Division)

Respondent(s) (If Petitioner is
an association, the name of unit
owner, and tenant if applicable. If
Petitioner is a unit owner, the name
of the association).

_____/

MANDATORY NON-BINDING PETITION FORM

The original petition for arbitration, which shall be accompanied by a \$50 filing fee
and 1 copy of the petition for each named respondent, shall be mailed to:

Department of Business and Professional Regulation
Attn: Arbitration Section
Capital Commerce Center
2601 Blair Stone Road
Tallahassee, Florida 32399-1030

In the case of a condominium dispute, Petitioner shall attach one complete copy of the
current bylaws, articles of incorporation, declaration of condominium and rules and
regulations, including any amendments to each, and a copy of pertinent portions of the
documents for each named respondent. In the case of a cooperative dispute, Petitioner

shall attach one complete copy of the articles of incorporation, bylaws, proprietary leases, and rules and regulations, including any amendments to each, and a copy of pertinent portions of the documents for each named respondent.

Name, mailing address, and phone number of party filing petition (if the party filing the petition is an association, provide both the street address and mailing address, if different, for the association:

Shawn Martin; 1760 NW 73rd Ave., Plantation, FL 333313; 954-716-0915

Name, mailing address, and phone number of Petitioner's representative, if any:
Self.

If Petitioner's representative is not an attorney, attach DBPR form ARB96-002, QUALIFIED REPRESENTATIVE APPLICATION, as required by Rule 61B-45.004, Florida Administrative Code.

The name, mailing address, and phone number, if known, of each Respondent (if Respondent is an association, give the name and address of either the president or the secretary of the association or the registered agent of the association):

Mailing: Attn: Hollander, Goode & Lopez PLLC; 314 South Federal Highway, Dania Beach, FL 33004 (Registered Agent)

Assoc. Street: 1713 NW 72nd Ave., Plantation, FL 33313; Management Phone: 954-695-9200

Patty Sabates, President of Omega Villas Condo Assoc.

If the dispute involves a tenant or guest, the name and mailing address of that

person:

_____.

The arbitrator only has jurisdiction over those complaints which meet the definition of "dispute" in section 718.1255, Florida Statutes. Check the appropriate sub-section from section 718.1255(1), Florida Statutes, which provides the jurisdictional basis of your dispute:

(1) DEFINITIONS. -- As used in this section, the term "dispute" means any disagreement between two or more parties that involves:

- (a) The authority of the board of directors, under this chapter or association document to:
- _____ 1. Require any owner to take any action, or not to take any action, involving that owner's unit, or the appurtenances thereto.
- _____ 2. Alter or add to a common area or element.
- (b) The failure of a governing body, when required by this chapter or an association document, to:
- _____ 1. Properly conduct elections.
- _____ 2. Give adequate notice of meetings or other actions.
- _____ 3. Properly conduct meetings.
- _____ 4. Allow inspection of books and records.
- _____ x

A dispute does not include any disagreement that primarily involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment; the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.

STATEMENT OF THE FACTS

Explain the dispute, including all relevant facts. Each fact must be set forth in a separate paragraph. Be sure to attach copies of all relevant documents as exhibits to the petition. (If more space is needed, attach a separate sheet of paper):

(1) Shawn Martin properly submitted two certified mail request for records on August 30th, 2023.

Copies of mailing and delivery receipts are attached.

(2) Instead of fulfilling my request, I was deferred to attorney Hollander. Who, in my opinion,

placed tons of emails (road blocks) to try to kill my request (email correspondence attached). Then,

I had to go down to her office only to receive 1/4 to 1/3 of the records that I requested.

(3) After this meeting, I had to continue email correspondence with the Management Company
to obtain all the other records that I was missing (email records attached).

The deadline for delivery of the records passed per Florida statute, and I notified Management (via
Email - attached).

(4) So, in all there were 1 visit to Dania Beach (Hollander) and 4 to 5 visits to
Plantation (Management's Office) to obtain all the records I requested, now past the 10
days or \$500 that I am entitled to collect per Florida Statutes.

(5) Given there were City of Plantation Liens and Fines Notices going on since 2022,

it appears to me that they didn't want me collecting this information and alerting the community, which
I did once I received and reviewed the records. These Liens and Fines were mostly due to past
unlicensed contractor work done in 2007 that was never corrected. Actually, a law firm was hired
(6) _____

to defend the Board and they stated to the City of Plantation, I believe, that they would correct this work

However, this never happened and now the Fines will be up to \$2.1 Million by the completion of our \$4.8
Million renovation project!!! OUR COMMUNITY PRAYS THAT FLORIDA WILL INVESTIGATE THIS!

If the dispute involves the collection of a fine previously imposed by the association
pursuant to section 718.303(3) or section 719.303(3), Florida Statutes, include those facts
which show that the association already has complied with the notice and hearing
requirements of the applicable statute:

_____.
Identify and quote each specific division rule, portion of the statute, or specific provision from the governing documents which entitles you to relief.

(a) As a Unit Owner and Member of the Condominium Association and pursuant to s.718.111(12), Florida Statutes, the undersigned hereby requests to inspect and copy the following official records of the Association.

This written request is made pursuant to s. 718.111(12), Florida Statutes, and has been sent via certified mail.

(b) Florida law requires that "The records of the association shall be made available to a unit owner within 5 working days after receipt of written request by the board or its designee."
Further, "The failure of an association to provide the records within 10 working days after receipt of a written request shall create a rebuttable presumption that the association willfully failed to comply."

(c) As per the attached Yahoo email evidence, Jay acknowledged receipt of my request on 9/1/23.
As per my attached Yahoo email to Jay on 9/23/23, I notified Jay that the 10 business days had passed and my request was not fulfilled within 10 business days per Florida Statutes.

REQUEST FOR RELIEF

State the relief which you seek in arbitration, i.e., what is it that you want the arbitrator to require the Respondent to do or not to do
I believe since this was a blatant disregard of my unit owner rights, I am due the \$500 penalty.
Further, this notice should be retained as public information of the issues contained within our
Omega Villas Condominium Association and hopefully, we pray, it will be properly investigated.

Pursuant to section 718.1255(4)(b), Florida Statutes, before filing a petition for arbitration, the petitioner must provide the respondent with advance written notice of the specific nature of the dispute, a demand for relief and a reasonable time in which to comply, and notice of intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute. State the efforts you have made to comply with these statutory, requirements and attach copies of all letters or other documents sent to the respondent demonstrating compliance with the above-referenced statute:

Yes, I have an email documentation attached of all my efforts including 4 to 6 trips to


Sunrise Management's Office (Jay). The appropriate records are attached.

_____.

If the petition is filed by two or more petitioners, the name and mailing address of one person designated to receive all pleadings and orders on behalf of all individual petitioners:

_____.

If you have filed a complaint with the Bureau of Condominiums pursuant to Rule 61B-19.002, Florida Administrative Code regarding the same issue(s) raised in the petition for arbitration, provide the case number of the condominium complaint. _____



Signature of each Petitioner,
Petitioner's(s') attorney, or
Petitioner's(s') representative