

Florida Bay Club Condominium Association, Inc.

P.O. Box 372520, 103500 Overseas Highway

Key Largo, FL 33037

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**Agenda for Emergency Board Meeting Monday 30th March
7.30 pm in the Association Office**

Agenda/Process

- **7.30 - 7.55:**
 - Each Board Member takes ~3-4 minutes explaining the scenario that they would prefer. The 3-4 minutes includes 1 min Q & A to each member at the end of their opinion. Let's go in this order - Linda, Jack, Robert, Phil, Jim, Mike
- **7.55 - 8.00:**
 - Provide ~1 min quiet time for board members finalize their votes in their mind
 - Tally "final" votes (Bernadette)
- **8.00 - 8.20:**
 - If 3-3 split then take another vote to see if we can get to 4-2
 - If 4-2, or 5-1, can the other person/persons be convinced to go with a consensus position (vs. a strong "no")
 - If position is strongly felt one way or the other that is fine also, then we can just let the vote stand
- **8.20 - 8.30**
 - Summarize decision
 - Finalize communication method to Matt (how/who/when)

Scenario A:

It is a not a loan & there is no expectation for it to be paid back by the owner.

Pro's:

1. Protects an owner from a known trespasser who has a history of being belligerent.
2. Prevents an owner from suing the Association from not putting in place steps (double locks, or further litigation) to prevent the a repeat trespasser from coming on to the property, & precipitating an incident, that would have never happened in the first place if additional safe guards were put in place.

Con's:

1. At what point does the Association stop paying the legal fees? What if it goes on for 2-3 years?
2. If the owner is found guilty, then it puts the burden on the Association to get back the money (in this case without any written agreement that this is a loan between the owner & the Association)

Additional / Related Comments:

If insurance picks up the charges then this may all be a moot issue, & it comes down to addressing why the lateness in submitting the claim. The answer would be then, that it was not considered to file a claim by the manager, since the reasoning was covering an owner as noted above in "Pros, points 1 & 2". And in hindsight filing a claim may have been a prudent thing to do.

If the claim is approved & there is a cap to the legal fees, then there still has to be an explicit/written understanding between the owner & the Association on how that is difference is handled.

Scenario B:

Assuming insurance rejects claim, "All" legal fees a loan. If not acquitted then the owner has to pay it "All" back.

Pro's:

1. The accountability from the Association is limited to the outcome of the charges.
2. It also implies given the history of the Lopez's, that the Board feels that there is high probability that the owner will be acquitted.
3. In the event of an acquittal, there will be validation of the Association that it ensures the protection of its owners

Con's:

1. Legal fees if case gets dragged out
2. Association can still be sued by an owner for letting a known trespasser get on site repeatedly

Scenario C:

Same as Scenario B (i.e., insurance claim rejected), except only the initial legal fees will be a loan. Subsequent legal fees will be owners responsibility, that if acquitted, "all" expenses (initial & subsequent) will be reimbursed to the owner by the Association.

Pro's"

1. Limits Associations liability to the initial legal fees only

Cons:

1. Owner has initial financial burden
2. Association has entire financial burden if owner is acquitted

Scenario D:

Initial legal fees are a loan. If it goes to trail, subsequent legal fees will be owners responsibility (even if acquitted)

If convicted then the initial legal fees should be paid back. If acquitted, or the charges are dropped, then the initial legal fees that was a loan will not have to paid back.

Pro's"

1. Limits Associations' liability to the initial legal fees only

Cons:

1. Association can still be sued by an owner (for the remaining legal fees) since the incident was caused by a known trespasser

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**Minutes of Emergency Meeting Monday 30th March 2015
7.30 pm in the Association Office.**

Vice President Jack Irvin called the Meeting to order and Certified a Quorum of Directors.

Present by conversance call were: Vice President Irvin, Treasurer Linda Kauffman, Directors West, Truran, Benvegna and Gandham.

Manager Bernadette Pinto gave a brief run down on the past three years time line which brought us to this situation and still fighting. The police having been called already this year alone on several occasions, by herself and owners/guest. The reply from the police still being the same we cannot do anything this is a civil case and they would not remove the Lopez's from the property, they would not even look at our Documents, stating that no-one could use the property unless it was their unit booked week.

It was decided that Mrs. Peabody, (not Matt) would not have to pay back the money as too much time had passed. If the charges are not dropped the rest of the fees would come from them.

The Board and Bernadette discussed, that this should have been sorted\handled at lot sooner than it was. But as nothing like this has ever happened before, everyone was given time to digest the situation, then decide and vote.

Moving forward and putting Rules and Regulations in place in-case of something happening again like this, each case would be looked at and a emergency Board Meeting would be called to discuss the situation and want the next step would be.

The Board members voted on the Agenda, the Board voted unanimously for Scenario D.

It was also decided that if in June we did not get the paperwork saying the Lopez's would not be allowed on site, we would hire a lawyer and move forward again to keep them off the property.

Again moving forward to protect owners in future I am having cameras added some moved around, so that if needed we will have complete visual on everything that takes place hopefully.