

Ken Lawson, Secretary

Rick Scott, Governor

January 22, 2016

**VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED:
Certified Number 7015 30`0 0000 6522 6727**

Hillcrest Country Club No. 15 Condominium, Incorporated
C/o: Mr. Peter Stein, Registered Agent
4800 Hillcrest Lane, #205
Hollywood, Florida 33021

Re: Hillcrest Country Club No. 15 Condominium, Incorporated
Case Number 2015056153

Dear Registered Agent and Directors of the Board of Administration:

Reference is made to the division's January 4, 2016 correspondence to the Association. The division completed its referenced investigation concerning Hillcrest Country Club No. 15 Condominium, Incorporated. This correspondence serves to inform you of the results of the investigation, and the determination made.

Complaints received by the division are investigated pursuant to the resolution guidelines provided in the Florida Administrative Code. Depending on the violation the division's response may be to provide information or education to assist the association in correcting the violation, to issue a warning letter to the association that includes corrective action as determined by the division, or to seek an administrative enforcement action against the association which could include monetary civil penalties.

In this instance the division has concluded that the Association committed one violation of the Condominium Act and/or Florida Administrative Code, which can be resolved through the issuance of a Warning Letter.

This Warning Letter is issued for the following reasons:

1. The Association, in violation of section 718.112(2)(e)1., Florida Statutes, failed to properly notice a meeting at which the Association's 2016 annual budget was proposed and adopted.

Specifically, the Association conducted a 2016 budget meeting with only 48 advance notice to the unit owners. Further the meeting notice was not mailed or hand delivered to the unit owners; instead, the notice was only posted on the condominium grounds.

In its January 4, 2016 correspondence the division requested that the Association respond in writing to the allegation no later than January 18, 2016, and to provide specific evidentiary information for the division to review prior to rendering a decision concerning this allegation. The Association failed to provide the division with the requested response. The division then contacted the Board President, who confirmed verbally that that violation indeed occurred and that the Association was attempting to self-correct by rescheduling and re-noticing the budget meeting. The division requested that the Association provide a formal statement along with a copy of the proposed budget and the notice mailed or hand delivered to the unit owners. The Association has again failed to provide the division with the required response; however, based upon the Board President's verbal affirmations and the existing evidence in the case file, the division has determined that the aforementioned violation occurred.

Section 718.112(2)(e)1., Florida Statutes, states in relevant portion:

“Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners shall be open to all unit owners. At least 14 days prior to such a meeting, the board shall hand deliver to each unit owner, mail to each unit owner at the address last furnished to the association by the unit owner, or electronically transmit to the location furnished by the unit owner for that purpose a notice of such meeting and a copy of the proposed annual budget. An officer or manager of the association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement, and such affidavit shall be filed among the official records of the association.”

Rule 61B-21.002(4), Florida Administrative Code, requires associations to submit a written response to a warning letter. In order to bring the Association into compliance with the Condominium Act and the Florida Administrative Code, corrective action is required. The corrective actions required to resolve the aforementioned violations are as follows:

- (a) The Association shall, no later than **February 5, 2016**, provide the division for its review a complete copy of the Association's proposed 2016 annual budget, including all required disclosures and a complete reserve schedule. The budget will be reviewed by the division's Financial Examiner/Analyst Section for regulatory compliance.
- (b) Following division review of the budget and the Association's satisfactory correction of any regulatory deficiencies noted therein, but no later than **February 19, 2016**, the Association shall schedule a Board of Administration meeting, the purposes of which being the consideration and adoption of the Association's 2016 annual budget.
- (c) The Association shall then mail and/or hand-deliver a copy of a 14-day advance notice of the scheduled budget meeting. This notice shall include a copy of the proposed annual budget under consideration.
- (d) The Association shall also prepare and execute an affidavit signed by the responsible party attesting to the mailing or hand-delivery of the notice, including all required enclosures, to the unit owners.
- (e) The Association shall evidence compliance with the above mentioned requirements by providing the division, **no later than February 19, 2016**, with a complete copy of the budget meeting notice mailed to the unit owners along with a copy of the affidavit of mailing.

These aforementioned materials may be emailed to harry.hague@myfloridalicense.com, faxed to 954.202.3990, or mailed to the following address:

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BUREAU OF COMPLIANCE
Attn: Investigator Hague
1400 West Commercial Blvd, Suite #185
Fort Lauderdale, Florida 33309**

Please note that the Association's failure to respond to this Warning Letter, the failure of the Association to undertake the required remedies described herein, or repeated violations of the same or a similar nature occurring within two years of the date this investigation is concluded may result in an administrative action which may include the imposition of civil penalties of up to \$5,000.00 per violation noted.

Warning Letter
Hillcrest Country Club No. 15 Condominium, Incorporated
January 22, 2016

Should the Association require additional education or information in order to satisfactorily complete the required corrective action, the Association should immediately contact the investigator at 954.202.6817 to arrange for educational assistance. Thank you in advance for your anticipated cooperation.

YOUR ATTENTION IS DIRECTED TO RULE 61B-23.002(7)(b)1., FLORIDA ADMINISTRATIVE CODE, WHICH REQUIRES RETENTION OF THIS LETTER OR A COPY THEREOF AMONG THE OFFICIAL RECORDS OF YOUR CONDOMINIUM ASSOCIATION FOR FUTURE REFERENCE.

Sincerely
BUREAU OF COMPLIANCE



HARRY R. HAGUE
Lead Investigator

HRH/

Copy to: Mr. Jerry Bowen, Vice President
Hillcrest Country Club No. 15 Condominium, Inc.
4800 Hillcrest Lane, #409
Hollywood, Florida 33021