

**STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES**

**IN RE: PETITION FOR ARBITRATION**

**Brookview Condominium Association, Inc.,**

**Petitioner,**

**v.**

**Case No. 2006-00-9580**

**Unit Owners Voting for Recall,**

**Respondent.**

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**SUMMARY FINAL ORDER**

On February 20, 2006, the above-named petitioner filed a petition for recall arbitration seeking affirmation of the board's decision not to certify the recall attempt by way of written agreement of February 6, 2006. On February 24, 2006, the undersigned issued an Order Allowing Answer, permitting the unit owners, by and through their designated representative, ten days upon receipt to respond to the action taken by the board on February 13, 2006, and the petition for recall arbitration. The order was sent U.S. Certified Mail, return receipt requested, to unit owner representative, Marie Louis Charles, 13500 NE 3<sup>rd</sup> Avenue, North Miami, Florida 33161, as provided in the petition for arbitration.<sup>1</sup> As of the date of this order, no answer has been filed by the respondent.

<sup>1</sup> However, on or around March 20, 2006, the order was returned to the Division due to "insufficient address." Apparently, the unit number was not provided on the petition; the address was subsequently corrected by the Division and Marie Louise Charles was served with the arbitration petition and other documents on March 23, 2006.

On March 30, 2006, however, Steven M. Rosen, Esquire, filed a Notice of Appearance on behalf of the unit owners voting for recall, along with a letter to the arbitrator informing her that Marie Louis Charles was out of town at the time of the initial attempted service and that Marie Louis Charles has since received the petition package. The letter also stated that a second recall had been attempted and that on March 23, 2006, the board conducted a meeting regarding the second recall attempt, and to expect a second petition for recall arbitration to be filed with the Division. Considering that no answer has been filed in the pending recall, the fact that a second recall has been attempted by the unit owners and that a second recall arbitration petition was filed on March 30, 2006, and considering the fatal deficiencies contained in the recall attempt of February 3, 2006, in accordance with rule 61B-50.119(3), Florida Administrative Code, the arbitrator hereby issues this summary final order in the pending arbitration.

Based on the foregoing, it is

**ORDERED:**

The board's decision not to certify the recall attempt of February 6, 2006, to recall board members Janet Dixon, Adam Fischer, John Doyle, John Hazelton, and Remus Cesar is AFFIRMED. These individuals shall continue to serve on the board.

DONE AND ORDERED this 5th day of April, 2006, at Tallahassee, Leon  
County, Florida.



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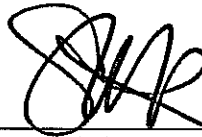
Susan Wilkinson Harnden, Arbitrator  
Division of Florida Land Sales, Condominiums,  
and Mobile Homes – Arbitration Section  
Dept. of Business and Professional Regulation  
1940 North Monroe Street  
Tallahassee, FL 32399-1029

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing summary final order has been sent by facsimile and by U.S. Mail to the following persons on this 5th day of April, 2006:

Michael W. Gomez, Esquire  
1930 Tyler Street  
Hollywood, FL 33020  
fax: (954) 925-7816

Steven M. Rosen, Esquire  
5601 Biscayne Blvd.  
Miami, FL 33137  
fax: (305) 756-7105



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Susan Wilkinson Harnden, Arbitrator