

HARASSMENT COMPLAINT AND USING COA/HOA RESOURCES AGAINST WHISTLEBLOWING UNIT OWNER THAT IS NOW A BOARD MEMBER – RETALIATION AGAINST UNIT OWNER

This complaint is regarding a complaint against some of the Board Members at my Condo Association, Omega Villas Condominium Association, Inc., retaliating against me for informing the community about all of their possible law violations which appear to violate Florida's SLAPP suit condominium laws which were expanded from 2016 to date. Now, the DBPR has the authority to investigate this activity as I have reported many other possible law violations including some that relate to this complaint to the Plantation Police Department and to the Broward County State Attorney's Office, the Florida Attorney General's Office, the FTC and the FBI. Yet, I don't believe a proper investigation has been conducted to date. However, there are several DBPR investigations started for our 2024 annual Board Member election, accounting firm (Juda Eskew & Associates), COA management firm (Sunrise Management), and a Florida Bar investigation for our COA/HOA attorney (attorney Rhonda Hollander). I have a history and full records, photos, and videos of these Board Members using COA/HOA funds against me as a unit owner and Board Member. Further, these and similar actions have also been reported in 2008, after I was on the Board at that time. I have a full history of this information. Now, the Board Members that I am providing support for their attacks on me are Blaire Lapides (Treasurer), Patty Sabates (President), Elizabeth Palen (Secretary), Marjorie Thomas (Board Member), and Eric Richards (Vice President). The attached supporting documents will provide what I believe are proof of their coordinated attacks on me and proof they were using COA/HOA funds and resources (service providers) to conduct these attacks.

Our situation here at Omega Villas Condo Association has layers of complex matters and there are several layers to what I think may be possible corruption to possible fraud rings because of all these nefarious acts of certain Board Members and Service Providers that I have videos, photos, and documentation for which also dates back to 2008. In my opinion, the system is corrupted here, and we need a complete 360-degree system change from our Board to our contractors to our service providers. However, this complaint is specifically focused on the SLAPP suit law retaliatory actions that stemmed from the Board's attack on me using COA/HOA resources which is now explicitly prohibited by law. And I need immediate protection as they are trying to prevent any emergency roofing work from being performed on my home (where I have had a major active water leak since 2022 or before). This is why the complaint is separated from the rest of the complaints that have been filed on specific other possible legal violations. I will also include a copy of the active investigations for your reference. (Refer to PDF file names: **Exhibit 1E.pdf, OMEGA VILLAS COMMUNITY NOTIFICATION - 1st Section - Stapled (Final).pdf, and Records & Sources - 2nd Section - Stapled (final).pdf** Then, refer to the Board's retaliation letter sent out in this file: **20231201_Omega Villas Condominium Association Inc..pdf** & my request for the retaliation letter to be removed from the Association website in this file: **Email to Jay & Eric about Defamation Info on Website 3.21.24.pdf**) These files provide a good background and history of the Board Members' actions and their past activities that lead up to the personal attacks on me and my property to date with the last attack on my property and I occurring on July 23, 2024.

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1) Possible violation of Florida Statute on unit owner harassment especially when a whistleblower unit owner and board member.

718.1224 Prohibition against SLAPP suits; other prohibited actions.—

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(1) It is the intent of the Legislature to protect the right of condominium unit owners to exercise their rights to instruct their representatives and petition for redress of grievances before their condominium associations and the various governmental entities of this state as protected by the First Amendment to the United States Constitution and s. 5, Art. I of the State Constitution. The Legislature recognizes that strategic lawsuits against public participation, or “SLAPP suits,” as they are typically referred to, have occurred when association members are sued by condominium associations, individuals, business entities, or governmental entities arising out of a condominium unit owner’s appearance and presentation before the board of the condominium association or a governmental entity on matters related to the condominium association. However, it is the public policy of this state that condominium associations, governmental entities, business organizations, and individuals not engage in SLAPP suits, because such actions are inconsistent with the right of condominium unit owners to participate in their condominium association and in the state’s institutions of government. Therefore, the Legislature finds and declares that prohibiting such lawsuits by condominium associations, governmental entities, business entities, and individuals against condominium unit owners who address matters concerning their condominium association will preserve this fundamental state policy, preserve the constitutional rights of condominium unit owners, ensure the continuation of representative government in this state, and ensure unit owner participation in condominium associations. It is the intent of the Legislature that such lawsuits be expeditiously disposed of by the courts. As used in this subsection, the term “governmental entity” means the state, including the executive, legislative, and judicial branches of government; law enforcement agencies; the independent establishments of the state, counties, municipalities, districts, authorities, boards, or commissions; or any agencies of these branches that are subject to chapter 286.

(3) It is unlawful for a condominium association to fine, discriminatorily increase a unit owner’s assessments, discriminatorily decrease services to a unit owner, or bring or threaten to bring an action for possession or other civil action, including a defamation, libel, slander, or tortious interference action, based on conduct described in this subsection. In order for the unit owner to raise the defense of retaliatory conduct, the unit owner must have acted in good faith and not for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. Examples of conduct for which a condominium association, an officer, a director, or an agent of an association may not retaliate include, but are not limited to, situations in which:

(a) The unit owner has in good faith complained to a governmental agency charged with responsibility for enforcement of a building, housing, or health code of a suspected violation applicable to the condominium;

(b) The unit owner has organized, encouraged, or participated in a unit owners’ organization;

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(c) The unit owner submitted information or filed a complaint alleging criminal violations or violations of this chapter or the rules of the division with the division, the Office of the Condominium Ombudsman, a law enforcement agency, a state attorney, the Attorney General, or any other governmental agency;

- (d) The unit owner has exercised his or her rights under this chapter;
- (e) The unit owner has complained to the association or any of the association's representatives for the failure to comply with this chapter or chapter 617; or

(f) The unit owner has made public statements critical of the operation or management of the association.

(4) Evidence of retaliatory conduct may be raised by the unit owner as a defense in any action brought against him or her for possession.

For other examples of retaliation, from on/before 2022 to the present, Shawn Martin has had severe roof leaks which apparently got extremely worse around December of 2023, which was after Austro Construction was on his roof in November of 2023 to obtain the roofing permits. Shawn heard the stomping and jumping on his roof. His neighbor also witnessed them walking away from our building carrying a ladder. Afterward, the water intrusions multiplied to where they were impossible to contain without an emergency roof repair (I have time and date-stamped photos and videos of these incidents including the extra water that was intruding). So, I, Shawn Martin, hired roofers in to make emergency repairs since the Board had not done so since his lawsuit was settled in July of 2023 by the insurance company. Per his attorney's advice as part of the lawsuit settlement, the Association was still responsible for making emergency repairs to prevent water intrusions. Shawn was advised by his attorney to notify the Board of the emergency repairs and to let them know about the severity of the flooding in December of 2023. Yet, the Board came out with their representatives from Austro Construction and S&D Engineering to only try to find fault in the roof repairs licensed general contractor and roofing contractors, Fair Contractor, LLC that Shawn hired to make these emergency repairs. This was followed up by an email from Jay trying to pin the leaking on my contractors that just made repairs. Granted the Board is the underlying culprit in all these decisions which for all these years has mostly been Patty Sabates, Blaire Lapidus, and Norma and Ken Aker. However, Jay has played his part in spreading lies through our community, interfering with my contractors trying to make repairs to my home, and misinforming the unit owners when their properties would be repaired. **(Refer to the PDF files named: Notice of Leaks 2.20.24, PHASE 2 UNIT WATER DAMAGES, Re_ Unit 1760 - Phase 2 - Omega Villas - from Jay 2.21.24, Unit 1760 - Phase 2 - Omega Villas - from Dorin 2.21.24.) Note: these files reflect Jay from Sunrise Management trying to deflect the water damage leaks on my roof contractors that were just hired when these leaks were occurring since before 2022.**

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2) Other examples of a possible violation of Florida Condominium Association SLAPP Suit Laws under section **718.1224**. These examples are of the Board of Directors using COA/HOA resources to attack a whistleblower, unit owner and board member.

A. The latest incident relating to his emergency roof repairs was on July 23, 2024 when Mike Rafidi, Jay Pietrafetta, and Dorin Frai (Austro Construction Project Manager) (ALL COA/HOA RESOURCES) came out and harassed Shawn Martin's roofers that had come out to make emergency repairs for water leaks. Shawn got into a confrontation for which he took photos and videos of the three of them harassing and taking photos of his contractors! Yet, they have not offered to make the emergency repairs to his roofs because he is the whistleblower that has exposed all of their other negligence to other issues ranging from DBPR complaints filed on Austro Construction, Juda, Eskew & Associates, and the Board of Omega Villas Condo Association for multiple issues relating to possible corruption to possible fraud. A bar investigation was also started for the COA or HOA attorney Rhonda Hollander that represents Omega Villas Condo Association. Also, after the confrontation, I received a WhatsApp harassment text from Marjorie Thomas one of the possible rogue Board Members that indicates she was aware that Jay was going to confront me as well as the fact that she doesn't care if my home is flooded and damaged to continued harassment. Photos of Jay and Mike Rafidi and Dorin from Austro Construction on my property harassing my contractors. (**Refer to file names:) (Refer to the WhatsApp discussion with Marjorie Thomas (Board Member) in the file named which was sent to Margaret at the Broward County State Attorney's Office: Fwd_ Update on Investigations 7.31.24.pdf**)

Given that I am a whistleblower and have announced this to the Board and Community multiple times. There have been many personal attacks which one of them in the latest is the harassment of my roofing contractors that were repairing an emergency leak on my roof that the Board has repeatedly ignored for many years now, even after the lawsuit I filed was settled in July of 2023. This is a repeat of the aforementioned water leak issues but is important for the protection that the law is now given for SLAPP suit victims of Condo Associations. (**Refer to PDF file names: Fwd_ Update on Investigations 7.31.24.pdf, Notice of Leaks 2.20.24.pdf, and PHASE 2 UNIT WATER DAMAGES.pdf.**)

Now, they never offered to make emergency repairs they have ONLY tried to criticize the repairs my properly licensed contractors Fair Contractor, LLC made. They even threw their COA/HOA attorney (Rhonda Hollander) at me to try to prevent me from making repairs rather than actually making the emergency repairs. (**Refer to PDF file names: Unit 1760 - Phase 2 - Omega Villas - from Dorin 2.21.24.pdf, and even Jay tries to place the water leaks on my contractors here in file named Re_ Unit 1760 - Phase 2 - Omega Villas - from Jay 2.21.24.pdf.**)

B. The first attack rather than repairing my leaks was by Jay, attorney Hollander, and the Board displayed in the following files. The Board never offered to make emergency repairs to my leaking roof. (**Refer to PDF file names: Re_ Unit 1760 - Phase 2 - Omega Villas - from Jay 2.21.24.pdf where Jay tried to blame the years of water leaks on my brand new contractor. This was followed by attorney Hollander's letter to my attorney included in the Florida Bar Complaint support in the file named Hollander_Bar_Complaint_Letter_&_Supporting_Documents v2.pdf and SM FL BAR RESPONSE LETTER PCKG 7.1.24.pdf which resulted in an active Florida Bar Complaint investigation.**)

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I will be filing an additional complaint to the DBPR for SLAPP suit protection against all these attacks on my person property and in the Board Meetings under a separate DBPR complaint.

C. Further, for a longer history into these and other matters with Jay's involvement, I have the following additional files and video footage with summaries. Jay is linked to most of these matters as the CAM manager of our Condo Association. (**Refer to PDF file names: OMEGA VILLAS COMMUNITY NOTIFICATION - 1st Section - Stapled (Final).pdf, Records & Sources - 2nd Section - Stapled (final).pdf, and New & Recap of Highlights of the Package v6 (working document).pdf.**)

D. Also, Shawn Martin reported a police case which was also ultimately sent to the Broward County State Attorney's Office, where his roof had what appeared to be cut in several locations which explained new leaks that emerged in November of 2023 to 2024. However, one of the bathroom leaks was left unrepaired back from 2007 to 2008. The Board has paid over \$100,000 in roof repairs throughout our community to Austro Construction from 2017 to 2022 but yet could never make proper emergency repairs to Shawn Martin's roof. So, he reported this to the police department and then to the Broward County State Attorney's Office and started working with Margaret Carpenter, Assistant State Attorney in Charge, Misdemeanor Trial Unit. She recommended that Shawn file a police report to open an investigation into possible financial crimes. This is why we are also making a complaint here. This documentation is also attached for your review. When is enough of this going to be enough, I think the DBPR should open a formal investigation with the Broward County State Attorney's Office as now we have Millions of Dollars involved here! (**Refer to the PDF file named: 2017 to 2022 Austro Construction Repairs to Roofs & Other HOA Items.pdf**)

3) A. INFORMATION ABOUT OTHER BOARD ROOM ATTACKS AND RULES TO TRY TO CONTROL INFORMATION ON THE FLOOR TO CONTROL WHO CAN SPEAK AT MEETINGS. Given that I confronted the Board about issues that appeared to be corrupt practices to possible fraud and about not being able to obtain COA/HOA records per my arbitration complaint that was filed, the group of seven individuals banned together to pass a host of rules designed to control the floor so information could not be presented at the meetings. I objected to these what I call "hush" rules because given the circumstances and their past behavior it appears that the group of five to seven individuals (Patty Sabates, Blaire Lapidus, Elizabeth Palen, Eric Richards, Marjorie Thomas, Maude King Bruce & Maritza Wilhelm). I am providing video evidence and emails of these attacks on me starting with the creation of what I call "hush" rules and given that I am the communities "whistleblower" which was also exhibited when I was a Board Member back in 2009. I also tried then to get the Florida Attorney General, Governor, Condominium Ombudsman, and the City of Plantation Building Department involved in these affairs. I have all the records of these activities back then as well. (**Refer to the following files: Re_Proposed Documents for review and discussion for BOD meeting on 04.02.24.pdf & 78240324_NEITHER PARTY TO THIS DISPUTE SHALL EMAIL THE ARBITRATOR.pdf**)

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B. PATTY SABATES, PRESIDENT, USING A POLICE OFFICER TO REMOVE SHAWN MARTIN, BOARD MEMBER AND UNIT OWNER FROM A BOARD MEETING ON VIDEO: The below Excerpt is from an advisory informational packet given to Unit Owners in our Community and in this example Patty Sabates, President, requested for a City of Plantation Police Officer to illegally get me removed from a Board Meeting: ASK YOURSELF WHY ARE ATTORNEYS, CONTRACTORS, AND POLICE AT EVERY MEETING NOW. THEY SHOULD ONLY BE THERE FOR SPECIFIC ITEMS THAT NEED TO BE DISCUSSED WITH THE COMMUNITY! WE HAVE THE CITY OF PLANTATION ON VIDEO IN THE 5.22.24 MEETING WHERE THE CITY OF PLANTATION POLICE OFFICER WAS READING BOARD RULES AND GETTING INVOLVED IN OUR BOARD AFFAIRS. HE ILLEGALLY REQUESTED SHAWN MARTIN TO LEAVE THE MEETING AND WASN'T TAKING NO FOR AN ANSWER EVEN AFTER SHAWN CONFRONTED THESE OFFICERS ABOUT HIS CONSTITUTIONAL, CIVIL AND PROPERTY RIGHTS THAT WERE GETTING VIOLATED. **Video link: <https://youtu.be/0Yn9UNtg9Ag>**

(Refer to the attached file: Discussion About COP PD illegally removing Shawn from Meeting -- 5.28.29.pdf,

C. EXAMPLES OF BOARD MEMBER EMAIL ATTACKS ON SHAWN MARTIN. The following emails are examples of direct attacks on Shawn Martin against his efforts to stop the possible corruption to possible fraud in this community. (Refer to the files named: Discussion About COP PD illegally removing Shawn from Meeting -- 5.28.29.pdf, Email Correspondence -- Elizabeth Statement & Attack -- 4.5.24.pdf, Fwd_Juda Eskew Accounting -- Forwarded Convo to MTC-- 8.9.24.pdf, Fwd_Update on Investigations -- Marjorie Complaint to MTC 7.31.24.pdf, Jay's Response to my email 3.21.24.pdf, Re_Blaire trying to state Shawn Nominated himself for president -- 4.2.24.pdf, Re_Board Meeting 4-2 -- Confronting Board About Money Spent -- 4.3.24.pdf, Re_Board Meeting 4-2 -- Eric Confronting Shawn -- 4.3.24.pdf, Re_Board Meeting 5-21 -- Maude Discussion on Attacks -- 5.20.24.pdf, Re_Email Correspondence -- Elizabeth Discussion on Exhibit in Complaints -- 4.6.24.pdf, Re_Email threads and need-to-know information -- Elizabeth's Contributions -- 4.20.24.pdf, Re_Email threads and need-to-know information -- Maritza's Participation -- 4.20.24.pdf, Re_HOA Authorization Letter Needed -- Blaire Attack -- 8.11.24.pdf, Re_House numbers -- Patty Stating She Won't Respond to Emails -- 4.29.24.pdf, Re_Insurance renewal Board Meeting -- Jay Attack -- 5.29.24.pdf, Re_Jay_windows mailing -- Rhonda Mailing on Windows -- 5.9.24.pdf, Re_Juda Eskew Accounting -- Construction Expenditures -- 8.9.24.pdf, Re_minutes -- Elizabeth & Kareem Discussion -- 4.3.24.pdf, Re_minutes -- Marjorie & Blaire Convo -- 4.3.24.pdf, Re_Phase 2 Proxies -- Maude on why Phase 2 isn't Signing Up for Colors -- 4.2.24.pdf, Re_property manager -- Blaire Majority of the Board Discussion - 5.22.24.pdf, Re_RESPONSE to Shawn Martin's Email About Lawsuits -- Claims with Hector -- 6.21.24.pdf, Re_RESPONSE to Shawn Martin's Email About Lawsuits -- Patty -- 6.21.24.pdf, Re_RESPONSE to Shawn Martin's Email About Lawsuits 6.21.24.pdf, Re_Rules & Regulations -- Blaire Attacks -- 6.25.24.pdf, Re_Rules & Regulations -- Marjorie Attacks -- 6.25.24.pdf, Re_Rules & Regulations -- Marjorie Attacks 2 -- 6.25.24.pdf, Re_Signed Resolution -- State Attorney's Office Discussion -- 4.9.24.pdf, Re_Stop With The Use Of Profane Language! -- Maritza -- 8.9.24.pdf, and Re_Stop With The Use Of Profane Language! -- Marjorie & SM Discussion -- 8.9.24.pdf)

D. INFO ABOUT PATTY THREATENING ME. **Patty attacks Shawn in Board meeting trying to villainize him over filing complaints and stating that she will take revenge on him.**

<https://youtu.be/cXN8LKJxwpU>

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Refer to the last official 4.2.24 Board Meeting where the Board Member was attacked by Patty (name calling) and also telling him to F-off! <https://youtu.be/OLWzo2N-wpg>

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4) The next issue relates/stems from what I perceive as a personal attack on my property, Austro Construction pulled a roofing permit on my building back on 11/20/2023 to reroof the entire building 10 in Phase 2 (subdivision), my building and my unit #48. (**Refer to the attached documents with the file names: Date Permit was pulled on 1760 Building.jpeg, City of Plantation Permits pulled online on 2.4.24 & 1740 Phase 2- Plantation E-Permit Online Portal 5 & 1701 Phase 2 - Plantation E-Permit Online Portal 5 as the permits were pulled under the unit owner's name for the first unit in each building.**) The reason this is important is that our original construction schedule had two of the worst buildings in each subdivision (Phases 1 to 4) getting reroofed first to stop the leaky roofs. Further, the Board issued an informational document which had the building schedule in document given to everyone in a Board Meeting in November of 2023. (**Refer to the attached document Omega Villas 40-year Recert. Information 11.7.2023**) This schedule was changed at the last minute because our apparently to the best of our understanding, our Board and Austro were trying to get our community to commit to changing their window systems. The reason Austro stated this schedule change was required was because they were saying they needed additional structural permits before they could repair the roofs. We don't believe this because we checked all the permits that were pulled in Phases 1 to 4 and they were only for roofing permits at this time. Keep in mind that we have had lots of units with leaky roofs since 2006 to 2007 that have never been properly repaired. So, the Board claimed that they wanted to repair the leaky roofs first. Then, they switched the construction schedule to repair Phase 3 roofs and then completely repair Phase 4 where the Board President resides. They didn't notify the entire community of this schedule change, instead they placed a note on the doors of the buildings in Phase 3 and Phase 4 that were scheduled to be reroofed. The rest of the community was not advised of the construction schedule change till I confronted the Board in the next meeting. (**Refer to the attached Exhibit 1F v2.pdf page 33 and 34 of the PDF for the letter sent only to buildings getting reroofed in Phase 3 and Phase 4.**) (**Refer to jpeg file named: Date Permit was pulled on 1760 Building.jpeg.**) Note: they let these two permits expire to take care of Phase 3 and Phase 4 units where Patty Sabates and Ken & Norma Aker live. Jay's continued support was involved in these matters as well. The bottom line here is that my building was scheduled to be the one of the first buildings to be reroofed until Patty Sabates, the President, decided to change the construction schedule without providing concrete evidence of why it needed to be changed. They let the roofing permit that they pulled for these buildings to lapse so this was possibly another waste of our COA/HOA funds.

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Another example of the possible violation of Florida Statute denying me access to unit owner records or at least placing roadblocks in place against access to the records. This was even before I confronted the Board about hiding the City of Plantation fines from the community!

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In August of 2023, I submitted a certified official records request that required me to make at least 4 to 5 trips to Jay and attorney Rhonda Hollander's Offices. This resulted in an arbitration request that was inappropriately ended, in my opinion, after I returned all the requisite information. (**Refer to PDF files: Records Request 1 - Email to Jay & Juda Eskew 3.21.24.pdf, Records Request 2 - Re_Records request 9.12.13 (5).pdf, Records Request 3 - Re_ Records request 9.12.13 (7).pdf, Records Request 4 - Arbitration Letter v2.pdf, Record Request 5 - Revised04052013 (SM Request v2).pdf, Records Request 6 – 20230908.pdf, Records Request 7 - Jay & Juda Eskew 3.21.24.pdf.**)

This was followed by a resubmission per an inquiry I received from the Arbitrator. (**Refer to PDF files named: 78420324_STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONA.pdf, and FedEx Scan 2024-07-17_12-09-53.pdf**) This costed me over \$100 at FedEx for the Shipping and printing copies of all the Condo Docs that I had to send in this second package. Note: the Arbitrator didn't request that I resubmit the entire first package as they were only asking for specific items in the Order stamped on July 3, 2024.

We later discovered after I finally did get the records that the Board and Jay were not disclosing the City of Plantation Liens and Fines that we started getting fined for in 2022. This seems to be the reason behind why they tried to block my records request. I also filed a financial issues complaint recently that includes the details of these fines and other issues that might point to corruption to a possible fraud ring where all the service providers and contractors are doing the Board's possible corrupt initiatives. Jay was the one that delayed this by having me make 5 stops by his office and he NEVER GAVE ME THE S&D ENGINEERING CONTRACT – I REQUESTED ALL CONTRACTS IN MY RECORDS REQUEST! (**Refer to PDF file named: Exhibit 6 which was used in another DBPR financial issues complaint.**) (**Refer to the following supporting PDF file names: Exhibit 1E.pdf, Exhibit 1F v2.pdf, Exhibit 1G.pdf, Exhibit 4.pdf for additional support as further proof of this possible corruption to possible fraud which includes Jay's support in these matters.**)

Board Members involved in these actions: It appears that almost all of Omega Villas' Board (Patty (President), Blaire (former Treasurer & Secretary) and Eric (Vice President) – longest members on the Board) service providers as I now have active or pending investigations for Juda Eskew & Associates (Omega Villas' accounting firm), Austro Construction (Omega Villas' building contractor), Hollander Goode & Lopez (Omega Villas' COA law firm), and now Jay, President of Sunrise Management (Omega Villas' COA management firm since 2013). (**Refer to PDF file names: 20240701_The Florida Bar Response to Inquiry letter.pdf, 20240715_Juda Complaint Investigation 7.15.24.pdf, and Omega Villas Condo Association Inc. Case No. 2024019952 CCCL Letter.pdf.**)

Jay downplayed the City of Plantation Liens and Fines by saying most of these could be reduced to nothing. He made this statement in the October 2023 Board Meeting in front of many unit owners. These fees could be approximately \$1.7 to \$2.1 million by the time the construction is completed in this 2 to 3 year project. They are currently over \$500k and accruing daily fines per each of the 4 subdivisions.