

**Ken Lawson**, Secretary

**Rick Scott**, Governor

October 1, 2014

Mr. Paul Warren  
20355 NE 34<sup>th</sup> Court, Unit 729  
Aventura, FL 33180

Re: Delvista Towers Condominium Association, Inc.  
Case No. 2014028508

Dear Mr. Warren:

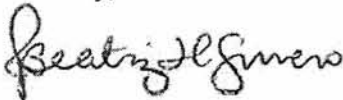
The Division of Florida Condominiums, Timeshares, and Mobile Homes has completed its investigation of a complaint you filed against Delvista Towers Condominium Association, Inc., ("Association").

Complaints received by the Division are investigated pursuant to resolution guidelines set forth in Chapter 61B-21, Florida Administrative Code. Depending on the seriousness or gravity of the alleged violation, the Division's resolution may be informative education to the Association intended to assist in correcting the violation, a warning letter requiring certain corrective action from the Association or enforcement action by the Division which could include civil penalties.

The Division has concluded that one violation of Chapter 718, Florida Statutes, (the "Condominium Act"), and its administrative rules has occurred. In this instance, based on our review of the evidence, we believe that the violation can be addressed by an informational resolution. A copy of the letter sent to the Association is enclosed. Based on the preceding, the Division's Bureau of Compliance is exercising its authority to close this case at this time.

The Division appreciates the time and effort you placed in raising your concerns with us and I am grateful to be able to provide you with assistance. If you have any questions, please feel free to contact me at 954.202.6832 or by e-mail to: [Beatriz.Suvero@myfloridalicense.com](mailto:Beatriz.Suvero@myfloridalicense.com).

Sincerely,



Ms. Beatriz H. Suvero  
Investigator-Miami  
**BUREAU OF COMPLIANCE**

Enclosure: Division Letter to Association

Ken Lawson, Secretary

Rick Scott, Governor

October 1, 2014

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**  
**RECEIPT NUMBER: 7014 1200 0000 4519 6666**

The Board of Directors  
Delvista Towers Condominium Association, Inc.  
C/O Siegfried, Rivera, Hyman, Lerner,  
De La Torre, Mars & Sobel, P.A.  
Attn: Mr. Roberto Blanch, Esquire  
201 Alhambra Circle, Eleventh Floor  
Coral Gables, Florida 33134

Re: Delvista Towers Condominium Association, Inc.  
Case No. 2014028508

Dear Members of the Board of Administration:

The Division of Florida Condominiums, Timeshares and Mobile Homes is the State agency charged with the administration of Chapter 718, Florida Statutes, also known as the Condominium Act, and the related administrative rules promulgated hereunder. The Division has completed its investigation regarding the complaint filed against Delvista Towers Condominium Association, Inc. (the "Association") by Mr. Paul Warren.

Complaints received by the Division are investigated in depth, pursuant to the Division's resolution guidelines set forth in rule 61B-21.001, Florida Administrative Code. Depending on the seriousness or gravity of the violation, the Division's response may be in the form of information provided to the Association to correct the violation, the issuance of a warning letter to the Association requiring a response from the Association meeting the Division's approval, or an enforcement action by the Division.

The Division has determined that one violation of the Condominium Act has occurred which can be resolved by providing education through this Information Letter. The violation is as follows:

**The Association, in violation of section 718.111(12)(b),(c), Florida Statutes, failed to timely provide a unit owner access to inspect official records.** Specifically, the Association failed to provide access to the meeting minutes Mr. Warren requested in his April 30, 2014 records request until July 11, 2014.

In the Association's August 12, 2014 response, the Association in a May 6, 2014 letter to Mr. Warren indicated that the minutes were not completed, however would be reviewed and approved at the next Board of Director's meetings and at that time would be made available for review. On July 7, 2014, Mr. Warren sent an email to the Association, stating that the April 30, 2014 meeting minutes were not available during Mr. Warren's July 3, 2014 records inspection. In a response sent on the same date, the Association, through Property Manager Caryn Rosenthal, indicated that the minutes were not available because they had not been approved. On July 8, 2014, Mr. Warren submitted another email to the Association in reference to the status of the minutes for the April 30, 2014 Board meeting, at which time the Association provided Mr. Warren with an unapproved copy of the minutes in response to the inquiry.

As evidenced by a review of the written request for records access and the correspondence between Mr. Warren and the Association, the Division has determined that Mr. Warren was denied access to the draft minutes of the April 30, 2014 meeting of the Board of Directors. Mr. Warren was not provided with access to inspect the draft or approved minutes of the April 30, 2014 meeting of the Board within five (5) working

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October 1, 2014  
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days after the Association's receipt of his written request despite a number of attempts by Mr. Warren to follow up with the Association's Attorney.

The Division has therefore concluded that such action by the Association as described above is in violation of a unit owner's right of access to inspect official records granted under Florida Condominium Law.

Section 718.111(12)(b), Florida Statutes, provides in pertinent part the following:

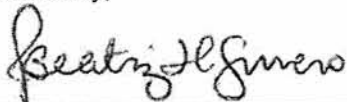
"...The official records of the association must be maintained within the state for at least 7 years. The records of the association shall be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located **within 5 working days after receipt of a written request by the board or its designee...**" (Emphasis added)

Please be aware that this case will be closed with this Information Letter which is designed to educate the Association regarding provisions of Florida Condominium Law. A response is not required; however, should the Association choose to submit a response the Division will include the correspondence within the case file. The Association is expected to comply with the Condominium Act and related administrative rules in the future. Please note that repeated violations of a similar nature within two years of the date of this letter will result in further action by this agency.

**YOUR ATTENTION IS DIRECTED TO RULE 61B-23.002(7)(b)1., FLORIDA ADMINISTRATIVE CODE, WHICH REQUIRES RETENTION OF THIS LETTER OR A COPY THEREOF AMONG THE OFFICIAL RECORDS OF YOUR CONDOMINIUM ASSOCIATION FOR FUTURE REFERENCE.**

Based on the preceding, the Division's Bureau of Compliance is exercising its authority to close this case at this time. We would like to thank the members of the Board for their timely cooperation in this investigation. Should any members of the Board of Directors have questions or concerns regarding the disposition of this case, please feel free to contact me by telephone at 954.202.6832, or by e-mail at [Beatriz.Suvero@myfloridalicense.com](mailto:Beatriz.Suvero@myfloridalicense.com).

Sincerely,



Ms. Beatriz H. Suvero  
Investigator-Miami  
**BUREAU OF COMPLIANCE**  
D.B.P.R. Division of Florida Condominiums,  
Timeshares and Mobile Homes

cc: Complainant

Marvin Lebovitz, President  
Delvista Towers Condominium Association, Inc.  
20225 NW 34<sup>th</sup> Court, Unit 1518  
Aventura, FL 33180

Amy Fleischmann, Secretary  
Delvista Towers Condominium Association, Inc.  
20225 NW 34<sup>th</sup> Court, Unit 1713  
Aventura, FL 33180

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