

RIVIERA DUNES MASTER ASSOCIATION

RECALL MEETING

Wednesday, May 12, 2021 @ 10 AM

Laguna Clubhouse 614 Riviera Dunes Way

Palmetto, Florida 34221

- I. **Called to Order** – The President, Deborah Sperry, called the meeting to order at 10 a.m.
- II. **Quorum Present** – Proof of quorum directors – Shay Hawkinberry, Deborah Sperry, Drew Denick, Saul Fineman, Ken Johnson and Rob Hartwell appeared in person, and Gary Schuster via cell phone and Zoom.

Also present – Karen Maller, RDMA attorney, and Ed Talman with Argus Management.

- III. **Proof of Notice** – The President, Deborah Sperry, confirmed that she personally posted according to the Florida Statutes.
- IV. **New Business** – The sole purpose of the meeting was to address the written recall ballots presented by email to the Riviera Dunes Master Association legal counsel, Karen Maller, and the property management, Argus Management, on May 5, 2021 at 6:20 p.m. with the written recall ballots presented for:

- Alba Palms (14B);
- Gdawg Ventures Belmare Twr 3 (9A);
- Gdawg Ventures Haben Retail (10B);
- Gdawg Ventures Harbourside (12A, B, C, D);
- Gdawg Ventures Laguna Twr 5 (14A);
- Riviera Dunes Marina Condo Association (11A, B, C);

- V. First action identified was to review the owner written recall agreements/ballots.
1. The first issue addressed was the service of the written recall agreement/ballots.
 - a. The ballots are to be served on the Association by certified mail or by personal service on any officer of the Association, the Association manager, a Board member, or the Association's registered agent. Personal service is required to be in compliance with Chapter 48, Florida Statutes, and the procedures for service of subpoenas as set out in Rule 1.410(c), Florida Rules of Civil Procedure.
 2. The owner representative, Shay Hawkinberry, stated that the written recall agreement/ballots were delivered by email to the Association registered agent,

who is also the attorney for the Association, Karen E. Maller, and to Argus Management by email and hand delivery. There was no confirmation that the service was completed as required in accordance with the requirements of the Florida Administrative Code Rule 61B-81.003(g) which requires service by certified mail or personal service pursuant to Chapter 48, Fla. Stat., and Rule 1.410(c), Florida Rules of Civil procedure.

3. The owner representative, Shay Hawkinberry, was also questioned about the recall ballots in that the checkmarks used to recall the individual Board members in Block A as well as the checkmarks in Block B for the replacement Board of Directors were identical on each ballot despite certain ballots having been signed in a different pen color or type and by different owner representatives.
4. There was also a discussion about Block B being completed on each of the recall ballots. The Block B on the written recall agreement ballot is to be used only where at least a majority of the Board is being recalled. In this instance, there are seven (7) Board members and there were only three (3) proposed recall Board members identified on the ballots. There was no justification for completing Block B since a majority of the Board members were not the subject of the written recall agreement/ballot.
5. The owner representative, Shay Hawkinberry, stated that she was withdrawing the written recall agreement. In that the recall agreement was withdrawn by the owner representative, there was no further business before the Board.
6. A motion was made by Drew Denick to adjourn the meeting, seconded by Saul Fineman and the motion carried unanimously.

Meeting adjourned at 10:21 a.m.