

**Minutes of Monthly Meeting**  
**TRITON TOWER CONDOMINIUM**  
**August 19th, 2010**

Gustavo Tapanes, President, called meeting to order at 7:05PM.

**Directors present were:** Gustavo Tapanes, Benito Filomia Gerardo Meras, Jorge Clavijo, Raúl Perez-Liste, Antonio Purriños, Publio Teurbé-Tolon and Manager, Martha Iglesias. Absent were: José Luís Specht and Manuel Granda.

Mr. Tapanes asked for motion to approve the minutes of the meeting approving the 2010-2011 Budget held June 29<sup>th</sup>. Publio Teurbe-Tolon made the motion, seconded by Raul Perez Liste and approved unanimously.

The Manager's Report was briefly explained to all present. It included the project of the door closer installation which had begun the week earlier since the Fire Inspector will stop by at the end of September. She explained the cost of \$20 per closer included the labor. Next point was; the city mechanical inspector had given the approval to proceed with the engineer's evaluation report of our boiler room. This included the two new metal doors and the outside auto off switch. The third point was; that the commercial owner had finally hired Mr. Alvarez, electrical engineer, to work on load calculation and design of the west electrical room which is work pending on the 40 year recertification. Fourth point was; that the City of MB had approved to leave the light post which is next to the visitor parking exit and did not need to moved 7 feet over. This is a saving of approximately \$8,000 to \$10,000 to the Association. The final point was; that we will need to spend about \$17,000 to replace the 5 floors of the east trash chute which is planned to begin at the end of September.

The issue of the revision of the Bylaws and Declaration by the Committee, who analyzed each section, determined that there was no money in this year's budget to cover the cost to modify and that the needed 75% homeowners' approval was more complicated than first expected. They would like to look at it further.

The new business agenda item brought up by the Manager was for clarification from the Board in which steps were required when homeowners make alterations and upgrades within the apartments. She passed out our attorney's opinion so the issue could be discussed. She explained it was difficult to listen to one Director's request and she needed all nine Directors to make a decision. Mr. Clavijo asked that we limit the discussion time of 5 minutes each for this discussion.

Mr. Meras who was the Director demanding the Administration enforce the permit requirement did agreed on the 5 minute limit but stated the Manager's report should also have the same limit.

Mr. Meras began by reading and interpreting the Bylaws which stated all unit alterations must abide by proper ordinances and regulations which included the pulling permits and felt we did not have staff competent to assure alteration work was being done correctly by homeowners.

He stated he personally pulled permits when completing his alterations and all others should do the same as stated in our Bylaws. He believes it a violation of our documents

and of the City of MB Authority. Ms. Iglesias explained that for over 15 years the procedure had been in place where homeowners are advised to pull permits but that we had never policed or verified if they had. Mr. Meras stated the Administrator refuses to enforce this Bylaw. She stated that why did the issue just come up when everyone present at the meeting had made alterations without permits over the years and corrected him by stating that she did in fact advised them of this requirement.

Mr. Teurbe-Tolon explained the section of the Bylaws holding the Board of Directors harmless for any alterations the owners perform as they had explained to the commercial owner with the issue of the work done in the commercial spaces. Mr. Teurbe-Tolon also stated that homeowners working inside their apartment were no different than what Mr. Meras had told the commercial owner. Mr. Teurbe-Tolon stated that the Bylaws do not show anywhere that the Directors, Association or Management must inspect the altering work within units. Ms. Iglesias showed and explained the current Work Authorization form, signed by the owner in use now and during many, many years which serves as a release of responsibility. This form is advising homeowner that permits should in fact be obtained and any damages to other owners or to the common property is the responsibility of the owner performing the alteration. Mr. Meras believes we are going over the jurisdiction of the City authority and that he would file a complaint with the authority and invite the officials to come and speak to us.

Other Directors explained we can not be policing and that each homeowner must be responsible for their own actions. Mr. Meras states we are assuming the liability by not enforcing the permit requirements and does not believe Otto or Management competent of knowing if the work is done correctly. He was explained that Management does verify soundproofing, waterproofing, that all electrical certification is not altered, and that weight bearing walls are not removed.

Raul Perez-Liste explained our law firm's legal opinion which states we did not have the obligation to monitor the issuing of permits. Mr. Meras wanted all to know that he was not making himself responsible for the current procedures pertaining to permits and that his responsibility was to comply with the law. He proposed to invite the Building officials to come to speak to us. Mr. Perez-Liste and Mr. Teurbe-Tolon explained that if a Pandora box is opened, this would require the limit of our work in house as well by having to apply for permits for everything we have done and will do and that it was not the best for all unit owners.

Mr. Meras then spoke of the sale of unit #817 which was sold in foreclosure. He wanted to know why this information was not discussed with all unit owners to see if anyone or the Association was interested in purchasing the unit. He also stated he was denied to see the file of the purchase. Ms. Iglesias asked that all read the legal opinion relating to the information within a file in which she should not show him or anyone else certain things he wanted to see since they are not considered Official records of the Association. He disagreed with the Associations' legal opinion and he stated he would request an opinion from DBPR in Tallahassee. He believes his fiduciary duty gave him more right than others to see the file. He later stated all he had wanted to see was the sale contract since he felt the Association should have considered the purchase of the unit for such low amount as county records provided. He stated the Association had found money to purchase unit 636 as wells as our laundry machines. He believes we would have made money at a later date with the purchase. He again stated we had not processed the sale correctly since we had not advised the homeowners. Ms. Iglesias corrected his belief that the sale of that unit was for the \$70,000 the county records shown. That she believed it was about \$150,000 or a little more. She asked him to read the legal answers to all of his

doubts and that why was this unit's sale so important when he never brought up that fact with all other units in foreclosure or short sales. He again stated he did not believe our attorney was competent in her legal opinions.

Mr. Clavijo explained that if the Association had considered this option, the banks could file a deficiency judgment against us wanting to collect the short fall of the loan had we gone through a right of first refusal as Mr. Meras was proposing and questioning.

Mr. Tapanes then brought up the complaint letter filed by Ms. Iglesias against the behavior of Mr. Meras at the office on August 9<sup>th</sup>. He asked Mr. Meras for his version. Mr. Meras stated he only asked the Manager if she had requested the permits from unit 817 and that she had answered improperly by saying that she had not and she had the support of the other 8 Directors. He also stated that because of her salary and license, she was responsible for enforcing our Bylaws. The other Directors received and read the complaint letter. Mr. Teurbe-Tolon gave his thoughts and believed that Mr. Meras could have created a hostile environment in the work place which could cause a law suit against the Board and could cost us a substantial amount of money to settle. Meras explained that anyone could file a suit and he would give his rebuttal letter.

Ms. Iglesias clarified Mr. Meras' recollection of the discussion in the office that day stating his version of the story was not true. Mr. Meras had also accused her of changing the procedure of billing all electrical work during the recertification only for unit 817. He kept insisting Ms. Iglesias had change the process of billing of which she again stated she did had not even received a bill for that unit. Mr. Meras thought Ms. Iglesias was asking for an apology which he verbally gave her but had not even read her letter.

Finally Mr. Tapanes stated the Board's duties were to represent all homeowners and could not become, legally or by nature, the City's or State's enforcers. That once the work authorization is presented to them, it is their responsibility to comply. We would create a problem for all if we began insisting on enforcing permits and should continue working the same way we have been.

Mr. Meras stated that though he has given his time and knowledge for the Association he has a problem with not complying with the laws.

Ms. Iglesias stated as in her letter, that she wishes for all Directors to come and speak to her in a civil way and not be accusing of things that are not there. That she can not perform her duties by the instruction or request of one Director and that all procedures in place had to be a full Board decision.

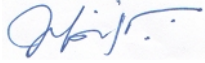
Mr. Meras argued that he only wanted to see the file to see if the proper screening and right of first refusal was done on unit 817 of which Ms. Iglesias stated that the proper screening was done as well as the completed Letter of Acceptance for closing. She stated he was asking for the right of first refusal which he knew as a member of the Board, that it was not processed. Other members felt he thought they were not competent to complete screening without him first checking it.

Mr. Teurbe-Tolon brought up the fact that we should confirm whether or not we were in the right of making copies of driver license. He made the motion to place cabinet bars and to get a legal opinion of copying the licenses for all future screening.

Mr. Tapanes wanted to send a letter to all residents reminding them of certain rules to follow. All Directors approved to send the letter. He then opened the floor to residents.

Teresa Vasquez of #1219 & 1226 was curious of how we processed the unit owner who purchased unit 505 through a court auction and she was explained that he was screened after the fact but was issued an acceptance letter for the file. That unit owner sold the unit to a current tenant who had been waiting for an opportunity to purchase.

Mr. Tapanes adjourned the meeting at 8:45PM.



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Jorge Clavijo  
Secretary, Board of Directors