

May 10, 2024

Certified Article Number

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SENDER'S RECORD

**Via US Mail and Certified/Return Receipt**

Point Brittany Administrative Corporation,  
Inc.

c/o Mr. Pete Taylor, President and RA  
5055 Brittany Drive S.  
St. Petersburg, FL 33715

**Re: Letter of Inquiry Point Brittany Administrative Corporation, Inc./Danielle  
and Timothy Jenkins and Kevin Conzone**

Dear Board of Directors:

Please be advised that our firm represents Danielle and Timothy Jenkins, members Bay Isles Point Brittany Four Condominium Association, Inc., and owners of 5200 Brittany Dr., Unit 204, St. Petersburg, FL (the "Jenkins Unit"), Kevin Conzone, a member of Bay Isles Point Brittany Six Condominium Association, Inc. and owner of 4900 Brittany Dr., Unit 201, St. Petersburg, FL (the "Conzone Unit"), as well as a number of other owners within the Point Brittany Administrative Corporation ("PBAC") (collectively, the "Owners"). The Owners have concerns regarding contracts entered into by PBAC and Excelaron Construction, Inc. ("Excelaron") and the number and amount of change orders arising therefrom.

The Owners previously submitted written inquiries to PBAC regarding this and additional concerns. However, PBAC failed to substantively respond to the written inquiries. In an effort to mitigate fees and costs on behalf of both parties, the Owners hereby submit the following written inquiry to the Association pursuant to section 718.112(2)(a)2, Florida Statutes:

1. Please identify all contracts for the last four (4) years that have been awarded to or performed by Don Youst and/or Excelaron Construction, Inc. ("Excelaron"), including, but not limited to, any contract related to the buildings located following addresses: 5003 Brittany Dr. S. St. Petersburg, FL, 5400 Leeland St. S. St. Petersburg, FL, 5055 Brittany Dr. S. St. Petersburg, FL, and 5101 Brittany Dr. S. St. Petersburg, FL (the "Commercial Buildings"), the pools located on the property managed by PBAC or the gazebo located near Pool 1. Please include the initial dollar value of each contract, whether each contract was put out for bid, and, if so, what entities bid on the project and the proposed amount of each bid.

2. Please identify the final cost invoiced to PBAC, including the amount of any change orders, for any contract identified in Inquiry No. 1.
3. Please explain the responsibilities of Don Youst for any contract identified in Inquiry No. 1.
4. Did the Association confirm that Excelaron was licensed, bonded and insured prior to accepting any bid or proposal from Excelaron? How was this verified and by whom?
5. Please explain the reason for the March 8, 2022 Change Order No. 1 to the contract regarding repairs to the Professional Building located at 5003 Brittany Dr., which change order added \$5,560.80 to the cost of the contract. Please also identify who approved Change Order No. 1, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
6. Please explain the reason for the March 30, 2022 Change Order No. 2 to the contract regarding repairs to the Professional Building located at 5003 Brittany Dr., which change order added \$4,144.80 to the cost of the contract. Please also identify who approved Change Order No. 2, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
7. Please explain the reason for the March 31, 2022 Change Order No. 3 to the contract regarding repairs to the Professional Building located at 5003 Brittany Dr., which change order added \$3,300.00 to the cost of the contract. Please also identify who approved Change Order No. 3, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
8. Please explain the reason for the April 1, 2022 Change Order No. 4 to the contract regarding repairs to the Professional Building located at 5003 Brittany Dr., which change order added \$3,300.00 to the cost of the contract. Please also identify who approved Change Order No. 4, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
9. Please explain the reason for the April 26, 2022 Change Order No. 5 to the contract regarding repairs to the Professional Building located at 5003 Brittany Dr., which change order added \$1,557.40 to the cost of the contract. Please also identify who approved Change Order No. 5, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
10. Please explain the reason for the April 26, 2022 Change Order No. 6 to the contract regarding repairs to the Professional Building located at 5003 Brittany Dr., which change

order added \$17,833.20 to the cost of the contract. Please also identify who approved Change Order No. 6, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.

11. Please explain the reason for the October 24, 2022 Change Order to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$45,000.00 to the cost of the contract. Please also identify who approved the Change Order, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
12. Please explain the reason for Change Order No. 1 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$6,270.00 to the cost of the contract. Please also identify who approved Change Order No. 1, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
13. Please explain the reason for the May 24, 2022 Change Order No. 2 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$6,893.84 to the cost of the contract. Please also identify who approved Change Order No. 2, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
14. Please explain the reason for the June 9, 2022 Change Order No. 3 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$2,112.00 to the cost of the contract. Please also identify who approved Change Order No. 3, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
15. Please explain the reason for the June 11, 2022 Change Order No. 4 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$5,527.28 to the cost of the contract. Please also identify who approved Change Order No. 4, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
16. Please explain the reason for the June 20, 2022 Change Order No. 5 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$37,317.50 to the cost of the contract. Please also identify who approved Change Order No. 5, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
17. Please explain the reason for Change Order No. 6 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$272,100.00 to the cost of the contract. Please also identify who approved Change Order No. 6, the manner in which the approval

was granted and why the costs included in the Change Order were not included in the initial scope of work.

18. Please explain the reason for the October 25, 2022 Change Order No. 7 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$30,250.00 to the cost of the contract. Please also identify who approved Change Order No. 7, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
19. Please explain the reason for the February 13, 2023 Change Order No. 8 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$8,500.00 to the cost of the contract. Please also identify who approved Change Order No. 8, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
20. Please explain the reason for the March 22, 2023 Change Order No. 9 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$111,746.00 to the cost of the contract. Please also identify who approved Change Order No. 9, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
21. Please explain the reason for the March 24, 2023 Change Order No. 10 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$39,200.00 to the cost of the contract. Please also identify who approved Change Order No. 10, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
22. Please explain the reason for the May 12, 2023 Change Order No. 12 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$3,206.50 to the cost of the contract. Please also identify who approved Change Order No. 12, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
23. Please explain the reason for the May 28, 2023 Change Order No. 13 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$272,856.45 to the cost of the contract. Please also identify who approved Change Order No. 13, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
24. Please explain the reason for the May 28, 2023 Change Order No. 14 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$12,270.50 to the cost of the contract. Please also identify who approved Change Order No. 14, the

manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.

25. Please explain the reason for the May 28, 2023 Change Order No. 15 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$2,662.00 to the cost of the contract. Please also identify who approved Change Order No. 15, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
26. Please explain the reason for the May 28, 2023 Change Order No. 16 to the contract regarding repairs to the Pool 1 and the Gazebo, which change order added \$1,452.00 to the cost of the contract. Please also identify who approved Change Order No. 16, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
27. Please explain the reason for the January 4, 2023 Change Order No. 1 to the contract regarding repairs to the Pool 2, which change order added \$15,415.40 to the cost of the contract. Please also identify who approved Change Order No. 1, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
28. Please explain the reason for the March 1, 2023 Change Order No. 2 to the contract regarding repairs to the Pool 2, which change order added \$2,120.00/day to the cost of the contract. Please also identify who approved Change Order No. 2, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
29. Please explain the reason for the March 4, 2023 Change Order No. 3 to the contract regarding repairs to the Pool 2, which change order added \$15,542.45 to the cost of the contract. Please also identify who approved Change Order No. 3, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
30. Please explain the reason for the April 1, 2023 Change Order No. 1 to the contract regarding repairs to the Pool 3, which change order added \$3,509.00 to the cost of the contract. Please also identify who approved Change Order No. 1, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
31. Please explain the reason for the April 1, 2023 Change Order No. 2 to the contract regarding repairs to the Pool 3, which change order added \$6,594.50 to the cost of the contract. Please also identify who approved Change Order No. 2, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.

32. Please explain the reason for the April 1, 2023 Change Order No. 3 to the contract regarding repairs to the Pool 3, which change order added \$32,670.00 to the cost of the contract. Please also identify who approved Change Order No. 3, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
33. Please explain the reason for the May 29, 2023 Change Order No. 4 to the contract regarding repairs to the Pool 3, which change order added \$5,025.76 to the cost of the contract. Please also identify who approved Change Order No. 4, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
34. Please explain the reason for the June 24, 2023 Change Order No. 5 to the contract regarding repairs to the Pool 3, which change order added \$5,142.50 to the cost of the contract. Please also identify who approved Change Order No. 5, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
35. Please explain the reason for the June 24, 2023 Change Order No. 6 to the contract regarding repairs to the Pool 3, which change order added \$2,682.25 to the cost of the contract. Please also identify who approved Change Order No. 6, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
36. Please explain the reason for the June 24, 2023 Change Order No. 7 to the contract regarding repairs to the Pool 3, which change order added \$13,000.00 to the cost of the contract. Please also identify who approved Change Order No. 7, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
37. Please explain the reason for the June 24, 2023 Change Order No. 8 to the contract regarding repairs to the Pool 3, which change order added \$1,482.25 to the cost of the contract. Please also identify who approved Change Order No. 8, the manner in which the approval was granted and why the costs included in the Change Order were not included in the initial scope of work.
38. Please identify any change order approved for any contract identified in Inquiry No. 1 to specifically addressed herein. For each change order identified in response to this inquiry, please also identify who approved each change order and the manner in which the decision was made, why the change order was not included in the initial scope of work.

39. Did the Board consider the number of change orders included in prior contracts when assessing the propriety of awarding Excelaron additional contracts? If not, please explain why the Board determined that this was not a relevant inquiry.
40. Please identify any contract identified in Inquiry No. 1, including all change orders, caused the total cost of the project to exceed five (5) percent of the total annual budget of PBAC or any Individual Condominium Association, including reserves? If so, was the project put out for a bid? If not, why not?
41. To the extent not already identified herein, please identify any other project performed by Don Youst and/or Excelaron on any property within the Point Brittany community, including the scope of the project, the cost of the project, and the dates of the project.

Please be advised that under section 718.112(2)(a)2, Florida Statutes, “[w]hen a unit owner of a residential condominium files a written inquiry by certified mail with the board of administration, the board shall respond in writing to the unit owner within 30 days after receipt of the inquiry. The failure to provide a substantive response to the inquiry as provided herein precludes the board from recovering attorney fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the inquiry.”

Should you have any questions or concerns, please do not hesitate to contact our office.

Very truly yours,

Jonathan J. Ellis

JJE/CRM

cc: Colleen R. McInerney, Esq.