

Bentley Woods Homeowner's Association, Inc.
Board of Director's Meeting
July 11, 2018

Board Members in Attendance: Bill Hovanetz, Liz Himes, Jack McKay
Towers Staff in Attendance: Raymond Shrum, LCAM & Benjamin Isip, CMCA, AMS

Meeting was called at 6:30 pm. Quorum of the Board was verified. Meeting was properly noticed.

Over twenty homeowners were present at the meeting.

The Garicks of 330 Bentley St recorded the May meeting and will make it available to BWCA

MINUTES:

Minutes was made by Jack McKay and seconded by Bill Hovanetz to approve the May 9, 2018 board meeting minutes as written. Minutes were not read or made available to gallery. Motion to approve Minutes was carried.

Board announced that between May and July meeting 4 of 7 board members resigned via letter. No letters were read or reasons for resignations given. Homeowners requested names of resigned members be announced for the record. Resigned members were Tammy Komoff, Corey Hobbs, Chris Lipsey and Allison Marcel.

Nominations offered from floor to fill vacant seats. Nominees in attendance that accepted - Harry Buhl, Philip Bass and Autumn Huff Garick. Nominees who expressed desire to serve but not in attendance: Elisabeth Essary, Paul Knight and Pat Panagiotou.

Homeowner questioned why there were so many open board seats. Board did not respond.

Homeowner questioned why Towers management sent out a letter concerning a single property violation (Little Free Library on Bentley) but didn't tell residents that over half the board resigned. Board did not respond.

Homeowner Philip Bass cited FL Statutes 720 and concerns of repeated Board Member election violations over the years calling for the resignation of the three remaining board members - Elizabeth Himes, Bill Hovanetz and Jack McKay

Homeowner Bill Adams wanted potential board members to be "vetted" regarding condition/upkeep of their personal property before being allowed to serve on board.

Bill Hovanetz cited Statutes 720 that only homeowners 90 days or more in arrears of financial accounts are precluded from serving on the board. From the floor it was also noted that per BWCA documents non-homeowners may serve.

Jack McKay announced that the 3 active board members would resign due to a “vote of no confidence” after they appointed 3 members to fill their seats explaining that if they abandoned their seats prior to appointing new members it could put BWCA in danger of receivership.

Motion was made by Jack that Harry Buhl, Philip Bass and Autumn Huff Garick should step up as new board members. Elizabeth Himes, Bill Hovanetz and Jack McKay announced their resignations and left their seats. Motion was made to appoint Elisabeth Essary, Paul Knight and Pat Panagiotou to the board. The motion was tabled until the next meeting when they were in attendance.

Autumn Huff Garick requested Towers management give guidance on the open agenda items. None was given. Without documents or guidance the board tabled the agenda item – Playground

Harry Buhl noted that the meeting was filled with emotion and thanked the prior board for their service.

Newly appointed Board Member requested access to be granted to the website and asked who is responsible for posting Meeting Notice. Management answered these questions.

OPEN FORUM

-Linda Trocine of Artesia St read a letter supporting the Little Library on Bentley St., urging the board to drop any legal action and financial penalties against the Garick family. She had previously requested in writing to Towers the letter be read and made part of the official minutes at the May meeting. But, it was not. (*The text of this letter is attached to the bottom of these meeting minutes.)

-Autumn Huff Garick offered to voluntarily recuse herself from board discussion in regards to the Little Lending Library.

-General discussion ensued. It was determined that the Library issue would be tabled until a full board is seated.

-A homeowner expressed concerns about maintaining property values and the precedent that could be set by allowing improvements without ACC approval.

-Homeowners and board agreed that in the past rules have been enforced inconsistently.

-BWCA documents will be expiring soon. Homeowners agree now is the time to update and rewrite documents.

- Homeowner requests board meets more often and draft of minutes is available within days of meetings so owners can be kept up to date.

- Homeowner took the floor to share all the positive aspects of Bentley Woods noting that times change

-It was noted that the most popular Bentley Woods FB page is a private page maintained by recently resigned board member Allison Marcel. Some members of the community have been blocked from this page.

-An open letter from former board member Elizabeth Himes was read by Allison Marcel. The content of the letter was as follows:

I want to take a moment to speak for myself, since the public narrative of my time on the board has not been an honest reflection of my intentions or of me personally. I joined the board in January 2018, long after the library issue had begun, and after the existing board had decided to turn the matter over to the attorney. I did not join because I was bored or power-hungry, but because I wanted to help improve communications between the board and homeowners. I hoped to form a social committee to build a sense of real community among neighbors. Having found myself in the midst of personal tragedies, I had hoped to find ways to identify and help other neighbors who were dealing with difficult circumstances. I wanted to do my part to make our neighborhood better.

Despite this, “The Board” and all its members have been the target of a social media campaign that publicly cast us as villains, and the homeowners of Bentley Woods as unwitting victims. I have had to read comments from people who don’t even know me, stating that I clearly hate children, and literacy, and community. I take great umbrage at being painted in such a way, especially considering the countless hours I’ve volunteered to those causes in particular.

I did not and do not deserve the public humiliation or the questioning of my character. This was, and continues to be, a very simple matter with a very simple solution. Unfortunately, too much damage has been done. Too many well-intentioned people have been unfairly hurt. I will no longer be able to accomplish any of the goals I had hoped to achieve for the benefit of the

community as a direct result of the attacks carried out so publicly. I'm terribly disappointed and angry that everything I worked for was for nothing in the end. It is my intent to resign my position with the board as soon as there are enough members to sustain a quorum.

It is my hope that in the future, all homeowners will take a more engaged and critical interest in the goings-on in our community. That they will ask questions, seek accurate information, and understand there are two sides to a story. I hope that they will be supportive of their neighbors who are simply doing a job that most don't want to be saddled with doing.

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- Meeting adjourned. Recording ended. Time not available.

See below: Attached letter from homeowner, Linda Trocine

May 16, 2018

Mr. Ryan Fong
Attorney for Bentley Woods Community Association
aka Bentley Woods Homeowners Association
Oviedo, Florida
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487 W. Artesia St.
Oviedo, FL 32765

Dear Mr. Fong:

As a homeowner in Bentley Woods and as an active real estate agent in Central Florida, I am deeply concerned about the position the Board of Directors (Board) has taken with regard to their denial of the Garick's Lending Library. I read the letter the Garick's attorney sent to you and am alarmed by the prospect of the Board considering placing a lien on the Garick's property.

Besides the fact that the Board's actions and the Garick's response are causing publicity that will likely negatively impact our property values in Bentley Woods, the prospect of the Garick's seeking "relief" in "circuit court" is the reason for my letter to you today.

As you are well aware, the board members are fiduciaries for the Association. They have an obligation to manage its funds with care and diligence and to carry out their duties in such a way that protects the interests and property values of the homeowners. If they knowingly make decisions that put the homeowners financially in jeopardy, they may be held personally liable.

To illustrate the magnitude for my concern, Pickett Downs Unit IV Homeowners Association lost a lawsuit from one of its members, Stuart Olson, when the Association attempted to have Mr. Olson remove a culvert he had installed on his lot. Mr. Olson refused to remove the culvert and won in court in 2015. Then Mr. Olson sued to recover legal fees and won again. He was awarded \$238,499 plus interest at the prevailing rate from the Association. (On a side, there are 89 owners in Pickett Downs Unit IV.) Because of the enormity of the debt, Mr. Olson sought the Association's finances be placed in the control of a receiver to manage the Association and to collect special assessments from each owner. In its filing, each lot owner was 'not absolved of the Association's reckless decision to file suit against Mr. Olson and must therefore pay their share of the debt' and that the "association's breach of fiduciary duty" was not a defense for the homeowners.

BECAUSE OF THIS AND OTHER PRECEDENTS, and as a homeowner in Bentley Woods, I must insist that the Board of Directors immediately grant the Garick's approval to keep their Lending Library and to negate any and all fines and penalties the Board previously decided to impose on the Garicks. And as fiduciaries of the Association, let it be it known that each Board member is and will be held personally liable for any special assessments imposed on me, my lot, or my successors and assigns as a result of this matter. I urge you to remind the Board members of their obligations as fiduciaries and their personal liability if they lose a lawsuit in a case brought by or defended by the Garicks.

I request that you deliver this letter to each Board member and safely keep this letter until this matter is completely resolved.

Thank you for your immediate attention. And I look forward to hearing from you that you've shared my concerns with the Board, advised the Board of the precedents, and explained to the Board their obligations and their personal exposure to liability.

With much gratitude,

Linda Trocine, Ph.D., PSA, SRS
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