

# Hammocks Community Association Inc.

## Minutes of the Advisory Board of Director's Meeting

July 11, 2023 – 7:00PM

### 1. Call to Order

The meeting of the Advisory Board was called to order by Judge David Gersten at 7:01 PM.

### 2. Pledge of Allegiance

Everyone stands and recites the pledge of allegiance.

### 3. Determination of a quorum

Present: Receiver Judge Gersten is present, via teleconference, therefore Quorum is established;

Advisory Board Members Present:

Don Kearns  
Idalmen Ardisson  
Kristen Gurucharri  
Carlos Villalobos  
Pete Cabrera  
Marcoantonio Real (arrived at 7:06)  
Juan Franco (present via speaker telephone)

Danilo Baptista, Jean Carlos Peralta, Corey Tickner, Alyson Theale (via zoom) from FirstService Residential.

Resident sign in sheet attached, and approximately 70 residents and non-resident attorney Michael Kaufman attended via zoom

Judge Gersten formally appoints FirstService Residential as Secretary for the purpose of taking minutes.

### 4. Proof of Notice of Meeting

Corey Tickner advised that Management posted notice for the meeting on all the bulletin boards throughout the community and on the association website on Friday, June 30th, 2023.

Judge Gersten will now pass to Don Kearns.

### 5. Approval of Minutes

Management presented minutes for the prior meeting held on June 13, 2023.

MOTION

***To approve the meeting minutes for the June 13<sup>th</sup>, 2023 Advisory Board of Directors Meeting.***

Motioned by: Idalmen Ardisson

Seconded by: Pete Cabrera

**Result: Motion carries unanimously**

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## 6. Receiver's Status Report

Judge Gersten presented the Receiver's Status Report. Judge Butchko requires Receiver's Reports to be presented quarterly, but we are presenting them to homeowners monthly.

### I. Legal updates:

- The receiver updated the membership that there continue to be new and ongoing lawsuits that name the Association. Some of the lawsuits open at this time:
  - Gersten v. others: Transferred to Judge Butchko on 7/12
  - Gersten v. Hilton Napoleon and Rasco Klock: Transferred to Judge Butchko on 7/12
  - Gersten v. Alfaro & Fernandez, PA: Filed previously and is now on to settlement negotiations. This is expected to be a six figures settlement, but discussion is limited for fear of giving away strategies of the ongoing legal matter.
  - Gersten v. Hermida Law Firm, LLC, Quintero Broche, P.A, and Jose M. Quinon, P.A.: Criminal attorneys hired to defend the former Board's criminal cases.
  - Gersten v. Jauregui: This is the malpractice case mentioned last month. The update was limited because the insurance is involved.
  - Gersten v. Compufix Worldwide Business Solutions, "aka Jesus Cue,": this appears to be another case of fraudulent transfers.
  - Gersten v. Santiago Legal: Legal Malpractice that has a settlement negotiated through the insurance.
- Some other updates were provided on the legal health of the Hammocks Community Association:
  - The Cepero case is being appealed. The opposition had a judgement against the Association. It was actually being persecuted for approximately \$300k, but those were fraudulent fees against the Association. The Hammocks has won the appeal. The problem is that they are fighting the claim for an attorney's fees.
  - The Hammocks did lose a case for work that was done. Unfortunately, the vendor had a paper trail of work that was done, not paid, and unanswered communications. The case was lost, and little could be done, but it was settled for approximately 73 cents on the dollar.
  - There are currently four bank foreclosures in process.
  - There is a new case regarding a personal injury claim. This is not the same case that was mentioned previously, as that one was handed to insurance appointed counsel to defend the Association without incurring additional cost.

### II. Financial Update

- Two vehicles have been sold to Carvana for over \$12,000. Nine other vehicles are in process of being sold and are slated to sell for about \$109k. Five other vehicles cannot be sold as they are in need of repairs. Getting rid of these vehicles frees the Association from the burden of insuring and maintaining them.

### III. Boat Storage Update

- All of the spaces are being used at this time. The one person that is not current with the fees is being contacted and attempts to collect these funds are being made. Everyone is moved to the \$200 per month rate going forward.

### IV. Towing update

- The contract from Prestige Towing was revoked because they were engaged directly by Gallegos. The vendor has been terminated.

### V. Letter from the United States Department of State

- Judge Gersten told the members he was provided a letter regarding improperly secured PPP loans. He said he was "pretty worried," although he feels optimistic that the HOA would not be responsible for these monies. Once a confirmation was secured he would provide it to the members.

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## VI. Fencing

- Proposals have been submitted. These will need to go through the ACC and finance committee before being approved. Members were advised that there would be future updates on this topic.

## VII. Pools

- The preexisting are code violations are being addressed. Pool permitting for two of the pools is pending. We have proposals, and are expecting to get more.
- There is a long list of inspections for the County Health Department, and that may be a hold up, but if not it is expected to open in August.

## VIII. Responses to resident complaints (also referred to as help tickets)

- FirstService was given direction to make resident responses a priority. The receiver asked FirstService to provide an update.
- Property Manager Danilo Baptista advised that there are staff members on site and off site at the corporate headquarters answering phones. The are new metrics on the number of inquiries, response times and there is an improvement.
- FirstService was asked to provide a weekly update to the Receiver on these metrics and focusing on making responses more efficient.

## IX. Storage units

- A recap was provided on how the prior board was spending as much as \$7,000 per month on off site storage. Last month, it was reduced to two storages for \$1,900 monthly, and it now has all been consolidated elsewhere. This is saving the Associations thousands of dollars monthly.

Judge Gersten passed the floor to Don Kearns.

## 7. Committee Reports

The chairman asked each committee chair to provide an update on each committee's progress:

### 7a. Neighborhood Committee

Kristen Gurucharri presented on behalf of the Neighborhood Committee.

- She is still putting together the list of volunteers and trying to reduce overlap and make sure all neighborhoods are getting representation.
- She is working with management to organize the first meeting

### 7b. Finance Committee

Kristen Gurucharri also presented on behalf of the Finance Committee.

- This goes hand in hand with the Neighborhood Committee as there are budget consideration
- There is a meeting set up for later in the month with CPA Jaqueline Greenberg.
- There are still opportunities to volunteer.

### 7c. Architectural Control Committee

Idalmen Ardisson presented on behalf of the Architectural Control Committee.

- Don thanked Chicky for organizing the first such meeting since 2017.
- Ms. Ardisson advised that the committee held it's first meeting last Thursday and considered 66 cases. She thanked her committee members for their service and advised homeowners they stayed past 10 pm. The committee is also considering updates for acceptable styles.
- Homeowners were advised there are no walk in applications accepted at the meeting.
- It was also explained that the Board will need to ratify the Committee's recommendations.

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## MOTION

*To approve the recommendations of the July 6<sup>th</sup>, 2023 ACC Meeting.*

Motioned by: Pete Cabrera

Seconded by: Carlos Villalobos

**Result: All in favor and the motion carries unanimously**

### **7c. Governing Documents Committee**

Carlos Villalobos presented on behalf of the Governing Documents Committee.

- The committee held its first meeting on the 26<sup>th</sup> of June
  - Marisol Marin is the co-chair
  - Chris Christodoulou is the secretary
  - The committee will meet on the last Monday of the month (July 31<sup>st</sup>)
  - The Committee continues to work on the four documents that make up the community covenants. The Chairperson has asked for members to send in suggestions.
  - Some of the documents are over 40+ years old and it will take time to go through them.

### **7d. Fining Committee**

Don Kearns presented on behalf of the Fining Committee.

- Don explained that there are no volunteers at this time. Homeowners were asked to contact the property manager to volunteer. This committee meets on an as needed basis.

### **7e. Assessment Committee**

Don Kearns also presented on behalf of the Assessment Committee.

- This committee meets on an as needed.
- Don and Marcoantonio did consider one case where a person requested to be on monthly payments as a result of financial hardships.

## **8. New Business**

- Judge Gersten gave Don Kearns the floor to proceed with New Business
- Don Kearns gave an overview of the proper procedures:
  - A topic is raised via a motion that is made by a member, seconded by another member and then the discussion can begin. Once there is no more discussion, a vote is called and then outcome of the motion is determined.
  - Marcoantonio disregarded meeting parliamentary procedure, did not proffer a motion, but did have several comments and questions regarding the Receiver's expenses and the financial reporting.

## **9. Old Business**

- Chicky gave an introduction on new business and old business. Homeowners were asked please to wait till the open forum where each will be given two minutes to comment on the agenda items.
- The point was made that we are under receivership and the advisory committee is working toward a new budget. It is important to get the money that we are getting be put to good use in the community. Chicky commented that the recently held election was professionally done by the attorneys. Chicky asked the members who voted to raise their hands. At least half the owners raised a hand. She said that this was a free, fair and well ran election because the hard work from FSR and the attorneys'

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guidance. She has asked homeowners to understand that legal expertise is not free and that it is a "necessary evil to rid the evil that was there prior."

- Pete Cabrera explained he had been made aware of over \$22,000 in past due bills to the Hammocks Police Department. He has begun the process of finding out what the \$22,000 is made up of.

## MOTION

***To defer the invoices from the Hammocks Police department to the office of the Receiver to investigate the debt of \$22,000 for previously provided security services.***

***Amended by Chicky, accepted by Pete, to get explicit detail of the officer assignments and locations where services were provided.***

Motioned by: Pete Cabrera

Seconded by: Chicky Ardisson

**Result: All in favor and the motion carried unanimously**

- Having no further discussion, Don Kearns thanked Pete Cabrera for his work in investigating this.
- The chair reminded the homeowners that motions are voted on by the Board

## 10. Owner's Comments on Agenda Items

- **Roxanna (Young woman in the back left)**
  - I know that this is going to take time and the anger is not going to help... One is that people are needing more communication... I don't do Facebook or Instagram and I think we need to do more emails. Second is the education. I don't know exactly how this works... You folks need to take time to educate us. That's my two cents. I think you're doing a fabulous job. If you don't communicate.
  - Don Kearns: Agreed with the need for improved communication. There hasn't been communication from the Hammocks to residents since 2015...The meetings are ruled by Robert's Rules of Order and you can go home and look at them...This is used to run any municipal meeting or government meeting. Robert's rules of order is how it's done. We were being "terrorized," last year alone was over \$1.2 million in legal fees...
- **Andrea Hall, Sunflower**
  - We are asking for transparency. We don't get answers to our bank accounts. Who approved the \$50,000 spent on an Architect? Why do we need to pay? In the past it was a volunteer?
  - The FirstService website says they have their own accounting. We have hired a CPA. Do we have two or is one working for them? That's the transparency I'm talking about...
  - Chicky Ardisson: Who told you that we have spent \$50,000 on a architect?
  - Resident: This is what I heard
  - Don Kearns: Explained the Association has its own and the CPA is being brought in to help the financial committee as the folks on the committee are not of a financial background. This allows "neutrality." The meetings are open to you as a homeowner to listen in on.
  - Judge Gersten: Please do not repeat information without saying where it was provided to you.
- **Todd Botner, Oakwood Estates**
  - I have been a resident for more than 15 years. There is a need for transparency. The notice was not posted properly. There should be more updates on the website. What is the committee I can bring up if I have concerns on security?
  - Don Kearns: Thanked the homeowner for the feedback. The notice was posted more than 48 hours in advance and was taken down improperly in some places. We will work on it. We seek "citizen involvement." Kearns suggested re-establishment of the Hammocks Security

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Committee and asked whether Mr. Botner would give of his time to serve on the Committee. Mr. Botner agreed.

- **Analaura Morales**
  - She complained about the lack of notices and emails from the Association. “ we should be getting the email reminders one week in advance. If we provided our emails we are expecting communications back.” She also said there is too much spent on security and not enough budgeted for the gardening in the community.
  - Don Kearns: We are in receivership.” This was the best work possible at that time.” The budget made is an estimate of what the Association may use next year, and the finance committee will look at our spending vs the budget. “Understand that when we get legal surprises, it sets us back a little.” Legal expenses are a result of The numerous legal surprises that came from the seven years of an “allegedly criminal Board,” that are being resolved at this time.
- **Question from Guillermo Roldan, Live Oak**
  - The resident asked for results to give members “hope.” There were some complaints regarding the Receiver’s legal expenses given the Association’s financial position after a theft.
  - Don Kearns: There are too many legal questions to move away from current legal counsel. The Receiver is answering to more as it comes up. “This not a destination, this is a journey.” Everyone wants to be out of Receivership, but it is not possible at this time.
- **Jeanine Manzano, Chantarelle**
  - How does the committee decide what documents to change? Are homeowners going to be given the opportunity to input on these decisions? How is this done?
  - Don Kearns: Explained process of changing rules and regulations vs changing documents.
  - Chicky Ardisson: The meeting is on July 31<sup>st</sup>, please save questions to the committee for that forum.
  - Carlos Villalobos: The last Monday of the month. As the chairman for the Governing Documents Committee I can tell you this is a lot of work. The meeting is public and available via Zoom for owners to see. I have over two pages of resident feedback and welcome all suggestions. Please send them to me.
- **Carlos Riviera**
  - I have been at the Hammocks for over 20 years and used to be on the Board. “It is a process. I would like to tell all of you this is a lot of work.” Please be patient because it is not as easy as it seems to get things done. “let’s be real with each other. Keep coming to the meetings. Be transparent. It is not going to happen overnight....” Mentioned he would work with Todd on the security committee.
  - Don Kearns: Thanked the owner and reiterated that this a process. Reminder owners that a year ago the dues were more costly, and the doors were closed and lights off.
- **Leo Velasquez**
  - What about the things that people see? Fencing, entry features, landscaping etc. Is no one making a schedule of contractors? I have asked for communication and I do not get it. Who is doing QA/QC the management company and the people that work for us? I see the security guards checking in by community and turning the corner sleeping by the mailboxes... Requested deadlines and schedules.
  - Chicky Ardisson: Mentioned homeowners delinquent over 90 days is over \$1 million. This creates budget short falls. Surprises from vendors. Play equipment was ordered during the peak of the chaos for over \$400,000. The next budget would be a fair budget. “We are holding FSR to account.”
  - Resident: Complained about the need to report issues.
  - Chicky: You are just providing proof of your claim. This is no different than if you bought a lawn mower, and it didn’t work, you still have to go back to the store and prove it doesn’t work.” I’m

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sorry, but it's the same here". You paid for it, but if there is a problem it is on you to say something. If you see a guard sleeping take a picture. This is proof that you have not gotten your money's worth.

- Don Kearns: Management does oversee vendors, but please report issues you see to the office.

## MOTION

***I request the Receiver to provide the Board monthly financial reports of expenses.***

Motioned by: Marcoantonio Real

Seconded by: Carlos Villalobos

Discussion:

- Judge Gersten said it was not unreasonable. He advised that he reports to Judge Butchko quarterly by court order. He said that he worried about creating an additional cost related to producing monthly reports and the potential involvement of the finance committee. He said he would give it "serious consideration," and work with accounting to investigate options and weigh the costs and the benefits.
- There is a lot of misinformation. Don't wait till once a month to share your comments. Let your Board know. "It IS a process." Comments on how his efforts, and 31 years of experience, are protecting the community. Warning about how the Hammocks is a beautiful community, and certainly complaints are valid, but he will not be here forever and he is the one that is policing the police.
- Marcoantonio: Brought up the story of Edward, gentleman that took over and covered the phone for the Hammocks at \$300 per hour instead of the \$20 per hour that the receptionist gets paid on one afternoon when the receptionist was unable to work.

**Result: Carlos Villalobos, Marcoantonio Real in favor. Kristen Gurucharri, Don Kearns, Chicky Ardisson and Pete Cabrera opposed. Juan Franco abstained. Motion does not pass.**

## MOTION

***To table the discussion of monthly expense reports until the Receiver has been able to review options and get back to the Advisory Board with a recommendation.***

***Amended by Chicky, accepted by Pete, to send the recommendation from the Judge to the finance committee.***

Motioned by: Pete Cabrera

Seconded by: Marcoantonio Real

**Result: motion carries unanimously**

- **Laura Chevel from Cedar Landing**
  - How soon are we going to have the finance committee meeting?
  - Kristen Gurucharri: It will likely be the third Wednesday of the month, but this month we are meeting with the CPA for the first time. Once we have our first meeting with Jaqueline we will have a better idea when to meet. A reminder will be sent out.
  - Resident: Requesting status update and timeline.
  - Jean Carlos Peralta: I will check it out.
- **Kelly M. Grosch from Pelican Point**
  - "I knew this was a mess..." "I want to thank this Board. "Explained she is a civics teacher wants to share with the residents that these people are working for you. "You voted them in and now you have to work with them. "This is how the system is. Deal with it." If you want something, bring it up to the Board because they are there because you voted for them.
- **Ana Alvarez from Oak Lake**

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- [To the room] How long has it been since the election? [in Spanish, three months is too soon, you are asking too much too soon.] Three months and you are all going after these people [the Board,]! There used to be chains on the doors to this building and everything was locked. Be patient, they just got elected and have had no time to work.
- **Marisol Marin, Sunflower:**
  - Is Hammocks Master screening renters from the Local Associations? Do we accept section 8?
  - "Have you considered a contingency for the attorney instead of an hourly rate?"
  - Don Kearns: This is a discussion for legal counsel and counsel has advised that contingency can be more expensive.
  - Carlos Villalobos: We are looking at it in the committee and will address with legal counsel.
- **Lilian Bernal from Heron at the Hammocks:**
  - She said she could not stay because she had parking arrangements at Oliver Hoover and they would lock her in if she did not remove the car prior to 9:30. She also had comments about the security at Heron, the Hammocks in general, and the recent car thefts there. She had comments about the Board and the management of her Local Association.
  - Don Kearns: Thanked the homeowner for her feedback and thanked the homeowners that stayed over two hours so far.
- Comment from Judge Gersten: FirstService has notified me the monthly reports it produces are visible to homeowners via the website [Connect].

## 11. Adjournment

Motioned by: Idalmen Ardisson

Seconded by: Kristen Gurucharri

No discussion

**Vote: Unanimous**

Meeting of the Advisory Board of Directors was adjourned at 9:24PM.

Signature \_\_\_\_\_

Approved By \_\_\_\_\_

Date \_\_\_\_\_



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Advisory Board of Director's Meeting

July 11, 2023 - 7:00PM

	Name	Unit Address
1	Claudia Rios	10500 SW 155th Ct #10210
2	Jane Johnson	11054 SW 148 Pl
3	Jorge Porrata	15801 SW 102nd St
4	CARLOS VILLALBA	11344 SW 160 Pl.
5	Daniel Lehman	8824 SW 151 Ct
6	Ray & Charlene Guruchanni	15027 SW 89 Terr Rd
7	Kristen Guruchanni	15032 SW 89 Lane
8	Jeanine Manzano	9980 SW 147th Ct
9	DOMINA VERELLI	9022 SW 150 Ave
10	VIRGINIA ALASTRA	15157 SW 95th St
11	Enche Alencia	10042 SW 147 Pl
12	EMILIO SANDINAS	15626 S.W. 100 <sup>th</sup> Terr.
13	K. Chambers	15195 SW 108 Terr
14	Yolma Jugu	8918 SW 150 Ct Dr North
15	Maria L. Paralta	10460 SW 159 Ct. Oakwood Estate
16	Patricia Mercedes	14776 SW 101 Terr
17	ELIANA ANASTA	9849 SW 147 Pl
18	Guillermo Roldan	10011 SW 147 Pl
19	Juan M. Diaz	14727 SW 112 Terr
20	Tamara Ponce	16134 SW 112 Terr
21	M. Binder SANDIN	11130 SW 161 Pl
22	FRANCISCO D. PEREZ	10410 SW 154 Ct. #1
23	DAISY DIAZ	11325 SW 161 Ct.
24	Felix Avencis	14872 SW 96 Terr
25	CESAR VARGAS	
26	THAZAGARAS NARDOU	10441 SW 160 AVE
27	Christopher Recicar	15027 SW 89 Lane
28	ILLUM COLLGANT	15021 SW 89 Terr Rd
29	Hans Marchel	15006 SW 100th. 9545537472
30	JULIUS	11275 SW 160th Ct

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July 11, 2023 - 7:00PM

	Name	Unit Address
1	Daphne McKenzie	15101 SW 113 St
2	Enilio Sandoval	15626 SW 100 Terrace
3	Raiza Brand	9411 SW 151 Ave
4	JEANINE MANZANO	LIVE OAK
5	Harry Natchel	Vicaya
6	Arnold Makorn	Alhambra
7	Pete Tabern	Alhambra
8	Fay Lue	Corella
9	Andrea Hall	Sunflower
10	Marisol Marin	Sunflower
11	Lucio Tan	Sunflower
12	Aya M. Alvarez	2932 SW 150 Ave. (Oak Hills)
13	Ilke Colbert	15021 SW 89 Terr. Rd
14	Marcia Woodruff	15022 SW 89 Terr Rd
15	COLORIA M HLOWSO	15026 SW 89 Terr Rd
16	Karina Johnson	9869 SW 147th PL
17	Janet L. Johnson	11038 SW 148 Pl - Charterelle
18	Jane Johnson	11054 SW 148 Pl - Charterelle
19	ROSAN VARGAS	15545 SW 112 Dr.
20	CRISTINA JARAMILLO	15619 SW 113 DR
21	Tommy Esau	15044 SW 100 Ln
22	Evelyn Aleman	10042 SW 147 PL
23	FYRAN LUDY SHAF	15032 SW 89 TERR RD
24	Javed Umar	10073 SW 153rd Ave
25	Chris Recicpa	15029 SW 88th Lane
26	JEFF HURST	9850 HAMMOCKS BLVD #108
27	Patricia Arguello	9324 SW 151 Ave
28	Fernando A. Figueroa	9431 SW 151 Av
29	Ana Laura Morales	15651 SW 109 Terr
30	Alfred Ojeda	11243 SW 156th