

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

PROFESSION: Community Association Management  
CASE NUMBER: 2016015562  
COMPLAINT MADE BY: Marie Barnes  
2681 South Course Drive, Apt. 802  
Pompano Beach, FL 33069  
DATE COMPLAINT RECEIVED: March 29, 2016  
COMPLAINT MADE AGAINST: M & M Property Management LLC  
1280 SW 36<sup>th</sup> Avenue, Suite 305  
Pompano Beach, FL 33069  
LICENSE NUMBER: CAB 33835  
STAFF RECOMMENDATION: R24 (Closed after Legal Review)

CLOSING ORDER

THE COMPLAINT: The complaint alleges M & M Property Management, through its CABs Robert John Miller and Brenda Moskowicz violated Section 468.436(2)(b)(5), Florida Statutes (2015), through Rule 61E14-2001(2)(c), (2)(d), and (3)(b), Florida Administrative Code (2015), by failing to perform required services to professional standards, by failing to provide full disclosure, by failing to obtain authorization or approval when there is a conflict of interest, and by denying or delaying access to association official records.

THE FACTS: The CAB, through its above two noted CAMs, is accused of improprieties that resulted in the Board of Directors deciding to postpone an annual election. Believing the board lacked authority to postpone the elections, the CAB helped conduct the previously scheduled elections and a new Board of Directors was established. The result was two Boards, both claiming to be legitimate. The CAB, via its CAMs, recognized the authority of the second Board and the first board sought an injunction. Election disputes fall under the Florida Division of Condominiums, Timeshares, and Mobile Homes, and the issue is properly lodged there. Given the civil court proceedings, the Department will not be seen to act as an advocate for one side or the other. The liability of the CAB here is derivative of that of its CAMs. Inasmuch as the complaints on the CAMs on the same facts as here are being dismissed, it necessarily leads to the case against the CAB being dismissed as well.

THE LAW: Based on the forgoing, this case is CLOSED without prejudice to reopen.

It is therefore ORDERED this case should be and thereby is DISMISSED.

DONE and ORDERED this 7<sup>th</sup> day of July, 2016.

/s/ Daniel A. David

Daniel A. David

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Department of Business and

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