

Hammocks Community Association, Inc.

Minutes of the Advisory Board of Director's Meeting November 14th, 2023 – 7:00PM

1. Call to Order

The meeting of the Advisory Board was called to order by Don Kearns at 7:02pm.

2. Pledge of Allegiance

Everyone stood and recited the pledge of allegiance.

3. Determination of a quorum

Present: Receiver Judge Gersten is present therefore Quorum is established.

Advisory Board Members Present:

Don Kearns

Idalmen Ardisson

Kristen Gurucharri

Virgina Alastra (Substitute for Carlos Villalobos)

Marcoantonio Real

Jesmany Jomarron, Association Counsel; Corey Tickner, Zoe Azpeitia, Anthony Serrone, Jean-Carlos Peralta, Alyson Theale, Mariet Valdes, FirstService Residential.

Resident sign in sheet attached, and approximately 10 residents attending via zoom.

Judge Gersten formally appoints Anthony Serrone, with FirstService Residential, as Secretary for the purpose of taking minutes.

4. Proof of Notice of Meeting

Anthony Serrone advised that Management posted notice for the meeting on all the bulletin boards throughout the community and on the association website on Saturday, November 11, 2023.

5. Receiver's Status Report

- Recovery efforts – There has been close to 3 million already recovered. Melanie Damian's office is aggressively pursuing more money. We are still trying to get a full million-dollar recovery through a civil remedy notice in which you must take certain steps before going to the insurance company. If this is done, we can get paid more than 1 million dollars. The insurance company put through a request for us to do an examination under oath. An insurance company mentions it in case you don't pay attention to it so that they will not have to pay out the claim. We have let them know that we will be there for the examination. We have filed against the association attorneys. We will report next time to let everyone know what the update is.
- Late Fees – Working with FirstService Residential on progress towards not having these issues. August letters went to everyone as I stated in August meeting. We encouraged everyone to go to FirstService Residential. Homeowners that have a balance of 400 or more got a notice of late assessment. Everyone must pay per what the documents state. Last week I was advised by Chicky, Kristen, and Don about incorrect money owed to the association and that some of these notices were incorrect. The legal team worked with FirstService

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Residential to figure out what is going on. They met with FirstService Residential on several occasions and there were 6,500 ledgers, of which, 124 that have yet to be resolved. If one of 124 that is under review, you should not have been charged late fees. If there was a late charge it was done by an automated system and will be reversed by FirstService Residential. The Hammocks is in a unique situation with hidden documents, records, etc. so there was inaccurate financial information. We uncovered dozens of bank accounts that were unknown and had to issue subpoenas to the banks to produce documents. We have implemented changes in the last week as to how FSR is going to be handling owner accounts. Your late fees will be reversed unless it is found that you do owe them. If residents don't pay quarterly by midnight, you will get late fees. If you paid between the 16th and 30th there should be no interest charge and no NOLA. If you did receive this your account will be corrected but you still must pay the late fee. Bring any issues to Jesmany and he will bring them to me.

- Budget approval process – As a result of late fees, many board members do not want to approve the budget. The goal was to approve the budget by the 15th of November, but we will not be hitting that goal. We will be discussing the contract of FirstService Residential tonight and whether to extend their contract as well as other vendors. We are going to hold another moderated Town Hall. I want to pause approval of the budget to have a meeting on November 28th, with all the association prime vendors (FirstService Residential, Elite, TURF, Lake Doctors). We will be seeking questions from the entire community which will be assembled so that the questions can be asked to the vendors regarding their processes. We have a finance committee meeting tomorrow, strongly encourage all of you to show up at the meeting. We have posted on the website questions, bids, and annotated budget on the website to be as transparent as possible and get the most out of our vendors.
- Hammock's homeowners' association bill of rights – The legal team is already working on this to fill gaps that the law does not fill itself. By putting together a bill of rights to be approved by the courts to live on in perpetuity in which no other homeowners association currently has. It will be to protect homeowners from gaps in the legal literature. I attended the last governing documents meeting and I have some ideas that I will be incorporating into the bill of rights.
- Reserve Allocation – We have 3 million dollars that has gone back into treasury. We want to save money for the future and make sure that the maintenance fees are lower. I have leaned on the finance committee for ideas of things to put on the reserves. Fencing is an issue, roofing, pools, and potholes.
- Board election coming up quickly per the bylaws/governing documents. This will be better than last year's "Fort Knox Election". The Judge approved the motion today and, tomorrow November 15th, first notice of annual election will be posted on the website and around the community. December 15th all candidate applications are due. January 25th, second notice of annual election posted accordingly. January 30th, 2024 and February 17th, 2024 candidate meet and greet. February 24th early voting will begin. February 26th -29th voting will continue through voting hours posted. February 29th 6pm the polls will be closed. March 5th first meeting of the advisory board. Per Butchko it will still be advisory until receivership is done.
- Enhancements – We are not going to be mailing the first notice of the annual meeting which will save \$10,000. There will be an election monitor which will be Judge Gersten. Governing document committee wanted to meet every week. I said no as other committees only meet once per month. Early voting will be a procedure that needs to be done in perpetuity and there will be a need for background checks for candidate going forward.
- Lights – Had a conversation with homeowner that said that there is a light in front of his house that hasn't worked for years. Lights are a security hazard. 39 lights were out as per last meeting. Zoe went out and did a survey and there are more like 80 lights out at this point.

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FSR has been tasked with getting proposals to have these replaced. We will be getting estimates for repairs and replacement of lights as well as preventative maintenance.

- Lakes – There has been some improvement in the lakes but not to my total satisfaction. We are having further treatment in the lakes and some work done by FirstService Residential to clean the lakes. I have been hearing complaints about the beaches for which Corey Tickner was getting more information. During dry season water evaporates and exposes sand that wasn't there before. My opinion is that in dry or wet season the beaches should look nice.
- Security – We are reevaluating our security needs going forward for which bids are coming in for the Advisory Board of Directors to review. This includes off duty cops for certain periods of time. The decision will be made at the committee level.
- Tree trimming – Starting tomorrow at 9 am Pete will be going out to do a survey of the trees that are dead, struck by lightning, etc. and advise on what the community should do regarding the trees.
- Fountains – We are waiting for another two proposals on what do to about getting the fountains fixed.
- Pools – We have one up and running. We have violations that we need to clear before the pools can be opened. I have tasked FirstService Residential with getting these cleared. It is a high priority for me.
- Drainage – We are still waiting for one more bid to have the drain bids. The bids we have are very far apart and we need to do more digging into why they are so different.
- Shout out to Kristen Gurucharri – had an idea about neighborhood parties in homeowners' common elements so that neighbors can meet each other and get everyone excited about getting people to volunteer for committees etc. We encourage all neighborhoods to do that.

Judge Gersten will now pass to Don Kearns.

6. Committee Reports

6a. Architectural Control Committee

Idalmen Ardisson Presented on behalf of the Architectural Control Committee.

- 22 applications were approved at the Architectural Committee Meeting held on November 2nd, 2023. I was not at the meeting, but I have full confidence in the other committee members and their approvals/denials of the applications.

MOTION

To approve the decisions made by the Architectural Control Committee at the meeting held on November 2nd, 2023.

Motioned by: Idalmen Ardisson

Seconded by: Kristen Gurucharri

Vote – Motion carried unanimously.

6b. Finance Committee

Kristen Gurucharri Presented on behalf of the Finance Committee.

- Questions were sent in about 2024 budget and were posted to the website.
- Jesmany Jomarron – This is a comprehensive list of all the questions we have received to date regarding many different topics. This includes the bids that were requested by the homeowners. The 2023 financials were added to provide a comparison. There are specific portions of

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FirstService Residential contract as to how they were applied, security bids as requested, Miami Dade police contract, electricity bills for which a full analysis and audit has been done, lake bids and pool bids. In addition, there was a suggestion from the CPA for the finance committee to have the same budget but annotated which was provided as well. This is all available on the website on the homeowner websites.

MOTION

To approve the Finance Committee Report

Motioned by: Kristen Gurucharri

Seconded by: Idalmen Ardisson

Discussion:

- Marco Antonio – I understand a super majority decided to not have the budget brought up at this meeting but why was this decision made?
- Kristen Gurucharri – Before an agenda is sent out, the Board or Committee needs to agree on what is put on the agenda. The majority voted not to approve 2024 budget. I voted no because I think there needs to be more clarification on the budget.
- Marco Antonio – I want to know the reasons why it shouldn't be approved.
- Don Kearns – I think the question was answered but he was not happy with it.
- Kristen Gurucharri – In order to approve the budget, I have to agree with every line item. I do not 100% agree with every line item. I cannot tell you the reasons because I am still doing my research. I know Judge Gersten wanted it to be done I am not comfortable speaking with homeowners.
- Marco Antonio – What are those things that you are not sure about?
- Kristen Gurucharri – we just posted, and we are still going through all of the question that the community has about the budget.
- Marco Antonio – I agree with you that you have done right. All I am saying is that we would like to know what those items are that you are uncomfortable with.
- Kristen Gurucharri – the finance committee meeting tomorrow we will be discussing these items.

Vote – Motion carried unanimously.

6c. Neighborhood Committee

Kristen Presented on behalf of the Neighborhoods Committee.

- Judge Gersten hit it directly biggest things are the lights and the pools. I will defer to Zoe for the pool situation as she was physically on the roofs last week.
- Jean-Carlos Peralta – We are trying to open the black creek pool. There were inspections done by the health department. They said we need to update the pumps which have been done per their request. We had some small violations that we needed to close out and we will close those violations and call the health department so that we can get clearance to open. We got new filters so that the water remains clean for the health inspector. Also, we are hiring pool attendants. Water Oak requires major repairs which we have translated to Judge Gersten in regard to electricity, pumps, and violations from previous management again. It will take a long time because the repairs are very big repairs.

MOTION

To approve the Neighborhoods Committee Report

Motioned by: Virginia Alastra

Seconded by: Idalmen Ardisson

Motion Passes Unanimously

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6d. Public Safety Committee

Don Kearns Presented on behalf of the Public Safety Committee.

- Guillermo from elite has let us know what they are encountering in the streets of The Hammocks. We feel as though Elite is very proactive in what they do. In order to show transparency, we have asked FSR to come up with three bids for security. The criteria was that two other companies will bid to provide coverage for all communities in The Hammocks. The costs in 2024 will be absorbed by the community. MDPD will be looked at to support the security company. The goal is to work within the budget.

MOTION

To approve the Public Safety Committee Report

Motioned by: Virginia Alastra

Seconded by: Idalmen Ardisson

Motion Passes Unanimously

8. Old Business

- No old business.

9. New Business

MOTION

A. To approve the minutes of the Advisory Board of Directors meeting that was held on October 10, 2023.

Motioned by: Kristen Gurucharri

Seconded by: Virginia Alastra

Discussion:

- Idalmen Ardisson – I will have to remove myself from this vote as I was not at the last Advisory Board of Directors Meeting.

Vote – Motion carried unanimously (with the exception of Idalmen Ardisson)

B. First service contract review –

- Idalmen Ardisson – Updates on ledgers – if homeowners come in on the 15th they are on time. People are receiving late fees for dates that it was posted. I would like to know why this is happening.
- Alyson Theale – Are you speaking about the checks dropped off in the office?
- Idalmen Ardisson – I made credit card payments, and I received one so I am talking about all of the payments.
- Alyson Theale – The policy for application of fees comes from the documents of The Hammocks. The policy was pulled and put onto our intake form which was done by Jesmany Jomarron and reviewed with Judge Gersten, which is essentially our instruction sheet. Your maintenance fee is due every 1st period of the quarter and you have a grace period of 15 days. On day 16 you are

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late. Our system will not post late fees for 24-48 hours from that date to allow for time to process. We now have a process where if you bring check here on 15 you are on time. Judge Gersten, Jesmany Jomarron, and I have come up with tweaks to make sure that this doesn't happen again.

- Idalmen Ardisson – If the 15th falls on a Sunday. What is the protocol?
- Jesmany Jomarron – If it lands on a weekend, it is due the next business day.
- Don Kearns – Anymore questions to FirstService Residential?
- Idalmen Ardisson – For the town hall, just like we did with the security company, are we allowed to have three other bids from property management companies? I think it would be a good thing to have other companies come to the town hall.
- Don Kearns – is that a motion for Judge Gersten?

MOTION

In addition to the current vendors coming to the Town Hall, three other vendors come to the meeting and provide bids for their services.

Motioned by: Idalmen Ardisson

Seconded by: Marcoantonio Real

Discussion:

- Jesmany Jomarron – A lot of the questions are why current vendors are doing or not doing certain things. We are inviting current vendors to answer these questions. Getting bids would be more of an interview process. The town hall would be on the 28th, and I don't know if we would be able to get everyone here on time. Bids are also confidential until you pick the vendor which wouldn't play so well in a town hall.
- Idalmen Ardisson – Thank you for clarification.
- Jesmany Jomarron – There are other companies that were interviewed that we have proposals for.
- Idalmen Ardisson – That was done for this budget?
- Jesmany Jomarron – Those were done when FirstService Residential was hired and those bids are no longer competing so maybe the Judge could share them.
- Idalmen Ardisson – If it's not going to happen I'll rescind the motion.

MOTION RESCINDED

- Jesmany Jomarron – The budget timeline was November 15 to have more than ample time to complete it. The Finance Committee meeting is not until tomorrow. Ultimately would be a motion at the next meeting to accept the budget.

MOTION

To have two other companies provide quotes, in addition to FirstService Residential, for property management services for 2024.

Motioned by: Idalmen Ardisson

Seconded by: Virginia Alastra

Discussion:

- Marcoantonio Real – Does this have to do with my original question regarding the bids for other vendors?
- Jesmany Jomarron- Yes, I used your correspondence as a guide.
- Marcoantonio Real – Some homeowners have paid their assessments, but it shows that they have not paid.
- Alyson Theale – Just so I am clear can you restate the question?
- Marcoantonio Real – There is a homeowner that has paid their monthly assessment with money orders. The former management company gave him a receipt. FirstService

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Residential has not been able to clear what happened to that money. What I don't understand is if the homeowner has a copy of the money order and that we have researched that the money has cleared into the bank account, why is it still showing a balance?

- Alyson Theale – The key point is the clearing. When it gets deposited you see on the back of the check it shows where the money went to.
- Marcoantonio – are you talking about the FirstService bank accounts?
- Alyson Theale – There are no FSR bank accounts, they all belong to The Hammocks Community Association.
- Marcoantonio Real – Once the payment has left the homeowners' account it is no longer the responsibility of the homeowners.
- Kristen Gurucharri – Let me try to clarify. There are banks that are not being cooperative in giving us the data we need. The homeowners are being affected negatively even though they paid their dues no matter who cashed it.
- Alyson Theale – We must verify everyone's accounts records to clear them. In this scenario it is Damian, Vallori, and Culmo who are working with Melissa Vazquez, doing all this research for those accounts that have not been rectified. FirstService Residential is not punishing those accounts, but we need to be told by the receivership to clear the balances before we can do so. I understand your frustrated with FirstService Residential because we are not putting it back on your ledger but we cannot do that without the direction of the Receivership and the Advisory Board of Directors. We had to do subpoenas to the hidden bank accounts that we were unaware of. There was \$300,000 in a bank account that came from this type of research. We want people to bring proof because that is the breadcrumb that leads us to these bank accounts. FirstService Residential is not a big part of what is happening here. We are told once it is solved that we can correct that person's ledger. In the first application of the late policy, protocol says you must apply that policy the same way for every homeowner which is what happened. So, this means that the board did what they were supposed to do, which is to treat everyone equal. Of course, we know there are some exceptions that need to be made in relation to what is going on with the ledgers that need to be resolved. Those accounts will be taken care of on the back end because we are aware they are under special circumstances, but first they needed to be charged because the by-laws and Florida statutes state that we must apply the by-laws equally amongst all homeowners.
- Idalmen Ardisson – Remember that every year in January, when our new dues were due we had new coupons to send to different accounts in different places. They would blame it on the management company. Please remember this is a crime scene, still.
- Alyson Theale – The investigation needs to be completed because there is money that needs to be found out there. I understand that this group is frustrated but the forensic team still has work to do. What happened here was so inappropriate. We are here to do everything we can to help this team complete what they need to complete.
- Marcoantonio Real – All I want to know is if the homeowner showed you that they have paid and the money has left their account, why can you not clear their balance?
- Alyson Theale – Yes it has to show that it came out of his bank account and went into a Hammocks Banks account. Then it can be updated on the ledger.
- Marcoantonio Real – I don't agree with that. If the money left the bank account, I no longer care about where it went as a homeowner.
- Donald Kearns – Lets bring this on track we have a motion and a second and discussion. As part of the investigation, we need to know where it left and where it went. There are two parts that need to be accounted for. The hope is that we find the criminals at the end of the breadcrumbs. Hopefully, we will find more criminals in doing so.

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Vote – motion carries unanimously

10. Owner's Comments on Agenda Items

- Guillermo Roldan – Live Oak
 - The fact that a representative acknowledged that we noticed that the money had left the account, isn't that good enough to clear the account?
 - Donald Kearns – That would be the determination of Judge Gersten.
 - Guillermo Roldan – There is an email that shows that the money order leaves the account. This old lady needs to be at peace. As far as the Governing Documents Committee, we were not aware that there was not enough time to get something in place. We already had a system that was put in place by the receivership and we thought that it was a good process so we didn't discuss it.
- Mohammed Romain – Skylark
 - Someone at the office told me that I should have brought the check before the 5th so that it wouldn't be late.
 - Alyson Theale – This is all being resolved and your fines will be taken off.
- Maria Lopez Peralta – Oakwood Estates
 - My mom is the one we have been speaking about. Olivia Pimentel. For months we have been going back and forth. We were able to prove that the money order was cashed. \$79 dollars is a lot of money because she lives on social security. I believe that once you pay the responsibility of the homeowner is done.
 - Alyson Theale – I don't disagree with you, but it is not in my hands to change this situation because we have to follow accounting principles to make sure that every single penny matches. We must give it to the subject matter experts to have them help us out to get this done because we are not experts. I won't speak for the Judge but he has been keeping an eye on all the ledgers that are getting fixed.
- Giselle Gonzalez - Corella -
 - My issue is that I come here, and I pay ahead of time. I came here and I paid \$370.00 because I was told had credit. When I came back the lady said that there was no credit, and I shouldn't have paid that amount. Although I paid before the due date, I still got a late fee. Also, there are peacocks on my roof and on top of my car that are a nuisance to my property. They are destroying my property and making my house very dirty.
 - Alyson Theale – Give Anthony your information and we will send your information to the team that is taking care of the accounts.
 - Kristen Gurucharri – There is a sprinkler that will get rid of the peacocks that does not stay on for long amounts of time that I use to get rid of them.
- Amir Santana – Lakeside
 - Roofing issue – I received information from FirstService Residential on what type of roof to get and my application was denied.
 - Idalmen Ardisson – If it is the brown one it is now approved. See me after the meeting and we can discuss your application.
- Maria bello – Paseos II
 - I came last month to the ACC and brought my application according to what I was given by FirstService Residential, and my paperwork was submitted to Judge Gersten
 - Jesmany Jomarron – I responded to you, and we are collecting information on your application and the intention is to respond to you this week.

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- Maria Bello – what’s the reason my application was denied? There is a house next to Chicky’s that has the same roof. I have paid contractors and there are leaks at my house.
- Jesmany Jomarron – I got this on my desk yesterday. I will send a follow up email and hopefully we will have an answer this week.
- Maria Bello – what was that was missing?
- Jesmany Jomarron – A copy of a cancelled check.
- Maria Bello – That’s what is holding up my roof?
- Jesmany Jomarron – According to the ACC process the style that was applied for is not approved. I understand that you are asking for an exception, but we need to verify the timeline. I assure you that your application is a top priority this week and I will be in touch this week and we will get whatever information that we need.
- Jolima Tyler – corella
 - The trees on Kendall were trimmed very badly and now the trees are heavier on one side vs the side they trimmed. They are tall and they could be a liability. The leaves are way too much to deal with. The peacocks are a nuisance to my home as well. I always pay on time and I got a late fee as well.
 - Alyson Theale – Give Anthony your phone number and contact information so that we can get your information to the Hammocks Financial Team.
 - Jean-Carlo Peralta – the tree trimming was done by the DOT not the association. They did a terrible job. This effects the way that our landscapers can trim the tree because they will probably kill the trees if they do it. Pete Cabrera is working with some arborists to see what we can do and plan we can follow to get the trees back on track.
 - Jolima Tyler – I have the same trees in front of my house, and I trim them every year so I don’t think that they will kill them.
 - Kristen Gurucharri – Just to piggyback on what JC said, The Department of Transportation completely chopped the trees without notification to us. The purpose of having an arborist come in is because we can’t just chop those down. Because of how poorly they did, we cannot come in to do more trimming.
 - Don Kearns – You are correct that a long time ago we used to cut those trees, but we used to have to get permission from DOT to block a lane of traffic to do so. Unfortunately, years of neglect cannot be fixed overnight.
- Damarys Flagiello
 - Roberts Rules of order – Can change agenda item if you make a motion to change the agenda items.
 - Donald Kearns – The rules that the association has supersede what Robert Rules are.
 - Jesmany Jomarron – Rules and regulations are on the website and the Florida Statutes don’t mention Robert’s Rules
 - Damarys – Finance committee – I requested the 2018 audit I requested it and I haven’t received it.
 - Jesmany Jomarron – I can request that document and get it to you once it is sent to me.
 - Damarys Flagiello – I had a question about the lights to see if there we can hire a free consultant to come to audit the lights and get our money back from the electric company.
 - Idalmen Ardisson – What are some of the names of these companies so we can investigate it?
 - Damarys Flagiello – This is something that FPL does for bigger communities.
 - Damarys Flagiello – When was the decision made to take the budget off of the agenda for this meeting?
 - Idalmen Ardisson – In order for something to be talked about on the agenda, it has to be approved by the ABOD, so, before the meeting we talk about what we want on the agenda. The board members were not in agreeance to put this on the agenda. This is a good thing not a

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bad thing, because we are looking into this thoroughly and answering homeowner questions. The whole community would not be happy if we didn't investigate everything and have questions regarding what was on the budget.

- Damarys Flagiello – is there a plan to bring down administrative charges? I don't think it is fair that we pay for things that FirstService Residential, or the Board can do.
 - Donald Kearns – The current level of transparency in this neighborhood is unprecedented. Judge Gersten executes Judge Butchko's orders. Every cost that has been executed by the legal team has been approved by Judge Gersten and Judge Butchko.
 - Damarys Flagiello – Can the board bring up to the Judge can we leave that up to FirstService Residential.
 - Idalmen Ardisson – We are under receivership and things work a little bit differently. Little by little we will be separating from those fees as we move further down the road away from receivership.
 - Damarys Flagiello – I am worrying about my own property and their values because of the high maintenance fees.
 - Donald Kearns – If we look at the cash on hand it is about 10 times what we had 1 year prior to this. Judge Butchko has pledged to make sure that this community gets put in a good place, but it is going to be a long road.
 - Damarys Flagiello – I struggle with the fact that there is no end in sight.
 - Donald Kearns – The judge has indicated that there is a plan and there is a timeline to get everything on track .
- Mabelle Jamarron – Paseos II
 - I'd like to say that we are in a better place than we were a year ago.
 - Paseos II – in the proposed budget we have \$0 dollars to fix the fences and there is so much that needs repair.
 - Jesmany Jomarron – FirstService Residential is in the process of securing bids to replace every fence in The Hammocks. We are looking to have a reserve study done to fix everything. We are putting numbers on the lights so that when they need to be fixed, we know which numbers to fix when they are broken. There are now 80 lights that need to be fixed and FSR is negotiating for a lower price.
 - Renee Perez –Spicewood
 - Security – there was a massive break into multiple cars in many communities. When the security guard goes to the lake does his rounds, my camera usually picks him up and on the day of the break ins my camera didn't pick him up. I called and they said that there are multiple places that they enter through just to make them aware.
 - Lilian Bernal – Heron
 - Security – still no security patrols Heron at the Hammocks. Heron is in serious trouble. Countless crimes have been committed there and we have yet to get more security. I also want to know if anyone on the Board of Directors benefited from real estate in The Hammocks Community Association. I had a problem with Leslie at the front desk at FirstService Residential. Not happy with FSR for many reasons. Finally started picking up the dog waste stations.
 - Alfredo Vargas – Lakeside
 - Are people allowed to have an autoshop in their home. I have a neighbor in front of my home and they have a lot of cars.

11. Adjournment

Motioned by: Donald Kearns

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Seconded by: Virginia Alastra

Vote: Unanimous

Meeting of the Advisory Board of Directors was adjourned at 9:48pm.