

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES

IN RE: PETITION FOR BINDING ARBITRATION – HOA RECALL DISPUTE

THE FOREST AT RIDGEWOOD
HOMEOWNER'S ASSOCIATION, INC.,

Petitioner,

v.

Case No. 2026-05-5113

Case No. 2026-02-9833

OWNERS VOTING FOR RECALL,

Respondent.

_____ /

SUMMARY FINAL ORDER FOR CASE NUMBER 2026-05-5113 and
ORDER DISMISSING AS MOOT CASE NUMBER 2026-02-9833

Issue

Should the recall of directors Kevin Mack and Edward Burden be certified.

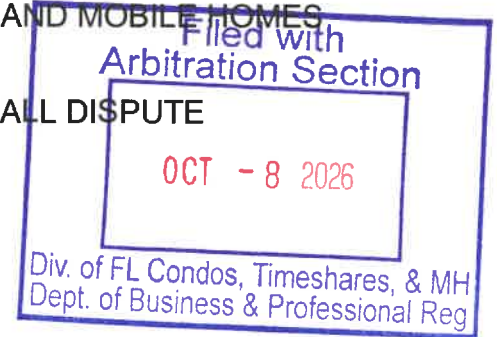
Procedural History

Case Number 2026-02-9833

On September 17, 2026, a recall effort instituted by the unit owners that had been assigned case number 2026-02-9833 was abated and consolidated with case number 2026-05-5113.

Case Number 2026-05-5113

On July 31, 2026, The Forest at Ridgewood Homeowner's Association, Inc., (Association) filed a petition for mandatory binding arbitration concerning the recall of certain board members. On August 20, 2026, an Order Requiring Answer was entered that required the Unit Owners (Respondents) to file an answer to the petition. On



September 8, 2026, the Respondents filed an Answer. On September 17, 2026, a Notice of Reassignment, Consolidating and Abating Case was entered concerning both of the cases subject to this order. An Order Requiring Affidavits was entered on September 17, 2026. On September 29, 2026, Respondents filed all but two (2) of the affidavits required by the September 17, 2026, Order Requiring Affidavits and a Motion for Extension of Time to file an additional ballot. On October 5, 2026, an order granting extension of time was entered that gave the Respondents until October 13, 2026, to file additional affidavits. On October 7, 2026, Respondents filed Notice of Case Status and Request for Prompt Decision.

Finding of Fact¹

1. The Forest at Ridgewood Homeowner's Association, Inc., is the legal entity responsible for the operation and maintenance of the Forest at Ridgewood Homeowner's Association.

2. Respondents are a group of homeowners who sought to recall two members of the board of directors: Kevin Mack ("Mack") and Edward Burden ("Burden"), by written agreement, which was served on the Association on July 20, 2026.

3. The Association consists of 164 voting members. A total of 90 recall ballots were cast for the recall of directors Mack and Burden. A total of 83 recall ballots is necessary for the certification of a recall.

4. The Association held a meeting on July 24, 2026, to consider the recall ballots. The board rejected a total of thirteen (13) ballots for the recall of both directors.

¹ The Finding of Facts is limited to the facts concerning case number 2026-05-5113 as this case will control any rulings in case number 2026-02-9833.

The reasons given by the board for rejecting the thirteen ballots are as follows.

Owner	Address	Reason for Rejecting Ballot
Beugel	217/219 Boxwood	Cannot tell address number
Burkart	237 Boxwood	Cannot identify year signed
Avila	319/219 Boxwood	Cannot identify address number
Gomez	337/332 Golf Course Pkwy	Cannot identify address
Jalemi	113 Golf Course Pkwy	Defective Checkmark
Ellenberger	633 Golf Course Pkwy	Unable to identify date and date in excess of 120-day ballot validity cutoff
Munoa	745 Golf Course Pkwy	Duplicate ballot
Kahl	816??	Unable to identify address
LIZFCC, LLC	1020 Golf Course Pkwy	Improper signature for LLC
Rohan	1132 Golf Course Pkwy	Recanted ballot after first recall attempt
Zaslowski, Juri	1234 Golf Course Pkwy	Extra boxes checked
Zaslowski, Josephine	1234 Golf Course Pkwy	Duplicate ballot, incomplete address
Dugan	147 So. Pine Way	Duplicate ballot

5. The Respondents submitted affidavits on October 2, 2026. These affidavits establish the following:

- a. Robert Burkbart signed his affidavit on March 27, 2026.
- b. Dale Ellenberger signed his affidavit on March 27, 2026.
- c. Timothy Beugel's address is 217 Boxwood Drive, Davenport, FL 33837.
- d. Jorge Avila's address is 319 Boxwood Drive, Davenport, FL 33837.
- e. Kenneth J. Papa was authorized to sign the recall ballot on behalf of LIZFCC, LLC.

6. In addition, the arbitrator has reviewed the following ballots and makes the following findings of fact concerning these ballots:

- a. Mark Kahl: the Association rejected this ballot because it claims it could not determine the address for Mr. Kahl because the address on the ballot was printed as:

"816 GC Pkwy." The record establishes that some members of the Association live on a street that is named "Golf Course Parkway." See Chart, *supra*. The arbitrator finds that use of "GC" on the ballot is merely shorthand Golf Course Parkway and therefore Mr. Kahl's address is identified and was identifiable when the recall ballot was submitted to the Association.

b. Michael Jalemi: The Association rejected this ballot because it claims the check mark was defective. The arbitrator has examined this ballot and finds the check marks for the recall of directors Mack and Burdon to be valid, and they were valid at the time the ballot was submitted to the Association. Furthermore, the check mark voting for David MacMorran indicates Mr. Jalemi's intention to install Mr. MacMorran as a replacement director.

7. Sharron McDaniel ("McDaniel") and David MacMorran ("MacMorran") received the most votes for replacement directors.

Conclusions of Law

The arbitrator has jurisdiction over this dispute and the parties thereto pursuant to Sections 720.303 and 720.311, Florida Statutes ("Fla. Stat."). The arbitrator has received extrinsic evidence in order to establish various facts or reviewed various ballots so that there are no disputed issues of material fact and therefore this case is appropriate for summary disposition pursuant to Rule 61B-80.114, Florida Administrative Code ("F.A.C.").

Discussion

Standard of Review

Rule 61B-81.003(2), F.A.C., requires only "substantial compliance with the

provisions of subsection (1)” for the effective recall of a director.² Arbitration cases have long held that substantial compliance with the rules governing recall will be sufficient if the owner is identifiable and the intent expressed in the recall/retain section is clear. See, *Villas of Beacon Grove Homeowners Association, Inc. v. Homeowners Voting for Recall*, Arb. Case No. 2011-02-0798, Summary Final Order (May 17, 2011) (Ballots valid even though one owner did not write her address on ballot, and another owner listed her address as 2235 instead of 2265.); *Island Country Estate Homeowners Association, Inc., v. Homeowners Voting for Recall*, Arb. Case No. 2020-03-0331, Summary Final Order (September 22, 2020) (Board improperly rejected ballots that failed to include “Jupiter FL” and “Way” in parcel address.); *Mallorca at the Vineyards Homeowners Association, Inc., v. Homeowners Voting for Recall*, Arb. Case No. 2012-01-7435, Summary Final Order (June 29, 2021) (Board’s rejection of ballot because the address listed on the ballot is “655 SE 37th Ave” while the owner address list obtained from the Office of the Property Appraiser showing unit owner’s address as “655 SE 37th Ter.” held to be invalid rejection of ballot.) and *Miami Lakes-Lake Sandra Homeowner’s Association, Inc., v. Homeowners Voting for Recall*, Arb. Case No. 2011-04-2485, Summary Final Order (November 10, 2011) (Technical defects such as failure to include parcel address or date on ballot do not invalidate the ballot.)

Validity of Rejected Ballots

A total of 83 recall ballots is necessary for the certification of this recall. The

² Rule 61B-81.003(1), F.A.C., lists the requirements of the written recall agreement form, e.g. name of director to be recalled and space to indicate whether director should be recalled, etc. This subsection also states that “[t]he failure to comply with the requirements of this subsection shall not effect the validity of the recall of a director or directors;...”

Association was served with a total of 90 recall ballots and rejected 13 of these ballots for various reasons reducing the total number of "valid" ballots to seventy-seven (77). The arbitrator has either: a) based on competent extrinsic evidence or a facial review of some of the rejected ballots determined the Association incorrectly rejected seven (7) recall ballots.³ When these seven (7) ballots are added to the seventy-seven (77) ballots that were not rejected by the Association the total number of valid ballots voting for the recall of directors Mack and Burdon is eighty-four ballots (84). Thus, the Association was served with a sufficient number of valid ballots to certify the recall of directors Mack and Burdon.

Based on the foregoing, it is

ORDERED:

1. The recall of directors Mack and Burdon is CERTIFIED, and they are REMOVED from the board of directors as of the date of this order and shall take no actions on behalf of the Association as of the date of this order. Directors Mack and Burdon shall return all Association property in their possession to the Association within five (5) business days from the date of this order.

2. Replacement candidates McDaniel and MacMorran shall take seats on the board effective immediately, for the unexpired term of the seat being filled.

DONE and ORDERED on October 8, 2026, in Tallahassee, Leon County, Florida.

3. The Association shall post a copy of this order for thirty (30) consecutive days in a place where notices to Association members are normally posted within twenty-four (24) hours of receipt of this order.

³ The arbitrator need not address the validity of the remaining rejected ballots because after finding seven (7) ballots were incorrectly rejected there is a sufficient number of ballots to certify the recall of directors Mack and Burdon.

4. Case number 2026-02-9833 is DISMISSED as moot and said case is CLOSED.

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Final Summary Order has been sent by US Mail and email on October 8, 2026, to:

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J. A. Spejenkowski
J.A. Spejenkowski, Arbitrator