

EXHIBIT J

The Club at La Peninsula Inc.
Board of Directors Meeting Minutes
March 12, 2019 11:00 A. M.

Minutes from a Board of Directors Meeting for the Club at La Peninsula Inc. held at the Clubhouse, 10 La Peninsula Blvd. Naples, Collier County, Florida.

- 1. Roll call:** Stan Pilat called the meeting to order at 11:10 A.M. Directors Denise Johnston, Bob White, Karen Smith and David Petrella were present. Eric Loth via phone. Clayton Keeler joined via phone at 11:48 A.M. Also present was Don Montroy of Resort management.
- 2. Reading and approval of previous meeting minutes.** Stan Pilat made a motion to accept the minutes Denise Johnson seconded. Motion passed.

- f. **Building 200 walkways. A discussion of ADA compliant access to elevators** for those units without access. Presentation given by Nancy Taylor and Bob White presenting renderings of the possible visual impact as well as the access provided. These modifications would be at the discretion of the individual owner and paid for by the owner.

Denise Johnston made a motion to delay the motion on the table made by Bob White to allow these modifications so that engineering, proposals for the projects and permitting can be pursued. Clay seconded the motion. Motion failed 3 in favor 4 against.

Bob Whites motion to allow these modifications so that engineering, proposals for the projects and permitting can be pursued. Stan Pilat seconded the motion. Motion passed 5 in favor 1 No 1 Abstain.

- g. **Building 100 Garage Doors.** Presentation given by Stan Pilat with renderings of (8) garage doors they're seeking approval to install on the parking garage. Doors will be paid for and maintained by those assigned parking in those spots. Doors will be painted Brown to match the existing trim. Stan Pilat made a motion to approve the doors and to become effective when the La Peninsula 100 board formally approves the modification at the Annual meeting on 3/28/2019. Bob White seconded. Motion passed. *with O.J. voting no.*

EXHIBIT K

Highlights of MB 3 12 19 meeting-- audio recording here:

www.lapeninsula.org/lapeninsula-walkway-proposal-and-renderings.html

Bob White:

Besides 13, yes we can [inaudible 00:03:50] from here, so this is nothing new and the first major action that 200 took was last April 18th with 17 unit owners out of 25 voted in support of the proposal to move forward to the next level.

Bob White:

But the people who have access already, it shouldn't cost them one cent. The alternative is that if in time one person files to the Fair Housing or ADA decides that this needs to take place, everybody in the building will pay for it. So when you see it as an opportunity in a grateful way to get the project done through a lot of those efforts to those people without making everyone pay.

Nancy Taylor:

[inaudible 00:10:41]. So these ramps will be ADA compliant, ADA approved in that. So these were all addressed [inaudible 00:10:58] the actual rails go up.

Nancy Taylor:

So we have this drop, and again that's part of the ADA requirements that you have to have, so in the interest of drop [inaudible 00:13:38], which people need to [inaudible 00:13:38].

Denise Johnson:

These again are the PowerPoints, if you want Bill can come up and [inaudible 00:19:43] amongst everybody. So basically our [inaudible 00:19:46] that we would need the board approval, that we would contact with John [inaudible 00:19:51] who would then put out these for subcontractors and [inaudible 00:19:56] prices. The paying owners would review this, they would be the ones that would be [inaudible 00:20:05] make sure that they want to go forward with this with the cost and all the pieces, the incremental pieces that Bob talked about before, sections of it that would be approved. Then we would secure the permit [inaudible 00:20:19], original construction going on [inaudible 00:20:28].

Bob:

Bill [inaudible 00:30:19], are you on the phone? Bill actually I'm told is in a wheelchair with his knee op since November, he's going to be on for about another month or longer. He tried a portfolio that is 213, he cannot get the [inaudible 00:30:37] because he can't get a wheelchair through this building, that's why [inaudible 00:30:43] sidewalk [inaudible 00:30:48]. He actually told me he has to go to physical therapy [inaudible 00:30:52].

Bob White:

In January we wrote to the ARC chair and sent the application and pictures, and the response back was that it doesn't go to ARC, it goes to the master board. **So at that point we went to see an attorney and said, "Look, we're not sure what's going on here," [inaudible 00:34:38] local attorney, and the attorney said, "Well, there're right, this person's right. That's for the master board, you don't have a ARC." She knew our documents from that structure and knew master documents don't have a ARC. And we were like, "Oh, we've been operating like we've had a ARC." In some cases, last few years since '15 or '16 we had them. She said, "You need to have the master board vote on this to go to the next level." She said, "I would recommend that you talk to your lawyer, the master board lawyer Steve and ask him if that's correct." And Stan, you talked to Steve.**

Stan Pilat:

And that's the letter that I got.

Bob White:

So Steve checked out what she had to say.

Stan Pilat:

Steve replied, "Well we discussed the club's current mechanism for the steps review, as well as the applicability of their housing laws. The most recent amended and restated that [inaudible 00:35:37] provides the board reviews our potential request. The board could still create a committee to make accommodations for the board, but the board approves or denies the club subject to review under article six." Which, I'm sorry [crosstalk 00:35:50], and we're respectful of that. "Concerning that there are housing laws we discussed with the club is required by central laws to grant reasonable accommodations to others, each request to be analyzed by a case-by-case basis but the [inaudible 00:36:04] is required disability reason with reliable documentation from a healthcare provider when the disability is not known or visible, and the foundation must be necessarily based on the disability and related symptoms and conditions. If the club does not create an accommodation when required, there could be significant [inaudible 00:36:21] compliance for discrimination and civil damages as well."

Stan Pilat:

"The club should make sure the file is complete when [inaudible 00:36:27] a request. Based on that, the board can deny any involvement in future requests." He did also go one step further and it was confirmed by Jamie [Pasal 00:36:38], the attorney for building 200, and they both said that it falls with us with the next step that, if the renter wants... If the unit owner wants to rent their unit out and they have somebody that wants to rent it and they choose to rent to somebody, and that can be [inaudible 00:36:58] position. If those buildings are paid for and they make the accommodation, then they have every right. And if you would not, you'd be doing the exact same thing as this." It was an incident that happened similar and I [inaudible 00:37:14] recently in 400, there was different circumstances because the building was built prior, but it still had the same leniency in that particular [inaudible 00:37:23], and that was for unit 401.

Stan Pilat:

[inaudible 00:38:37] that's confirmed, right? I'm only telling you what... Let me finish, the documents that Roland has from it, that showed that in that, and that's what Jamie Pasal read. I do not replace him, but if you want we can pull them up. I don't like telling you the views of two attorneys, okay? Not this is what I was told by the other party, but this part right here is from our attorney and also the other one. It's my view at this point is that if the building decides to do it, the master board should say it's okay. If we do not agree to this and our attorney is telling us that we should and let it up to the building, then we are as a board [inaudible 00:39:26] for disagreeing what our attorney said. So we would be personally liable, that's from my view as well, and that's up to the board now from this point.

Eric:

Stan, I don't agree with your interpretation of what Steve wrote to us, right? And I responded saying that, "That could be true if we were not correcting an issue for someone who is disabled on our property, not on somebody else's property." Meaning the building's property. So I don't agree with you on that.

Stan Pilat:

What it says under 6.1 is, "Anything that's done to the building. There's no condominium association or owner, may alter any building structure, enclosure or other improvement, not erect or alter or any upgrading activation landscaping, actively [inaudible 00:40:40] or perform other work which in any way alters the exterior appearance of any structure. Condominium property or common areas unless until it's planned, specifications and locations of the same shall be submitted to, and approved in writing by master association. The approval of which may be withheld in the sole exclusive discretion of the board. All plans and specifications shall be evaluated as to the harmony of the external design and location relation to the [inaudible 00:41:05] and [inaudible 00:41:05] of traffic. Notwithstanding the above that's election approved [inaudible 00:41:10] so relevant."

Stan Pilat:

And that's what Steve was basing it off. So basically we're the ones that have to, but if the building does not want to do it, it doesn't even come to us, but because the building voted upon it, now that's how we're involved, that we have to decide whether or not they can do it. That's the bottom line. And Steve is telling us, he's saying if we don't do that, that's what will be. My view on that interpretation and what he said is, we would be held liable. If you feel different, that's fine, I don't need a libel suit. It's not my decision, it's the building's decision.

Denise Johnson:

No, no, no. [inaudible 00:46:25] If you're thinking also about 126 you have material change. So if you have to get 75% of the board, so it sounds like a lot of people are on board with it so the problem the way I see it, is you have to be able to vote. 300 is very concerned and has asked me to bring it up to ARC, which I have brought up to ARC because we're actually [grandfathered 00:46:52], so once you start this, where does it stop on the ADA?

Denise Johnson:

So we all have steps that are going up, we all have walk ways, we all have something that we're talking about. And once you start on this, once you start on this road, where does it stop? So a few individuals might be paying for it but when you have to bring an entire building up to code, all of us get to pay for it. So I think that there's [conflictions 00:47:18] that we had at 300 that we wanted to be able to understand, which is what you would find out once you bring this project, do you have to bring the whole building up the code, or you just have to bring that one area up? We thought that there's a material change on the outside of the building so that's supposed to be the entire community, not just the master board.

Bob White:

I think the law says material alteration of a common area is about the condominium association, for those within the condominium association. I understand that it's not a common area out there [inaudible 00:47:42]. I believe as far as I can do all the building requires-

Stan Pilat:

What Steve's talking, and this is ARC and we don't like what Ricky says, but fine, but what she said is because this is the external of the building, and the building has to approve it first and then it comes to us. She said, "But ultimately it's up to the building first for them to decide." He said the alternative is the person doesn't have to go to the building because this is special, they can go directly to FHA and to answer-

Denise Johnson:

[crosstalk 00:49:28] outside of the condominium, it doesn't make sense.

Stan Pilat:

What we're told at this point is, we should go along with what the building wants. If the building wants to do it, as long as it's architecturally approved by ARC, we should approve.

Denise Johnson:

Yeah I know what we're working on, but we have people that are going to have their views blocked, we're going to have life situations. Can they come back and then through us because then we have material change that's taking place? [crosstalk 00:50:56]. This is not really what this building looks like, there's a total material change taking place, I just want to make sure everything's legal. I'm not trying to step this down, I just think that all of this [crosstalk 00:51:11].

Roland Giraldet:

Regarding my statement, I believe there's 67, I think you need 75% of the voting interest of that building. They said 67%, [crosstalk 00:51:21].

Stan Pilat:

And whether they did I was wrong. It was corrected on January 9th, was it '19? Where we said to the ARC community that isn't there, and it was returned by Ron to him that there is no ARC committee, that we could do it.

Stan Pilat:

In this case, this board is not. Anything that comes out of this as far as that building that somebody wants to sue, we don't want them telling the building that they can do it, it is up to that building if they want to do it. When I think that it's right, wrong or indifferent, first thing is as long as it's architecturally approved, we'll go along with it. But if they just sue because someone doesn't like it or not-

Nancy Taylor:

[inaudible 01:02:45], problems, we don't have a person in front of us. The only way to move this forward and find out is [inaudible 01:02:48] go forward and [inaudible 01:02:48]. Move forward with this, get the plans, get the [inaudible 01:03:06], keep the permits in mind and [inaudible 01:03:07] I think it's going to impact us. I'm sorry but the impact is that you're going to be handicapped [inaudible 01:03:12]. And that is wrong, being handicapped [inaudible 01:03:17].

Eric:

No, there's not that that they're saying the architectural view for us to look at. If it does not look the same way, then we should say no. If it looks the same way as what this is, we're saying yes. Real simple.

Nancy Taylor:

The vote that Clay has second is that we take a short period of time, just until the end of this week so that we can look further into understanding material case and also understanding what the effect would be. And I think we all can come back with a really good [inaudible 01:07:29] too.

Eric:

All right, let's vote on that part. Who's in favor of what that motion is?

Bob:

No, no, this here [inaudible 01:08:13] motion and maybe second it to allow building 200 to move to the next level in [inaudible 01:08:20] to contract with the engineer to work with the County to get building permits, drawings, everything they need back. And by the way, just I know it's [inaudible 01:08:31] and I hope it doesn't happen, we could go through this whole process and spend the 14,000 dollars and find that we don't have enough donors to pay for it, and we can't afford to build it. But we don't want to build that until we at least give it that shot.

Bob:

[inaudible 01:08:46] it's one step at a time, all that says that [crosstalk 01:08:47].

Okay we're done, we're moving on please, the next one, building 100 [inaudible 01:10:00] stores.

EXHIBIT L

**Minutes of the Meeting
of the
Board of Directors

The Club at La Peninsula, Inc.**

Date: July 11, 2019

Time: 2:00 PM

Place: The Clubhouse at La Peninsula
Naples, FL 34113

Agenda

- At 2:07 PM, President Stan Pilat called the meeting to order.
- A quorum was established, with Stan Pilat and Tina Petrik present in person, and Bob White and Dave Petrella present by teleconference.
- Proof of adequate legal notice by posting was established by Jack Spring, CAM, Resort Management.
- Stan moved to table approval of the previous board meeting minutes pending receipt at the next Board meeting; the motion was seconded by Tina, and adopted unanimously.
- The Treasurer's Report was given by Matt Darling, CAM, Resort Management, reporting:
 - YTD income of \$508,042.81, less Seawall Income of \$233,347.48.
 - YTD expenses of \$468,505.63 less reserve expenses of \$16,557.27, less Hurricane Irma Expenses of \$13,146.00, less Seawall expense of \$122,793.88, less Seawall Extension of \$5161.25. All figures preliminary due to pending audit.
- Board member, Clay Keeler joined the meeting at approximately 2:23 PM.
- SEAWALL.
 - Stan reported that the seawall project was going well and ahead of schedule, with the splash wall height appearing to be satisfactory.
 - It was suggested that a spreadsheet be kept pertaining to the income and expenses for the seawall, and reflecting the allocations from and use of

the Credit Line. Matt reported that the Resort Management financial team was tracking all such income and expenses.

- Stan announced that an electrician had been scheduled to complete the work necessary to install the sump pumps in building 100, 200, 300, and 600, and the sump pumps had been ordered and would be installed within the next couple of weeks.
 - Stan moved that all roof gutters for buildings 500, 600, and 400 be directed to tie-in to the closest existing 12" drain pipes rather than directing storm water to the retention ponds. *The drainage engineer will have to approve the tie-in.* Tina seconded the motion, and it was adopted unanimously.
 - The Master Board is obtaining quotes for sod and irrigation for the 25 foot easement where applicable along the seawall.
 - Stan moved to install one wave deflector to be installed at a price not to exceed \$4100, with the location to be determined by the BOD at Twin Dolphins, and with a request to inform the Master Board of the chosen location by July 18, 2019. Tina seconded the motion, which passed unanimously.
 - Stan explained that easements would be granted to each building 100-600, to allow certain permissible incursions into the seaside area, at an approximate cost of \$700 per easement for legal fees, to be paid by each building.
- ARCHITECTURAL REVIEW CONTROL. Stan re-emphasized that the ARC had been re-constituted at the Annual Meeting in March, and consists of the Presidents of each building or appointee. Also, the application and review process approved by the Master Board at the Annual Meeting is as follows:
 - All applications for exterior alterations must be made first to the individual buildings (either for review and vote by the individual building-Board, or by the buildings' owners, depending on the document requirements for each building)
 - If approved, the application would then be presented to the ARC for review and decision, and then submitted to the Master Board for final review and decision.
 - The ARC membership is composed of the President from each of the buildings, or their appointee, and their role is not to act as engineer or architect, but only to provide objective evaluation of whether the proposed project is compatible with existing structures.

- All applicants are expected to retain their own design professionals, architects, and engineers, and to present clear plans and drawings that show the shape, size, and dimensions of the structures, along with the color and type of materials to be used. All applicants would be expected to address issues pertaining to impact on storm water, utilities, and other such considerations as the ARC and Board determine are relevant.
- The ARC would notify the Master Board that it has received an application which is under review, and the ARC would have 2-4 weeks to approve or deny the application, depending on the magnitude of the project.
- Thereafter, the Master Board would have final right of review, and could vote to deny, modify, or approve the application.
- All application approvals given by any of the individual boards, the owners by membership vote, the ARC, and the Master Board would be contingent upon final approval by Collier County, and no project would be permitted to start without approval from both the County and the Association (boards, unit owners, ARC).
- Stan indicated that two unfiled ARC applications were being discussed by separate unit owners requesting expansion of a patio into the waterside area. None of the applicants had followed the established review process yet, or obtained County permits or approvals, and Stan stated that due to the ongoing seawall construction project it would not be possible to allow any patio construction to begin, although applicants could begin the process of seeking approvals from the Association boards, unit owners, ARC, and the County.

Also, there was discussion about the pending project to connect the townhouses and lower walkout units for Building 200 with walkways. The plan was approved by the Building 200 board and also the Master board. In plans, as approved, the walkway will conform to the building's appearance, and the design and material standards. The only contingency was that they needed final approval from Collier County: provided the new plans looked like the renderings previously supplied at the meeting they were given approval. There were no other requirements.

FENCE AND LANDSCAPE AROUND POOL. Stan and Matt discussed that according to legal counsel's opinion, replacement of the existing pool fencing and supplementary landscaping at a height of 54 inches or more would not be considered a "material alteration" requiring membership approval because it

is required for safety reasons, and to prevent trespass and damage to the pool and clubhouse. Previous and recent police reports have been filed for incidents involving non-member trespass and use of the pool, and damage to the clubhouse. Therefore, Stan moved to update estimates to replace the fence and landscaping, and submit the proposals, to include samples of the style, color, and height of the fence to the Board for approval and installation. Tina seconded the motion and it was adopted unanimously.

SECURITY CAMERAS. Due to safety concerns for the residents and recent incidents involving trespass and damage to common elements, Stan moved to install the cameras at the gate entrance and exit, as previously approved by the Board (at a cost of \$4500), and to supplement security by installing 2 cameras outside the clubhouse and pool area, and adding 2 cameras inside the clubhouse. Cameras will be hard wired, and offer real-time monitoring via web access. Dave seconded the motion and it was adopted unanimously.

COMMUNITY GATE. The age of the community gate motors and loops was discussed, as well as the recent repairs completed by Action Automatic Gate, and the Board deferred decision on whether to replace the gate machinery and sensors at this time, and will monitor operations for the time being. Jack reported that the bushings repair on the exit gate had provided reliable operations for over four weeks, and the entry gate motor capacitor was recently fixed, however, the gate machinery is approaching the end of its useful life at 8-10 years old. Jack submitted a proposal to the Board from Action Automatic Gate for the replacements cost, which is estimated to be approximately \$15,000, and which includes a switch to the Liftmaster brand of gate motor.

GENERATOR. Clay discussed the proposal for a new clubhouse generator. A 22KW generator was deemed necessary due to the size of the two air conditioning units which serve the clubhouse. It will be connected to the existing LP line.

UNIT 408/COLLECTION OF FINE

Stan moved to request Jack/Resort Management to file on behalf of The Club, an action in small claims court, in the District Court of Collier County, to collect the fine of \$1000 levied against the Owner of Unit 408 for the golf cart violation matter. The action will include a request for recovery of attorneys'

fees and costs. The motion was seconded by Tina, and adopted 4/1, the dissenting vote being cast by David.

MITCHELL PROPERTY MATTER. Stan provided an update on the Mitchell property zoning matter. The Planning Commission will hold a public hearing on the matter on August 15, 2019.

The Mitchells are asking to rezone from R-12 to R-4.

CHANGE OF PRESIDENT. Stan announced he had purchased a home in a new community and would be moving. He stated that he would remain on the Board for a short while, but wished to step down as President. Stan nominated Dave Petrella to fill the office, which was seconded by Bob White, and the motion carried unanimously.

Stan moved to adjourn, and Tina seconded, and the motion carried unanimously. At 3:40 PM the meeting was adjourned.

Respectfully submitted,

Jack Spring, CAM
Resort Management
July 12, 2019

EXHIBIT M

From: "Nancy Taylor" <nmtaylor9@gmail.com>

To: "Phyllis Dougherty" <ALDphyllis@aol.com>, "John C. Taylor" <taylorjohn@wayne.edu>, "Nancy Taylor" <nmtaylor9@gmail.com>, "Margie Tessier White" <ladym121851@gmail.com>, "robert white" <padbwhite@gmail.com>, Lynne <lynnedavid18@aol.com>, jwegerski@aol.com, Paulomirandausa@hotmail.com, "Alex Fernandez" <alex@afcgrouppa.com>, "Mindy Fernandez" <mafernand@aol.com>, "MAUREEN DOUGHERTY" <mcdougherty@comcast.net>, Linda <lchura@comcast.net>, "Ken Chura" <racer9614@me.com>, girardet@bellsouth.net, BOBSPERL@SBCGLOBAL.NET <BOBSPERL@sbcglobal.net>, thielen.mary@comcast.net, rick.thielen27@gmail.com, "Mike Meiresonne" <mikem@iqsdirectory.com>, "Andrea Leach" <leachand@yahoo.com>, "Marc Feldman" <mfeldmanphd@gmail.com>, RKOENIGPHD@GMAIL.COM <rkoenigphd@gmail.com>, TFBERNARD@COMCAST.NET <tfbernard@comcast.net>, "Sharon Jenkins" <srjenkins47@yahoo.com>, "Mark Turner" <captainmarkturner@gmail.com>, "Richard Stoller" <rmstoller@yahoo.com>, "Kathleen Stoller" <kathleenstoller25@gmail.com>, Sherry <BRTNDMYTR@frontier.com>, "Carmen Ryan" <CARMENRYAN@aol.com>, ZOOMCINTI@HOTMAIL.COM <zoomcinti@hotmail.com>, "Cheryl Tucker" <ctucker46@gmail.com>, "bclover four-leaf-inc.com" <bclover@four-leaf-inc.com>, DEBSTENGEL@GMAIL.COM <DEBSTENGEL@gmail.com>

Cc:

Date: Sun, 29 Nov 2020 18:08:07 -0800

Subject: 200 La Peninsula

Hello again. I wanted to send an update on the walkway prior to the Dec 2nd budget meeting in case anyone has further questions that we can address as a group and not through various emails not sent to everyone. There appears to be major confusion about the walkway, the history of the process and the next steps.

I have attached the drawings that have been provided to 200 owners beginning in 2018. If you are new you may not have seen these but they have been mentioned at various times at various 200 Board meetings over the past two years. I have also provided the shop drawings that were the basis of the permit approved by Collier County. The permit was issued last week. It takes months to get permits as many of you may not be aware but it is an official permit as required by the Master Board since 2019 when it was officially voted and approved. At that Master Board meeting the drawings were presented to all present and reviewed in detail.

Stepping back, the walkway was approved by the owners of the 200 building in 2018. I am sure those of you who have not dealt with projects requiring specific engineering and the coordination with any county government to meet all requirements may be surprised that it has taken this long. But it does. The process of various county reviews to confirm that our plans met all county requirements and building codes is time consuming. In addition, previous to county submission, we devoted time with our engineer to develop the plans that addressed concerns raised at the March 2019 meeting: appearance, color matching, code compliance, sound, and minimal impact on any owner. We even had an issue that our engineer had Covid last Spring and was incapacitated for some time.

The approval was voted in 2018 by the majority of 200 owners as required by the bylaws. Based on that approval the six townhome owners began a process that required a financial commitment from the very beginning. That financial commitment has continued as we obtained surveys, filed

for the permit, and engineers worked on design. This all costs money to even get to the point of requesting the permit. You dont get a permit on just a verbal request. We spent that money based on being granted an official approval by our building and official approval by the Master Board. We are now ready for the final stage and are making plans for minimal onsite impact with a short onsite installation presence.

As I previously stated multiple times in other emails, the townhome owners have paid all expenses from the 1st bill. All records are meticulously maintained at Resort Management.

Please review this and attachments.

Nancy

EXHIBIT N

Nancy Taylor speaking for herself and Bob White:

In 2018 after working with other townhome owners, Roland in particular, we developed a proposal for access to the elevator tower for those 200 units who had no access to the elevator due to original building design.

We believed we could develop an ADA type plan while designing an access that was in keeping with the building architecture and appearance

We proposed this with photo shopped drawings to the building owners in 2018 that showed walkways extending straight out from the townhome doorstep to the elevator tower. At a 200 meeting a majority of owners approved our concept with the assurance we would obtain both government permits and the approval of the Master Board. We did not assure ADA compliance in our discussions but we had presented it as a preferred goal. In a letter initiating the meeting it was listed as a goal. But in discussions and comments leading up to building approval and eventual Master Board approval it was clear that of primary importance was appearance and permitting. Our discussions at the 200 meeting reviewed all of this. The building voted per the bylaws and approved 14 yes, 7 no of the 21 voting. 200 Building Bylaws require a simple majority of those voting.

After more months of planning we presented to the Master Board.

Bob went to Stan Pilat, then President of the Master Board and requested a review from ARC. Stan checked the Master documents and there was no mention of ARC. Stan asked the association attorney how to handle it. Steve Adamczyk (the attorney) said this request would require a Master Board vote and not a full membership vote. The Master Board viewed the 200 presentation and voted 5-1-1 with the stipulation that 200 had to return with final drawings that matched the March 2019 approved plan and an official Collier County permit.

At the Master Board presentation we (Bob and I) focused on appearance and permitting as that was apparent as being of most importance to the membership. If we could achieve ADA compliance it was to the better but it was not the focus of the request for Master Board approval. Having some type of access was the goal for the townhome owners but appearance was a very key discussion point of all the owners at the March 2019 Master Board meeting. It was required that 200 must obtain county permits.

The original proposal was for 9 owners as part of the plan. 6 townhome and 3 ground level owners. The plan would be cost apportioned between the more expensive upper structure that the 6 owners would pay for and the less expensive sidewalk portion the ground floor owners would support. We discussed it with the owners of 201 and 208 and after review they declined to participate. At the time Bill Zammer (213) was selling and pulled back from participating. As this was not an expansion of the scope but a reduction of scope we did not revisit the approval. We still believe that there was no reason to restart approval when we had the larger scope project approved and any reduction still met the appearance requirement that was so paramount at the March 2019 meeting

We proceeded to develop a plan. Over the months after March 2019 we contracted with a general manager. That GM connected us with an engineer with the skill set to design and fabricate a walkway. Our engineer had a long standing positive professional relationship with county officials so we could rely on his ability to not only design an appropriate structure but also navigate through the county permitting process.

We met numerous times over many months with our engineers. We focused on appearance and minimal impact on 200 owners. The engineer initially asked about a long walkway with the level of incline to meet ADA guidelines but which would have hugged the building walls and be attached directly in front of some owners' windows. That is not what we had indicated at the Master Board meeting that we would develop. We promised to protect privacy as much as possible. So we settled on a shorter,, straight line walkway with one turn and short steps from the townhome doorsteps to the central elevator tower. This kept the walkway well away from windows.

By moving away from windows we also minimized shading directly over the windows below. Is there some shade produced - yes of course - but not what would have resulted had we adhered to any ADA guidelines.

The townhome owners were updated - usually informally - but they had entrusted us to make this successful.

We eventually had an acceptable plan and the engineer began his work to design and to work with the county while doing so.

The owners committed to an overall cost over \$150,000 split 6 ways with no other building financial involvement. This commitment was necessary as we immediately began spending money on consultations, design, surveys and permitting application. This was required upfront.

We made this substantial financial commitment in good faith based on the legal approval given to us by our 200 building and by the Master Board. We knew we could meet the Master Board requirement of a final review as we designed specifically to the walkway drawings approved by the Master Board and we knew we would not proceed without a permit.

We answered questions about the process when asked but we did not have another set of plans to present until we had completed shop drawings submitted to the county and a resulting permit. Until that point we were just working and planning toward the goal for which we had been approved.

This took from March 2019 to now. It was a very very long process to set up surveys, run questions by the county, review the impact of county responses on our plans to make sure at each step we were in compliance with the Master Board mandate. In between we all experienced the impact of COVID. Our engineer had COVID and was out for weeks.

Finally we were all ready to proceed. We returned as required to the Master Board and the review recognized we had met requirements. We then proceeded as the engineer's plan still allowed time to complete before the end of the year

We have met the requirements imposed on us by both our building and our Master Association. In good faith we spent substantial funds. We have always been available for questions. I have been asked questions by others and I have always answered. Same for Bob.

Over this period of time new owners have moved into our building and the rest of the complex. But it is not a part of any process to have long termed project approvals revisited and revoted each year just because new owners were not part of the original vote. Nothing could ever be accomplished. We would not have the seawall if every year since that started we had to get official revoting to keep moving forward.

We complied with all requirements. We moved forward in good faith based on the approval and support of both 200 and the Master Board. We spent money in good faith based on the approvals. No rational reason exists to call for this to cease now for further review or delay.

EXHIBIT O

Highlights of MB 11/24/20 meeting--from audio recording

<https://www.lapeninsula.org/lapeninsula-walkway-proposal-and-renderings.html>

Bob White:

Thank you, David. I've sent the board, hopefully the board has received the packet that Nancy and I sent them a couple of days ago. We tried to include everything we could think of that would help them understand where we are and what we're trying to accomplish. Hopefully having said that, I could give a little background that in June of 2018, the 200 Owners building estate was a walkway project and an owners meeting included [inaudible 00:01:29] and proxies, June, 2018. Nancy and I started with owners on this five years ago. But three is later in '18, we were able to get that photo accomplish a majority of the building with proxy votes and they approved moving forward.

Bob White:

Then March of 2019, this is '20, the Master Board voted to allow the project to move forward, provided that before any work could be done that the 200 Board would show the final plans to the Master Board to ensure that the plan is in accordance with expectations of what's presented that time at that meeting, without amateur Photoshop for additions, since we had no wins here at that time. We also needed to provide a county building permit. Have I got that there? Good. Thank you. You're saving me with my own notes. Does everyone have what's up on the screen now?

Bob White:

The project changed or was scaled back from our presentation in March of '19. At that time we talked about first floor and second floor connecting to elevate a central tower, but the project was scaled back to just connecting the six town homes to the second floor central tower and not installing any first floor sidewalks. The six town homes are responsible for costs associated with a walkway and have maintained daily records of all activity. Plans [inaudible 00:03:48] show that the structure adheres to the Photoshop renditions.

Bob White:

Additionally, the plans confirmed that all services that paid to de-coat the mass exterior, rails, building, floors and be current code. We're now ready today to provide to the board the final plans, which we promised we'd come back with that are in accordance to what we presented to the board, March 19th.

Bob White:

The other thing is we didn't realize is that in the original plan he had, I think he had double the post, the supporters, he only has six, which is another one over here, six posts on this side, on the left side. So there's half the amount of posts, the posts are six inches by six inches and they're powder-coated paint [inaudible 00:05:53]. That's the plan there. So we have the plans, which we promised that we would bring back to the board and we have the permit that's available to the president and anyone who making a decision about it today. So we're asking permission to move forward at this point. Any questions?

Denise Johnson:

Bob, I do, I have some questions. Where do those posts hit and when you were saying you just needed the majority back in '18, I think you still needed 75%. Do you have where that proxy went out? And then also the arc, this never came in front of the arc. [crosstalk 00:06:44] had to go back to the arc than it needed to go to the Master Board. So I'm just trying to figure out if we have [crosstalk 00:06:53].

Bob White:

I could tell you to go back to 2018, that we went to the 200 Board with proxies and I had [inaudible 00:07:00] votes taken and there were 14 yes votes, seven no, and a few people didn't respond. We have all the documentation from that. Jan Hutchinson ran the meetings so that's the first piece. The second-

Denise Johnson:

And so Bob, everybody knows that lives on that lower floor, that they're going to have posts there, they're going to have shadowing, that they're not going to have the sunlight coming in, and they're going to lose plants and all of that? I'm just, [crosstalk 00:07:28].

Nancy Taylor:

The posts are minimal and so they're going to be spaced along there so we don't see those as an issue, most of the places they're in front of the walls, not anybody's windows. There's not a lot of shadowing because the walkway where it extends from the town home out is out extended out and it's not over anybody's window up against the building so there's not going to be that. It's not going to be fairly visible from the road because it's going to, it's actually behind the trees that are up against the town homes now. Then finally there was no 75% required provisions. Our bylaws allow a majority vote as amended two or three years before this vote. So we met the requirements for our building vote.

Stan Pilat:

I sent the notes out and I think Dave has them there. Before we had that meeting on the 19th of March, okay, I sent out the letter that came from Steve before we voted on and did anything regarding. There was no arc, the arc had to be re-established. It was up to the board to do what we did. We did reestablish the arc after the fact, but this was up to the board itself to decide. We did vote upon it. It was voted as applied five in favor, one abstain and one no. Come July of 2019, I also sent that out in that meeting, I reiterated because there was discussion about it, what was discussed previously to that other meeting where we had it, went over everything and it's in the minutes and those minutes were approved later.

Stan Pilat:

So this is really a moot point. Honestly, at this point, it's really not asking for permission because as long as, and it was stated in there, as long as they met the requirements that we said, they were given the blessing, and that's what they've done. [crosstalk 00:10:15].

Denise Johnson:

Well, Stan I was also in these meetings and I was promised that these would all be brought back, that this was just because the plans that were put in front of us we're so, we've done a homemade thing, it didn't really show everything so on and so forth. So it ended up getting crammed through that it was to be approved for them to come back, to be able to give us a full blown plan. [crosstalk 00:10:45].

Stan Pilat:

Okay. He did come back and he did show us, actually there was drawings that were renderings that were there that showed the drawings. And what's now is actually even less cumbersome than what was at that point presented. I don't know if Dave, if you can share your screen or not, or if you gave those to Jack, you can read that actually from the minutes exactly what was discussed in there. I made it a point verbatim, we put [inaudible 00:11:10] so there was not a problem with it-

Denise Johnson:

The only question I have is it goes back to a material change, and does that need to go to 75% of the community because [crosstalk 00:15:12].

Dave Patrella:

I think Stan just answered that question, I have a copy of the letter to which Steve [Adamsek 00:15:19], our attorney at the time, said no.

Stan Pilat:

Right, and that's why that was passed out, and I kept after Steve to get it and I received it, I think that day, and sent it out to everybody. We discussed it at that board meeting. If you look at [crosstalk 00:15:34].

Denise Johnson:

It was just a paragraph and with Steve, he always was, well, it could be this way, or it could be that way, or if you look at it on Tuesday, it would be this way. And you probably can get around it. That's why Steve's no longer with us. Have we checked with our attorney that we have right now, to make sure that this is not a material change in the community that needs 75% of the vote?

Dave Patrella:

I don't think we need to get a second opinion on every attorney opinion.

Denise Johnson:

Here's the problem, Dave, we are liable as a board to make sure that we are protecting the community.

Stan Pilat:

We are protected Denise, that's why we went to Steve, he's our attorney, if there's any liability, it goes back on Steve. That's why before it was either brought up before we did anything, I made it a point.

Denise Johnson:

What was sent out was just a paragraph, it wasn't even the whole context of what it was Stan.

Stan Pilat:

Well we based it on that. [crosstalk 00:16:53].

Denise Johnson:

That right now, wouldn't it be better just to ask very, very quickly, our attorney and see what she has to say.

Stan Pilat:

No, then you should have brought this up a long time ago before the-

Denise Johnson:

I have been bringing this up Stan you know that I've been bringing this up from the very, very beginning. So this should be no surprise. The only other thing I would say is on 100, were there permits for the garage doors that went up [crosstalk 00:17:24].

Nancy Taylor:

It's been split six ways exactly, for the entire project.

Bob White:

No one in the building, Mark, will pay a dime except for the six owners who own the town houses.

Mark Ramer:

When they went into the vote, did they have the amateurish sketch or did they have the final documents like you have them today? And the only reason I asked that is that if they thought that they were going to be ADA compliant with a solution, they're not. On one side of the building, it will have that kind of elevator access, but on the west side of the building, there are steps that go along the two town house platforms that leads down to the main core of the building, so it's not a continuous ramp.

Nancy Taylor:

To that effect, Mark, I have updated our six owners on a continuous basis for the past year, they were aware that this was not an ADA compliant, that county needed a lateral access, which is what we are legally known as. So there are steps and everyone was aware of that.

Mark Ramer:

And then I guess to flip the coin for the people that are on the lower level, I look at this for building 401, my unit 401, [Puzo's 00:21:00] at 408, and [Zemito 00:21:00] at 413 would have columns, possibly landscaping, shrubbery taken out and we'd be seeing six by six columns directly out of those windows.

Nancy Taylor:

Yeah. There're six inch columns and there will be no landscape bare spots. We haven't built into the budget for anything that is damaged or affected is going to be removed. We've already been in contact with rope all about making sure that as soon as all the work has done, the landscape is brought back to the way it should look.

Mark Ramer:

I think there's three, but okay, well, I'm just... Because people put out a lot of money on a Photoshop drawing and now, all of a sudden, to me, the reality of the detail, and they say the devils are in the detail, I would think the owners that ponied up for the money or are the ones that are doing this would want to see the finished drawings to see where holes are [crosstalk 00:23:28].

Bob White:

Apparently there are no complaints from those individuals. Okay.

Denise Johnson:

I think he's saying the people below too, should have a right to understand what they are in for. If their resale value is going to be depleted well, their resale value is going to go up.

Nancy Taylor:

People below were made aware of it during the drawings and during the discussion and in fact, we have reduced the footprint in front of each one of the units with the final plan. I don't consider them amateurish. I consider them initial and the shop drawings, are finish product.

Bob White:

Well, whatever you want to do. I just want to prove that we've met the two requirements that we produced, believe it or not, the building permit this

afternoon, and we produced the engineering drawings that are very detailed and provided to all owners into the board. *We're just asking for the ability to move forward*, and as I believe that to have any construction takes place, we have to notify everyone within a week before anything starts. I'm just looking for how do you move forward now? I feel that we have met what we said we'd do, the requirements in a meeting of March 12th. We said, we do the things that took a long time to get done, but today it feels like it's done,

Eric Lowe:

My thinking was when the arc was involved and I'm thinking perhaps the reason back when we voted, we wanted to see how it looked and there's one unit owners that haven't seen how it looks. Does it look good? Is it going to be offensive to the other unit owners. How do you deal with that? I don't know.

Denise Johnson:

You're right Eric it's a material change.

Eric Lowe:

Well, I think it is of a general change. I asked Tina and I got a paragraph that she was kind enough to send me from a [inaudible 00:28:50] letter. The paragraph doesn't say very much and I think it was out of context as someone might've said. But it's a material change, it didn't go through the arc, it didn't go to the unit owners, and we're relying just on these three or four sentences that [inaudible 00:29:06] said. I think maybe to make sure this was done correctly, we got to get an attorney to look at it again. It was maybe Denise suggested.

Stan Pilat:

Eric, there was no [inaudible 00:29:17] and that was also spelled out [crosstalk 00:29:19].

Denise Johnson:

But You took the arc apart. You made sure that [inaudible 00:29:21] you had announced that it was gone so we can split two things for-

Stan Pilat:

No, that's not... Denise look at the doc-

Denise Johnson:

I'm not going to stop Stan [crosstalk 00:29:32].

Stan Pilat:

The docs were done long before this, I had nothing to do with it. The docs removed it. I didn't remove it. I didn't rewrite it. [crosstalk 00:29:42].

Denise Johnson:

You weren't willing to let the arc even have any say in it. You just went on that one move [crosstalk 00:29:51].

Dave Patrella:

Move on here. Any more commentary from the members [crosstalk 00:29:55].

Maureen:

Yes, this is 208 and I am one of the units on the ground floor, and I appreciate the fact that we're going to just have the minimal amount of posts. It's going to blend in with the building. It's not going to be obtrusive, and we're going to be... And they're going to be fixing any landscape that's taken out. I think this is a win-win for everyone. I was at the meeting where all the arguing was going on. Everything was decided in, I believe it was March of '18, or March of '19, I apologize, and we've met the requirements. I think that's the end of the discussion.

Transcript of 11/24/2020 Meeting

This transcript was exported on Feb 26, 2021 - view latest version [here](#).

Nancy Taylor:n

In 2036 that it's going to come back up.

Dave Patrella:

Nancy's unmuted.

Denise Johnson:

Yeah. I'm unmuted [crosstalk 00:00:11].

Dave Patrella:

What we talked about, Nancy, about a little asterisk at the bottom of the page. [crosstalk 00:00:18].

Nancy Taylor:

We have a budget development, a budget, and the budget would have an asterisk. We would create that into the budget and it would be explicit that it has to every year be mentioned and carry forward budget to budget, so it's a reminder. It can't be budgeted, but it can exist as a reminder in the budget. So we're going to build that into our budget format.

Denise Johnson:

Right. Thank you.

Dave Patrella:

Thank you. The next item on the agenda, the 200 building modification and I will ask Bob White to take over.

Bob White:

Thank you, David. I've sent the reward. Hopefully the board has received the packet that Nancy and I sent them a couple of days ago. To try to include everything we could think of that would help them understand where we are and what we're trying to accomplish. Hopefully having said that, I could give a little background that in June of 2018, the 200 owners golden state with a walkway project and an owners meeting included Neil and proxies, June, 2018. The [inaudible 00:01:33] started with owners on this five years ago. But three is later in 18 we were able to get that photo accomplish a majority of the building with [inaudible 00:01:45] boats and they approved moving forward.

Bob White:

Then March of 2019, this is 20, the Master Board voted to allow the project to move forward, provided that before any work could be done that the 200 Board would show the final plans to the Master Board to ensure that the plan is in accordance with expectations of what's presented that time at that meeting, without amateur Photoshop for additions, since we had no wins here at that time. We also needed to provide a County building permit. Have I got that there? Good. Thank you. You're saving me with my own notes. Does everyone have what's up on the screen now? [crosstalk 00:02:28 Yeah].

Bob White:

Okay, great. So let's go through it. Anybody who's who's on zoom can see this or I should, I hate reading to people that don't need to be read to. [crosstalk 00:02:43].

Bob White:

Okay. 200 building hired back in 18 once we got the building okay to change the look of the building, we hired WJ Johnson with Mike Foster, who was the president and in he hired for us Keith Blackwell who's a structural engineer. This kind of project you need a specialty engineer, they call structural engineers, and he's the president of structures and design consulting, and he's been our designer and chief engineer for the beginning.

Bob White:

The project changed or was scaled back from our presentation in March of 19. At that time we talked about first floor and second floor connecting to elevate a central tower, but the project was scaled back to just connecting the six town homes to the second floor central tower and not installing any first floor sidewalks. The six town homes are responsible for costs associated with a walkway and have maintained daily records of all activity. Plans [inaudible 00:03:48] show that the structure adheres to the Photoshop renditions.

Bob White:

Additionally, the plans confirmed that all services that paid to de-coat the mass exterior, rails, building, floors and be current code. We're now ready today to provide to the board the final plans, which we promised we'd come back with that are in accordance to what we presented to the board, March 19th. The building permit's ready to be picked up so we get started soon. In fact, believe it or not, I just got an engineer, sent me an email and I sent it on to David that the permit was approved at 2:10 this afternoon and it's ready to be picked up. We needed to come back to this meeting for two things. We needed to come back and say, here's the plan.

Bob White:

We just had a Photoshop. If you leave right there, if you would Jack. We had our Photoshop pictures back at that time and it was the best shot we could do because we wanted to show what we're trying to do. But what you're looking at here is these are the structural engineer's plans. Actually we think they're improved over our Photoshop, because this is a window on the right side of the building and the corner. Here's a stairway going up and here's the deck up above. The original plan we have, we pictured a sidewalk right along underneath this window and over across to the second floor. Instead, what he did is he bowed and took it away from the building, which we thought was an advantage.

Bob White:

The other thing is we didn't realize is that in the original plan he had, I think he had double the post, the supporters, he only has six, which is another one over here, six posts on this side, on the left side. So there's half the amount of posts, the posts are six inches by six inches and they're powder-coated paint [inaudible 00:05:53]. That's the plan there. So we have the plans, which we promised that we would bring back to the board and we have the permit that's available to the president and anyone who making a decision about it today. So we're asking permission to move forward at this point. Any questions?

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Bob, I do, I have some questions. Where do those posts hit and when you were saying you just needed the majority back in 18, I think you still needed 75%. Do you have where that proxy went out? And then also the arc, this never came in front of the arc. [crosstalk 00:06:44] had to go back to the arc than it needed to go to the Master Board. So I'm just trying to figure out if we have [crosstalk 00:06:53].

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Nancy Taylor:

Can I say something? The posts are minimal and so they're going to be spaced along there so we don't see those as an issue, most of the places they're in front of the walls, not anybody's windows. There's not a lot of shadowing because the walkway where it extends from the town home out is out extended out and it's not over anybody's window up against the building so there's not going to be that. It's not going to be fairly visible from the road because it's going to, it's actually behind the trees that are up against the town homes now. Then finally there was no 75% required provisions. Our bylaws allow a majority vote as amended two or three years before this vote. So we met the requirements for our building vote.

Bob White:

Thanks, Nancy. I have documents that are differ from some of the other building surveys.

Nancy Taylor:

No, I know you were changing them to get this through.

Bob White:

No, but this is documents for this project.

Nancy Taylor:

No but you even had said talking about it back to 15, right?

Bob White:

The bottom line is this a vote of 18 and we did everything legal and by the book. Then we went to the Master Board, which you needed to, and I'd like to, if I could, I don't know if Stan is doing the call, could Stan explain that piece if he's there. Could you ask Jack to ask Stan to explain what took place as he was president of that meeting on the 19.

Stan Pilat:

I sent the notes out and I think Dave has them there. Before we had that meeting on the 19th of March, okay, I sent out the letter that came from Steve before we voted on and did anything regarding. There was no arc, the arc had to be re-established. It was up to the board to do what we did. We did reestablish the arc after the fact, but this was up to the board itself to decide. We did vote upon it. It was voted as applied five in favor, one abstain and one no. Come July of 2019, I also sent that out in that meeting, I reiterated because there was discussion about it, what was discussed previously to that other meeting where we had it, went over everything and it's in the minutes and those minutes were approved later.

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Denise Johnson:

Yeah. These minutes were the most detailed minutes ever that we've ever, ever had.

Stan Pilat:

I made it a point that they were detailed so that we, and we did approve the minutes afterwards, if there was a problem, then you should have spoke up at that point before...

Denise Johnson:

I wasn't at the meeting and what was interesting is I didn't even have it on my... It was one of those meetings in the middle of the summer. And then also we had, [crosstalk 00:11:40].

Stan Pilat:

You voted.

Denise Johnson:

Oh no, I voted in March and I voted no, or I will... Yeah. I think that 400 was abstained. Yes, I remember that, but on the meeting that D bar, it says that it's July something, July 19th, whatever. I think what some of the problem is, is we have gone back and looked and for the garage doors that you put up in

the middle of the summer, there's not even a permit, [crosstalk 00:12:12] start gathering all of this stuff so that things aren't just being done. With not having it as a... It's obviously a material change,

Dave Patrella:

Right Jack, put that back up there again. I mean, I think the follow-up minutes from the July 17th, I believe, board meeting reiterates and summarizes what took place in March. So I think we're beyond the discussion phase on this and more into, does this comply with the requests of the board or not, and from what Bob has presented, we have excellent engineering. I think the diagrams reflect as accurately as possible to what was presented before.

Dave Patrella:

I might anecdotally add this here at the time, the February, 2019 meeting, Don [Montoy 00:13:23] had a heck of a time taking minutes for that meeting so I helped him with the minutes at that time. We had a successful compilation of the February minutes for the March meeting, knowing that he potentially was going to have trouble, I meticulously took notes. I kept those darn minute notes for over a year. I got sick of looking at them on my desk. I had asked resort at the time, do you have the minutes for that meeting? Because I'm sick of looking at these minute notes. They said, of course Don Montoy left, they thought it was in his file. They told me yes and after looking at those for approximately a year, I chucked them. When it came down to it whereby I said, I need to see those minutes from March 2019, they didn't have them.

Dave Patrella:

I had asked Don Montoy right after the meeting, I said, I got great minutes, I took down every single note here. He said, no, I've got them good this time, I don't need your help. Okay, well, the fact he did that is somewhat impregnated in my mind as to what the details, and the details don't vary from what is now up on the screen. That is the summary of what happened specific to the building at 200's request, to put it in the ramp. [crosstalk 00:15:06].

Denise Johnson:

The only question I have is it goes back to a material change, and does that need to go to 75% of the community because [crosstalk 00:15:12].

Dave Patrella:

I think Stan just answered that question, I have a copy of the letter to which Steve [Adamsek 00:15:19], our attorney at the time, said no.

Stan Pilat:

Right, and that's why that was passed out, and I kept after Steve to get it and I received it, I think that day, and sent it out to everybody. We discussed it at that board meeting. If you look at [crosstalk 00:15:34].

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Steve's no longer with us. Have we checked with our attorney that we have right now, to make sure that this is not a material change in the community that needs 75% of the vote?

Dave Patrella:

I don't think we need to get a second opinion on every attorney opinion.

Denise Johnson:

Here's the problem, Dave, we are liable as a board to make sure that we are protecting the community.

Stan Pilat:

We are protected Denise, that's why we went to Steve, he's our attorney, if there's any liability, it goes back on Steve. That's why before it was either brought up before we did anything, I made it a point. That's why I made it a point to send this to everybody on the board to make that decision based on what Steve said. We paid him for a decision, he made the decision, that's why he was hired to do that. If any liability, it's back on Steve, not on us, because I was not about to make that decision without...[Crosstalk 00:16:47].

Denise Johnson:

What was sent out was just a paragraph, it wasn't even the whole context of what it was Stan.

Stan Pilat:

Well we based it on that. [Crosstalk 00:16:53].

Denise Johnson:

That right now, wouldn't it be better just to ask very, very quickly, our attorney and see what she has to say.

Stan Pilat:

No, then you should have brought this up a long time ago before the...

Denise Johnson:

I have been bringing this up Stan you know that I've been bringing this up from the very, very beginning. So this should be no surprise.

Denise Johnson:

The only other thing I would say is on 100, were there permits for the garage doors that went up [crosstalk 00:17:24].

Stan Pilat:

Denise [inaudible 00:17:25] we'll discuss that if you like?

Denise Johnson:

No, no, no, but I mean, if they're... We should have, as we were talking earlier that we're not keeping track of everything, so if something like that happens, that wasn't approved by the board, and if there are permits, we should just have them so that we know that it was legally done.

Dave Patrella:

but that's a discussion for another time, and not now, we're dealing now with certain agenda items that is the 200 building, plus foreclosure effectively on a previously approved proposal to add a ramp. I think the question comes, are we satisfied that this indeed reflects what was given in the presentation of 2019 and have all of the requirements been met?

Dave Patrella:

I think they have, I think we just need to proceed with this.

Mark Ramer:

I have some clarification questions. This is Mark and they're for Bob, actually. I just got the drawings and stuff yesterday, so I have a couple of clarification questions and obviously this is a kind of a flip for the future so I'm sure other owners would like to understand some things.

Mark Ramer:

So my first question was it has a declared value of \$75,000 permit is that accurate Bob?

Bob White:

I don't know where he got that number. I can tell you that we paid that much already in the project. So I think it's more like,

Nancy Taylor:

Bob, can I jump in here?

Bob White:

Yes.

Nancy Taylor:

Yeah. The value of the actual item, the fabricated items, is going to be in that range, and then the additional money we spent was for engineering and other services to get to this point. We had to pay for a permit, we had to pay for engineering. Then there's the value of the actual walkway. If our engineer says the value of that walkway is around 75, it sounds about right to me within scope of the entire project.

Bob White:

Thanks [inaudible 00:19:34] and then we has a survey entire building.

Mark Ramer:

How much will be split amongst the six town houses.

Nancy Taylor:

It's been split six ways exactly, for the entire project.

Bob White:

No one in the building, Mark, will pay a dime except for the six owners who own the town houses.

Mark Ramer:

When they went into the vote, did they have the amateurish sketch or did they have the final documents like you have them today? And the only reason I asked that is that if they thought that they were going to be ADA compliant with a solution, they're not. On one side of the building, it will have that kind of elevator access, but on the west side of the building, there are steps that go along the two town house platforms that leads down to the main core of the building, so it's not a continuous ramp.

Nancy Taylor:

To that effect, Mark, I have updated our six owners on a continuous basis for the past year, they were aware that this was not an ADA compliant, that county needed a lateral access, which is what we are legally known as. So there are steps and everyone was aware of that.

Mark Ramer:

And then I guess to flip the coin for the people that are on the lower level, I look at this for building 401, my unit 401, [Puzo's 00:21:00] at 408, and [Zemito 00:21:00] at 413 would have columns, possibly landscaping, shrubbery taken out and we'd be seeing six by six columns directly out of those windows.

Nancy Taylor:

Yeah. There're six inch columns and there will be no landscape bare spots. We haven't built into the budget for anything that is damaged or affected is going to be removed. We've already been in contact with rope all about making sure that as soon as all the work has done, the landscape is brought back to the way it should look.

Mark Ramer:

So the entire budget split between the six?

Nancy Taylor:

Right now, it's around a little over 150,000.

Mark Ramer:

And in our building in 401, the town houses, which we have six of, two of them may be lucky enough to have parking in the main underground garage, which means they would be able to take full advantage and benefit from this, going up to their units with groceries or shopping carts, with groceries, for baggage, but four out of the six townhouses in ours have parking on the carport [crosstalk 00:22:15].

Nancy Taylor:

Well, Mark, I'm one of the four that has parking in the carport, and the advantage of having elevator access for having things, or should I be injured, as when I broke my leg and I had to come up the steps

on my butt to get up to my unit, then the value of it is worthwhile for that. We recognize that, and everyone who is on the outskirts has the parking in the bay. We're aware of that. It is the access, the ability to get up there with an elevator.

Mark Ramer:

Before you cut me off, you would not be able to, in some of those townhouses, to age in place and wheelchair down like you said, to the elevator for the building because there'd be steps, correct?

Nancy Taylor:

Two minor steps that we are all willing to live with.

Mark Ramer:

I think there's three, but okay, well, I'm just... Because people put out a lot of money on a Photoshop drawing and now, all of a sudden, to me, the reality of the detail, and they say the devils are in the detail, I would think the owners that ponied up for the money or are the ones that are doing this would want to see the finished drawings to see where holes are [crosstalk 00:23:28].

Bob White:

Apparently there are no complaints from those individuals. Okay.

Denise Johnson:

I think he's saying the people below too, should have a right to understand what they are in for. If their resale value is going to be depleted well, their resale value is going to go up.

Nancy Taylor:

People below were made aware of it during the drawings and during the discussion and in fact, we have reduced the footprint in front of each one of the units with the final plan. I don't consider them amateurish. I consider them initial and the shop drawings, are finish product.

Mark Ramer:

There's still Photo-shopping on the new drawings that are kind of painted amateurish.

Nancy Taylor:

No, those aren't those aren't new drawings. It was Photo-shopping on the original from 2019.

Dave Patrella:

It was 18 really.

Mark Ramer:

All right. Well I'm just trying to bring it home to anybody from 400 that's in my building, that's on the call because [crosstalk 00:24:23].

Dave Patrella:

Doesn't 400 building, have a ramp?

Denise Johnson:

No they have it on the lower level, they have access.

Dave Patrella:

Someone's sent me photos of a ramp on 400 buildings [crosstalk 00:24:39] the MDA required because there was a lawsuit pending. [crosstalk 00:24:44]. The joint for a motion out there, and then we'll unmute everyone and get commentary from the membership.

Bob White:

Well, whatever you want to do. I just want to prove that we've met the two requirements that we produced, believe it or not, the building permit this afternoon, and we produced the engineering drawings that are very detailed and provided to all owners into the board. We're just asking for the ability to move forward, and as I believe that to have any construction takes place, we have to notify everyone within a week before anything starts. I'm just looking for how do you move forward now? I feel that we have met what we said we'd do, the requirements in a meeting of March 12th. We said, we do the things that took a long time to get done, but today it feels like it's done,

Denise Johnson:

Bob. You're not planning on doing construction during the season are you?

Bob White:

No, funny you ask that question. The reason that we try to move as quickly as possible is that they think they could start, in the next couple of weeks and we want to get it done now before January and season. If anything was delayed it just brings the season, which is not good. So that's our whole goal is to get this started before season.

Denise Johnson:

Well it is kind of within season.

Bob White:

Now, when I'm considered really after Christmas, January [inaudible 00:26:21] before we go.

Dave Patrella:

We need to move on and we need to have [inaudible 00:26:27].

Mark Ramer:

Thanks Bob I don't have a problem making a motion.

Dave Patrella:

Folks. I make a motion that we approve the 200 project. That they've met the requirements that the 2019 board authorized. For a second?

Nancy Taylor:

I second it.

Dave Patrella:

Movement seconded, Jack, would you unmute everyone then so we can get additional discussion from the membership, if any.

Speaker 7:

The host would like you to want to meet your microphone. You can press star six to unmute.

Stan Pilat:

This is Stan, I'd like to add one thing. This year, when it was done was not made or implied in any way that there had to be another vote. This was just presented, here's the permit, here's the plan, and all we're supposed to do is really give the blessing, whatever. [crosstalk 00:27:23].

Stan Pilat:

I don't think that there's a vote necessary, but you're the president now, you need to decide that.

Dave Patrella:

I think just to formalize this as probably best, the vote acknowledges that this is done according to the previous motion from March of 2019. Anyone else out there with any other comments,

Eric Lowe:

Eric Lowe. I think Bob might've mentioned that copies of these renderings were sent to unit owners, were they send to all owners in the complex, 176, or just the unit owners in the 200 building?

Bob White:

That was a 200 proxy. It only had to do with 200 building change.

Eric Lowe:

My thinking was when the arc was involved and I'm thinking perhaps the reason back when we voted, we wanted to see how it looked and there's one unit owners that haven't seen how it looks, does it look good? Is it going to be offensive to the other unit owners. How do you deal with that? I don't know.

Denise Johnson:

You're right Eric it's a material change.

Eric Lowe:

Well, I think it is of a general change. I asked Tina and I got a paragraph that she was kind enough to send me from a [inaudible 00:28:50] letter. The paragraph doesn't say very much and I think it was out of context as someone might've said. But it's a material change, it didn't go through the arc, it didn't go to the unit owners, and we're relying just on these three or four sentences that [inaudible 00:29:06] said. I think maybe to make sure this was done correctly, we got to get an attorney to look at it again. It was maybe Denise suggested.

Stan Pilat:

Eric there was no [inaudible 00:29:17] and that was also spelled out [crosstalk 00:29:19].

Denise Johnson:

You took the arc apart, you made sure that [inaudible 00:29:21] you had announced that it was gone so we can split two things for...

Stan Pilat:

No, that's not... Denise look at the doc...

Denise Johnson:

I'm not going to stop Stan [crosstalk 00:29:34]

Stan Pilat:

Before this, I had nothing to do with it. The docs removed it. I didn't remove it. I didn't rewrite it. [crosstalk 00:29:42].

Denise Johnson:

You weren't willing to let the arc even have any say in it. You just went on that one move [crosstalk 00:29:52].

Dave Patrella:

Move on here. Any more commentary from the members?

Speaker 9:

Yes this is [inaudible 00:29:58] and I am one of the units on the ground floor, and I appreciate the fact that we're going to just have the minimal amount of posts. It's going to blend in with the building. It's not going to be obtrusive, and we're going to be, and they're going to be fixing any landscape that's taken out. I think this is a win-win for everyone. I was at the meeting where all the arguing was going on. Everything was decided in, I believe it was March of 18 or March of 19, I apologize, and we've met the requirements. I think that's the end of the discussion.

Dave Patrella:

Thank you very much. Anyone else?

Nancy Dupree:

Yes, this is Nancy Dupree And I'd like to look at some of the list of questions because I believe this is a precedent setting for the other buildings.

Dave Patrella:

Why don't you say that?

Nancy Dupree:

So this material is made out of aluminum, is that correct? Is there any kind of muffling or any [inaudible 00:31:03] rolling around us especially at night. From the drawing it looks like it's about two feet from bedroom window.

Bob White:

The frame is aluminum [inaudible 00:31:12] cement it's poured cement.

Nancy Dupree:

Okay.

Nancy Taylor:

And it also has buffering material in between the platforms to eliminate any shake noise.

Nancy Dupree:

Okay, thank, that's my question.

Dave Patrella:

That was a good question. Next, anyone else? Okay. We'll call the question. Let's go building by building on this one, 100 building Chris.

Chris:

In favor.

Dave Patrella:

200?

Speaker 12:

Yes.

Dave Patrella:

300 Denise?

Denise Johnson:

No.

Dave Patrella:

400.

Mark Ramer:

It's Mark, I was not at the first vote, but I'm opposed.

Dave Patrella:

500.

Nancy Dupree:

Yes.

Dave Patrella:

Sean [inaudible 00:31:58] is not here. 700. Yes. Motion passes. Next item on the agenda is the proposal for the new gym equipment. And again, let me historically perhaps bring the membership up to speed on this a little bit. As you all know, because of COVID, many of the gyms have shut down and become insoluble. There is secondary equipment on the market, which lowered the overall cost of secondary equipment because of the surplus of that type of gym equipment. I know Twin Dolphins upgraded some of their exercise units and save incredible amounts of money, paid pennies on the dollar. Chris had taken over the gym.

EXHIBIT P

Wednesday, September 9, 2020

All Florida Industrial Fabrication, Inc.
851 S. Elm St.
Labelle, FL 33935

Mr. Mike Faucett
W.J. Johnson & Associates
10961 Bonita Beach Rd SE # 1
Bonita Springs, FL 34135

Re: AQ20-0831.02 200 La Peninsula Elevated Walkway Proposal - Revised

Mr. Faucett,

We are pleased to provide a revised proposal for fabrication, delivery, and installation of the structural concrete and structural aluminum, and miscellaneous aluminum assemblies at the 200 La Peninsula site in Isles of Capri, FL

We are acknowledging the design document set by Structures Design & Consulting, Inc. dated 08/21/2019 with the following amendments at the owner's request:

- 4'-0 wide walkway system in lieu of 5'-0 wide
- "T" frame column assembly in lieu of portal frame (removed provision for 1st floor matching path)
- Revised foundation sizes due to reduction in dead and live design loadings

AFIF, Inc will provide:

- Site specific delegated engineering & shop drawings
- A decision-making individual at all meetings
- All materials, fabrication services, transportation to the site, and installation of concrete and metal package, including:
 - Full protection & responsibility for maintaining condition of the existing pavers prior to heavy equipment & concrete onsite
 - Foundations & foundation forms
 - Columns
 - Beams
 - Metal form decking
 - Powdercoated picketed handrails
 - Modification of existing handrails to accommodate new elevated pathway
 - All permitting fees for trade specific work if required

Also included and acknowledged in the proposal are the following contractor site specific directions:

- No smoking, vaping, or music radios
- Daily sweep & cleanup of the slab & worksite areas
- Onsite safety manager at all times
- Full OSHA approved safety program and safety gear for all workers at all times

ALL FLORIDA INDUSTRIAL FABRICATION, INC.
851 S. ELM ST.
LABELLE, FL 33935



Specifically excluded is any landscape restoration/repair/sprinklers and underground location/repair.

All offered services and outlined provisions for the base bid lump sum of \$133,000.00 (One Hundred Thirty-Three Thousand and 00/100 dollars), applicable taxes included. Terms offered are 1% 5/net 30 after invoicing. Payment shall not be withheld by pay-when-paid clauses.

Payment scheduling shall be 20% prior to shop drawing delivery, 40% upon acceptance of the shop drawings & amended design conditions, and final 40% upon completion of the project, under separate invoicing.

The project will be divided into a fabrication and an installation aspect for invoicing. This is done for sales tax purposes on custom fabrication/installations.

All worksite safety aspects such as signage, fencing, dumpster, temporary existing building protection, and temporary bathroom facilities shall be provided under our contract.

We will require 8 Monday-Friday business days for complete installation of our system.

We will require not more than 45 calendar days to deliver our product after approval of our shop drawings.

We will require not more than 30 days to generate shop drawings.

Our offered scope includes a 1 year limited warranty regarding workmanship. All warranty claims shall be in writing to our physical address. Warranty services shall be limited to directly executed work by AFIF, Inc.

Thank you for allowing us the opportunity to earn your business and supply this package bid for fabrication, delivery, and installation of the structural concrete and structural aluminum, and miscellaneous aluminum assemblies at the 200 La Peninsula site in Isles of Capri, FL.

Should you have any questions, please do not hesitate to contact the undersigned directly.

Sincerely,



Keith Blackwell, P.E.
President
All Florida Industrial Fabrication, Inc.

(proposal acceptance below)

ALL FLORIDA INDUSTRIAL FABRICATION, INC.
851 S. ELM ST.



Proposal for ~~AO20-0631.02 200 La Peninsula Elevated Walkway~~ Accepted By

Signature

Name of Authorized Agent for

ROBERT H WHITE

(entity)

FOR 6 UNITS Building 200 LA Peninsula

Date

9/13/2020

Title

President 200 LA Peninsula

UNIT OWNER 203

By my execution, I represent I have the authority to execute this agreement and that I acknowledge the terms and conditions and the proposed scope of work and understand this custom fabrication is not returnable for any reason. Any conditions contrary noted in this agreement will require acceptance by All Florida Industrial Fabrication Inc. and is not binding unless confirmed and accepted by vendor.

Very Important

See below notes

* To comply with new MASTER BOARD REGULATIONS Navy or I w need to be notified in writing at least one week before any construction work come on to site.

* No landscape work e.g. removing vegetation etc can occur until Navy Taylor or Robert White are notified in writing.

ALL FLORIDA INDUSTRIAL FABRICATION, INC.

851 S. ELM ST.

EXHIBIT Q

OFFICIAL RECORDS REQUEST FORM

DATE: 12/16/2020
TO: Master Board of Directors La Peninsula Condominium Association Inc.
RE: OFFICIAL RECORDS REQUEST

As a parcel owner and member of the condominium association and pursuant to §718.111(12) *Florida Statutes*, the undersigned hereby requests to inspect the following official records of the Association.

1. The minutes, any and all correspondence, any and all proposals and plans, and any and all documents from any Master Board meeting or individual Board member meetings including emails and texts pertaining to the 200 Building walkway project in terms of the Board as well as any of its Board members.
2. The minutes, correspondence, and documents from any ARC Board meeting and its individual member meetings pertaining to the 200 Building walkway project and its individual members.
3. The ARC membership list and dates of service by its members, its meetings, and its correspondence since 2016.
4. The Master Board minutes, correspondence, and documents pertaining to the Revised Master Board by-laws passed in 2015 including its proxys and the documents detailing the membership vote.

Please provide the undersigned with the ability to inspect and copy the records requested above.

Thank you.

Signature:



Printed Name: Michael Meiresonne Unit 213

Address: 213 La Peninsula Blvd., Naples, FL 34113

Phone Number: 616-204-1156

7019 1640 0001 5746 3808

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City, State, ZIP+4[®] MARLO ISLAND FL 34145

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

EXHIBIT R

OFFICIAL RECORDS REQUEST FORM

DATE: 12/17/2020
TO: 200 La Peninsula Condominium Association Inc.
RE: OFFICIAL RECORDS REQUEST

As a parcel owner and member of the condominium association and pursuant to §718.111(12) *Florida Statutes*, the undersigned hereby requests to inspect the following official records of the Association.

1. The minutes, any and all correspondence, any and all proposals and plans, and any and all documents from any Board meeting or individual Board member meetings including emails and texts pertaining to the 200 Building walkway project in terms of the Board as well as any of its Board members.
2. All correspondence and documents including emails, texts, and letters from any Board member and the participating unit owners pertaining to the 200 Building walkway project.
3. All correspondence and documents including emails, texts, and anything related to the ARC pertaining to the 200 Building walkway project by any unit owner of the 200 Building..
4. All minutes, correspondence, and documents pertaining to the pertaining to the 200 Building walkway project with the Master Board and its Members.
5. The Board minutes, correspondence, and documents pertaining to the Revised Board by-laws passed in 2018 including its proxys and the documents detailing the membership vote, and the document that detailed the changes to the by-laws.

Please provide the undersigned with the ability to inspect and copy the records requested above.

Thank you.

Signature:



Printed Name: Michael Meiresonne Unit 213

Address: 213 La Peninsula Blvd., Naples, FL 34113

Phone Number: 616-204

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

200 LA PENINSULA Bldg Assoc
C/O RESORT MAN ASSOCIATION
815 BAY EAGLE VR
#201 #201


MANO ISLAND, FL 34115



9590 9402 5855 0038 9832 71

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x  12/18/2019
B. Delivered by (Printed Name)
JL Burk
C. Delivery Date
12-1
D. Is delivery address different from item 1? ☐
If YES, enter delivery address below: ☐

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Priority Mail
☐ Registered Mail
☐ Registered Mail Restricted Delivery
☐ Return Receipt
☐ Signature Cc
☐ Signature Cc Restricted Mail

EXHIBIT S

OFFICIAL RECORDS REQUEST FORM

DATE: 4/22/21
TO: Master Board of Directors La Peninsula Condominium Association Inc.
RE: OFFICIAL RECORDS REQUEST

As a parcel owner and member of the condominium association and pursuant to **§718.111(12) Florida Statutes and §720.3035 Architectural Control Covenants Florida Statutes**, the undersigned hereby requests to inspect the following official records of the Association.

1. The minutes, agenda, any and all correspondence, any and all proposals and plans, and any and all documents from any Board meeting or individual Board member meetings including emails and texts pertaining to the **Architectural Control Committee(ARC)** in terms of the Board as well as any of its Board members for the time period allowed by the statute since 2017.
2. The committee members names and duration of service pertaining to the **Architectural Control Committee(ARC)** for the time period allowed by the statute.
3. All correspondence and documents including emails, texts, and letters from any Board member and the participating unit owners pertaining to the **Architectural Control Committee(ARC)** for the time period allowed by the statute.
4. All correspondence and documents including emails, texts, and anything related to the **Architectural Control Committee(ARC)** for the time period allowed by the statute. pertaining to the 200 Building walkway project pertaining to the 300 Sea Grape trees and specifically all correspondence, emails, texts, etc. from its chairperson, Vida Chenier.
5. All correspondence and documents including emails, texts, and anything related to the **Architectural Control Committee(ARC)** for the time period allowed by the statute. pertaining to the 200 Building walkway project—second request.
6. The ARC Board minutes, agenda, correspondence, and any related documents pertaining to the **Architectural Control Committee(ARC)** for the time period allowed by the statute.
7. The Master Board policy on avoiding conflict of interests and performance of fiduciary duty.

Please provide the undersigned with the ability to inspect and copy the records requested above.

Thank you.

Signature: _____

Printed Name: Michael Meiresonne Unit 213

Address: 213 La Peninsula Blvd., Naples, FL 34113

EXHIBIT T

OFFICIAL RECORDS REQUEST FORM

DATE: 4/28/21
TO: 200 La Peninsula Condominium Association Inc.
RE: OFFICIAL RECORDS REQUEST

As a parcel owner and member of the condominium association and pursuant to §718.111(12) *Florida Statutes*, the undersigned hereby requests to inspect the following official records of the Association.

1. The minutes, any and all correspondence, any and all proposals and plans, and any and all documents from any Board meeting or individual Board member meetings including emails and texts pertaining to the 200 Building walkway project in terms of the Board as well as any of its Board members.
2. All correspondence and documents including emails, texts, and letters from any Board member and the participating unit owners pertaining to the 200 Building walkway project including Mary & Rick Thielen, unit 212.
3. All correspondence and documents including emails, texts, and anything related to the ARC pertaining to the 200 Building walkway project by any unit owner of the 200 Building.
4. All minutes, correspondence, and documents pertaining to the pertaining to the 200 Building walkway project with the Master Board and its Members.
5. The Board minutes, correspondence, and documents pertaining to the Revised Board by-laws passed in 2018 including its proxys and the documents detailing the membership vote, and the document that was presented to the unit owners and detailed the changes to the by-laws.
6. 200 Association General ledger full year accounting for 2017-2021.
7. 200 Association rules, documents and correspondence on purchasing, expense reimbursement and projects and their approval process since 2014.
8. All receipts and supporting documents as detailed in #7.

Please provide the undersigned with the ability to inspect and copy the records requested above.

Thank you.

Signature: _____

Printed Name: Michael Meiresonne Unit 213

Address: 213 La Peninsula Blvd., Naples, FL 34113

Phone Number: 616-204-1156

EXHIBIT U

From: "Matt Darling" <mdarling@resortgroupinc.com>

To: "Mike Meiresonne" <mikem@iqsdirectory.com>

Cc:

Date: Wed, 27 Jan 2021 20:14:29 +0000

Subject: Walkway Project

Mike,

I just got back in town from last Wednesday, **I am still waiting to get some other info on the project from the board** as I believe they will have better records as this project is not something RM has been necessarily handling as it is a special project. I will pass on more items as I receive them.



Matt Darling

Community Association Manager
Resort Management

Phone: 239-642-5466, Ext: 5207

Email: mdarling@resortgroupinc.com

www.resortmgt.com

Naples | Marco Island | Bonita Springs | Ft. Myers

Tell us how we are doing. [Submit Feedback Here!](#)

From: "Matt Darling" <mdarling@resortgroupinc.com>

To: "Mike Meiresonne" <mikem@iqsdirectory.com>

Cc:

Date: Wed, 27 Jan 2021 20:31:30 +0000

Subject: Walkway Info

Mike,

These are the last pieces that I can find in the prior managers folders regarding this project.
Have a good afternoon.



Matt Darling

Community Association Manager
Resort Management

Phone: 239-642-5466, Ext: 5207

Email: mdarling@resortgroupinc.com

www.resortmgt.com

Naples | Marco Island | Bonita Springs | Ft. Myers

Tell us how we are doing. [Submit Feedback Here!](#)

From: "Matt Darling" <mdarling@resortgroupinc.com>

To: "Mike Meiresonne" <mikem@iqsdirectory.com>

Cc:

Date: Fri, 5 Feb 2021 18:13:11 +0000

Subject: Re: Walkway re: Project update

Mike,

I went back through all of the walkway related items and I have sent you everything that we have for the 200 building and The Club. I pulled these 2 sets of minutes off of the Club's website and attached them.

As for the payments from 2017, the manager at the time, Dan Hutchinson, did not fully grasp how the accounting was to be done for this project, as he had never done something like this, coded the bills to come out of the normal operating account. This was to come out of the separate line item that hadn't been set up by the back office as they were not advised of the project until there was a manager change when Dan left the property management business. The code for the walkway expenses was set 9018 and the income code is 6126.

Have a good Super Bowl weekend!

Matt Darling

Community Association Manager
Resort Management

Phone: 239-642-5466, Ext: 5207

Email: mdarling@resortgroupinc.com

www.resortmgt.com

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From: "Jack Spring" <jspring@resortgroupinc.com>

To: "Mike Meiresonne" <mikem@iqsdirectory.com>

Date: Thu, 25 Jun 2020 12:11:28 +0000

Subject: RE: certified letter to MB

I'm sorry Mike, none of the documents you have requested exist.

From: "Mike Meiresonne" <mikem@iqsdirectory.com>

To: Jack Spring <jspring@resortgroupinc.com>

Cc: David Petrella <dpradmd@gmail.com>

Date: Thu, 25 Jun 2020 10:07:07 -0400

Subject: re[2]: certified letter to MB

No, I did not receive anything so the Master Board and its ARC committee have no records and no history of compliance in these matters.

In addition, your statement also means that there has been no enforcement of these provisions as well.

From: "Mike Meiresonne" <mikem@iqsdirectory.com>

To: Jack Spring <jspring@resortgroupinc.com>

Cc: Joni Cline <jcline@resortgroupinc.com>, "La Pen - David Petrella 700 (dpradmd@gmail.com)"

Date: Wed, 8 Jul 2020 18:14:46 -0400

Subject: re[2]: FW: re[2]: view obstruction

The issue is not tree trimming, it is tree removal if such planting is not approved by the Master Board.

EXHIBIT V

Via Certified Mail

200 La Peninsula Condominium Assoc.
200 La Peninsula
Naples, FL 34113

The Club at La Peninsula, Inc.
10 La Peninsula Blvd.
Naples, FL 34113

Re: *Demand for Arbitration re: Addition of Elevated Walkway to Building at
200 La Peninsula Condominium Association*

To Whom It May Concern:

Please be advised that the undersigned owner of Unit 213 of the 200 La Peninsula Condominium Association hereby demands arbitration and the eventual removal of the elevated walkway recently constructed and attached to 200 La Peninsula Condominium and other relief related to this improperly approved project. The basis for this request is as follows:

Nature of Dispute

1. The walkway constructed and attached to the building was a completely different walkway in terms of its size, scope, appearance, and purpose originally approved by the members/unit owners of the 200 La Peninsula Condominium Association. Although a majority of the owners purportedly approved of an original walkway design that was less obtrusive than what was eventually installed, the original design was also represented as being ADA compliant, broader in terms of the number of unit owners directly affected by the walkway (affecting nine (9) owners directly), and subject to further review and approval by the Architectural Review Committee (ARC), the 200 Building unit owners, the nine 200 Building participants including petitioner, the Master Board, and 75% of the entire association.¹ The walkway that was actually constructed was based on a revised set of plans that were different in numerous aspects, including but not limited to size, dimensions, materials used, appearance and configuration, and cost, and its alleged impact on the number of 200 Building owners as it would only directly impact (and benefit) six of the 200 Building owners. Importantly, the fact that one of the primary justifications put forward in support of the plan initially was that it would create ADA compliance for the 200 Building was no longer applicable as the walkway that was constructed was no longer sufficient to confer ADA compliance upon the 200 La Peninsula Condominium building. Also, the construction as to the walkway and its overall appearance and the presence of large structures supporting the walkway, how it was attached to the building completely changed as to how it impacted those owners like Petitioner whose unit is located on the lower level and who was dropped from the project without notice. No supplemental reviews or approvals of the revised walkway that was actually constructed were ever obtained from the affected unit members/owners of 200 La Peninsula Condominium Association as required by Florida law and the association by-laws. Furthermore, no architectural

¹ Recently, the MB approved changing paint color of all buildings at the discretion of each building board. The MB determined that all three of these material alterations to the common elements of the building did not require 75% community approval, contrary to association by-laws and Florida law.

review and approval as promised as a condition to the project that had been originally approved or its eventual design were ever obtained.²

2. Furthermore, since the project constituted a material alteration or substantial addition to building 200, an approval by 75 percent of the total voting interests of the entire association was required but never obtained and/or required by the Master Board before contracts for the revised plans were signed by 200 board member Bob White on 9/13/20, as the walkway construction resulted in a material alteration or substantial addition to Building 200 (the elevated walkway) contrary to Florida Statute 718.113(2)(a). Note, existing Master Association Rules do not provide any limitation or restriction upon the association to allow for said alterations of any kind without such a vote if the alteration is material, as is the case here with the walkway constructed.

3. Additionally, Bob White, a board member of the master association and the president of the 200 Association and member of the ARC, and Nancy Taylor, a board member of the 200 condominium association and treasurer of master association, had direct conflicts of interest posed by the project authorizing the addition of a walkway that only benefited their units and four others by signing and paying on contracts with the company who was to construct the revised walkway for its construction without obtaining a new approval of the 200 Condominium Association Board prior to the Master Board approving the plan. Further, even though there was a material alteration and substantial addition to the common elements, neither sought the approval of 75% of the entire association as required by Florida law and without advising the three owners of units, including myself, who were dropped from the project without notice. Contrary to the representations of Bob White and Nancy Taylor, the revised walkway not only was reduced in scope, but its appearance and impact on the building as referenced above was completely different from what had been presented and approved previously and in how it was to impact certain unit owners. These actions clearly constituted a breach of their respective fiduciary duties to the 200 Board and its members. Because they were promoting a project (a different walkway than what was approved) that ended up only directly benefitting themselves and four other 200 Building owners, or a total of six 200 Building unit owners (rather than the previous nine, **including my unit**) who were to directly benefit from the original project, they were required to recuse themselves, which they failed to do as both not only supported the board action of their respective associations but were primary and

² The ARC committee has been used to promote favorable projects for Board members while selectively enforcing provisions for other unit owners. The 200 Walkway project is apparent and at the same meeting, a material change of adding garage doors to the 100 Building was done in the same manner serving as a *quid pro quo* arrangement. My patio expansion needed a 15-page detailed proposal including renderings and engineering drawings for 200 Building approval, ARC approval, and Master Board approval. The ARC chairperson objected to her view obstruction and it was not approved. At the last ARC meeting, the three sea grape trees at the 300 Building were planted without authorization were not addressed by the ARC chairperson who had a conflict of interest since she planted one of them, and the other two are outside her unit. Furthermore, the ARC committee failed to address the patio expansion next to my unit, Unit 208, that had material changes including non-approved materials e.g. shells, and a shell path down the hill. There were no plans submitted to the 200 Building Board, ARC, (not Master Board), and the Unit 208 owner is a major supporter of the walkway project. No Master Board approval given as required by Master Board By-Laws 6.1 and 6.2. In particular, these trees constituted an obstruction of my view of the water to the west and constituted a nuisance in violation of 7.4.

key proponents of the eventual project. Clearly, this failure to recuse themselves in addition to otherwise failing to act in furtherance of the interests of the association rather than in furtherance of their own interests and by otherwise failing to act in good faith and in accordance with the care a similarly situated board member would exercise was a conflict of interest and in violation of their fiduciary duties to the unit owners of their respective associations contrary to Florida Statute Section 617.0830, et. seq.

4. Additionally, 200 Condominium Association Board Member Bob White violated his fiduciary duties to his 200 Condominium Association Board by representing that he had the authority to authorize the construction of the revised walkway when, in fact, he did not, as the revised plan and contract which he signed on September 13, 2020, for the project had never been submitted to the Master Board for final approval. Further, because Nancy White was privy to this authorization and was one of the two persons in the association who had to be notified by the construction company before construction could begin and who could authorized any construction to begin, had knowledge that the construction of the revised walkway was proceeding without proper 200 Building Association approval failed, along with Mr. White, to disclose or notify the undersigned and other board members of 200 Building Association, including the undersigned, that the approval of the revised walkway project was going to be presented to the Master Board for approval so as to effectively prevent me and others in our association from informing the Master Board that the plan that was being submitted had never been approved by the 200 Board. Given the significant changes to the original project that had been approved, they were required to seek a new vote by the 200 Building Association Board as contemplated by Florida law, and also failed to disclose this lack of approval to the Master Board, thereby violating their fiduciary duties to their board, instead misrepresenting that the walkway to be actually constructed was simply a reduction in scope from what was approved, when in fact it was a completely different project.

5. The actions of White and Taylor in hiding the true facts of the transactions of the matter through their involvement on the 200 Condominium Association Board from the rest of the 200 Building Owners, including the Petitioner, also a Board member, and contracting for the approval of a project without their authorization thereby subjecting the other building owners to liabilities they were unaware of further violated their fiduciary duties.

6. The Master Board also acted improperly by allowing the 200 Building to plant three sea grape trees that blocked Petitioner's view without conducting a review by the ARC or obtaining Master Board Approval as required by Master Board By-Law 6.1 and 6.2.

7. In connection with petitioner's attempt to seek confirmation and/or corroboration of his claim that proper approvals of the project by either association was not obtained, records were requested pertaining to said project from each association in writing and sent by certified mail, return receipt requested, and receipts returned confirming receipt of said record requests by the Club at La Peninsula on December 16, 2020 (See Exhibit A). To date, despite a follow-up request, no records have been produced. Note, Petitioner is also attaching a supplemental document request to each board for some additional documents which is marked as Exhibits C and D.

Requested Relief

Petitioner is requesting the following relief:

1. That copies of the requested records attached as Exhibits A and B to this letter be produced to petitioner at Unit 213 within ten (10) days of the date of this letter. Repeated requests for the documents described in Exhibits A and B have been ignored as well as the documents described in the supplemental requests (Exhibits C and D).
2. That said walkway be removed from building 200 and that all vegetation removed from the exterior of the building to accommodate said walkway be replaced with vegetation of a similar appearance and botanical species (including two large palm trees that were removed as part of this project without approval as required by Master Board By-Law 7.7) as that which it replaced within sixty (60) days of the date of this letter, as our efforts to convince the boards of each association that the removal of the vegetation to facilitate the walkway's installation and said walkway was not properly approved as required by the association by-laws and/or Florida Law, as 75% of the entire association never approved this material alteration and/or substantial addition to the common elements, and therefore should be removed.
3. That the sea grape trees adjacent to Unit 302 be removed because installation was never reviewed by the ARC despite their alteration of the exterior appearance of the structure and/or constituted a nuisance to my unit because of the obstruction of my view to the west as prohibited by Master Board By-Law 7.4 and for the further reason that it was never approved by the Master Board as required by by-laws 6.1 and 6.2.
4. Any Board member who is found to have violated their fiduciary duty or had a conflict of interest be removed from their respective Board.
5. Petitioner be awarded all costs pertaining to this matter
6. Require the Master Board to enforce its rules and bylaws as written and adhere to the Florida Statutes and to remedy any of the matters brought before this Panel in regard to the Board's selective enforcement and its failures to follow Florida Statutes.

Notice of Intention to File Arbitration Petition

As has been demonstrated herein, the 200 La Peninsula Condominium Association Board and the Master Board knowingly acted to allow a walkway to be constructed that was not only different in scope from the walkway originally approved but different in its purpose, its method of construction, its method of attachment to the building, its cost, and whom it impacted without obtaining new approvals as required by the by-laws for each building association board and the Master Board and of 75% of the entire association as required by Florida law whenever a material alteration or substantial addition to the common elements is proposed; therefore, this notice of and request for arbitration is joined as one. Additionally, the board has also failed to apply its rules

200 La Peninsula Condominium Assn.

The Club at La Peninsula Inc.

April 29, 2021

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regarding the approval and authorization of certain landscaping that obstructed my view. Petitioner hereby notifies you that he intends to file an arbitration petition with the State of Florida's Department of Business & Professional Regulation Division of Florida Condominiums, Timeshares, and Mobile Homes, and/or pursue other legal action if this dispute is not resolved

Respectfully submitted,

Mike Meiresonne Unit 213 Owner
200 La Peninsula Condominium

Exhibit A

OFFICIAL RECORDS REQUEST FORM

DATE: 12/16/2020
TO: Master Board of Directors La Peninsula Condominium Association Inc.
RE: OFFICIAL RECORDS REQUEST

As a parcel owner and member of the condominium association and pursuant to §718.111(12) *Florida Statutes*; the undersigned hereby requests to inspect the following official records of the Association.

1. The minutes, any and all correspondence, any and all proposals and plans, and any and all documents from any Master Board meeting or individual Board member meetings including emails and texts pertaining to the 200 Building walkway project in terms of the Board as well as any of its Board members.
2. The minutes, correspondence, and documents from any ARC Board meeting and its individual member meetings pertaining to the 200 Building walkway project and its individual members.
3. The ARC membership list and dates of service by its members, its meetings, and its correspondence since 2016.
4. The Master Board minutes, correspondence, and documents pertaining to the Revised Master Board by-laws passed in 2015 including its proxys and the documents detailing the membership vote.

Please provide the undersigned with the ability to inspect and copy the records requested above.

Thank you.

Signature:



Printed Name: Michael Meiresonne Unit 213

Address: 213 La Peninsula Blvd., Naples FL 34113

Phone Number: 616-204-1156

7039 1640 0001 5746 3608

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$7.75

Total Postage and Fees \$14.15

0460 02

12/16/2020

Sent to CLUB LA PENINSULA 40 RESIDENT UNIT

Street and Apt. No., or PO BOX 213 LA PENINSULA BLVD

City, State, ZIP+4® NAPLES FL 34113

PS Form 3800, 9-2015 (with changes) PSN 7530-02-000-9000

Exhibit B

OFFICIAL RECORDS REQUEST FORM

DATE: 12/17/2020
TO: 200 La Peninsula Condominium Association Inc.
RE: OFFICIAL RECORDS REQUEST

As a parcel owner and member of the condominium association and pursuant to §718.111(12) *Florida Statutes*, the undersigned hereby requests to inspect the following official records of the Association.

1. The minutes, any and all correspondence, any and all proposals and plans, and any and all documents from any Board meeting or individual Board member meetings including emails and texts pertaining to the 200 Building walkway project in terms of the Board as well as any of its Board members.
2. All correspondence and documents including emails, texts, and letters from any Board member and the participating unit owners pertaining to the 200 Building walkway project.
3. All correspondence and documents including emails, texts, and anything related to the ARC pertaining to the 200 Building walkway project by any unit owner of the 200 Building..
4. All minutes, correspondence, and documents pertaining to the pertaining to the 200 Building walkway project with the Master Board and its Members.
5. The Board minutes, correspondence, and documents pertaining to the Revised Board by-laws passed in 2018 including its proxys and the documents detailing the membership vote, and the document that detailed the changes to the by-laws.

Please provide the undersigned with the ability to inspect and copy the records requested above.

Thank you.

Signature:



Printed Name: Michael Meiresonne Unit 213

Address: 213 La Peninsula Blvd., Naples, FL 34113

Phone Number: 616-204

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<input type="checkbox"/> Complete items 1, 2, and 3. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <input checked="" type="checkbox"/>  <input type="checkbox"/>	
1. Article Addressed to: 200 LA PENINSULA BLVD ASSOC C/O RESORT MANAGEMENT 815 BAYVIEW DR APT 201 NAPLES ISLAND, FL 34113		B. Recipient (Printed Name) JL Burk C. Date 12-17	
2. Article Number (Transfer from service label) 9590 9402 5855 0038 9832 71		D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/>	
3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery over \$500		<input type="checkbox"/> Return Mail <input type="checkbox"/> Registered Mail <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery	

Exhibit C

OFFICIAL RECORDS REQUEST FORM

DATE: 4/22/21
TO: Master Board of Directors La Peninsula Condominium Association Inc.
RE: OFFICIAL RECORDS REQUEST

As a parcel owner and member of the condominium association and pursuant to **§718.111(12) Florida Statutes and §720.3035 Architectural Control Covenants Florida Statutes**, the undersigned hereby requests to inspect the following official records of the Association.

1. The minutes, agenda, any and all correspondence, any and all proposals and plans, and any and all documents from any Board meeting or individual Board member meetings including emails and texts pertaining to the **Architectural Control Committee(ARC)** in terms of the Board as well as any of its Board members for the time period allowed by the statute since 2017.
2. The committee members names and duration of service pertaining to the **Architectural Control Committee(ARC)** for the time period allowed by the statute.
3. All correspondence and documents including emails, texts, and letters from any Board member and the participating unit owners pertaining to the **Architectural Control Committee(ARC)** for the time period allowed by the statute.
4. All correspondence and documents including emails, texts, and anything related to the **Architectural Control Committee(ARC)** for the time period allowed by the statute. pertaining to the 200 Building walkway project pertaining to the 300 Sea Grape trees and specifically all correspondence, emails, texts, etc. from its chairperson, Vida Chenier.
5. All correspondence and documents including emails, texts, and anything related to the **Architectural Control Committee(ARC)** for the time period allowed by the statute. pertaining to the 200 Building walkway project—second request.
6. The ARC Board minutes, agenda, correspondence, and any related documents pertaining to the **Architectural Control Committee(ARC)** for the time period allowed by the statute.
7. The Master Board policy on avoiding conflict of interests and performance of fiduciary duty.

Please provide the undersigned with the ability to inspect and copy the records requested above.

Thank you.

Signature: _____

Printed Name: Michael Meiresonne Unit 213

Address: 213 La Peninsula Blvd., Naples, FL 34113

Exhibit D

OFFICIAL RECORDS REQUEST FORM

DATE: 4/28/21
TO: 200 La Peninsula Condominium Association Inc.
RE: OFFICIAL RECORDS REQUEST

As a parcel owner and member of the condominium association and pursuant to §718.111(12) *Florida Statutes*, the undersigned hereby requests to inspect the following official records of the Association.

1. The minutes, any and all correspondence, any and all proposals and plans, and any and all documents from any Board meeting or individual Board member meetings including emails and texts pertaining to the 200 Building walkway project in terms of the Board as well as any of its Board members.
2. All correspondence and documents including emails, texts, and letters from any Board member and the participating unit owners pertaining to the 200 Building walkway project including Mary & Rick Thielen, unit 212.
3. All correspondence and documents including emails, texts, and anything related to the ARC pertaining to the 200 Building walkway project by any unit owner of the 200 Building.
4. All minutes, correspondence, and documents pertaining to the pertaining to the 200 Building walkway project with the Master Board and its Members.
5. The Board minutes, correspondence, and documents pertaining to the Revised Board by-laws passed in 2018 including its proxys and the documents detailing the membership vote, and the document that was presented to the unit owners and detailed the changes to the by-laws.
6. 200 Association General ledger full year accounting for 2017-2021.
7. 200 Association rules, documents and correspondence on purchasing, expense reimbursement and projects and their approval process since 2014.
8. All receipts and supporting documents as detailed in #7.

Please provide the undersigned with the ability to inspect and copy the records requested above.

Thank you.

Signature: _____

Printed Name: Michael Meiresonne Unit 213

Address: 213 La Peninsula Blvd., Naples, FL 34113

Phone Number: 616-204-1156

EXHIBIT W

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May 3, 2021 at 11:32 am

MARCO ISLAND, FL 34145

Exhibit X

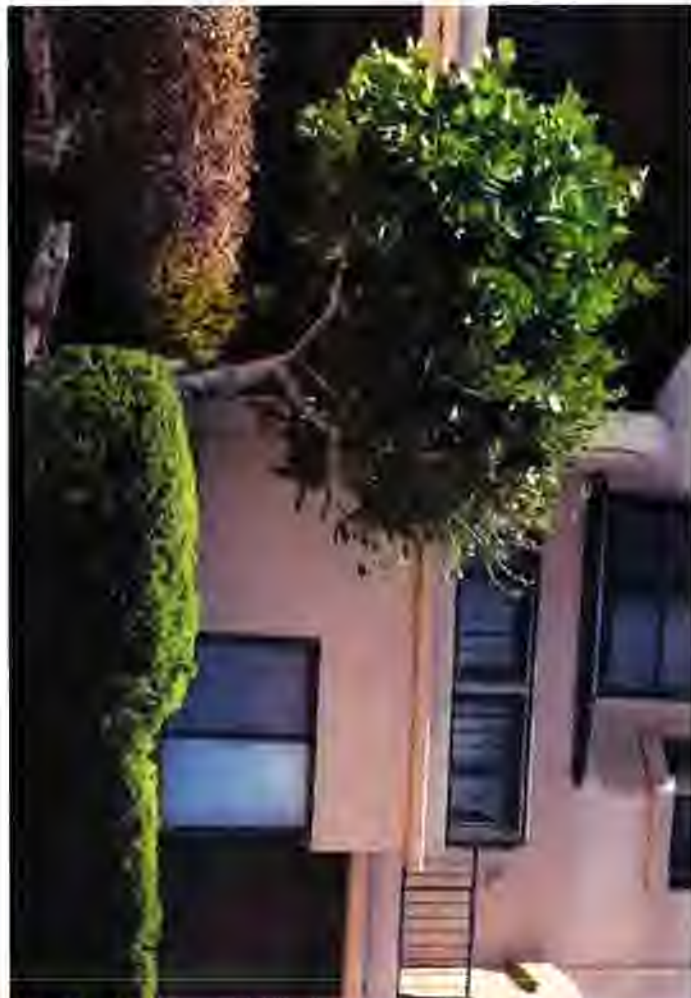




Exhibit Y

From: "Jack Spring" <jspring@resortgroupinc.com>
To: "'Mike Meiresonne'" <mikem@iqsdirectory.com>
Date: Thu, 25 Jun 2020 12:11:28 +0000
Subject: RE: certified letter to MB

I'm sorry Mike, none of the documents you have requested exist.

From: "Mike Meiresonne" <mikem@iqsdirectory.com>
To: Jack Spring <jspring@resortgroupinc.com>
Cc: David Petrella <dpradmd@gmail.com>
Date: Thu, 25 Jun 2020 10:07:07 -0400
Subject: re[2]: certified letter to MB

No, I did not receive anything so the Master Board and its ARC committee have no records and no history of compliance in these matters. In addition, your statement also means that there has been no enforcement of these provisions as well.

From: "Mike Meiresonne" <mikem@iqsdirectory.com>
To: Jack Spring <jspring@resortgroupinc.com>
Cc: Joni Cline <jcline@resortgroupinc.com>, "La Pen - David Petrella 700 (dpradmd@gmail.com)"
Date: Wed, 8 Jul 2020 18:14:46 -0400
Subject: re[2]: FW: re[2]: view obstruction

The issue is not tree trimming, it is tree removal if such planting is not approved by the Master Board.