

# Hammocks Community Association Inc.

## Minutes of the Fining Committee Meeting

November 16<sup>th</sup>, 2023 – 7:00pm

### 1. Call to Order

The meeting of the Fining Committee was called to order by Corey Tickner at 7:05pm.

### 2. Determination of a quorum

Present: Mabelle Jaramillo-O'Neil and Hector Meneses are present therefore Quorum is established

Fining Committee Members:

Mabelle Jaramillo-O'Neil, Chair

Hector Meneses

Zoe Azpeitia, Corey Tickner, Anthony Serrone; First Service Residential. Alexandra Cruz;  
Meeting Minutes Transcripts

Alexandra Cruz is formally appointed as Secretary for the purpose of taking minutes.

### 3. Committee Scope

- **Corey Tickner:** The scope of this Committee is to determine if a violation has occurred. If a violation has occurred, then the determination of whether a fine will be issued will be determined. Also, determining whether the homeowner is offered an extension to cure the violation, or whether it is an old violation will follow. They will operate like a Special Magistrate similar to those run by the Counties and Cities. That is what I would recommend for the running functionality and process. Our goal is not primarily to issue fines to homeowners. Our goal is to have the homeowners comply with the rules and regulations that are kept to preserve our aesthetic. That is what we are looking for with the Committee members because we would prefer for this to not be regarded as punitive, but instead to be used to protect the property standards within our community and to act as an extension of the Receivership and the Advisory Board. It is very important to note, as I understand, in the past the Violations and Fining Committee had been used to demonstrate a punitive arm of the previous Board. That is the opposite of what we want this Committee to be with this new era. Yes, people will be fined, and we understand that no one enjoys receiving fines but we have a fiduciary responsibility to uphold in accordance with the Receivership.

### 4. Organizational Protocols

- **Corey Tickner:** Mabelle, you are the Committee Chair. Would you like to continue as the Committee Chair?
- **Mabelle Jaramillo-O'Neil:** I have no issues at this point.

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- **Corey Tickner:** Okay
- **Hector Meneses:** I second that
- **Corey Tickner:** Thank you Hector. We have one of the members who is not here tonight. I will note that when we have violations to approve or fine that we do need three members of the Committee present in accordance with Florida Statutes. We will not be issuing fines unless we have three members present. Currently, the Committee only has three people on it so other people are needed as statute requires at least three people at all meetings where fines are levied. All interested person should contact the Hammocks Team. In terms of protocols, I did give you the former rules and regulations to the Committee that was in place. If anyone in the audience would like a copy, I do have some additional ones as well. Let's talk about the procedures and rules from page one to six. Page seven is where we get into procedures.

## 5. Determination of Types of Fines to Consider

- The first issue to talk about is the amount of the fines. There are three fine amounts defined. The first fine amount is not to exceed \$100.00. The second time the violation occurs it would be a \$500.00 fine and the third time would be at the Florida Statute maximum which is \$1,000.00.
- **Mabelle Jaramillo-O'Neil:** That is located on the rules and regulations?
- **Corey Tickner:** That is located on page seven. The homeowners can find them and view them on the association website, so they are public records. Do you agree with the fine amounts and are there any other fine amounts that you would like to see?
- **Hector Meneses:** Well, it takes about a month to issue and receive so maybe we can start with a fine amount if it is fixed before the month is over?
- **Corey Tickner:** Okay, have there been instances of where a fine of only \$50.00 was issued, to your knowledge?
- **Hector Meneses:** I believe it was \$100.00 what was set before, I believe.
- **Mabelle Jaramillo-O'Neil:** Hopefully, we won't have to post too many.
- **Corey Tickner:** Okay, since you would like to keep that then we will set our recommendations as such. Next, we have the violation policy which are the Letters that would go out to the community. With First Service Residential, part of the services that we provide to the community are the violation coordinators in marked canvassed vehicles to take photos on a phone or tablet so that it would accompany the violation notice. Those notices would then be mailed out. There are different types of notices that go out. The first type of notice is the friendly notice which would indicate the alleged infraction including the time and date with a timeframe which can be anywhere from 0-30 days. The second type of notice can result in a \$100.00 fine if it is found that there is actively a violation being committed. The homeowners will get follow-up letters if they pass the timeframe for compliance whether it is \$500.00 or \$1,000.00. There is a third notice which goes out if you exceed the previous timeframes to cure the violation which is then \$1,000 fine. Prior to the fining meeting homeowners must cure the violation prior to the meeting or show a valid reasoning as to why the violation should not be posted. The homeowner will receive notice of their violation hearing fourteen days prior to the hearing in accordance with Florida statutes so they have the proper notice to come. These Letters will be issued for the initial notice of the violation along with their second notice. Again, after the meeting when the Committee votes, we would post as to why or why not. My recommendation is that you do not have the person sit here while you vote.). Once it is voted

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on, a letter is issued with the determination. The final notice issued is typically when the homeowner does not care to respond or cure the violation after receiving multiple follow-up notices. It occurs when they did not show up for the previous hearings scheduled or cannot be present for an upcoming hearing including a sufficiently good reason as to why you cannot come to compliance along. It is accompanied with a \$1,000 fine notice letting the homeowner know how the fine was imposed. Along with paying the fines, the homeowner must cure the violation. The Florida Statutes allow you to continue fining for the same type of violation if it is not cured.

- **Mabelle Jaramillo-O'Neil:** Well, hopefully they pay for it or at least cure it.
- **Corey Tickner:** Yes, hopefully they cure it, so we do not have to fine them. If we do have to fine them then hopefully, they will pay it. If not, then there is a procedural process in place that can turn into an eventual foreclosure of their home which is not in the determination of this Committee. It is for this Committee to post the violation notices but for the Board of Directors if they wish to extend it. That covers the type of letters to send. Is that a process you would like to keep?
- **Mabelle Jaramillo-O'Neil:** Yes, I think we should.
- **Corey Tickner:** There is also a fine procedure to waive the fine. First, the case is presented here and if this Committee approves then it is presented to the Board of Directors. It is asked that if they appeal and are located within Miami-Dade County, they should be going to the Advisory Board and referring to the rules and regulations which are in place by the Receiver. If they are out of the state or out of the country, they may submit a written request with the name, address, account numbers along with the reason of non-compliance with a valid reason to support the fee waiver. All BCE should review correspondence before the next scheduled meeting for a subsequent meeting to then make their determination to waive or uphold the fine. All the payments of these fines are due within fifteen days. All funds from the monies received will be allocated as lawfully directed by the Receivership and Board of Directors. There is an issuance of the notice of violation. The Board has the authority to direct First Service Residential including Contractors or surveillance patrol to give personal written notices of the violations within the provisions of the Associations governing documents. The collections policy is what is being reviewed by the Board of Directors. My recommendation to run these hearings like a Special Magistrate Hearing. These hearings start with a sign-in sheet asking the individuals who would like to be heard to enter their information. Then the violations for the individuals who are present are discussed. After those are done, you will enter a vote on each of those. Additionally, there is the other option for the individuals who have elected not to attend. In the review of each individual case, I recommend you give the person with the alleged violation three minutes to speak along with the Committee being given three minutes to ask questions. After they present their case, First Service Residential would reply. The objective is to communicate as clearly as possible as calmly as possible focusing on only the facts. For the individuals who did not show up, my recommendation is to present the case and give an exception for not attending by offering a valid reason as to why an extension is needed. As we all know, life happens, and we should offer them the ability to present their case fairly.
- **Mabelle Jaramillo-O'Neil:** Sounds very reasonable.
- **Corey Tickner:** Any questions from our one person in the audience?

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## 6. Direction to First Service Residential on Violations/Fines

- **Corey Tickner:** We have the Violation Coordinators who would like to start patrolling, based off of your recommendations before we initiate the full-fledged violation program. We have two things we need to establish firsthand. First, we must see that the rules and regulations go out to inform the community and let them know where they can find the rules and regulations. Everyone will be informed of what they could be held accountable for. I think that is only fair.
- **Mabelle Jaramillo-O'Neil:** That is fair.
- **Corey Tickner:** I know it has been almost seven years since a fair process on fining was here. The second part is to decide on a date that we let people know when we plan to start so they can try to be compliant before then. You may want to consider a date that you want it to start. Also, keep in mind that the holidays are here which is when most people are away. I would like the Committee to give us direction as we are ready to start giving violations. Please let us know when you would like the correspondence regarding these violations to go out. Ultimately, we must present it to the Receiver and wait for their approval.
- **Mabelle Jaramillo-O'Neil:** I believe this could be a good thing because it would encourage the residents to look at the violations and be informed of the rules. For example, there are multiple cars per driveway. This would be a friendly function just to ask them to be compliant and use it hand in hand with an educational approach. I am unsure if the Receiver would accept it or not, but it would be great. Some of my neighbors simply have no clue. For example, an issue I have a lot is the sidewalk being obstructed because of cars being parked on the sidewalk. If I am walking, I have to exit the sidewalk to walk in the street.
- **Corey Tickner:** Just to verify, I looked into having the rules and regulations sent out to everyone, but we might post it instead to make it more cost-effective. We can use a QR code on all the newspaper stands so that people can go by them and scan them
- **Hector Meneses:** Are you referring to placing them inside of each mailbox or having them mailed?
- **Corey Tickner:** We would start by placing them on the bulletin boards here in the clubhouse.

## 7. Owner Comments on Agenda Items

- **Laura Chevel–Cedar Landing**
  - **Laura Chevel:** If a resident receives a violation, they must wait thirty days until the next meeting or may they come in person and speak to you or someone in Management?
  - **Corey Tickner:** They should always come and speak to the Violations Coordinator who issued the violation.
  - **Laura Chevel:** Is that First Service Residential?
  - **Corey Tickner:** Yes, the Violations Coordinator is a First Service Employee or a Staff member of the Management team. They should come to the

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Violations Coordinator if they need direction or do not understand the violation. We want them to correct the violation to maintain the aesthetics and the property values.

- **Mabelle Jaramillo-O'Neil:** That is the goal. We have residents here that have lived here for many years, and they are very well aware of what is permitted and what is not. We also have a lot of residents who are new who have not been familiarized with the proper rules and regulations so I think it will be an educational period for everyone altogether. It would be good for everyone to understand what is allowed and what is prohibited. I believe that is most of the work that we will be doing initially.
- **Corey Tickner:** That would go under the recommendations.
- **Mabelle Jaramillo-O'Neil:** Oh sorry.
- **Corey Tickner:** No, you are fine. You are the Chair of this Committee. This is your meeting. I am just holding it now to kickstart everything.
- **Laura Chevel:** Is First Service Residential going to have a designated person who will be going around to check everyone's house or can the residents themselves report them as well?
- **Corey Tickner:** You can do both. We will have a Violations Coordinator from First Service Residential going around and looking for violations but if a resident reports the violation, then we will always ask them to please send us an email with the alleged violation information and include the photo within the email. We do like photographic evidence. If they are not comfortable with putting their picture within the email, let us know where the residence is, and we will try to go out to see it. Remember, our contract says that we can issue violations from what we can see and hear from the road.
- **Laura Chevel:** Yes, sometimes I feel like maybe some of the neighbors are afraid and so they will naturally try to avoid any conflict.
- **Corey Tickner:** You can always insert your anonymity in the email and state you are "Jane Doe" reporting these photos for a Violations Coordinator to oversee. However, if it is something that we cannot see from the road or from the common areas then we cannot go onto someone's property to photograph that violation so in those instances then we would need some assistance and cooperation from the neighbors to help us detect and document the violations. Otherwise, we would be violating their rights. Additionally, Florida Statutes does have recordkeeping requirement on those documents so we can never guarantee any anonymity as there are ways of that information being requested. Thank you for your question.
- **Laura Chevel:** Can First Service Residential send out a reminder notice to let everyone know that they will be starting on January 1st to issue violations that way everyone has time to cure whatever obvious violations they have now? Like a friendly reminder and just put Merry Christmas and Happy New Year on it?
- **Corey Tickner:** Yes we can do that as long as we have approval by the Receiver.

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- **Lilian Bernal–Heron at the Hammocks**
  - **Lilian Bernal:** Yes, some appear to be oblivious as to what the rules and regulations are. I have been here for 35 years, and it is common sense. Nowadays, it seems to be more “their way or the highway” which is inconsiderate. They need to be informed at the meetings so there can be money saved on postage costs for snail mail. I would suggest having a stack of the rules and regulations posted here so the residents can grab copies as they need and become aware. If they cannot have the common sense to figure it out. A lot of these streets are very narrow and I see it in my parking lot all the time with residents dropping off their groceries and just block the entire road by parking in the middle of the street. I go to the meetings at the Hammocks Police Station at the end of the month, which is the last Wednesday of the month at 7:30pm and it helps to become a better informed resident. They always tell us to never engage with the individuals at fault and to let them engage. People can take anything the wrong way. My suggestion is to have a staff member visit the meeting every month. It would help to cut costs because there are over 100 lawsuits against the Hammocks, and we should save as much funds as we can.
  - **Corey Tickner:** Thank you for that. Right now, we have been focusing on the residents running illegal businesses out of their homes which is mainly auto and body repair work. Now this process does also run in conjunction with Code Enforcement. The community is determining whether we have the County address those or whether we will handle it directly. We do not need an answer right away on that but we will follow up on that on the last meeting of the year being held December 21st.
  - **Mabelle Jaramillo-O’Neil:** I will not be available on December 21st.
  - **Corey Tickner:** No worries, we will discuss it with the members of the community and come to a conclusion on that when time permits. Is there anything else the Violations Committee would like to address?
  - **Lilian Bernal:** Is the Violations Committee only going to act off the complaints received from the residents or are they sending out Coordinators into each of our communities?
  - **Corey Tickner:** The recommendation we received from the Committee was to have a full-blown inspection of each community starting on January 1st to give individuals time before we start this process.
  - **Lilian Bernal:** Do we have authority in the areas that are not maintained by the Hammocks within the individual communities?
  - **Corey Tickner:** I would ask the Receiver to see if it is up to them to review the violations or if it is up to the local association. I am not in a position to answer that.
  - **Lilian Bernal:** And if so, are the Hammocks able to send a violation directly to the Homeowner or do they have to go through their local association?
  - **Corey Tickner:** Generally speaking, I cannot give an answer on behalf of the Hammocks because that is not an answer we have right now. Usually, the master association which in this case is the Hammocks would send the violation to anyone and subsequently those violations would typically go to the individual

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directly and bypass the local association but we will seek clarification on that aspect of the process because there are local associations that have their own management companies which sometimes have additional rules and regulations that you may or may not be aware of.

## 8. Adjournment

Motioned By: Mabelle Jaramillo-O'Neal

Seconded By: Hector Meneses

**Mabelle Jaramillo-O'Neal adjourns meeting at 7:35pm**