

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

**IN RE: PETITION FOR ARBITRATION**

**SHAKER VILLAGE CONDOMINIUM  
ASSOCIATION, INC.,**

**Petitioner,**

**v.**

**Case No. 2006-00-6054**

**UNIT OWNERS VOTING FOR RECALL,**

**Respondent.**

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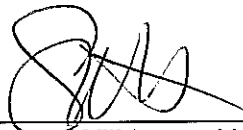
**SUMMARY FINAL ORDER**

This final order is entered pursuant to rule 61B-50.119(3), Florida Administrative Code, which provides that "[a]t any time after the filing of the petition, if no disputed issues of material fact exist, the arbitrator shall summarily enter a final order awarding relief and failing to certify the recall if the arbitrator finds that no meritorious defense exists or if substantial compliance with the requirements of the rules and statutes relating to recall has not been demonstrated, and the petition is otherwise appropriate for relief."

On February 1, 2006, Shaker Village Condominium Association, Inc. (respondent or association), filed a petition for recall arbitration with the Division. Subsequently, the case was assigned to the undersigned arbitrator. In the petition, the petitioner restated the numerous reasons why the board determined not to certify the recall at the meeting held January 26, 2006, including failure to attain a majority of the voting interests and failure to provide the signature of each unit owner voting in the recall. Thus, on February 20, 2006, the arbitrator issued an Order To Show Cause, allowing the respondent, by and through their designated unit owner representative, the opportunity

to respond to the petition and to specifically address in their response the failure to provide signature lines and or voter signatures on the ballots. The response was due no later than by the end of the business day, February 20, 2006. As of the date of this order, however, no response has been filed on behalf of the unit owners voting for recall. Therefore and based on the Order to Show Cause, where the arbitrator found the recall to be fatally flawed for failing to provide signature lines as required in rule 61B-23.0028(1)(e), Florida Administrative Code, the written recall agreement is invalid. Therefore, the petitioner's decision to reject the recall agreement is AFFIRMED.

DONE AND ORDERED this 1st day of March, 2006, at Tallahassee, Leon County, Florida.



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

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing summary final order has been sent by U.S. Mail to the following persons on this 1st day of March, 2006:

Rachel E. Frydman, Esquire  
Katzman & Korr, PA  
1501 NW 49<sup>th</sup> Street, Suite 202  
Ft. Lauderdale, FL 33309

Peggy Cohen, Unit Owner Representative  
14 Spinning Wheel Lane  
Tamarac, FL 33319



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Susan Wilkinson Harnden, Arbitrator