

June 26, 2014

**Response to Board of Directors June 25, 2014 Letter**

**Paragraph #2:**

Board's Position - "We believe there is nothing in the behavior or history of this board that would support a challenge to the dedication and integrity of the three members serving your HOA. Board meetings have been consistently cordial, respectful, productive, and conducted without outcry or drama. The noted exception to this is the recent June board meeting when some attending members disregarded protocol which resulted in much disruption. The board has prepared letters of apology to the guest speakers, including the gracious Detective Fischer who visited our meeting to speak to his investigation of the May vandalism incident in our community."

Committee Response - Of the more than 115 residents who have already signed our recall ballot, all who have ever attended a Board meeting with this board have complained to the Committee that they felt unwelcome, and that the board was dismissive, rude, and unconcerned about anything they had to say. As far as an apology to guest speakers... Within only two hours of the April board meeting and with no May meeting scheduled, and the committee's understanding that there was to be one guest speaker scheduled for the June meeting, this committee respectfully asked the board to consider rescheduling the speaker in favor of hearing homeowner's concerns. Instead, the board invited several speakers to the June meeting that had an attendance of approximately 70 homeowners. And instead of allowing the speakers to give their presentations at the start of the meeting, the board insisted the meeting start with the homeowners voicing their concerns with the board using kitchen timers to limit homeowners to no more than 3 minutes. They should apologize for 1) not rescheduling the guests and 2) for not allowing them to speak at the start of the meeting and instead gave them quite a show. And it should be noted, that when these guests did speak, homeowners in attendance showed respect and listened to them with interest and even participated in question and answer sessions.

**Late Fees Paragraph**

This is completely untrue and we have demonstrative evidence that the Committee is prepared to share with any interested homeowner that proves beyond any doubt that the Board's current position is nothing more than a cover-up for their failed attempt to make changes that would, in effect, "tighten" their control over the neighborhood. Beyond the evidence, also take a look at the Board's actions:

Late letters mailed to homeowners were dated April 16, 2014. None of the payments from homeowners who received these letters and the \$30.00 penalty assessment were late. All were made within the "30 days" provided for by the payment coupon and in accordance with more than 20 years of practice.

The Board AND Leland Management were advised of this fact, and of their own violation of protocol, by email to Vicki Warfield, Tom Drane, and Mary Fritzler on April 28<sup>th</sup>, 2014. The Committee has copies of the email responses that neither admitted nor denied the problem. They did NOT indicate that a mistake was made.

Follow-up emails to Drane, Warfield, and Fritzler were sent on approximately through April 30<sup>th</sup> advising that many long time WP homeowners would be at the upcoming board meeting scheduled for April 30<sup>th</sup> and that they insisted on addressing this issue. On Wednesday, April 30<sup>th</sup>, in the late afternoon within hours of the scheduled board meeting, the Board meeting was cancelled. The Board has made weak excuses that unavoidable conflicts arose. Unfortunately, there is no evidence to support their claims, and most residents do not believe them.

Thereafter, despite repeated attempts to address the late fees issue, the Board refused to respond. All the way up until the week of the June meeting, we had homeowners demanding a reversal of assessment

penalties to no avail. It was not until the Board Meeting of June 19<sup>th</sup>, and only when the issue was raised formally by Mr. Greer, did Mrs. Warfield advise that a mistake was made, and that while financial “corrections” had no yet been made, they would be. As of this date, June 26, 2014, (update: As of July 1, accounts still have balances due) many of these “collection fees” still remain on homeowners’ accounts.

The minutes from board meetings held in 2013 mention a new collection policy being developed. At the January 2014 board meeting, the board voted to adopt a new collection policy as reviewed by the association attorney. Do they really expect us to believe that the collection policy they have only now posted on the website is the same policy they spent time and attorney fees to adopt? No it is not.

July 1 Update: We are now hearing from homeowners who within the past year have paid various late fee amounts, including one from January 2014, which was indeed 15 days late, having been paid on 2/18/2014. The late penalties charged against this homeowner’s account was \$80.00, and the homeowner knowing no better, paid the penalty. How they are justifying these various amounts defies logic. We have one banker and one CPA on this committee and they cannot explain this. Our documents allow for an interest rate to be charged for late payments. By Florida law, that interest rate can be no more than 18% annual. If this is a clerical error, where is our association treasurer, Ms. Warfield? How is this going unseen?

### **Violation Letters**

By their own admission, the Board has delegated both the observation and [apparently unfettered] decision-making authority of managing the exterior features of the neighborhood to Leland Management. This is a dramatic departure from more than 20 years of practice. This always have been a “combined function” of the property management company, the Design Review Board, and the Board of Directors. No discretion is considered in the decision to send terse and accusatory violations letters to homeowners on issues that, arguably, are clearly not “violations” at all.

The Board seems to think that because they have received a high level of “compliance” to their demands (currently said to be over 71%, which is unsupported by any evidence), that this is a good thing. The better question is this, “How many homeowners had to undertake activities or incur financial expense needlessly?”

Finally, the Board ignores the violation letters that went to elderly, disabled homeowners on issues that were 1) questionable at best, and 2) reflective of no consideration to, perhaps, unusual circumstances that were beyond the immediate control of the homeowner. In prior years, a Board member or member of the DRB would have paid the homeowner a visit (certainly a neighborly act) to see if there was anything that “we” (her friends in the neighborhood) could do to help.

The issue whether or not there was a violation at all notwithstanding, this clearly shows how much this current Board cares about the people who live in the neighborhood. Had they cared, perhaps this homeowner would not have received four (4) letters over a very short period of time.

As far as an apology from Swiftmud in regards to their sending letters out during Phase II restrictions, well, see that attached letter from Swiftmud.

The Board also takes a simplistic and inaccurate approach to advising homeowners what it takes to clean roofs, driveways, sidewalks, etc. Their proposed “solution” is totally inaccurate. At the June 19<sup>th</sup> meeting, one Board member suggested that it was as easy as taking a “gallon pail” of water and bleach solution and a brush and doing it over a period of days. This is so laughable it is not funny.

Such is the nature of the type of responses this Board gives to homeowners.

# Concerned Homeowners for Windsor Park

## Design Review Board

The Design Review Board was created as a part of Windsor Park when it was initially formed. The DRB has an important function. One of Board members said: "Being on the DRB is easy. All you have to do is follow the guidance established." This is NOT TRUE! The function of the DRB is NOT easy. It is, perhaps, as hard, and in some cases harder than that of the Board of Directors.

The statement that the Board, in its June 25<sup>th</sup> letter, claims as "erroneous" is, in fact, true. The DRB did not "dissolve itself" in 2012. Such an act is impossible. It was, in effect, dissolved as a separate entity (as intended by the WP By-Laws) in January 2014 without input of the neighborhood, and absorbed into the function(s) of the Board of Directors. As such, the now 3-Member Board has total control over decisions affecting the neighborhood...UNLESS THE NEIGHBORHOOD STANDS UP AND SAYS "NO"!

What this Board did not admit in its letter (and this can be confirmed by every member of the prior DRB) is that the prior members of the DRB resigned because of the rude and inconsiderate treatment they were exposed to by the Board of Directors. Their recommendations were summarily dismissed, they were "told what to do", and they were ridiculed if they did not agree or objected. If any homeowner would like the names of these prior DRB members, they will be happy to confirm this fact.

The Design Review Board has an important function, and like the original intended design of the U.S. Government (don't judge the intended design and function by present day politicians), the governance of Windsor Park works best when the DRB is separate from the BOD and there is, in effect, a balance of powers.

The current Board has **eliminated** this safety feature that takes all circumstances into consideration as the DRB strives to protect not only the property and property values of the neighborhood, but also strives to protect the property interests of the homeowners themselves!

## Number of Members on the Board of Directors

The current Board of Directors has no single director who was elected by the neighborhood. They were either appointed by prior a board to fill open positions, or they appointed themselves.

In December 2013, the board terms of both Vicki Warfield and Jim Baldrige expired. That would have left a total of 4 open positions. No election was held because the first "Members' Meeting" did not have a quorum, and the Board refused to consider rescheduling and holding another, as is a customary "best practice" for HOA Boards in this situation.

Instead, in their January 2014 meeting, the Board simply decided to take a vote to allow no more than three board members and, "appointed themselves", deny membership to a former President, and enfold the DRB under its "umbrella of power".

The statement by the Board that "the incumbent president resigned without notice" is not factually accurate, nor was the reason given. In fact, and this is verifiable, that the then sitting President was verbally accosted in open forum by a member of the Board who accused him of not fulfilling his obligations when he made the "presidential" decision to keep the Board and WP out of litigation over an issue on which the accosting Board member was totally wrong. Yes, it is complicated, but do not allow the current Board to minimalize what was, in effect, shameful behavior by that Board Member who, in her arguments, showed her disdain and lack of consideration for the homeowners of WP [in favor of what that Board member considered hard, inviolate "rules"].

## Conclusion

Please do not think that the current Board has not done anything good for the property of Windsor Park. It has done a number of things that even this writer has admittedly enjoyed.

# *WP* Concerned Homeowners for Windsor Park

What the Board is missing is “heart” and compassion for the people of Windsor Park, and they show it whenever there is a meeting. Just give them time. It will come out. It certainly did on June 19<sup>th</sup>, and that was the direct cause of any dissension that erupted across the audience.

The Recall initiative is one that is intended to correct the direction of our neighborhood and put “the neighbor” back in neighborhood. The first order of business for the new directors will be to vote to expand the board back to five directors and appoint two more. The contract with Leland Property Management will be reviewed. We will install a new DRB that will operate independently of the board as it was intended. We will reintroduce our monthly newsletter and incorporate other forms of communication. The Board of Directors, DRB and other committees will once again be assessable to the community.

We are VERY close to the mandatory 50% of homeowners’ votes to secure the recall. Join us, please! Let’s give WP back to the people who own her.