



**Key West Golf Club Homeowner's Association, Inc.**  
**Special Meeting of the Board of Directors**  
74 Golf Club Dr, Key West, FL 33040 and via Zoom  
6:15 PM, Wednesday, April 03, 2024  
**MINUTES**

**Attendees:**

Robin Mitchell, Board President, Chairperson  
Guy Gross, Board Vice President  
Thomas Siburg, Board Secretary  
Derrick Rende, Board At-Large Officer  
5 Association Member, In Person  
8 Association Members, Via Zoom  
Pat Labrada, Community Association Company ("CAC"), Property Manager  
Todd Branger, CAC Employee

**Purpose:** To discuss policies, procedures & statutes regarding violations and fines.

**1. Call to Order**

Meeting called to order at 6:15 PM by Chairperson, Robin Mitchell.

**2. Determination of Quorum**

Quorum determined.

3 out of 5 Board of Directors required. 4 out of 5 present.

**3. Approval of Agenda**

Agenda approved.

**4. Proof of Notice of Meeting**

Provided. Notice displayed and emailed.

**5. Discussion of policies, procedures, and statutes regarding violations and fines**

*Presentation by Robin Mitchell:* The violations hearing committee has been inactive since 2013. At the last regular meeting of the Board, the Board agreed we must discuss violations and fines process. Board resolutions from 2012 and 2013 established that the Board appoints committee members (3 voting members and 1 alternate member) and parameters for membership. Reading from a summary provided by CAC, FL Statute: Boards may levy fines for noncompliance issues and the committee votes whether to confirm the fine, the process to correct the noncompliance issue, and timeframe and process for hearings; fines may not exceed \$100 per violation, unless otherwise provided in the governing documents, with an aggregate of \$1,000 maximum, unless the governing documents provide for a greater aggregate; and, the prevailing party is entitled to reasonable attorney fees and costs from the non-prevailing party in any action to recover a fine.

Discussion: Reason(s) why Board wanted to discuss violations and fines; past, had instances where neighbors are judged by peers; created animosity between homeowners. Reasons for discussion included: overdue assessment fees, loose dogs, 3 cars, home inspections – no penalties to prevent compliance.

Overdue Assessment Dues – The Finance Committee is identifying issues of homeowner noncompliance with assessment dues and want to get homeowners caught up.



Loose Dogs – The Sanctuary recently had an issue with a homeowner letting dogs run loose, unattended.

3 Cars – Observed that some homes may have 3 cars.

Home Inspections – Current process not being followed, Management has fallen very far behind. • Current home inspection process: A tablet is set up with the inspection process and form, to be taken out with Management when doing exterior home inspections, input data and date of inspection; Management issues notice to homeowner of noncompliance and a two (2) week timeframe to at minimum respond to Management to correct issue; Response from and communication with homeowner allows for continued updating on correcting situation or pushes situation down the line; Nonresponsive homeowners is an issue; Responses and nonresponses are to be logged into system. • Former manager would provide a monthly update and list of about 10-15 homes and timelines as part of manager's report. • Anyone can report a noncompliance issue (anyone is the originating source of the complaint), to be reported to Management to start formal process of inspection. • Governing documents establish that each home is to be inspected once a year; may need to be more frequent; requires more labor and former manager shared could be a fulltime job. • Easy option formerly used was management inspect when homes hit the market; with the high turnover the past several years, most homes were inspected and compliance issues raised and corrected; sales and market listings have decreased dramatically recently; inspections should still occur at the time of listing, otherwise may become an issue as part of sale transaction; the onus should be on the homeowner to notify management of home listing to do exterior home inspection; previously Robin alerted as part of MLS/flex listing notices; Management could sign up for MLS/flex listing notices of Golf Club HOA listings. • Suggestion provided to collect inspection fees as part of buy-sell transactions; Management shared FL Law allows a \$299 estoppel, a late fee of \$179, and rush fee of \$119 (*Secretary note: monetary figures are unverified*). • HOA currently collects two (2) months of HOA assessment fees as working capital, not as prepayment of dues.

Clarification by Derrick Rende: Meeting seems to have shifted focus; here to discuss ironing out process for resolving compliance issues.

Discussion: Establishing violation and fine schedule; identify categories, list of fines, and areas to pursue; must discuss legality of fine schedule with counsel. • For outstanding fines and fees, FL Statute allows for removal of rights to common properties, except for access to homes, as a result of being 90 days delinquent on paying any fee, fine, or other monetary obligation; currently using Lawyer Rogel from Becker to help negotiate resolution with homeowners to catch up on past assessment dues and ramifications if not in compliance by agreed timeframe. • In past, HOA took ownership of two (2) homes (179 & 148 GCD), rented out.

*Motion made by Guy Gross:* To reach out to Lawyer Rogel to figure out what is needed to create violations and fines schedule.

*Seconded by Robin Mitchell.*

Discussion: Establishing a violations hearing committee is required. • Research and look at other communities' processes prior to reaching out to legal.

*Motion removed by Guy Gross.*



Board Directive to Management – To include in monthly report to Board: Look into violations and fining processes of other communities, including timelines for inspections and violation guidelines; Report on Golf Club HOA inspections, assessments and delinquencies, and timelines to resolve issues.

Board Directive to Finance Committee – To include in monthly report to Board: Data on delinquencies and timeframe of paid and unpaid special assessment dues (currently allowed to pay up to 4 installments of \$125, through April 2024); prepare finance figures in easy format for Board.

## **6. Adjournment**

*Motion made by Guy Gross:* To adjourn meeting.

*Seconded by Thomas Siburg.*

Discussion: Add at next meeting discussions about timelines to get homeowners caught up on outstanding assessments dues and to research violations schedule. • Special assessment dues are due until end of April, may have to wait until May Board meeting.

Upcoming Regular Board Meeting: 4/15. Upcoming Finance Committee Meeting: 4/18.

*Carried (Approved):* Unanimous.

Meeting adjourned at 7:37 PM.