

Anthony Ghaffari
Owner of unit 401
1317 Sandpiper Drive
State College, PA 16801

Victor Flores
720 Collins Ave
Unit 602
Miami Beach, FL.33139

Carlton Gamble
720 Collins Ave
Unit 405
Miami Beach, FL.33139

Ofelia Assuero
720 Collins Ave
Units 507 and 205
Miami Beach, FL.33139

Helen Fernandez
720 Collins Ave
Units 502 and 506
Miami Beach, FL.33139

Olga Amaya
720 Collins Ave
Unit 604
Miami Beach, FL.33139

Dorkis Cura
720 Collins Ave
Unit 805 and 210
Miami Beach, FL.33139

Brian Kiedrowski
720 Collins Ave
Unit 202
Miami Beach, FL.33139

Hugo Bastida
720 Collins Ave
Unit 410
Miami Beach, FL.33139

Carlos Vasquez
720 Collins Ave
Unit 404
Miami Beach, FL.33139

Claudia Cusa
720 Collins Ave
Unit 206
Miami Beach, FL.33139

Carmen Jimenez
720 Collins Ave
Units 309 and 310
Miami Beach, FL.33319

Melania Turkiewicz
720 Collins Ave
Unit 509
Miami Beach, FL.33319

CERTIFIED MAIL

December 30th, 2024

Board of Directors
Collins Towers Association
720 Collins Ave
Miami Beach, FL 33139

Subject: Cease and Desist – Misrepresentation of Responsibilities and Improper Communication Practices

Dear Members of the Board and Association Manager,

This letter serves as a formal demand to cease and desist from the dissemination of false and misleading communications regarding alleged requirements for unit owners to remove their current code compliant hurricane shutters thereby forcing unnecessary windows replacements, and the improper handling of shutter removal and replacement obligations. Additionally, this letter addresses the legal status of communications sent from private email accounts.

Key Issues of Concern:

1. False Communication About Window Upgrades under § 718.113(5)(a), Fla Stat.¹:

- There is no evidence that any valid resolution, amendment, or by-law change has been adopted requiring unit owners to remove their shutters and upgrade their windows to current hurricane standards. The Shutters meet these standards.
- As per the governing documents of Collins Towers Condominium Association and Florida Statutes, it is the Association's responsibility to maintain and replace exterior elements, including windows. Imposing this burden on unit owners is inconsistent with Florida law and the governing documents.

2. Improper Handling of Shutters under § 718.113 (5)(d), Fla Stat.²:

- Communications from the Association assert that shutters will be removed and discarded. Under Florida law, any shutters removed by the Association for the purpose of maintenance or repair must be replaced at the Association's expense.
- The removal of shutters without timely replacement would constitute a breach of the Association's fiduciary duty to the unit owners.

3. Official Records Under § 718.111(12), 719.104(2), and 720.303(4), Fla. Stat.³:

- Communications sent from private email accounts that pertain to Association business are considered official records under Florida law and must be preserved and made available for inspection by unit owners upon request.
- Failure to comply with this statutory requirement may result in legal penalties.

Legal Demands:

1. Retraction and Clarification:

- The Association must immediately retract any prior communication asserting that unit owners are responsible for upgrading windows or other exterior elements.
- Issue a written statement clarifying that exterior maintenance, including windows and shutters, is the Association's responsibility under Florida law and the governing documents.

2. Compliance With Shutter Replacement Obligations:

- The Association must confirm in writing that any shutters removed for maintenance or other purposes will be replaced at the Association's expense.

3. Compliance With Record-Keeping Obligations:

- Ensure that all communications, including those sent from private email accounts pertaining to Association business, are preserved and made available for inspection as official records under § 718.111(12), Fla. Stat.

Notice of Potential Legal Action:

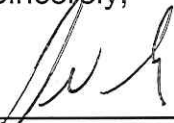
Failure to comply with the demands outlined above within **14 days** of receipt of this letter will result in the pursuit of all available legal remedies on behalf of all affected parties.

These may include:

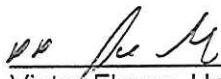
- Filing a complaint with the Division of Florida Condominiums, Timeshares, and Mobile Homes,
- Seeking an injunction to halt further action and misrepresentation,
- Initiating legal action for breach of fiduciary duty and failure to comply with statutory and contractual obligations.

Please respond **in writing** within the stated timeframe, providing documentation that demonstrates compliance with these demands.

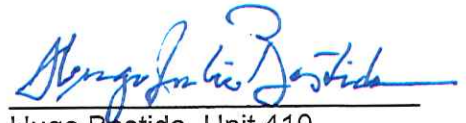
Sincerely,



Anthony Ghaffari, Unit 401



Victor Flores, Unit 602



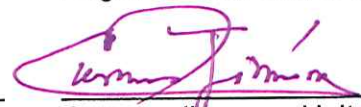
Hugo Bastida, Unit 410

OFELIA ASSUERO

Ofelia Assuero, Units 507/205



Brian Kledrowski, Unit 202



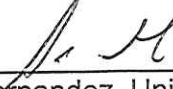
Carmen Jimenez, Units 309/310



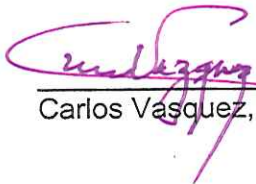
Dorkis Cura, Unit 805



Claudia Cusa, Unit 206

P.P. 

Helen Fernandez, Units 502/506



Carlos Vasquez, Unit 404



Olga Amaya, Unit 604



Carlton Gamble, Unit 405

P.P. 

Melania Turkiewicz, Unit 509

cc: Ronald F. Saupe, Esq.
Florida Division of Condominiums, Timeshares, and Mobile Homes

1.


The board may, subject to s. 718.3026 and the approval of a majority of voting interests of the residential condominium or mixed-use condominium, install or require that unit owners install hurricane protection that complies with or exceeds the applicable building code. A vote of the unit owners to require the installation of hurricane protection must be set forth in a certificate attesting to such vote and include the date that the hurricane protection must be installed. The board must record the certificate in the public records of the county in which the condominium is located. Once the certificate is recorded, the board must mail or hand deliver a copy of the recorded certificate to the unit owners at the owners' addresses, as reflected in the records of the association. The board may provide to unit owners who previously consented to receive notice by electronic transmission a copy of the recorded certificate by electronic transmission. The failure to record the certificate or send a copy of the recorded certificate to the unit owners does not affect the validity or enforceability of the vote of the unit owners. A vote of the unit owners under this paragraph is not required if the installation, maintenance, repair, and replacement of the hurricane protection, or any exterior windows, doors, or other apertures protected by the hurricane protection, is the responsibility of the association pursuant to the declaration of condominium as originally recorded or as amended, or if the unit owners are required to install hurricane protection pursuant to the declaration of condominium as originally recorded or as amended. If hurricane protection that complies with or exceeds the current applicable building code has been previously installed, the board may not install the same type of hurricane protection or require that unit owners install the same type of hurricane protection unless the installed hurricane protection has reached the end of its useful life or unless it is necessary to prevent damage to the common elements or to a unit.

2.

A unit owner is not responsible for the cost of any removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, if its removal is necessary for the maintenance, repair, or replacement of other condominium property or association property for which the association is responsible. The board shall determine if the removal or reinstallation of hurricane protection must be completed by the unit owner or the association. If such removal or reinstallation is completed by the association, the costs incurred by the association may not be charged to the unit owner. If such removal or reinstallation is completed by the unit owner, the association must reimburse the unit owner for the cost of the removal or reinstallation or the association must apply a credit toward future assessments in the amount of the unit owner's cost to remove or reinstall the hurricane protection.

3.

On January 12, 2022, the State of Florida's Department of Business and Professional Regulation's Division of Florida Condominiums, Timeshares and Mobile Homes ("Division") issued a final order granting a Petition for Declaratory Statement ("DS") addressing whether emails between condominium board member's private email accounts are "official records" under § 718.111(12), Fla. Stat.

From: ronaldmalden@gmail.com 
Subject: Hurricane Impact Windows unit 401
Date: November 12, 2024 at 4:57 PM
To: aghaffari@aol.com



Dear Tony
Happy Tuesday!!

1. The HOA passed a resolution in 2023, that all unit must upgrade their windows to hurricane impact standard by September 30, 2024.
 - a. The purpose of the resolution is to certify the building as hurricane impact certified in order to reduce our annual insurance rates now around \$160,000.00 annually. Our building insurance makes up the majority of our HOA expense.
 - b. The majority of homeowners have complied and are in contract to install hurricane impact windows within their units.
 - c. I am late getting notices out; therefore, the date is moved the December 13, 2024.
2. In the past, the board left the installation of hurricane impact windows to the homeowners in order to provide financial flexibility and to avoid financial hard ship or impact budget cash flow. The exterior windows are under the responsibility of the association.
3. To avoid the HOA assessing your apartment for the installation of impact windows, you **MUST** be in contract on or before December 13, 2024.
4. Attached is the estimated cost to install the hurricane impact windows if done by the board. In addition, should the board outsource the project management of the install an administrative fee may be applied up to \$500.00.
 - a. The board will access the apartment for the hurricane impact windows based on the final price.
 - b. The assessment must be paid in full within 30 days, after which time a lean and further collection action will follow.
5. Please feel free to reach out to me if you have any questions, Ron Malden +1-310-435-4609



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**Anthony Gaffari 401
Proposal.pdf**



From: ronaldmalden@gmail.com
Subject: 720 Collins Exterior Painting and Structure Damage Repairs
Date: November 21, 2024 at 12:30 PM
To: Robert Tercero robert@tridentmiami.com, Therese Elkins therese@tridentmiami.com



Dear Residents and Homeowners:

Exterior Painting (January /February 2025)

1. The exterior of 720 Collins will be painted in January 2025 /February 2025.
2. You will be notified of the exact start date. In preparation:
 - a. Please remove **EVERYTHING** from your balcony.
 - b. The painter may use scaffolding and or rope to scale the building. For security, please make sure all of your windows and sliding doors are properly locked during this period.
3. The painter will remove **ALL** existing exterior shutters and dispose of them (See Structure Damage below). The painter is filling all holes and building cracks while painting.
4. **NOTE:** If you wish to keep your shutters for any reason, you must remove them before the painter commence painting.

Structure Damage Repairs (Balconies, Wall Water intrusion, Mold/Mildew)

1. In 4 apartments, the HOA discovered structural damage to the balconies, wall water intrusion and mold/mildew as a result of the exterior shutters.
2. The balconies and exterior walls are the sole responsibility of the HOA. As such, the financial burden falls onto all homeowners as a group. The HOA was fortunate to discover the structural damage to balconies during installation of hurricane impact windows. The window vendors were kind enough to repair the damage at no additional cost to the HOA or homeowners. My goal is to mitigate the damage caused by the poor installation of the old exterior shutters early to avoid expensive balcony / wall repairs. If ignored, the average balcony repair can run up to \$10,000.
3. Upon assessing all the balconies in the building, the following table list the current state of apartments with or without exterior shutters with structural damage. All exterior shutters must be removed at some point to mitigate structural damage, water wall intrusion / mold mildew. The removal may take place on or before painting starts, by the painter or by the hurricane impact window installations contractor.

Apartment	Ext. Shutters	Balcony Status	Impact Windows
202	Yes	Damaged	
207	Removed	Repaired	Installed
208	Removed	Repaired	Installed
301	Yes	Damaged	
303	Yes	Damaged	
401	Yes	Damaged	
502	Yes	Damaged	
507	Yes	Damaged	
508	Removed	Damaged	Installed
510	Yes	Repaired	In Contract
606	Yes	Repaired	Installed
704	Yes	Repaired	Installed
706	Removed	Repaired	Installed

From: ronaldmalden@gmail.com <ronaldmalden@gmail.com>
Sent: Wednesday, November 27, 2024 2:27 PM
To: Vazquez, Carlos
<carlos.vazquez@leehealth.org>; Vitavazquez350@gmail.com
Cc: 'Idalmis Batista-Blair' <pilarcollins528@gmail.com>; 'Robert Tercero'
<robert@tridentmiami.com>
Subject: RE: Hurricane Impact Windows unit 404

CAUTION - EXTERNAL EMAIL
DO NOT click on links or open attachments unless you know the content is safe.
Report any suspicious messages using the Report Phish button

Hello Carlos

Happy Wednesday !!

1. Are you aware the HOA carries insurance to cover any damage in your apartment due to hurricane wind or flooding. This includes everything that is nail to the floor or walls. While the exterior shutters provide more impact resistance, they do not provide water resistance. For this reason, the insurance company will not certify your apartment or the building hurricane impact resistant. Further, the majority of the home owners consider the exterior shutters an eye sore on the building and take away from the beauty and uniformity of the building as the street begins to return to its former glory.
2. Thus, the shutters are now obsolete and are causing structural deterioration to the building and balcony as well as mold-mildew issues behind the wall.
3. The company I recommended will remove the exterior shutters or the painter will be depending on who is first.
4. Attached is the quote I forwarded to your attention.