

COOCVE Board of Directors Meeting

April 12, 2011

President Steven Fine called the meeting to order at 9:35 a.m. Mr. Fine led the Pledge of Allegiance and a Moment of Silence. He asked that the BOD keep Ed Gallon in their prayers as he is in the hospital. The Sergeants-of-Arms confirmed that a quorum was present.

A director moved, and seconded, to waive the reading of the minutes from the March 15 BOD meeting. There were no additions or corrections, and the minutes were approved as published in the *Reporter*.

Sheriff's Report – Not Present

Correspondence

Mr. Fine read highlights of a letter from W. Tucker Gibbs, the attorney who is representing CVE in the lawsuit against the City of Deerfield Beach (See Page ____)

President's Report – Steven Fine

At this time, we are at a crucial period of change in the Village. The demographics are shifting, new cultures are being brought in and CVE is attracting more Canadian residents than any other CV. Many of our neighbors from Canada have taken active leadership roles in our community while they are here for six months out of the year. The original idea of the Village was to establish a community with many amenities to entice people over 55 looking to escape their cold winter environment for a more comfortable climate, as well as to mingle with others of similar age and interests. One of the attractions was a community free of animals and noise. That was one of the inducements to draw people from far away. To make sure that the idea was maintained, documents were drawn up which are the same documents that we all signed when we moved here. Through the years, we have strayed from the initial purpose of preserving the wishes of the residents. Some have decided that they can ignore the documents as they think they are above it all – they are not. COOCVE has taken an active role in preserving the integrity of these documents. All of us are members of COOCVE. We believe it is our responsibility to make sure these documents are enforced. If we see violators, then it is up to us to report them; if we don't, then COOCVE has very little purpose. A violator must be stopped and reported immediately before the situation gets out of hand. We need to do the job that we were elected to do.

Legal Update – Patrick Murphy

Mr. Murphy provided a summary on the current litigation regarding “Sweetie,” the three-pound Chihuahua in Ventnor H, bought in 2008 by Ms. Schleifer. She stated she went to the president of the building, in 2008, and showed prescriptions indicating she was entitled to have a dog. Ms. Schleifer was advised that no dogs are allowed according to the Declaration of Condominium Documents, Section 9.6. She then filed a discrimination complaint with the Department of Housing and Urban Development and the local Civil Rights Commission. Ms. Schleifer alleged that she has a physical handicap as well as suffers from depression. In 2004 after an automobile accident, the association provided her with assistance by reassigning her parking space closer to her unit. Ms. Schleifer produced a certificate, in October 2008, indicating that the Chihuahua was a trained service dog. In March 2009 this information was evaluated by the Civil Rights Board, and they determined that the Ventnor H Condo Association did not violate any law. Ms. Schleifer appealed this ruling and a redetermination was conducted. In April 2009 the investigator upheld the prior ruling that there was no violation. Mr. Schleifer appealed again. The matter was then sent to a three-person panel. They then voted unanimously and found again there were no violations by Ventnor H. The law states that the prevailing party is allowed to collect reimbursement for legal fees and costs, which is what Mr. Murphy did. On June 29, 2009, Ms. Schleifer re-filed the complaint stating that we were retaliating. Mr. Murphy was told that she could re-file as often as she wishes and the Civil Rights Office would have to investigate. As it stands today, we are waiting to hear from the BOD in an attempt to reconcile the situation; a good mediation is when both parties walk away dissatisfied. If we do not resolve the case to the mutual dissatisfaction of both sides, the next steps would be for a complaint to be filed in Federal court stating that there was a disability and a failure to accommodate, which is a violation of the law and that we tried to retaliate by requesting reimbursement of our fees and costs.

Henry Rosenthal moved the following motion:

Whereas, Section 12.1(p) of the Building Bylaws of every condo association in Century Village East documents states: “No UNIT OWNER shall keep or harbor any walking pet or animal on the CONDOMINIUM PROPERTY or within the confines of his unit.” The Ventnor H Condo Association is involved in legal action regarding this Bylaw. Considering the great amount of publicity this case has generated, we believe the upholding of this Bylaw is important

to maintain the quality of life in this Village, and it will change the presence of this Village if we don't do something about it. Section 3.1(d) of the COOCVE Bylaws states: "To represent member associations, when legally and duly authorized, on matters involving disputes, arbitration and legal proceedings which may be necessary for the legal protection and enforcement of the rights and remedies of the associations." Therefore, be it resolved that the COOCVE Board of Directors, legally and duly, authorizes the COOCVE General Counsel to act on behalf of Ventnor H, and be it further resolved that such legal costs be borne by COOCVE from this day forth, and be it further resolved that COOCVE allocates an additional sum, up to \$25,000, for legal fees for the above action. Joe Sachs seconded.

Many residents voiced their opinions for both sides stating that there are many buildings in the Village that have incurred major expenses due to lawsuits in their buildings; this is a building issue and that COOCVE should not provide them with funds for attorney fees. Many residents also felt that COOCVE should support Ventnor H to set a precedent in the Village, stating that residents do not want walking animals or have dog droppings in and around the Village.

Dan Glickman made a motion to table the motion; it was seconded by a director. After a vote, by a show of hands, the motion to table failed.

The original motion was then voted on, by a show of hands, and the motion was passed.

Treasurer's Report – Bernice Schmier

In March we incurred expenses of \$14,624.97. We collected income of \$5,688.00 in annual dues and the net loss for March was \$8,936.97. The total assets, as of March 31, were \$332,864.45.

Committee Reports

Bylaws Committee – Wendy Rosenzveig

Mr. Fine stated that the proposed changes will be posted in the paper and at the June BOD meeting it will be voted on, provided there is a quorum. Mrs. Rosenzveig read the three proposed changes to the Bylaws: (See page ____)

Old Business – None

New Business – None

Open Mic:

A director asked if a proxy would be available for the June BOD meeting. Mr. Parness stated that we do not use proxies.

Motion to adjourn at 11:26 a.m.

Respectfully Submitted,

Steven Fine, President