

# Hammocks Community Association Incorporated

## Minutes of the Meeting of the Advisory Board of Directors

September 19, 2023 – 7:00pm

### 1. Call to Order

The meeting of the Advisory Board of Directors was called to order by Don Kearns at 7:00pm.

### 2. Pledge of Allegiance

Everyone stood and recited the Pledge of Allegiance.

### 3. Determination of a quorum

Present: Receiver Judge Gersten is present; therefore, a Quorum was established by his presence.

Members of the Advisory Board of Directors Present:

Don Kearns  
Idalmen Ardisson  
Kristen Gurucharri  
Carlos Villalobos  
Pete Cabrera  
Marcoantonio Real  
Juan Franco

Jesmany Jomarrón, Association Counsel. Alyson Theale, Corey Tickner, Anthony Serrone, Jean Carlos Peralta, FirstService Residential (“FSR”).

Resident sign in sheet attached, and approximately 51 residents attended via Zoom.

Receiver formally appointed Anthony Serrone, with FSR, as Secretary for the purpose of taking minutes of the meeting of the Advisory Board of Directors.

### 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, September 15, 2023.

### 5. Approval of Minutes

FSR presented the minutes of the prior meeting of the Advisory Board of Directors held on July 11, 2023.

MOTION

***To approve the minutes of the July 11, 2023, meeting of the Advisory Board of Directors.***

Motioned by: Pete Cabrera

Seconded by: Kristen Gurucharri

**Result – Motion carries unanimously.**

### 6. Receiver’s Status Report

- Legal Updates – Receiver updated the membership about the settlement of a major lawsuit against the insurance company.
- As a result of the settlement of the lawsuit, which was filed by the law office of Damian, Valori, & Culmo, there is now \$2 million that has been collected and is in the treasury of the Hammocks.

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- The method of charging for legal fees by the hour versus charging a contingency fee was discussed. Had the law office charged a contingency fee, then the attorney's fees for the settlement could have been between \$650,000 and \$1 million. Instead, the law office billed by the hour, which resulted in fees of less than \$100,000 being charged to the Hammocks. This amount is effectively about 5% of the total settlement amount collected versus a standard contingency fee between 33% to 50%.
- Potentially, the money that was collected from the settlement may be saved for future projects in the Hammocks; that decision has not yet been made by the Receiver.
- The opinion of the Advisory Board of Directors will be requested regarding whether the funds should be retained in a capital improvement fund.
- There are also ongoing lawsuits against the prior lawyers that aided the previous board of directors. Those cases will hopefully be settled soon. Additionally, there is another potential settlement of approximately \$1 million against the Hammocks' crime insurance policy because of the losses caused by the criminal acts of the prior board of directors.
- Unpaid assessments
  - The amount of unpaid assessments that was previously outstanding totaled approximately \$1.7 million. Within a month, that number decreased to approximately \$1 million.
  - Each owner received a letter with their account ledger. These ledgers may not be accurate. There is a team of Forensic Accountants that is investigating each account to ensure that the information on each ledger is accurate. Owners are encouraged to come to FSR to submit their proof of payment(s) so that their ledgers will reflect the correct information.
  - Soon, Notices of Late Assessments (NOLAs) will be sent out to all owners with a balance of \$400 or more. If the amount demanded in the NOLA is not paid within the time frame set forth in the NOLA, then your account will be sent to collections.
- Foreclosure Cases
  - There were over 100 foreclosure cases when the community was put into a receivership. Currently, there are 30 to 40 foreclosure cases open for which settlements are being negotiated to bring more money to the Hammocks. Anyone in foreclosure is encouraged to reach out to the legal team as they are trying to settle all the open foreclosure cases.
- Vehicle Sales
  - The bank offered to buy back the cars previously financed by the prior board of directors. Other vehicles on the property are in the process of being valued and sold to bring more money into the community.
- Cost Reductions
  - The cost of insurance for the community has been cut by approximately 37%, which saved the community over \$200,000.
- Budget
  - FSR prepared a proposed budget for 2024, which was reviewed by the Receiver's legal team.
  - The proposed 2024 budget will be made available to all owners no later than September 20, 2023. This proposed budget meets the needs of the Hammocks while keeping costs as low as possible.
  - The unit owners are encouraged to come to the Finance Committee meetings to voice their concerns and provide feedback. The Finance Committee's responsibility is to listen to the community and make suggestions to the Receiver and the Advisory Board of Directors. The Receiver will make the final determination on all matters but will take all the Finance Committee's opinions and recommendations into consideration.
- Statements by Receiver
  - Based on the current financial condition of the Hammocks, it would be impossible for the Hammocks to go bankrupt while under the control of the Receiver.
  - In 2024, the maintenance assessments due by owners will go down.

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- There will be no special assessments in 2024.
- Professional Fees
  - The Receiver addressed the misconception among the community that the Receiver's law firm has charged \$2 million in legal fees, which is false. The Court's docket shows and confirms that Judge Butchko must sign off on all the checks disbursed to the Receiver's legal team. To date, the fees charged by the Receiver's law firm, Gordon, Rees, Scully, & Mansukhani, have been approximately \$643,000.
  - There have been other professional fees that were charged such as the Forensic Accountants, who were responsible for preparing the evidence that led to the recovery of the \$2 million settlement and will potentially also lead to the recovery of an additional \$1 million from the Association's crime insurance policy.
  - The Hammocks has not had an audit of its finances since 2018. An audit of the books could not be started because there was not a complete set of books to audit. The Forensic Accountants are in the process of first rebuilding the books. The good news is that the work of the Forensic Accountants can be given to the State Attorney's office to further support the prosecution of the former board of directors. Thus, the work of the Forensic Accountants has a dual benefit to the Hammocks.
  - There are other costs for the services of The Morgan Law Group and Michael Kaufman, Esq., that will either be paid out of this year's budget, the settlement funds, or next year's budget. The payment of these fees will be Judge Butchko's decision. The fees that Judge Butchko will consider paying to The Morgan Law Group and Michael Kaufman, Esq., are for their work in securing the receivership, challenging the election, serving the board recall, and defending against the numerous attacks hurled against those owners challenging the actions of the prior board of directors.
- Community Accomplishments
  - When the Receiver took over, it was imperative to "clean house" and start rebuilding the community from the ground up. The following is a list of some of the accomplishments that have been made.
  - The landscaping has improved within the community. Pete Cabrera was commended for his hard work and efforts in improving the landscaping at the Hammocks.
  - Hidden documents have been found that have led the Forensic Accountants to findings that were crucial in securing the \$2 million settlement.
  - Watertight elections. The election process for the 2023 year was the most efficiently run election in HOA history.
  - The expenses of the Hammocks have been reduced in a variety of ways.
  - Checking for proper and improper foreclosures and working to get those foreclosures settled.
  - Putting together a budget and holding a properly organized Finance Committee meeting to review the budget openly with the input of all owners.
  - There has been 100% transparency from the Advisory Board of Directors and the Receiver to the residents of the Hammocks.
  - The Security Committee [subsequently named the Public Safety Committee] was established.
  - Don Kearns will oversee the Public Safety Committee. There have been security concerns in the community that we are aware of and addressing through the Public Safety Committee.
    - The lighting issue is being addressed and we have quotes to have light poles installed along the streets and sidewalks for residents' safety at night.
    - There is graffiti in the community that has now been painted over.
    - There is suspicion that there is some level of gang activity within the community. There is nothing that we can do to completely eradicate crime in the community, but it is a concern that we are going to try to mitigate through the Public Safety Committee.

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- Increasing the number of security guards on patrol within the community is being considered. Off duty police is also being considered.
- The Hammocks HOA paid off all its debts to the Miami-Dade Police Department after an investigation and determination that the prior board of directors refused to pay valid charges.
- Pools. The repairs to the Wild Lime pool will be completed this month and possibly within the next couple of days after the meeting of the Advisory Bboard of Directors. The pool at Black Creek will also be repaired this month. The Water Oaks pool is scheduled to be repaired in October. The only thing that has the potential to hinder these projects is the inspection by the Department of Health.
- The drainage issue is going to be addressed. The water is backing up in the streets more often as the rain has increased due to the time of year. The cleaning of the storm drains was suggested but would be a waste of money if there was structural damage to the storm drains. An engineer was hired to assess damage to the structure of the storm drains. The engineer reported that there were no damages to the structure of the storm drains, which means their cleaning would be effective and not a waste of Hammocks resources.
- FSR is following up with all the outstanding applications to the Architectural Control Committee and increasing their communication to the residents that have submitted applications.
- Delinquencies have been cut back drastically.
- The Clubhouse is now available for rental to the owners. The form to rent the Clubhouse can be found online at the Hammocks website. If any resident needs the form emailed to them, let FSR know, and they will be able to send it via email.
- 15 of the 22 beaches have new sand, and all the beaches will be done by the end of the month.
- The maintenance crew is doing clean-up twice a day, once in the morning, and once in the evening.
- The maintenance crew staggers to empty the dog waste stations twice per day, one pick-up in the morning, and one toward the end of the day.
- The Security firm is issuing citations to illegally parked cars.
- The broken fences are being worked on. Fences are a good example of how we could use the recently recovered settlement funds to set up a reserve account.

## 7. Committee Reports

### 7a. Architectural Control Committee

Idalmen Ardisson Presented on behalf of the Architectural Control Committee.

- There were 9 applications voted on at the meeting. Six of the applications were approved.

MOTION

***For the Advisory Board to approve the applications that were approved by the ACC Committee in the September 7, 2023, meeting.***

Motioned by: Idalmen Ardisson

- Pete Cabrera – I do not know what I am approving so I cannot second the motion.
- Don Kearns – Suggested a more in-depth discussion after a motion is made and seconded.

MOTION

***For the Advisory Board to approve the applications that were approved by the ACC Committee in the September 7, 2023, meeting.***

Motioned by: Don Kearns

Seconded by: Pete Cabrera

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## DISCUSSION

- Pete Cabrera – I do not know what we are approving of, can we go over the applications?
- Idalmen Ardisson – The applications were as follows:
  - Yanet Albelo from Belmont – Replacing windows and doors. Approved pending what window style is going to be installed.
  - Marisley and Keving Ginarte from Chantarelle – Roof. Denied due to wrong color/style of roofing.
  - Miguel Fadhel from Ensenada II – Exterior Door. Denied.
  - Shamita Quadros from Jasmine – Impact windows, 3 double French doors, 5 fixed windows, 5 horizontal rollers, 1 arch window, 2 casement windows, and a garage door. Denied because owner first needs her local associations' approval for the applications.
  - Mabelle Jaramillo from Paseos II - Roof, exterior painting, gutters. Painting was approved. Roofing was denied because the roofing color was not approved for that community.
  - Sebastian Arias from Pelican Point. Roof Replacement. Approved.
  - Zaida Nicholson from Spicewood – Hurricane impact doors and windows. Approved.
  - Yolanda Jurado from Spicewood – Roof Replacement. Approved.
  - Octavio Castillo from Vizcaya – Installation of Solar Panels. Approved.
- Idalmen Ardisson – We went through the ACC applications alphabetically and either approved or denied them.
- Mabelle Jaramillo – Had a question regarding why she was denied by the ACC.
- Don Kearns – The residents will have their chance to speak at the end of the meeting. Please hold your questions until the end. Is there any more discussion for the ACC? There was a resident that approached me in reference to an application for hurricane shutters that was supposed to be in the September meeting.
- Idalmen Ardisson – What was reviewed at the ACC meeting were those applications presented by FSR. If it was not in the meeting in September, then FSR did not put it in front of the ACC.
- Don Kearns – Can we make remedy to accept the application at this meeting?
- Jesmany Jomarrón – The Receiver will make the ultimate decision so we can send the application to him for a determination. Essentially, what the Architectural Control Committee oversees is making the decisions that will be recommended to the Advisory Board of Directors or the Receiver for approval.
- Don Kearns – We will send the application in question to the Receiver for a final determination.

## VOTE

### ***Vote on the motion***

Unanimous

- Idalmen Ardisson – The function of the ACC is to analyze and decide on the aesthetics of the communities. We could not do that in a regular ACC meeting so on Monday, September 11, 2023, the ACC and FSR met here until 10pm at night to move the business of the ACC forward. Tried to collect the right aesthetics from each neighborhood. We have come up with the following recommendations.
  - Color of window Frames – can be white or bronze.

## MOTION

***To accept white and bronze as the colors of window frames that are allowed to be installed.***

Motioned by: Pete Cabrera

Seconded by: Kristen Gurucharri

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## DISCUSSION

- Idalmen Ardisson - Some communities have mostly white, some have bronze. In the previous ACC, there was turmoil that led to some people being allowed to have bronze, which has been installed all around the community.

## VOTE

### ***Vote on the motion***

Unanimous

- Idalmen Ardisson – The next recommendations from the ACC are as follows:
- The color of the front door must match the color of the garage door color. White, Bronze, or natural Color are the recommendations.
- Shadow box fencing with between 2-3' spacing with a brown color or paint. Other types of fences are being researched and decided on by the ACC.
- Roofs. The ACC did a survey to see what colors are most common in the community. ACC is trying to rein in the number of colors that are allowed to be installed in the community. The ACC is going to give that decision back to the individual communities and recommends that FSR do a survey. We suggest that the survey be completed by October, or latest in November. This includes the colors of light gray, dark gray, and dark brown. Thank you FSR and the rest of the Advisory Board of Directors for staying late to help figure this out.

## MOTION

### ***To accept all the previously listed recommendations by the ACC.***

Motioned by: Pete Cabrera

Seconded by: Kristen Gurucharri

## DISCUSSION

- Carlos Villalobos – Are you including flat tiles in the roofing survey?
- Idalmen Ardisson – Flat tiles are not included in the survey. ACC determined that there was not a large enough number of houses with flat tiles to include in the survey to put forward. Carlos Villalobos, you can bring that to the ACC meeting if you would like.
- Carlos Villalobos – But the survey will be sent out before the next ACC meeting.
- Don Kearns – This can still be voted down by the Advisory Board of Directors.
- Pete Cabrera – Regarding front doors and garage doors, what if there is a glass front door, and the trim is white, does the garage door have to be white?
- Idalmen Ardisson – Yes
- Pete Cabrera – There is a green garage door in a neighborhood, is that acceptable?
- Idalmen Ardisson – The aesthetics will be enforced going forward. We are not going to tell people they must change their aesthetics if they are already in place. We are going to grandfather everyone in that does not match the aesthetic. We are changing them now to move forward, and the hope is that in 5-7 years the aesthetics of the community will change.
- Pete Cabrera – If a community has a local association, do they have to comply with the aesthetics?
- Idalmen Ardisson – The local associations decide their own aesthetic. FSR is responsible for getting the aesthetics from the local associations. Hammocks, as the master association, will still have to approve the applications but under the guidelines given to the Hammocks by the local associations.
- Pete Cabrera – We are going to change all the exterior fences to brown?
- Idalmen Ardisson – This is going to be part of one of the major projects the Receiver was talking about. We are still discussing communities and homes that are on a corner lot. We are moving forward from Cedar Stain, which is not a modern color. Trying to move the color scheme forward to brown, which hides dirt and mold.
- Pete Cabrera – How can we satisfy Carlos Villalobos' idea about putting slate?

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## MOTION

*To add the gray slate roofing option to the survey.*

*Motioned By: Pete Cabrera*

*Seconded By: Carlos Villalobos*

*Vote: Motion Carried Unanimously*

- Don Kearns – Does the survey include the concept of metal roofs being approved?
- Idalmen Ardisson – Metal roofs will be like any other aesthetic. The colors will be light gray, dark gray, and brown. The tile will be in the same colors, and we will include the gray slate. For every three people that like metal roofs, there are five that do not. We are trying to respect everyone in the community. 80% of the roofs are the same clay color, but we are introducing dark gray, light gray, and brown in tile and metal.
- Don Kearns – So the choice is going to the communities. Do we have a vote on the motion made?

## VOTE

***On the motion to accept all the previously listed recommendations by the ACC.***

Unanimous

- Pete Cabrera – People like green tint on windows. Is that ok?
- Idalmen Ardisson – That has not been discussed. There were 66 applications for the first ACC meeting. We are trying to focus on roofs, house colors, and fences, which will have to be tackled on a case-by-case basis. There are people that are contracting without ACC approval. We advised them not to do that because the approval of their documents is needed first. We encourage all residents to come to the meeting so that they can give their opinions.

## **7b. Governing Documents Committee**

Carlos Villalobos presented on behalf of the Governing Documents Committee.

- Carlos Villalobos – The Governing Documents Committee has been operating for last two months. We have had two open meetings and only two people attended each meeting. We encourage all homeowners to come to the meeting to give their opinions. Our methodology is to concentrate on the areas of concern in the Hammocks. After having several sessions, the Governing Documents Committee has come up with some recommendations. We are circulating surveys, and we have a QR link so that these recommendations can be seen. The purpose of the survey is to send recommendations to Jesmany Jomarrón and the Receiver on what to do in the election process.
- Our second recommendation is regarding the handling of Hammocks' money. We have started working on it, and we will have to work with the other committees and the Finance Committee to be all in line with what Hammocks agrees would be an appropriate use of Hammocks money. Recommendations approved by the Governing Documents Committee are presented to the Advisory Board of Directors for approval, and then sent to the Receiver.
- We need 1/3 of the owner's approval, which is around 1,400 people, to make changes to the Bylaws. Any changes to the Declaration require 50% homeowner approval.
- Don Kearns – How often is the Governing Documents Committee meeting?
- Carlos Villalobos – We are having weekly meetings in order to progress our recommendations. We are informing the community of our recommendations that are then going to the Receiver.
- Don Kearns – Are the Zoom meetings being broadcasted to the residents?
- Carlos Villalobos – The meetings that we are having weekly are for the committee and are not being broadcasted. The monthly meetings that are for everyone are being broadcasted over Zoom.

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- Don Kearns – For transparency, I think all homeowners should be invited. I do not believe that any committee should be having meetings without it being open to the homeowners. We went through problems when the prior board of directors did that exact thing.
- Carlos Villalobos – We are not operating in secret. Everything will be forwarded to the community, and then sent to the Receiver.
- Corey Tickner – As a recommendation to the Advisory Board of Directors, any meetings that you would like to post online, we would be happy to post to the Hammocks website, which FSR staff is now operating.
- Don Kearns – Any meetings that the Advisory Board of Directors or any of the Committees run should be advertised to the community and posted on the Hammocks website.
- Idalmen Ardisson – We have a full set of parameters that will prevent someone from coming in to ravish the community as before. We have all taken an oath that states that we will not conduct ourselves under the appearance of impropriety and that is the appearance that it exists when holding meetings that are not open to the owners to attend.
- Carlos Villalobos – Anyone can apply to be on the Governing Documents Committee and other people have contacted me wanting to be part of the committee. The Governing Documents Committee is open to anyone. We currently have nine people on the committee. What we are trying to do is work for the benefit of the community in whatever we do. The Governing Documents Committee has no power to change anything without the approval of the Advisory Board of Directors or the Receiver.
- Idalmen Ardisson – It is unfair for the Governing Documents Committee to exclude the community and come to the conclusions that it has come to. There needs to be transparency in how those decisions were made. The Governing Documents Committee must have a quorum at meetings. The reason for a quorum is for the committee to have continuity for their service to the community.
- Carlos Villalobos – I will be out of the country for the November meeting, I suggest postponing the meeting for five business days. Therefore, the Governing Documents Committee meeting will not be in the last week of November but in the beginning of December.
- Idalmen Ardisson – The community knows which day the meetings are held, for example the second Tuesday of the month or first Thursday of the month. I am worried that moving the meeting will create confusion for the owners going forward.
- Juan Franco – We moved this meeting of the Advisory Board of Directors last week for the same purpose. As long as it is not all of the time, there is no problem.
- Don Kearns – Corey Ticker from FSR offered for any future meetings to be held on Zoom going forward.
- Carlos Villalobos – I prefer to have weekly meetings for the Governing Documents Committee, and then open meetings monthly. Only 2 people showed up to the last open meeting.

## MOTION

***All meetings that are held by the Advisory Board of Directors or any Committees need to be made available to homeowners for attendance.***

Motioned by: Don Kearns

Seconded by: Kristen Gurucharri

## DISCUSSION

- Carlos Villalobos – I am not in favor of the motion.
- Kristen Gurucharri – The community needs to be able to see what is going on in these meetings.



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- Carlos Villalobos – We held a meeting more than a month ago when we started to discuss the recommendations. Those recommendations will go to Jesmany Jomarrón and to the Receiver. All the recommendations will still have to be approved by the Advisory Board of Directors and the Receiver.
- Kristen Gurucharri – The QR code has not gone to the Association Attorney or the Receiver. Just as the ACC did with their survey, I believe your survey should be distributed by FSR.
- Carlos Villalobos – I am on board for FSR to help. The more replies that they can get, the better off we will be.
- Kristen Gurucharri – Your survey is not clear. I do not understand what I am voting for when looking at this.
- Carlos Villalobos – That is not the full survey, it is just a screen shot of the survey.
- Kristen Gurucharri – I do not even understand the screen shot of the survey.
- Marcoantonio Real – Just for everything to be kosher, I think that everyone on the Advisory Board of Directors and the community needs to be informed.

VOTE

***All meetings that are held by the Advisory Board of Directors or any Committees need to be made available to homeowners for attendance.***

All in Favor: Don Kearns, Idalmen Ardisson, Pete Cabrera, Kristen Gurucharri, Juan Franco, Marcoantonio Real.

Not in Favor: Carlos Villalobos

Motion Carries.

## **7c. Finance Committee**

Kristen Gurucharri Presented on behalf of the Finance Committee

- Kristen Gurucharri – The next Finance Committee meeting will be on September 27, 2023. I know that there have been issues surrounding social media. I only communicate through emails and board meetings and cannot be reached via social media.
- The 2024 proposed budget is completed and will be accessible tomorrow on the Hammocks website. The CPA for the Finance Committee will attend the meeting on September 27, 2023.
- Juan Franco – Has that meeting been announced?
- Kristen Gurucharri – Yes.
- Don Kearns – Homeowners will have their chance to speak at the end of the meeting, please hold your questions until then.

## **7d. Neighborhoods Committee**

Kristen Gurucharri Presented on behalf of the Neighborhoods Committee

- Fences, lights, drainage, and trees are some of the top concerns within the Neighborhoods, and they are all being handled. Curbs and other smaller issues will be resolved in the future.
- Corey Tickner – We currently have two companies that are going Neighborhood by Neighborhood. They are using cameras to look inside of the storm drains, and what they have found is an accumulation of sediment that has built up over several years in the drains. To combat this issue, we will be having the drains jet cleaned. Jet cleaning uses pressurized water to knock the sediment loose. Once the sediment is loosened, they suck the water out of the drains, taking the sediment with it.  
Corey Tickner – As a recommendation to the Receiver and the Advisory Board of Directors, an arborist should prepare a master tree plan. What the landscaping company is doing now is removing seed pods, cutting low hanging palm fronds, etc. I considered a class two reduction. These trees need to have more care than that. A second recommendation would be to hire a

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landscape architect. Much of the landscaping has lived its life cycle. A landscape architect would develop a master plan for the community's landscaping.

## 8. New Business

- Review of Turf Management Tree Trimming
- Pete Cabrera – First impressions are very important. When residents come into the community, they come in through a small number of entrances. The trees located in the medians look terrible. Turf is cutting some of the trees and not the others. I do not think that we should have to come to FSR and tell them that it looks terrible so that they can make Turf do their job. FSR should notice that the tree trimming is not up to par and take the initiative to reach out to Turf when they notice something is off.
- Corey Tickner – Jean Carlos Peralta is responsible for driving through the community. If the vendors do not do their job, we should be reaching out to them for them to complete their services.
- Idalmen Ardisson – Are we doing inspections of the community since we are paying for inspections? Can we get a tree trimming schedule beforehand so that homeowners stop asking about that?
- Pete Cabrera – I think we decided to do that in June, but it never came to fruition.
- Idalmen Ardisson – There is a pattern of everything starting off great, and then it dies off. It would be good to have a plan on a weekly and monthly basis that the community will know about in advance.
- Jean Carlos Peralta – I requested a report from Turf to be received by the end of the week to make sure everything is almost done. The issue is that we have been sending Turf to address emergencies such as trees falling. When that happens, Turf has to take someone off the work they were doing to attend to the emergency. Regardless, we are going into Autumn, so we need an update on when this is going to be done.
- Juan Franco – The labor shortage with landscapers has also been a huge problem.
- Don Kearns – A lot of the laborers have also gone over to the West Coast to help with the hurricane clean up.
- Juan Franco – The new immigration laws are also impacting the landscaping industry.
- Corey Tickner – We can also have the vendors come to the meetings so that they can answer questions directly.

## 9. Old Business

- Marcoantonio Real – There have been a lot of comments that there were problems created by my resignation from the Treasurer position. No one asked me if I wanted to be Treasurer until we were at the meeting. I was not qualified to be the Treasurer. Regardless, I wanted to cooperate with the Advisory Board of Directors and help. I had a discussion with my wife about my membership on the board, and I decided that I had to resign as the Treasurer. The Receiver told me that it would be better for me to resign at the second meeting. In the meantime, I thought that someone would be chosen to replace me before the meeting, and I was shocked that no one was chosen.
- Don Kearns – Nothing is decided ahead of these meetings. Organizational meetings happen on the spot, and no one is called ahead of time.

## 10. Owner's Comments on Agenda Items

Approximately \_\_\_\_\_ Residents Present in Person.

Approximately 51 Residents Present via Zoom.

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- Mabelle Jaramillo – Paseos II
  - Mabelle Jaramillo – I came to the office to get the approved roofing for my community. Danilo gave me a sheet of paper with options that were not approved. I also got a list of things for the application to turn in. I got a permit and a signed contract. I came to the next ACC meeting and was told I was not approved. My neighbor has the same tiles installed on his roof that I am asking for. I have a sheet of paper that was given to me by FSR with the approved roofing. I have put down \$10,000 with my contractor only to get denied by the ACC. I am following the rules that were given to me by FSR, and I am getting turned down. I am requesting Barcelona 900 in the dark brown color.
  - Idalmen Ardisson – The ACC meeting was on September 7, 2023. I have texts with you telling you that those colors were not approved before the permit was obtained on August 30, 2023. The houses that have that color and style were not approved by the current ACC.
  - Mabelle Jaramillo – The house across the street got permission for the same roof in March 2023. He said that he was approved by this ACC.
  - Idalmen Ardisson – The permit was not completed until August 30, 2023, and our rules clearly state not to start work without approval.
  - Mabelle Jaramillo – The information that was given was incorrect and my neighbor has the same color. I have a \$10,000 deposit and a \$1,000 grant that I have tied up in this. I followed the rules, and I am being punished for it.
  - Don Kearns – Lets document this case and refer this to the Receiver for his determination.
  - Mabelle Jaramillo – This is unacceptable how the Advisory Board of Directors acts when I am just trying to improve my home. Receiver, please give me consideration as I followed the rules that I was supposed to.
- Fyzali Shah – Spicewood
  - Fyzali Shah – In July, my account was updated, and it showed that I had a negative balance of \$758. I went to the office, and they told me it was resolved. I gave it a while to process, but even after waiting I still saw that my balance was \$758. Again, I was assured that this was taken care of, and it is still not fixed.
  - Don Kearns – We have a financials team that is dedicated to correcting everyone's ledgers. Come give us your phone number when the meeting is over, and we will have it resolved in 24-48 hours.
  - Corey Tickner – The Forensic Accountants and our team have been working diligently to correct everyone's balance. We do, however, have 1,600 ledgers that have yet to be updated.
  - Don Kearns – Please realize that everything that was here was destroyed by the prior board of directors. FSR has had to rebuild 6,500+ accounts by hand. This is not an excuse, but it was a bad situation to take over.
  - Fyzali Shah – My concern is that this has been happening since the new Advisory Board of Directors has taken over.
  - Kristen Gurucharri – I was in the in same position, and it took repeated attempts to get with FSR to have this corrected.
  - Don Kearns – We have the top representatives of FSR here, and they will make sure this is handled. If it is not, then I will handle it.
  - Alyson Theale – We have an amazing team watching every penny and doing what is necessary to make sure that everything is done correctly. The Receiver and FSR want to make sure that this gets resolved as quickly as possible, but the Forensic Accountants must make sure that every penny is accounted for. Some of the banks are making it difficult to trace the money back to the accounts because they sometimes will not release all the information necessary for FSR to understand what happened.

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- Janine Manzano – Live Oak
  - Janine Manzano – For those meetings that were had with the Finance Committee CPA, when were they posted?
  - Kristen Gurucharri – The meetings that we have had were about the role the CPA was going to have in the Finance Committee meetings.
  - Janine Manzano – Then how was the budget made?
  - Don Kearns – The budget was put together by FSR and the Receiver’s legal team. The proposed budget was not done by the Finance Committee, and the Receiver stated that the budget will be released by tomorrow.
  - Alyson Theale – The proposed budget was prepared based on the history of Hammocks expenses and what the Receiver would like to see in the budget. Later, there will be a meeting to adopt the budget.
- Arturo Torres– Carmen Becera
  - Arturo Torres – Back in December of 2022, I emailed FSR to let them know that there are no lights around my neighborhood. It is completely dark around that area. There has been nothing done to date about the lighting situation.
  - Don Kearns – We have heard many complaints about this situation and that can be answered by Idalmen Ardisson or FSR.
  - Idalmen Ardisson – At the last ACC meeting, we approved the type of lighting. The architect on the committee had a concern about the brightness of the bulbs in each community and about how the pole is going to be done in respect to the wiring. FSR sent the proposal to the ACC. The architect agreed if the temperatures of the bulbs for each community matched the aesthetic of what was already in place. We are awaiting approval from Judge Gersten.
  - Carmen Becera – It has been a very long time.
  - Idalmen Ardisson – The ACC did its job by getting the lighting approved. Now, it is in the hands of the Receiver.
  - Arturo Torres – I understand that you are doing your job, but this has been a very long time, and we need a time frame.
  - Don Kearns– We do not have a time frame. We must get light to protect and enhance the community and increase property values while also be electrically correct.
  - Corey Tickner – We do not have an exact date. We have given the proposal to the Receiver along with the additional recommendations from the ACC, and we are waiting to see if it is approved.
  - Don Kearns– It is now in the Receiver’s hands.
- Frank Perez
  - Frank Perez – On August 8, 2023, I had sent pictures regarding the lake on 104<sup>th</sup> St. and the trash accumulating there. The response that I received was that there is a vendor that we hired to clean up that area. I was told that it would be cleaned up on August 25, 2023. On August 26, 2023, I went to look at the area that was supposed to be cleaned up on August 25, 2023, and it was still dirty. Danilo then stated that they will be out next time in September. If this is supposed to be a recurring service, when do they come out?
  - Jean Carlos Peralta – That vendor comes once per month. What happens is that the wind blows everything to that corner, and we have told the vendor to clean up that place.
  - Frank Perez – If you see the pictures, the trash is still in the same formation.
  - Don Kearns – If it is there in October, please come see me.
  - Idalmen Ardisson – What is going on with the fountains? Also, how many maintenance people do we have, what are their shifts, and what are their criteria to bring issues back to FSR?
  - Jean Carlos Peralta – We have four maintenance people and one supervisor to go around the 18 Neighborhoods. We take care of regular cleaning, picking up palm fronds, and on some

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other days the maintenance crew takes care of other maintenance issues such as painting, fixing potholes, etc. We need to find time to address these kinds of situations.

- Idalmen Ardisson – Is there a schedule we can post online?
- Alyson Theale – We are trying to ramp up the number of associates on property to get this community started. The proposed budget includes a new maintenance person. We will be in communication with the Receiver about getting more people and more staff to take care of these sorts of issues. We cannot be successful without the homeowners, and we do need your feedback. If you see something, say something. We need to have a partnership within the community.
- Frank Perez – Jean-Carlos Peralta, I invite you to take a walk with me over to that area. There are trees that are 60 to 70 feet tall that are not hurricane proof as well.
- Todd Botner
  - Todd Botner – There is a lot of concern and worries throughout the community regarding the Finance Committee given how the money was spent in the past. I feel that transparency is key when it comes to this issue. There are questions when it comes to who was put on this committee, and how they were chosen. Katherine Johnson has been asking for a while to be put on the Finance Committee, and it was a surprise to a lot of people that she was not put on it. Can you describe the selection process for this Committee?
  - Don Kearns – We have put out a video regarding this in which we told all homeowners that we believe in inclusion and that we want people involved. I did not put together the Finance Committee. Was there a miscommunication? Yes, it could have been put together better. It was not transparent. This has been addressed with the Receiver, and he is all about the rules and doing things the right way. Sometimes doing this a little slower requires more patience, but we are seeing results. There was a lot of damage done to this community; every account was destroyed. I believe that there should be more people on the committees. The Public Safety Committee already has three prospective members.
- Maria Lopez Peralta
  - What was the criteria used to select the members of the Finance Committee? Many signed forms to sign up for the committees. There has been a lack of communication and no prompt response to questions. There are four or five members in the chat, and I have posted questions in the chat about the change in meeting dates for the Advisory Board of Directors and the Neighborhood Committee meetings. No answers were given to the questions. The meeting was not updated online for the Advisory Board of Directors until September 11, 2023. We should not have to wait that long to get updates.
  - Don Kearns – The communication has not been good on this issue. The problem with the Hammocks website is gone and will be updated on a regular basis by FSR staff members.
  - Maria Lopez Peralta – What was the criteria for those chosen for the Finance Committee?
  - Don Kearns – I do not know of any criteria. I try to answer the social media when I can, but I do have another job, and I am often in business meetings. The chats are not official but calling into the hotline is and that has been fixed.
  - Alyson Theale – Information received from social media is a value add. All Advisory Board of Director members are volunteers and do not get paid to do the work that they are doing. We are all rebuilding the community. We know it is sometimes frustrating, but we are all here with the best intentions. Come to FSR for us to do the work. For me to hold my team responsible, I need the owners to go through the proper channels.
  - Maria Lopez Peralta – I have been told that I can only be on one committee, but I do not know which committee I am on.
  - Kristen Gurucharri – Each neighborhood should select representatives so that the right people are in the right place for the best people to represent the Neighborhood.

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- Katherine Johnson from Vizcaya
  - Receiver, the question still has not been answered. How did the chair, Kristen Gurucharri, pick the people on the Finance Committee? The CPA is not necessary for the Finance Committee and is a waste of money. All the Advisory Board of Directors are on the chat except for Kristen Gurucharri. The reason that the CPA is being paid is because Kristen Gurucharri, as the chair, has no knowledge of how a Finance Committee should be run. Who picked the other two people on the committee, and what is their background? Why was Katherine Johnson not picked when she was the most qualified for the position?
  - Kristen Gurucharri – I do not have to justify the people that I picked.
  - Don Kearns – Addressing the crowd: Please have respect for everyone speaking and for the Advisory Board of Directors.
  - Kristen Gurucharri – Don Kearns brought up to the Receiver that the Finance Committee should add more people or discuss the issues that we are having with the Finance Committee. I stepped up; if I did not, then the Advisory Board of Directors would have been dissolved due to a lack of a Treasurer. I welcome you to the Finance Committee meetings to help. The CPA was the Receiver’s suggestion.
  - Don Kearns – We are trying to move forward as a community. We are following the Receiver’s vision on how he wants to do it. We are going to ask to put this on the agenda for the October meeting of the Advisory Board of Directors.
  - Maria Lopez Peralta – But there is a meeting coming up.
  - Kristen Gurucharri – Please come to the meeting and give your suggestions.
  - Don Kearns – We are looking forward to the suggestions Katherine Johnson has to make the budget lower.
- Guillermo Rolban
  - Guillermo Rolban – It is no fault of her own that Kristen Gurucharri does not have the experience for the Treasurer position, and it is commendable that she decided to take this on. But I do believe that she should be on the social media chats. Is there a way that Kristen Gurucharri can just read the chats and not respond? The Finance Committee is the most important committee. Also, we have been asking for financial statements for those who are able to read them.
  - Corey Tickner – The Receiver authorized us to post the resident’s financial package on the Hammocks website. They are available there now.
  - Alyson Theale – FSR is a bookkeeper, not a CPA. That financial package is going to be a reconciliation of accounts. They must tie back to zero. The package for the Advisory Board of Directors contains a list of who is delinquent. There is one package for the Advisory Board of Directors and one for package for the residents. During the yearly audit, the CPA checks these financials for accuracy.
- Elanie Garcia and Yenis Guirol from Paseos II
  - Elanie Garcia – We are here in response to the fact that we were made to stop our roof replacement. We started earlier in the year, and we were not aware that metal roofs were not approved. The prior board of directors approved everything, so we were not aware. Yenis Guirol tried to call in and get directions, but now no one answered the phone. We got permits back in August 2023, so we thought that we were fine. We are asking if we can appeal the ACC decision so we can keep doing our roof as is.
  - Idalmen Ardisson – We must bring this case to the Receiver for a determination.
  - Elanie Garcia – I gave the paperwork to Corey Tickner.
  - Corey Tickner – We will make sure that the Receiver gets the paperwork this week.

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- Lillian Bernel from Heron at the Hammocks
  - Lillian Bernel – I have lived in the Hammocks for 35 years. In my opinion, based on the facts, we are almost a year into this contract with FSR. It is important that the Advisory Board of Directors gives directions to FSR. I have been very patient; I have adopted 5 dogs from Miami-Dade County and walk a mile or more every day. The perimeter of Heron Lake needs lightbulbs in the posts. I am paying good money to live here, and there is no security where there always has been for the past 25 years. I went to the ACC meeting, and I saw no coordination between FSR and the ACC.
  - Don Kearns – Thank you for your input, but you have exceeded the time limit, and I am going to make a motion to adjourn.

## **11. Adjournment**

Motioned by: Don Kearns

Seconded by: Carlos Villalobos

Vote: Unanimous

Meeting of the Advisory Board of Directors was adjourned at 10:31 P.M.