

CAM

Received

FEB 17 2012

DBPR Consumer Services

DBPR 0070 – Uniform Complaint Form Instructions

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Uniform Complaint Form Instructions

Pursuant to Section 455.225, Florida Statutes, a complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the Department, or of any rule adopted by the Department or a regulatory board in the Department, has occurred. The Department may investigate, and the Department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion.

Please provide all relevant documentation that supports your complaint with this form. No investigation of your complaint can begin until you provide all relevant information and documentation to the Department. Failure to provide this information may result in further requests for information and delay the investigation of your complaint.

Relevant documentation includes, but is not limited to, copies of the following, as applicable:

- Contracts/ Proposals
- Invoices
- Proof of Payment
- Advertisements
- Correspondence
- Authorization for Release of Patient Information Form (Vets)
- Community Association Manager (CAM) Meeting Minutes
- Management Contract (CAM)
- Covenants and By-laws (CAM)
- Building Permit (Electrical and Construction)
- Lien(s) (Electrical and Construction)

Please send legible copies of your supporting documents. We are unable to return original documents to you.

Should additional documentation be requested and not received by this Department within 30 days of the request, the file may be closed.

If an investigation of any subject is undertaken, the Department will furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation.

Pursuant to Chapter 455, Florida Statutes, the complaint and all information obtained pursuant to the investigation by the Department are confidential and exempt from public records requests until 10 days after probable cause is found to exist, or until the subject of the investigation waives his or her privilege of confidentiality, whichever occurs first. However, the exemption does not apply to actions against unlicensed persons or unless otherwise provided by law.

Investigations differ in complexity and duration, so providing a time of completion is not possible. We appreciate your cooperation and understanding in this matter.

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION

See Attached


Please submit to the appropriate address on Page 4.


Any investigation or administrative proceeding brought by the Department against the subject of your complaint will rely upon the information you provide to the Department. All allegations and supporting documentation **MUST** be provided to the Department at this time.

COMPLAINANT INFORMATION				
Last Name Bialek	First Marilyn	Middle	Title	Suffix
Your Company/Occupation AKAM-ON-SITE (Delvista Towers) - Administrative Assistant				
MAILING ADDRESS				
Street Address or P.O. Box 8044 NW 10th Street				
City Plantation		State FL	Zip Code (+4 optional) 33322	
County (if Florida address) Broward		Country USA		
CONTACT INFORMATION				
Primary Phone Number 305-733-7342		Alternate Phone Number 954-765-6122		
Primary E-Mail Address dahling48@yahoo.com				
Unlicensed Activity Complaint? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>				
COMPLAINT DESCRIPTION				
I began working for Delvista Towers as of January 26, 2011- Terminated on Monday, February 13, 2012. Hy has Stolen Funds, Abused, Harassed <i>me and</i> requested me to throw the Election (coming 2/29/12). Hy is the <i>Property Manager</i> (P.M.) of Delvista Tower. I refused to throw the Election. There were at least (3) elderly people asking Hy for help in filling out the <i>(I witnessed)</i> Ballot Sheet, instead of directing them to another person with no <i>of interest</i> conflict/he pointed with his finger (I witness it) to check off the Ballot names. He also has the "Key" to the Ballot Box. Both Marvin Lebovitz (President of Assoc.) & Hy are Buddies - Both have access to the Office and both can enter after hours gain access to the Ballot Box. Susan Fitch - VP of HR @AKAM was informed by me of was going on; she completely ignored my information (afraid of losing the account). She is an accessory to the unethical activities taking place at <i>(D.T.) Delvista Towers</i>				

Attach additional sheets as necessary.

See Attached.

If you should have any questions, please call my attorney  I hired Employment Attorney

PRIVATE ATTORNEY FOR COMPLAINANT (IF APPLICABLE)				
Last Name	First	Middle	Title	Suffix
 THE SAENZ LAW FIRM, P.A.				
20900 N.E. 30 TH AVENUE, STE. 800 AVENTURA, FLORIDA 33180 PH: 305.503.5131 FAX: 305.652.5859 E-MAIL: MSAENZ@SAENZLAWFIRM.COM WWW.SAENZLAWFIRM.COM				
Street Address or	Zip Code (+4 optional)			
City				ber
County (if Florida address)				
Primary Phone Number				

SUBJECT OF COMPLAINT				
Last Name	First	Middle	Title	Suffix
License Number (if known)				
Company/Occupation				
MAILING ADDRESS				
Street Address or P.O. Box				
City		State	Zip Code (+4 optional)	
County (if Florida address)			Country	
CONTACT INFORMATION				
Primary Phone Number		Primary E-Mail Address		
RESIDENCE ADDRESS (IF DIFFERENT THAN MAILING ADDRESS)				
Street Address				
City		State	Zip Code (+4 optional)	
County (if Florida address)			Country	

PRIVATE ATTORNEY FOR SUBJECT OF COMPLAINT (IF APPLICABLE)				
Last Name	First	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box				
City		State	Zip Code (+4 optional)	
County (if Florida address)			Country	
CONTACT INFORMATION				
Primary Phone Number			Alternate Phone Number	

My Witness

(4 Years) ^{For}

Ulee Major was former Assist to Hy

WITNESS (IF APPLICABLE)				
Last Name	First	Middle	Title	Suffix
Major	Ulee			
ADDRESS				
Street Address or P.O. Box				
Former Assistant for (4) years to Hy Zelcer				
City		State	Zip Code (+4 optional)	
Sunrise		FL		
County (if Florida address)			Country	
CONTACT INFORMATION				
Primary Phone Number			Alternate Phone Number	
954-394-5967			email ulee.marion@aol.com	

WITNESS (IF APPLICABLE)				
Last Name	First	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box				
City		State	Zip Code (+4 optional)	
County (if Florida address)			Country	
CONTACT INFORMATION				
Primary Phone Number			Alternate Phone Number	

I affirm that I have provided the above information completely and truthfully to the best of my knowledge.

Complainant Sign Here: _____ Marilyn Bialek _____ Date: 02/13/2012

Marilyn Bialek

I have several resident who he mistreats by telling them to get the F... out of his office. He is extremely unprofessional, however, Marvin Lebovitz (Pres. of Assoc) is protecting him - they are buddies in crime!

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION
1940 North Monroe Street
Tallahassee, FL 32399-0783

Note: This form must be submitted with
DBPR 0070 Uniform Complaint Form

If you have any questions or need assistance in completing this application, please contact the
Department of Business and Professional Regulation, Customer Contact Center, at 850.487.1395.

STATUTORY DEFINITION OF COMMUNITY ASSOCIATIONS	
Name of Association	Dewista Towers Condominium Assoc.
Address of Association	20225 NE 34th Court, Aventura, FL 33180
1. Is this a residential homeowner's association in which membership in the association is a condition of ownership of the unit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the association authorized to impose a fee which may become a lien against a unit if not paid?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
What is the total number of units within the association?	433
PERFORMING AS A COMMUNITY ASSOCIATION MANAGER (CAM)	
Name of the Subject	Hy Zekker - Property Manager
Is the Subject employed by one or more associations or by a company that provides services to one or more associations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
AKAM-ON-Site - are aware of his unethical activities	
If yes, how many associations are involved?	① Association / ① Management Co. AKAM.
Name of association(s) and/or company	Dewista Towers Condominium Assoc. / AKAM ON site (Management Co.)
Total number of units in all associations	(433)
Does the Subject receive compensation (for instance, a salary, reduction in rent or fees, free rent, or any other benefits) for his or her services?	approx \$90,000 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No For deimp absolutely nothing!
What is the total dollar amount of the association's annual budget(s)?	\$ 350,000 - 500,000 They have approx \$1M in Reserves

**If you should have any questions, please call my employment attorney!*

SPECIFIC DUTIES	
Does the Subject have the authority to control or disburse association funds, for instance:	
a.	Does the Subject receive funds from unit owners either by check or cash? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b.	What does the Subject do with the funds: write receipts, make bank deposits? <i>Admin Asst + Property Mgr</i>
c.	Does the Subject post funds to the accounts? <i>Holiday Funds</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
d.	Does the Subject have the authority to sign checks and does the Subject sign the checks? <i>Association Only</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e.	Does the association maintain a petty cash fund and is the Subject authorized to spend petty cash? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
f.	Does the Subject have the authority to make changes in the association accounts? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g.	Does the Subject work directly for a licensed CAM or is he/she a licensed CAM? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, what is the name and license number of the CAM?
Can the Subject incur charges on association accounts? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Who approves invoices for payment (work completed, supplies delivered)? (Name and Address) <i>Property Manager approves invoices (MARVIN L- 20225 NE 3rd Avenue, F. 33180)</i>	
Does the Subject have input regarding the monthly or yearly financial statements? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain: <i>Hy-P.M. tells David Keen Treasurer on the Spendings - then Treasurer calculates the budget for the year.</i>	
Does the Subject have input in preparing the annual budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, explain:	
Does the Subject determine when or how to provide notice of association meetings? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Does the Subject conduct the association meetings? <i>Pres as well.</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Does the Subject coordinate the overall operation of the association? <i>Association</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Does the Subject supervise other association employees? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Who do unit owners notify with maintenance problems? <i>Admin Asst + Property Mgr Chief Engineer</i>	
Is the Subject a registered agent for the association? <i>Property Manager</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Does the Subject perform clerical functions under the direct supervision and control of a licensed CAM? <i>Only Admin Asst does clerical work - Hy's P.M.</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, what is the name and license number of the CAM?	
Does the Subject perform only maintenance services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ADDITIONAL INFORMATION (attach additional pages if needed): <i>Hy Zeker - Property Mgr - has requested Marilyn Blake Admin Asst (CAM # 30530) to throw election - if refused, I was terminated.</i>	
I certify the above is true and correct to the best of my knowledge and belief. <i>I was terminated.</i>	
<i>Marilyn Blake</i> (Signature) _____	
<i>2/14/2012</i> (Date) _____	
<i>MARILYN Blake</i> (Print Full Name) _____	

Marilyn Blake -> Admin Asst has CAM Lic. 30530. CAM as well.

* CAKAM is an Accessory
to the unscrupulous Activities

Emails that I
sent to Susan Fitch
V.P. of HR @ AKAM
on the unethical Activities
that were going on
between NY Zelcer-P.M.
& Marvin Lebovitz -

President of Assa
at Delvista Towers
20225 NE 34th Ct
Aventura, FL 33180
305-937-0188 Ext 201
NY Zelcer

Subject: Re: Marilyn Bialek
 From: Marilyn Bialek (dahling48@yahoo.com)
 To: sfitc@akam.com;
 Cc: msaenz@saenzlawfirm.com;
 Date: Saturday, February 11, 2012 8:20 AM

Dear Susan

I will be there Monday morning at the Corporate Office at 9AM. I have spoken to you on many occasions as to what Hy has been doing - throwing the Elections, stealing money, etc. but you seem to ignore everything that I have told you - you have become an accessory to Hy unethical work behavior. Your behavior towards me was NOT SUPPORTIVE NOR WERE YOU RESPECTIVE TO ME AT ALL!!!!!!!!!!!!!! If anything, you are for your company - MAKING MONEY at the cost of your employee cry out for help in what Hy has been doing. These are NOT ACCUSATIONS BUT FACTS OF WHAT I HAVE WITNESSED AND WHAT WAS REQUESTED OF ME BY HY. Ulee Major, a former Assistant of Hy Zelcer for (4) years, also witnessed Hy Zelcer throwing out Ballots that didn't have signatures. She also witnessed him stealing money. This small change compare to what he has been taking and not getting caught. It seems to me no matter what I tell you instead of investigating the situation, you immediately are taking sides with the Association and Hy - MONEY TALKS AND EVERYTHING WALKS - Is that your motto????????????????

Unless, you are terminating my position at Delvista Towers, this conversation needs to be addressed to my attorney. I will no longer be a part of Hy's unethical work habits as he is conducting himself in the Office. Since I have made you aware on several occasions of this matter, AKAM is an accessory to Hy's unethical work behavior - YOU DO HAVE KNOWLEDGE OF HIS UNETHICAL WORK BEHAVIOR and YET YOU SEEM TO HAVE IGNORE IT!!!!!!!!!!!!!! Yes, I did forward you my emails and even fax them to you - I have confirmation on both faxes, unless you accidentally lost the faxes that I sent you. Actually, I am sick of this continuous HARASSEMENT THAT YOU HAVE CREATED FOR ME. I was so stressed out and not feeling well over this matter that you, Hy and the Association has created for me, that I took a SICK DAY on Friday, February 10, 2012. Your constant emails to me is now CALLED HARASSEMENT. You seem to believe Hy and not me. At what cost of an employee welfare will you, Susan Fitch and AKAM, MANAGEMENT COMPANY OF DELVISTA TOWERS take to save an account????????????????????

I will be at the Corporate Office on Monday, February 13, 2012 at 9:00AM, but let me remind you, that my attorney is aware as to my appointment on Monday, February 13, 2012 at 9:00AM.

On Wednesday, February 8, 2012, you came into the Delvista Towers' Management Office and you and I had a chat about was going for the 12th time - you acted like my best friend, when in turn you are trying to accuse me of lying - How dare you!!!! - How do you know????? Where you there????? NO NO NO - you weren't there. By the way I wasn't screaming at you - my voice has a loud ring to it so you can interpret my voice as screaming if you wish - I wasn't screaming I was telling you that your TONE IN YOUR EMAILS WERE CONDENSENDING TO ME!!!! Lashing out at me without knowing the facts is poor judgement on your behalf. As the Vice President of Human Resources. You are suppose to investigate any matter that comes forth to you by an employee and not take sides at the COST OF KEEPING THE ACCOUNT.

I received your email to me - I don't know why you wouldn't have received my email that I forward to you????!!!!
 Strange is it????

From now on, please refer your conversations or matters to my Attorney.

STRESS OUT!!!!!!!!!!!!!!!

Marilyn Bialek

From: Susan Fitch <sfitc@akam.com>
 To: Marilyn Bialek <dahling48@yahoo.com>
 Cc: 'LJ Maurer' <ljm@akam.com>; 'Mik Vichyavichlen' <mikv@akam.com>; 'Ellen Bonder' <ebonder@akam.com>; rpoliakoff@akam.com; 'hzelcer' <hzelcer@akam.com>
 Sent: Friday, February 10, 2012 10:29 AM
 Subject: RE: Marilyn Bialek

Dear Marilyn~

We have not received a copy of the alleged email from Hy via fax or an email. Please understand that we have written documentation wherein you agreed that you would stop yelling accusations to and about Hy. You agreed to be professional and that if you had an issue, you would contact me immediately. You have continued to not only accuse you manager of serious breaches in his responsibilities of management but you are now treating me in the same manner: I have been nothing but supportive and respectful to you and yet you are screaming and yelling at me over the phone. Your accusations are unfounded and unacceptable. We will need to have another conversation regarding your performance and lack of appropriate behavior on Monday at the Corporate office. Please contact me today to confirm the time.

Regards,
 Susan Fitch, LCAM
 Vice President of Service Excellence

AKAM Living Services, Inc.
 Exceptional Services for the
 Discerning Homeowner
 www.akam.com
 561-994-4870

sfitch@akam.com

♣ Please consider the environment before printing this e-mail

The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unintended and is not authorized. If you are not the intended recipient, any disclosure, copying, distribution or any other action taken or omitted to be taken in reliance on it is not authorized and may also be unlawful. When addressed to our clients and customers any opinions or advice contained in this email are subject to the terms and conditions expressed in the applicable governing written agreement engaging AKAM's services. If you received this email and are not the intended recipient please reply to sender or call 561.994.4870 to report the matter. Thank You.

From: Marilyn Bialek [mailto:dahling48@yahoo.com]
Sent: Thursday, February 09, 2012 4:07 PM
To: sfitch@akam.com
Subject: Re: Marilyn Bialek

Susan I faxed the two emails to you this morning. Please check. Yesterday, I forward you the two emails and now you tell me you haven't received them; I then faxed both emails to you again the second time. - why don't you please look at your faxes at AKAM - they're there!!!!!!!!!!!!

If you seem to be having a problem getting the two emails then I will fax and email them to you for a third time. It's not my fault that you are having problems receiving both emails. I have confirmation that I faxed both of the emails. Don't tell me you have not heard me tell you on many occasions that Hy wanted me to throw the ballots - I have proof!!!!

Please let me know if you are having a problem of receiving both emails for the 3rd time!!!!!!!!!!!!

Marilyn

From: Susan G. Fitch LCAM <sfitch@akam.com>
To: Marilyn Bialek <dahling48@yahoo.com>
Sent: Thursday, February 9, 2012 9:35 AM
Subject: Re: Marilyn Bialek

Marilyn, please email it now.
 Sent via BlackBerry by AT&T
From: Marilyn Bialek <dahling48@yahoo.com>
Date: Thu, 9 Feb 2012 04:05:03 -0800 (PST)
To: Susan Fitch <sfitch@akam.com>
ReplyTo: Marilyn Bialek <dahling48@yahoo.com>
Subject: Re: Marilyn Bialek

I did send you the emails regarding Hy throwing the Election - I also spoke to you several days ago as to what Hy's intentions were. I have mentioned this several times to you but for some reason you seem to have either lost my email or you just haven't received it. I will fax the email to you again instead.

Marilyn

From: Susan Fitch <sfitch@akam.com>
To: 'Marilyn Bialek' <dahling48@yahoo.com>
Cc: hfrf@akam.com
Sent: Wednesday, February 8, 2012 2:11 PM
Subject: RE: Marilyn Bialek

Marilyn~
 You told me that you were sending me an email in which Hy directed you to "throw away" unsigned ballots". Instead you sent me junk mail that you admitted you had no problem with until you were counseled on your work ethics and insubordination.

Regards,
 Susan Fitch, LCAM
 Vice President of Service Excellence

AKAM Living Services, Inc.
Exceptional Services for the
Discerning Homeowner
www.akam.com
 561-994-4870
sfitch@akam.com

♣ Please consider the environment before printing this e-mail

The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unintended and is not authorized. If you are not the intended recipient, any disclosure, copying, distribution or any other action taken or omitted to be taken in reliance on it is not authorized and may also be unlawful. When addressed to our clients and customers any opinions or advice contained in this email are subject to the terms and conditions expressed in the applicable governing written agreement engaging AKAM's services. If you received this email and are not the intended recipient please reply to sender or call 561.994.4870 to report the matter. Thank You.

From: Marilyn Bialek [mailto:dahling48@yahoo.com]
Sent: Wednesday, February 08, 2012 7:22 AM
To: sfitch@akam.com
Subject: Marilyn Bialek

Good Morning Susan:

As you requested, I have sent you some emails (emailed some of Hy's emails to me separately because they cannot be attached) out of 198 emails that I received from Hy. I had asked him not to send them to me but he insisted, so here are some for your review.

Have a Wonderful Day!!!!

Marilyn

View your 2012 Credit Report

- Inbox 3: C
- Conversations
- Drafts
- Sent
- Spam 6+
- Trash 76
-
- Folders +
- Barclaycard Credit Card
- Hy Zelcer Emails Sent L...177
- Hys Emails to Me
- Marilyns Letter to M. S...
- Martin Saenez - Attom...
- Susan Fitch - VP
-
- Online Contacts
-
- Facebook Friends
-
- Applications
- All My Purchases
- Attach Large Files
- Automatic Organizer
- Calendar
- Edit Photos
- Evite
- Flickr
- My Cool Fonts
- Notepad
- Stationery
- Unsubscriber



Dear Susan

How about the work ethics of Hy - You never mention his work ethics only mine - what a coincident? You care more about this account than you do your employees. I am shocked that you don't care about us - only the money that you will be getting from Delvista Towers. I am very upset that your intentions on my behalf is not there. I do have excellent work ethics - I am the one who comes to work at 7:30 AM and leaves sometimes at 6:00 or 7:00 PM (also works through my lunch hour), where Hy takes 2-3 hours lunches, comes in late and leaves early - why aren't you questioning his work ethics and only mine????????????? You call my standing up for my rights as an employee insubordination and I call it defending my rights as an employee because it's obvious that you are not looking out for my best interests - only yours. What happened to me??? Do you think it's OK for Hy to steal money or throw the election by asking me to throw away the unsigned ballots????? I don't!!!!!! So you call Hy of being an upstanding ethical employee????? I don't!!!! I don't believe in taking something that doesn't belong to you - do you????

By the way, that wasn't junk mail - it was some of Hy's emails to me - so I see you got the emails that I sent you (some out of 198 emails) except the two emails that I forwarded it to you on Hy????!!!

From: Susan Fitch <sfitch@akam.com>
 To: 'Marilyn Bialek' <dahling48@yahoo.com>
 Cc: hrfi@akam.com
 Sent: Wednesday, February 8, 2012 2:11 PM
 Subject: RE: Marilyn Bialek

Marilyn~
 You told me that you were sending me an email in which Hy directed you to "throw away" unsigned ballots". Instead you sent me junk mail that you admitted you had no problem with until you were counseled on your work ethics and insubordination.

Regards,
 Susan Fitch, LCAM
 Vice President of Service Excellence.

AKAM Living Services, Inc.
 Exceptional Services for the Discerning Homeowner
 www.akam.com
 561-994-4870
 sfitch@akam.com

Please consider the environment before printing this e-mail

The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unintended and is not authorized. If you are not the intended recipient, any disclosure, copying, distribution or any other action taken or omitted to be taken in reliance on it is not authorized and may also be unlawful. When addressed to our clients and customers any opinions or advice contained in this email are subject to the terms and conditions expressed in the applicable governing written agreement engaging AKAM's services. If you received this email and are not the intended recipient please reply to sender or call 561.994.4870 to report the matter. Thank You.

From: Marilyn Bialek [mailto:dahling48@yahoo.com]
 Sent: Wednesday, February 08, 2012 7:22 AM
 To: sfitch@akam.com
 Subject: Marilyn Bialek

Good Morning Susan:

As you requested, I have sent you some emails (emailed some of Hy's emails to me separately because they cannot be attached) out of 198 emails that I received from Hy. I had asked him not to send them to me but he insisted, so here are some for your review.

Have a Wonderful Day!!!!

Marilyn

Delete Reply Forward Spam Print

February 13, 2012

To Whom It May Concern:

I began working for Delvista Towers as of January 26, 2011, since then I have been **ABUSED, HARASSED and WANTED ME TO THROW THE ELECTION, his buddy Marvin Lebovitz, President of the Association at Delvista Towers (for the past 4 to 5 years). I refused to throw the Election.** I had informed Susan Fitch, V.P of H.R. of AKAM (Management Company of Delvista Towers) on many occasions by emails and in person of what was going on at Delvista Towers. Hy Zelcer, Property Manager requested that any Ballots that come into the Management Office, I should throw out – I refused – I am not losing my CAM License because, he wants his buddy Marvin Lebovitz to be the President again for another term. There were at least three elderly people that I know of that came into the office because they had a difficult time in filling out the Ballot form, so they went to Hy Zelcer to ask for help; I saw him pointing with his finger who they should vote for. Since Hy Zelcer has his CAM License, it is unethical and illegal to steer someone into voting for his choice. Hy should have guided the people to another person who didn't have a conflict of interest, instead he guided all the way to the finish line. In addition, Hy Zelcer also has the "KEY" TO THE BALLOT BOX." I informed him since it was a conflict of interest he needs to give the key to one of the Committee Members, because they do not have access to the Management Office. Hy started yelling at me I am the Property Manager and don't tell me what to do – You're overstepping your boundaries. Between him and the President, both have access to the Management Office and both have access to the "Ballot Box." In the evenings, when everyone goes home, both Hy and/or Marvin can enter the Management Office at all hours of the night (Marvin Lebovitz lives in Delvista Towers). Marvin Lebovitz also has a company called Gulf Atlantic Construction, where he uses his company to do work at Delvista Towers under an unassumed name so he can do work in the building (a conflict of interest). There will be \$1.5 renovation project coming up in the very near future (Special Assessment will be for resident) – Marvin will be in charge or another company that has been hired by Marvin – Something is fishy in Denmark. That is why I do not want to be a part of an unethical work environment. I told Susan Fitch – VP of HR at AKAM (Management Company of Delvista Towers); she completely ignored the matter mentioned above, because she doesn't want to lose the account. I hired an Employment Attorney Martin Saenz to file a lawsuit against Hy Zelcer – Property Manager, the Association (Marvin Lebovitz – President of the Association and Susan Fitch – VP of HR @ AKAM – ON-SITE – Management Company of Delvista Towers) – a letter was sent on Friday, February 10, 2012, stating that Martin Saenz was representing Marilyn Bialek and a lawsuit would be filed against the above (I REFUSED TO THROW THE BALLOTS OUT, Abusive, Harassment and Stealing of Small Funds - I witnessed the taking of some Funds, and previous Assistant can also attest to the throwing out of Ballots and stealing funds). On Monday, February 13, 2012 I was terminated. I "Blew the Whistle on their unethical activities that was going at Delvista Towers." I brought this to the attention to the BOD and to Susan Fitch – V.P. of Human Resources, but they all seemed to ignore it. Susan Fitch VP of HR@ AKAM is an accessory to the unethical activities that are going right now. AKAM doesn't care about the well beings of their employees but only care about NOT LOSING THE ACCOUNT. As the Vice President of Human Resources, Susan Fitch should have investigated the problem instead of siding with Hy and leaving me to hang by myself. However, they have focused their attention on me instead, because it easier to accuse the Administrative Assistant instead of the Property Manager. Susan Fitch accused me

being insubordinate when in fact I was defending my rights as an employee and as an individual because no one else cared. I informed Susan Fitch, on many occasions that Hy was sabotaging my work (there are only (2) people in the office: Hy and myself). Neither Marvin Lebovitz, President of the Association and a good buddy of Hy nor Susan Fitch, VP of Human Resources of AKAM (Management Company of Delvista Towers) didn't care of my well being, but they seem to think that I was making all this up – A FIRE IS CAUSED BY A MATCH – THERE IS CAUSE AND EFFECT – Hy caused the problems and the side effect was I was upset. Hy was trying to discredit my good name and good work ethics. Everything is an absolute struggle in working with Hy – calling me names, undermining and defaming my character and my good work ethics in front of residents, which is absolutely a disgrace to his profession. He has no work ethics; he treats the residents with no respect, including myself. He tells some of the residents “to get the F..... out of his office” What a perfect Property Manager he turned out to be. I have several witnesses who could attest to his horrible behavior, including Ulee Major (previous Assistant for 4-years), Gelinda Faltin of Unit 926 (A Resident), Marlene Krieger of Unit 2225 (A Resident); Rina Mashal of Unit 2521 (A Resident); Illona Bergstrom of Unit 2012 (A Resident), and many more. Robert Cooper can attest to the fact Hy Zelcer treats me like Sh..... If something is placed on his chair, his first reaction is what the F..... is this? If I tell him that one of the Residents needs some assistant or information, his first response is tough Sh..... or I don't give a flying F..... what they want - let them wait! He is constantly embarrassing me when I am speaking with a Resident; if I am answering the Resident to a question they may ask, Hy comes running in from his office (which is right next to my office) oh don't listen to her she doesn't know what's going on or talking about - she is only the Administrative Assistant, and I am the Property Manager – what is your question? I am absolutely dumb founded that the BOD and AKAM allows him to get away with it, which I did inform both parties but they seem to protect his back and not mine. Ulee Major (form Assistant for 4-years to Hy) and I both caught him taking money – Ulee Major informed one of the BOD that he took \$100.00 from the Large Petty Cash – Hy was not reprimand. When the Holiday Season was approaching, the Association had set up a Holiday Fund Account at Wells Fargo and I made up the Holiday Fund List for those Residents that gave me checks and cash to be deposited, so these funds can be distributed among the Staff Members. One of the Residents named Joseph Mizrahi of Unit 1722 came into the Management Office and gave me in cash a \$50, \$20 and \$5 bills – both Joseph Mizrahi and myself counted it twice while Hy Zelcer was standing over my Desk. As I made out the Deposit Slip I counted the money again \$50, \$20 & \$5, by the time I gave the \$75.00 with the Deposit Slip to Hy and by the time he went to the bank (Wells Fargo, where the Holiday Funds are deposited) – Hy calls me up and states that I didn't count the money properly and I only gave him \$55.00. Hy stated that there was \$20.00 floating around. I replied to him that the money was not floating around from the time you stood over my Desk as I gave to you. The money is probably floating in your pocket. I told Marvin Lebovitz and Susan Fitch and both accused me of miscounting the money. In the 13 years that I have dealt with thousands of \$\$\$ I never lost a nickel. I mentioned to Hy that when he was on vacation nothing was missing – No Checks, No Money and No Names Missing. Hy stated to me that he never goes into the file – what a coincidence – there was a check from a vendor inside the file. He also, mentioned on many occasions that I would never fill his chair (meaning filling his position as Property Manager). Whenever, a Resident comes in and states how smart I am, Hy gives tells them that he is smarter than me. In all my 13 years in Property Management, I have never met a Property Manager such as Hy Zelcer, where he would like to see me fail. Again, on many occasions, he stated that he would “break me.” I

did't know what he meant by that at the time, but I am beginning to see the light now. The day before I was going to print out all the names that the Residents gave to the Holiday Fund, Hy warned me that there may be some names missing; I never gave it much thought – thinking I may have missed two or three. I was absolutely disgusted when 21 people were missing from the Holiday Fund List. Lynn Prichason witnessed me putting her name on Holiday Fund List. I am so very organized with all my work that I do (I have Residents checks logged in to a "T"); I never would have missed 21 people may be two or three – no one is perfect but NOT 21 PEOPLE!!!!!!!!!!!!!!!!!!!!!! Now I know how Hy was going to "Break Me." Because of Hy's insecurities in his position as a Property Manager, he was intimidated by me, so now I know what Hy's intentions was to DISCREDIT AND DEFAME MY GOOD WORK ETHICS to the Residents. Some the Residents whose names weren't on the Holiday Fund List made light of it and stated it could happen to anyone, but some of the Residents were unhappy. I will give you an example: Sandy Samuels from Unit 1214 came into the Office and was very upset that her name wasn't on the Holiday Fund List, as she made that statement Hy began laughing; in turn Sandy Samuels said what is he laughing at? I didn't answer her because I was so upset and embarrassed as to his behavior in this matter and as to what he had done to my work. On January 18, 2012 in the morning Estelle Rubin from Unit 1125 wanted know what was on the Agenda for the Board Meeting – I told her that I didn't know but I would find out for her. I went into Hy's office and asked him for a copy of the Agenda because Estelle Rubin wanted to know what the subject was going to be at BOD Meeting that day; his response was tell Estelle to get dressed go downstairs and look at the Freakin Bulletin cause that where I posted it. I struggled for him to give me a copy of the Agenda; after much stress and agony, he finally gave me a copy. He treats the residents like garbage. The Garbage Men have more respect for the Garbage than Hy does his residents and me. I am a witness to his disgusting behavior with the Residents as well as for myself. I brought this matter to the attention to Marvin Lebovitz, President of the Association; Mark Braum – Vice-President; Amy Fleishmann – Secretary (Amy wanted to have Hy Zelcer fired at one time. She brought it to the attention to Ellen Bonder – President of AKAM. Ellen Bonder emailed Hy Zelcer to come into the Corporate because AKAM can no longer tolerate his disrespectfulness, however, Marvin Lebovitz who is a good friend Hy emailed Ellen back that Hy WILL NOT GO TO THE CORPORATE OFFICE and if you want to keep our account with you, you will stay F..... off this property) – HY SHOWED ME BOTH EMAILS FROM ELLEN AND MARVIN; Susan Fitch – V.P of Human Resources that he was abusing me, sabotaging my work, taking money that didn't belong to him, sending me an abundant amount of emails that had no bearing on work (little girl's sticking out her middle finger; a man in bed with a woman, Obama's Crotch, etc. Susan Fitch wanted me to send her Hy's emails (which actually came from Marvin Lebovitz – President of the Board), but I asked her if she had another property to transfer me to? She stated she didn't, with that in mind I didn't want to lose my job and so I didn't email her any of Hy's emails. On January 24, the BOD had a Meeting (present was Mark Braum – VP; Marvin Lebovitz – Pres.; Susan Fitch – VP of Human Resource; Hy Zelcer and myself regarding the accusations that I made toward Hy Zelcer). They all seem to protect Hy Zelcer instead of defending me – I HAVE RIGHTS AS AN EMPLOYEE AND AS AN INDIVIDUAL. THE ONLY REASON AKAM IS NOT DEFENDING ME IS BECAUSE THEY ARE AFRAID OF LOSING THE ACCOUNT; MARVIN LEBOVITZ IS AFRAID OF LOSING HIS ASSETS (He has a Construction Company called Gulf Atlantic. He gave me his business cards so I could distribute them to the Residents in case they were looking to do any renovations in their Units. For someone who is the President of the Board, that is a CONFLICT OF INTEREST in getting work from the property that he is

President of; and Hy Zelcer is afraid of losing his job if someone else becomes the President of the Board. By the way, Robert Cooper submitted his application and resume. Robert Cooper witnessed me handing to Hy Zelcer both the application and resume, which Hy stated that I never gave him – that's lie!!!! I had to sign an affidavit which Robert Cooper witnessed. Hy didn't want anyone else on the Election Ballot Sheet (coming up February 28 or 29) because that meant Hy could be in a position of losing his job. There would be no one to protect his job performance as a Property Manager. I would come into the office between 7:30 AM – 8:00AM instead of 9:00 AM; My Lunch Hour would be between 1:00 PM – 2:00 PM (I took 15 min. of lunch and resumer back to work) and left work anywhere from 5:30 PM until 7:00 PM without getting paid extra. I considered myself a very loyal and dedicated employee to the Delvista Towers as well as to my employer AKAM; however, I am not appreciated because I have been mistreated almost as if I was the VILLAIN instead of the VICTIM. I love my job at Delvista Towers; I love the people at Delvista Towers, and they love me; however, I don't love the fact that I am being threatened by Susan Fitch and Marvin Lebovitz to give Hy Zelcer a "Written Apology Letter" or "I WILL GET FIRED" or to put it mildly, "MY JOB IS ON THE LINE" if I do not write the apology letter, which I REFUSED. Susan Fitch stated that I was being insubordinate; I informed her that it was not insubordination but as an EMPLOYEE AND AS AN INDIVIDUAL, I HAVE RIGHT AS WELL. In addition, Susan Fitch of AKAM called me on Wednesday, January 25 to come to the Corporate Office (in Boca Raton) on Thursday, January 26, which I did. When I entered the Corporate Office, Amy Thompson of Human Resources and Susan Fitch the Vice- President of Human Resources brought me into the Conference Room wrote me up, Under GREAT Duress, both Susan Fitch and Amy Thompson had me sign the paper (I was written up for no reason at all – Hey, who is the victim here???). After BEING UNDER GREAT DURESS, I signed the paper which I noticed that after I signed the paper, Amy Thompson added some additional information in the blank spaces which was not there before my signature. From my observation, I witnessed Amy Thompson writing additional information without my consent and after I just signed the paper. I don't know what she added but AKAM just committed Fraud and tampering with information which i never got to read what Amy Thompson wrote after my signature. When I asked Amy Thompson what she added to the page I just signed ^{she} took the paper and immediately left the room and never gave me a straight answer.

So we have Susan Fitch of AKAM trying to protect her Assets; Marvin Lebovitz – President of the Board trying to protect his Asset and Hy Zelcer who is Property Manager and Friend of Marvin Lebovitz – trying to protect his ASS!!!!!!!!!!!!!!!!!!!!

It seems to me that my work has been sabotaged (Susan states that I do not have any proof, but I do – there are only (2) people in the office Hy and me. Ulee Major (previous Assistant to Hy) had the same issue as I am having) by Hy Zelcer, but no one gives a damn about my concerns!! I am all alone – it's really sad that all my loyalty and dedication which I thought would be appreciated was tossed out the window. I am extremely upset because I do love Delvista Towers and the people who live there. It's a wonderful building to work in except Hy Zelcer and his comrades seem to be sticking together for selfish reasons and not for reasons on my behalf. I will not be threatened, harassed and abused by Hy Zelcer or by anyone else – I feel disgusted when I went over to Hy and told him that he was stressing me out with his behavior and that I do not want my Cancer to come back– his response to me was "I DON'T GIVE A SH.....IF YOUR CANCER COMING BACK – I HOPE IT DOES." He is the most disgusting

human being that I have ever worked for. He has no business being in that position, however, he is very well protected by Marvin Lebovitz – President of the Board; Susan Fitch – V.P of Human Resources and Delvista Towers staff who will do not go against Hy in fear of them losing their jobs. Many residents have complained to AKAM and to Marvin Lebovitz. **Ilona Bromberg of Unit 2012 complained to Marvin Lebovitz on several occasions about Hy Zelcer; his answer to her was Hy wasn't going anywhere so deal with it!!!!**

I have been abused and harassed since I began working with Hy Zelcer (as of January 26, 2011), but when he started sabotaging my work and my defamation of work ethics, that was the last straw!!!!!!!!!!!! – I would cringe at the thought of having to ask Hy a question. Whenever I would ask him a question, he would scream and yell, where you would think that an Earthquake was coming and everyone needs to run and take cover. Why do I need to know this? – You need to ask me any more Freakin questions, it doesn't concern you. Go back to your desk and keep doing your medial work. His abusiveness was getting to me. Hy stated on many occasions that I do peon work and that his job is far more superior than to mine. Marvin Lebovitz and Susan Fitch were harassing me as well to sign a written apology to Hy Zelcer who has caused me nothing more than anxiety attacks, heart palpitations, diarrhea and many sleepless nights, and all because they wanted me to write a letter of apology – I REFUSED! AKAM calls it insubordination; I call it having RIGHTS AS AN EMPLOYEE AS WELL AS AN INDIVIDUAL!!!!!! I am appalled and disgusted on how someone like Hy can get away with murder, and I am the one whose job is on the line if I do not write a letter of apology!!! They have mistreated me terribly, and I don't deserve this. I work very hard; attend to all the BOD Meetings and never asked to be paid for any extra hours that I put into Delvista Towers. Hy Zelcer who plays, Solitaire, Family Feud, Listens to the News, Archie Bunker, sends me an abundance amount of emails that doesn't pertain to work (have the emails in my computer), etc. he comes out smelling like a rose pedal – Something is wrong with this picture!!!!!!!!!!!!!!!!!!!!!!

All that I have mentioned in the above was brought to the attention to the BOD and AKAM – NO ONE GIVES A HOOT ABOUT MY ME!!!!!!!!!!!!!!!!!!!!!! They are all looking out for their own interests.

Stressed Out and Terminated

Marilyn Bialek

March 6, 2012

Marilyn Bialek
8044 Nw 10 Street
Plantation, FL 33322

Re: Hyman D Zelcer
Complaint Number: 2012007951

Dear Marilyn Bialek:

The Division of Regulation received and reviewed your complaint against Hyman D Zelcer. The matter you described appears to be civil in nature and does not fall within our statutory jurisdiction. Therefore, we are unable to take further action on your complaint. You may want to consult a private attorney regarding your rights to pursue your claim in civil court.

Thank you for bringing your situation to our attention.

Sincerely,

Freda Harris - Management Review Specialist
Division of Regulation
1940 North Monroe Street
Tallahassee, FL 32399-0782
Phone: 850.488.6603 Fax: 850.921.2124

UNIFORM COMPLAINT FORM
February 20, 2012
14:02:40

<u>COMPLAINT NUMBER</u> 2012007951	<u>CASE AGENT</u> BARTOLO, PAUL	<u>OCCUPATION</u> CAM
---------------------------------------	------------------------------------	--------------------------

ALLEGATION
1. VIOLATING PROVISION OF STATUTE OR RULE

<u>DATE RECEIVED</u> 02/20/2012	<u>SOURCE</u> CNSM	<u>INCIDENT DATE</u> 02/13/2012	<u>PRIORITY</u>
------------------------------------	-----------------------	------------------------------------	-----------------

>>>SOURCE<<<

>>>SUBJECT<<<

MARILYN BIALEK

8044 NW 10 STREET
PLANTATION, FL 33322

PHONE: 305-733-7342

LICENSE NUMBER: CAM30530



LICENSE NUMBER: CAM31139
EXPIRATION: 09/30/2012 DOB: 01/22/1947

HYMAN D ZELCER

8373 N. CORAL CIRCLE
NORTH LAUDERDALE, FL 33068

PHONE: 305/937 0188 200

ANALYSIS: COMPL IS AN EX-EMPLOYEE OF AKAM ON SITE MANAGEMENT (CAB3350) WHO WORKED FOR SUBJECT AT DELVISTA TOWERS CONDOMINIUM ASSOCIATION AS THE ADMINISTRATIVE ASSISTANT WITH SUBJECT. COMPL WAS TERMINATED BY AKAM ON SITE MANAGEMENT ON 2/13/2012. COMPL ALLEGES SUBJECT REQUESTED COMPL TO THROW OUT ANY BALLOTS THAT COME INTO THE OFFICE FOR THE UP COMING ELECTION (2/29/2012) THAT COMPL ALLEGES REFUSING TO DO SO. COMPL ALLEGES SUBJECT HAS STOLEN FUNDS AND INFORMED THE MANAGEMENT COMPANY AND A BOARD MEMBER THAT COMPL ALLEGES HAS BEEN IGNORED. COMPL ALLEGES THE BOARD PRESIDENT AND SUBJECT ARE BUDDIES AND THE MANAGEMENT COMPANY IS AFRAID TO LOSE THE ACCOUNT WITH THE ASSOCIATION. COMPL ALLEGES SUBJECT MISS-TREATS MEMBERS (PERSONALITY ISSUE). COMPL ALLEGES FILING A SUIT AGAINST SUBJECT AND THE MANAGEMENT COMPANY.
CLOSE CIVIL (EMPLOYEE TO EMPLOYER COMPLAINT, AND NOT A MEMBER OF THE ASSOCIATION)

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS			
Home	Contact Us	E-Filing Services	Document Searches
Forms	Help		
Previous on List	Next on List	Return To List	<input type="text" value="Entity Name Search"/>
Events	No Name History		<input type="button" value="Submit"/>
Detail by Entity Name			
<u>Florida Non Profit Corporation</u>			
DELVISTA TOWERS CONDOMINIUM ASSOCIATION, INC.			
<u>Filing information</u>			
Document Number	751934		
FEI/EIN Number	[REDACTED]		
Date Filed	04/07/1980		
State	FL		
Status	ACTIVE		
Last Event	AMENDED AND RESTATED ARTICLES		
Event Date Filed	01/29/2001		
Event Effective Date	NONE		
<u>Principal Address</u>			
20225 NE 34 CT MANAGEMENT OFFICE AVENTURA FL 33180			
Changed 03/09/2009			
<u>Mailing Address</u>			
20225 NE 34 CT MANAGEMENT OFFICE AVENTURA FL 33180			
Changed 03/09/2009			
<u>Registered Agent Name & Address</u>			
AKAM ON-SITE, INC. 6421 CONGRESS AVE. STE 110 BOCA RATON FL 33487 US			
Name Changed: 05/01/2008			
Address Changed: 03/09/2009			
<u>Officer/Director Detail</u>			
Name & Address			
Title D			
KADISH, ROBIN 20225 NE 34TH COURT #1011 AVENTURA FL 33180			
Title VP			

BRAUN, MARK
20355 NE 34 CT #1628
AVENTURA FL 33180

Title T

KEEN, DAVID
20225 NE 34 CT. #2023
AVENTURA FL 33180

Title P

LEBOVITZ, MARVIN
20225 NE 34 CT. #1518
AVENTURA FL 33180

Title D

MASHIAH, SAUL
20225 NE 34TH COURT #1016
AVENTURA FL 33180

Title S

FLEISCHMANN, AMY
20225 NE 34TH CT, # 1713
AVENTURA FL 33180

Annual Reports

Report Year Filed Date

2009	03/09/2009
2010	02/18/2010
2011	04/11/2011

Document Images

[04/11/2011 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[02/18/2010 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[03/09/2009 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[05/01/2008 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[03/15/2007 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[03/23/2006 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[02/28/2005 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[04/19/2004 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[04/14/2003 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[03/04/2002 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[06/20/2001 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[01/29/2001 -- Amended and Restated Articles](#)

[View image in PDF format](#)

[04/18/2000 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[03/08/1999 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[04/10/1998 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[05/07/1997 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[03/27/1996 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[04/10/1995 -- ANNUAL REPORT](#)

[View image in PDF format](#)

Note: This is not official record. See documents if question or conflict.

[Previous on List](#)

[Next on List](#)

[Return To List](#)

Entity Name Search

[Events](#)

No Name History

Submit

| [Home](#) | [Contact us](#) | [Document Searches](#) | [E-Filing Services](#) | [Forms](#) | [Help](#) |

Copyright © and Privacy Policies
State of Florida, Department of State

Lic Type	8801	Community Association Manager	Indv/Org #	8004443	
File #	35621	ZELCER, HYMAN D	Expires	09/30/2012	
License #	31139	CAM	Extended To		
Fed Tax #		Current, Active	Renewed	09/16/2010	
Street #	8373	Street	N. CORAL CIRCLE		
Line 2					
Line 3					
City	NORTH LAUDERDALE	Prov/State	FL	Postal/Zip	33068
Routing					
1st License	06/21/2007	Rank Date	06/21/2007	Certificate #	59177
Method	I S 1030	Status Date	06/21/2007	Certificate Date	09/16/2010
Fee Exempt	No	Birth Date	01/22/1947	Renewal Sent	
Modifiers					
Notes					
BEST LIC NBR CAM31139					

- Licensee
- View
- Work
- History
- Notes
- Exit