

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

**IN RE: PETITION FOR RECALL  
ARBITRATION**

**Villages of Rio Pinar Community Association, Inc.,**

**Petitioner,**

**v.**

**Case No. 2016-03-1948**

**Homeowners Voting for Recall,**

**Respondent**

**NOTICE OF FILING DOCUMENTS IN COMPLIANCE WITH ORDER ON  
CASE MANAGEMENT CONFERENCE AND IN SUPPORT OF  
PETITIONER'S AMENDED PETITION FOR MANDATORY BINDING  
RECALL ARBITRATION**

COMES NOW Petitioner, **VILLAGES OF RIO PINAR COMMUNITY ASSOCIATION, INC.**, hereby files the affidavits in support of the timely notice of the elections of November 30, 2015, July 18, 2016 and September 15, 2016 as required by the Order on Case Management Conference dated September 22, 2016 as well as documents in support of the Petitioner's Amended Petition for Mandatory Binding Recall Arbitration.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing Notice has been furnished by U.S mail and Email to **GLENN LANG, SENIOR ATTORNEY**, Department of Business and Professional Regulation, Arbitration Section, 2601 Blair Stone Road, Building B, 4<sup>th</sup> Floor, Tallahassee, Florida 32399; **NANCY P. CAMPIGLIA, ESQ.**, ([ncampiglia@yourtownelaw.net](mailto:ncampiglia@yourtownelaw.net)), on this 22<sup>nd</sup> day of September, 2016.

Respectfully Submitted,

*Barbara Billiot Stage*

Barbara Billiot Stage, Esq.

Email: [barbara.stage@stagelaw.com](mailto:barbara.stage@stagelaw.com) and  
[pleadings@stagelaw.com](mailto:pleadings@stagelaw.com)

Florida Bar No. 0042467

Law Offices of Stage & Associates, P.A.

7635 Ashley Park Court, Suite 503-T

Orlando, FL 32835

Tel: (321) 299-9412

Fax: (321) 445-9857

Notice of Affidavit

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

Before me, personally appeared Deanna Brown, who was duly sworn and says that:

1. On behalf of the Board of Administration, Soundview Management did, on May 12, 2016 mailed the Notice of the Annual Meeting for Villages of Rio Pinar Community Association, Inc. and Villages of Rio Pinar Club Association, Inc. Copies of which are attached hereto, to all unit owners of the above association at the address last furnished to the Association in accordance with Florida Statute requirements of 720.

Dated this 12<sup>th</sup> day of May 2016

BY: Deanna Brown

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgements personally appeared before me Deanna Brown, that she acknowledges executing the foregoing Affidavit of notice freely and voluntarily under the authority vested in them by the corporation. To me known personally, Deanna Brown, or who has produced \_\_\_\_\_ as identification, and did (did not) take an oath.

WITNESS my hand and official seal

Dated this 12<sup>th</sup> day of May 2016

Lisa Card  
Notary Public  
Printed Name: Lisa Card

My Commission Expires: 5/13/20



Notice of Affidavit

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

Before me, personally appeared Amanda Grigsby, who was duly sworn and says that:

1. On behalf of the Board of Administration, Soundview Management did, on November 13, 2015 mailed the Notice for the Annual Meeting for Villages of Rio Pinar Community Association, Inc and Villages of Rio Pinar Club Association, LLC. Copies of which are attached hereto, to all unit owners of the above association at the address last furnished to the Association in accordance with Florida Statute requirements of 720.

Dated this 13<sup>th</sup> day of November 2015

BY: Amanda Grigsby

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

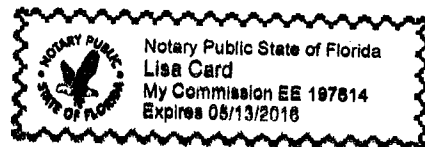
I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgements personally appeared before me Amanda Grigsby, that she acknowledges executing the foregoing Affidavit of notice freely and voluntarily under the authority vested in them by the corporation. To me known personally, Amanda Grigsby, or who has produced \_\_\_\_\_ as identification, and did (did not) take an oath.

WITNESS my hand and official seal

Dated this 13<sup>th</sup> day of November 2015

Lisa Card  
Notary Public  
Printed Name: Lisa Card

My Commission Expires: 5/13/16



Notice of Affidavit

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

Before me, personally appeared Nancy Boyle, who was duly sworn and says that:

1. On behalf of the Board of Administration, Soundview Management did, on September 20, 2016 mailed the Notice of the November 15, 2016 Annual Meeting for Villages of Rio Pinar Community Association, Inc. and Villages of Rio Pinar Club, LLC. Copies of which are attached hereto, to all unit owners of the above association at the address last furnished to the Association in accordance with Florida Statute requirements of 720.

Dated this 20<sup>th</sup> day of September 2016

BY: Nancy Boyle

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

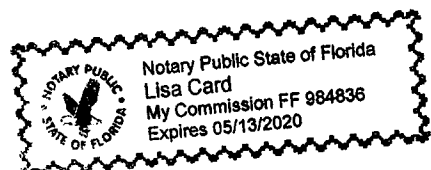
I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgements personally appeared before me Nancy Boyle, that she acknowledges executing the foregoing Affidavit of notice freely and voluntarily under the authority vested in them by the corporation. To me known personally, Nancy Boyle, or who has produced \_\_\_\_\_ as identification, and did (did not) take an oath.

WITNESS my hand and official seal

Dated this 20<sup>th</sup> day of September 2016

Lisa Card  
Notary Public  
Printed Name: Lisa Card

My Commission Expires: 5/13/20



Notice of Affidavit

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

Before me, personally appeared Amanda Grigsby, who was duly sworn and says that:

1. On behalf of the Board of Administration, Soundview Management did, on August 19, 2016 mailed the Notice for the Budget Meeting for Villages of Rio Pinar Community, Inc. and villages of Rio Pinar Club Association, Inc. Copies of which are attached hereto, to all unit owners of the above association at the address last furnished to the Association in accordance with Florida Statute requirements of 720.

Dated this 19<sup>th</sup> day of AUGUST 2016

BY: *Amanda Grigsby*

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgements personally appeared before me Amanda Grigsby, that she acknowledges executing the foregoing Affidavit of notice freely and voluntarily under the authority vested in them by the corporation. To me known personally, Amanda Grigsby, or who has produced \_\_\_\_\_ as identification, and did (did not) take an oath.

WITNESS my hand and official seal

Dated this 19<sup>th</sup> day of August 2016

*Lisa Card*  
Notary Public  
Printed Name: Lisa Card

My Commission Expires: 5/13/20





Dear Preserve Resident/Homeowner,

The Recall Committee would like to bring your attention to the serious matters of our community and ask you to consider not participating in the HOA election that has been scheduled for July 18, 2016. Your recall committee and fellow residents are confident that the recall petition, which was served on the Board but not certified by the two directors (even though they each received enough votes to be recalled), will be viewed in a positive light by an arbitrator and will ultimately be certified. Our hope is that we will soon have a new board of directors and our community will be restored.

**Here are our main concerns** and why we are asking you not to participate in the upcoming July 18 "election" and instead be patient with us as we follow the legal recall process through:

- **ELECTION SEATS NOT CLEAR:**

The ballot we received from Soundview indicates that only three seats are up for election. **Our HOA has operated with a seven-member Board since 2003**, and the Board ratified that number in July 2013. The Articles (9) state "The affairs of the Association shall be managed by a Board of odd number with not less than three (3) nor more than nine (9) members." (By-Laws 13 states that the Articles control). Also, many of us no longer have confidence in the materials being sent by Soundview, so we do not know if the recalled directors will attempt to maintain their seats.

- **TIMING OF ELECTION UNUSUAL:**

This election meeting / annual meeting was not scheduled according to our normal election cycle. Generally, our annual meeting / election of directors has been held in November. (There was one exception in 2013, when the meeting was held in September because the previous November's election was postponed until then.) The recall committee believes the "election" was scheduled in a deliberate attempt to derail the recall.

- **DECEIVING PROXY:**

The proxy we received in a second mailing from Soundview states it is to be used only for quorum and not for voting. However, **our By-Laws clearly state that an owner is entitled to vote by proxy**: "At all meetings, Members may vote their Voting Interests in person or by proxy" (3.8).

- **AGAINST DOCUMENTS AND STATUTES:**

**The requirement to have the original proxy notarized goes against Florida statutes (720(306)(8) and our documents.** In addition, proxies do not need to be returned to the management company prior to the meeting (see note at bottom of this year's proxy) nor do they need to be original (Fl. Stat. 617.0721(2)).

- **NUMEROUS ERRORS IN PROXY:**

The proxy we received not only has "2014" printed in the "Substitution of Proxy" section, the mistakes in the portion beginning "State of Florida, County of \_\_\_\_" are numerous and should make any notary reluctant to notarize the document anyway.

- **ILLEGAL HARRASSMENT & MISLEADING E-MAILS:**

Recently e-mails were sent in an attempt to discredit the Recall Committee and residents supporting those efforts. At least one of the e-mails was sent using a Recall Committee member's name, and we can promise you that he wasn't the sender. We believe the e-mail addresses of our residents were obtained from the management company; however, it is unclear how many residents received them. Law enforcement, the Attorney General, and legal counsel have been contacted because these e-mails and the usage of our e-mail addresses violate the Florida Spam laws and the Electronic Mail Communications Act, Chapter 668, Part III, Florida Statutes (Sections 668.60-668.6075)

We hope you will support and honor the wishes of the 223 residents who participated in the recall by letting the legal recall process take its course. We ask that you **NOT** return your "secret ballot" to Soundview, that you **NOT** appoint a proxy for the July 18 meeting, and that you join us in boycotting the sham of an election meeting. Thank you again for your interest in and support of our community as we work to make it a better place for all of us. Please visit [the-preserve.com](http://the-preserve.com) for additional information, including how to make a contribution to our GoFundMe account.

*Deidre Holmes DuBois, Jim Rowell, John Busacca, Cori Garavuso, Nicole Nichols, Jane Slone, Anselmo Raymundo, and John Fisher*





(/profile/1114469) is amazing he helped us get our home - patience of a saint

Thank

Write a reply...



(/profile/1114469) missed today's Board Meeting... (/news\_feed/?post=

John Lewis (/profile/1114469) from The Preserve at Rio Pinar · 1d ago

Typically, I just post a link to the Facebook Articles here, but since several are not yet on Facebook, I am including the link with the text of our article below -

Today provided a glimpse at normalcy, for The Preserve, as the emboldened Board of Directors held their first community Board Meeting. President, Jason Alday explained the sole purpose for this public meeting was to vote on cancelling the election currently scheduled for July 18th. Additional notifications will be sent to Faith Assembly, who provide needed meeting space.

The vote was motioned by Alday, and seconded by the Board's Vice President Hampton. Other Board Members present and securing the majority decision were Mau, Walt Lee, and Tom Allen, which carried the vote 5-0 in favor of cancelling "illegitimate" election scheduled by the two recalled Board Members, former President, Thomas Dougherty, and former Board Treasurer, Ephraim Martin. completion of the vote, there was a period of sustained applause from the many attending homeowners.

The current Board was in receipt of a significant legal opinion that the election was advised and was potentially scheduled solely to provide a legal basis to dispute results of the recently successful recall vote and current arbitration. By cancelling election, our HOA Attorney and Board, believe the results of the Recall will be to stand, ending the months old battle for control by the former Board members.

Several attendees (including your writer) reported receiving individual communication from the Board's former Treasurer, Ephraim Martin, eluding to a "deal" and implying an exchange of their resignations for an agreement to "Hold Harmless" the recalled Board Members. Another owner claimed receiving phone calls from the President with similar requests for a deal. These attempts were widely discussed as desperate acts of two men who are coming to realize they will be held personally responsible for many of their actions.

All attending Board Members and most of the homeowners stayed for over an hour at adjournment to discuss a variety of related issues. While the new Board has and thus far demonstrated, a spirit of transparency and openness, the message to the members was very clear. Our community will not tolerate this kind of behavior in the future, and expects safeguards to be put in place to prevent future Board from retaining control and unequally enforcing guidelines and our Declarations. There was also wide consensus that early acts of this new Board must include recouping

(/news\_feed/)

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costs and damages, where possible, from those most responsible.

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FACEBOOK.COM


(<https://www.facebook.com/ThePreserveatRioPinar/>)  
Shared with The Preserve at Rio Pinar in General (/general/)

THANK | 31

REPLY | 4

Heather (/profile/198597/), Dave (/profile/1102118/), Ayleen (/profile/1102279/), & 28 others thanked John (/profile/1114469/)

View all 4 replies




(/profile/1436239/)

from The Preserve at Rio Pinar · 1d ago

John

Thanks for the update in regards to the meeting. Could not attend because of a scheduled leadership meeting at my church. Thanks again.

Thank



(/profile/1487129/)


from The Preserve at Rio Pinar · 1d ago

Glenn Diller (/profile/1487129/)

Thanks once again John for your review of the "unofficial" Board meeting yesterday. After walking out of the supposed (officially binding) Board member's meeting, per on going litigation and no ... View more

Thank

Mary Kay (/profile/1912798/) thanked Glenn (/profile/1487129/)



(/profile/1912798/)

from The Preserve at Rio Pinar · 21

Mary Kay Gortch (/profile/1912798/)

John- Thank you for a clear well written update, Don and I are in support holding "those most responsible" accountable for their actions including tl legal costs they incurred.

Thank


Tom (/profile/1123504/), Cori & Mike (/profile/1321400/), Jim (/profile/1321400/) other thanked Mary Kay (/profile/1912798/)

Search

Write a reply...

Invite

(/news\_feed/)



(/profile/6575651/)

from Rio Pinar Estates · 2d ago

Beware...someone(s) r hacking credit cards in our area. We got hit for about Consider requesting new/changed credit card info. When I look at credit card the month we discovered much more. The person is in our area based on wh where the card was used. We have since reported to credit card company.

Shared with Rio Pinar Estates + 24 nearby neighborhoods in Crime & Safety (/crime\_safety/)



Zaida Haedo, The Preserve at Rio Pinar

Why are there red ribbons tied on some of the mailboxes?

Sep 11 in General to The Preserve at Rio Pinar

View or  
reply

[Thank](#) · [Private message](#)



## Recap of Community Meeting 8/30/2016

Deidre Holmes DuBois from [The Preserve at Rio Pinar](#) · 1h ago

Thanks to the neighbors who attended our community meeting last night at the Clubhouse. Once we restarted the disabled air conditioner (it had been tampered with via an outside box to make the meeting space unbearably warm), we provided some updates and had discussion about next steps.

First, the red ribbon campaign is in danger. I received an e-mail from Eph Martin stating, "The bill to pay a vendor to remove red ribbons from the common areas was \$50 This will be billed to the recall leader who is on record ordering this vandalism and even scheduling meetings in the clubhouse to encourage it and to provide vandalism materials. The estimated bill to remove all the ribbons from the mailboxes will be \$150. Fair warning is given if you wish to avoid that bill."

Of course, my placing a ribbon on my own mailbox is not vandalism, and having a "vendor" remove it would not adhere to our established process for contacting a homeowner for an alleged community standards violation.

We also discussed the upcoming meetings: the budget meeting scheduled for Friday, Sept. 2 at 10 a.m. and the "special" election meeting scheduled for Thursday, Sept. 15 at 10 a.m. For the former, multiple residents have contacted the Rosen Shingle Creek Resort, which is located at the address provided on the budget meeting notice, and have been informed that no meeting is scheduled at the resort for 10 a.m. Friday. The parking fees there are \$16 for self-parking and \$21 for valet parking. For the latter meeting, we have the same objections as we did for the first "special" election that was scheduled for July 18. You can review those on [the-preserve.com](#); scroll down to "Election Info Flyer – FACTS."

While waiting for the slow wheels of DBPR justice to turn, we can contact our representatives to ask them why this process takes so long. A message from our attorney, Nancy Campiglia, was posted on [the-preserve.com](#) last week detailing the approach to take and the people to contact.

For the governor, you can go here: <http://www.flgov.com/contact-gov-scott/> and click the link on the right-hand side of the page for e-mail.

For our senator (Soto), you can go here: <http://www.flsenate.gov/Senators/s14> and click on the link on the left-hand side.

For our representative (Plasencia), you can go here: <http://www.myfloridahouse.gov/Sections/R...> and click on the link on the left-hand side.

If these links don't work, you can truncate the URLs to the .gov and each site has a "Find Your Representative" feature.

You can also fax your correspondence to the following:

Lynne T. Winston, Inspector General  
Office of the Inspector General, Department of Business and Professional Regulation [DBPR]  
850-921-2683 (fax)

Melinda Miguel, Chief Inspector General, Governor's Office

850-921-0817 (fax)

Should you be one of the growing number of residents with a complaint against Soundview and/or Jodi Bradley, the DBPR's complaint form for community association managers is located here: <https://www.myfloridalicense.com/complai...> Click on "Community Association Managers and Firms."

Later today, I'll post a template / bullet points you can use to start your e-mails. Feel free to customize, keeping in mind that we are not to discuss the merits of the case but rather to focus on the need to get a response about the case from the DBPR.

Shared with The Preserve at Rio Pinar in General

THANK · 5

REPLY · 5



Dave, Ed, Phil, and 2 others thanked Deidre

[View all 5 replies](#)



**Ginger Longstaff** from The Preserve at Rio Pinar · 27m ago

So, was there a decision made to go on Friday and see what happens? I would assume we would have another complaint/claim against soundview and the rogue board for having to waste time and money for parking if there is actually no meeting. Has anyone spoken to the HOA attorney to see if she plans to be there?

[Thank](#)



**Deidre Holmes DuBois** from The Preserve at Rio Pinar · 22m ago

At least one person in attendance last night plans to attend the budget meeting and will provide a report. I do not plan to attend. I have wasted enough of my time with these two, and any budget they approve can always be modified by the replacement Board once this mess is resolved.

[Thank](#)

Jim thanked Deidre



**Jim Rowell** from The Preserve at Rio Pinar · 2m ago

Like the July "election," the September budget meeting and "election" are not official meetings. These meetings were not approved by our full seven-member board; they were orchestrated by the two recallees. As a result, I do not view the meetings as being legal. I have no reason to drive across town, pay \$16 to park (at a place that doesn't currently have a meeting room reserved for us), and observe who knows what (perhaps another meeting conducted via conference call with Barbara Stage struggling to lead it). I tend to stay away from "sham" meetings ..... and from storage facilities!

P.S. I can already feel another anonymous and hate-filled email heading my way.