

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

IN RE: PETITION FOR RECALL ARBITRATION - HOA

**HOLLEY BY THE SEA IMPROVEMENT
ASSOCIATION, INC.,**

Petitioner,

v.

Case No. 2015-02-1742

**HOMEOWNERS VOTING FOR RECALL,
Respondent.**

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FINAL ORDER

On May 13, 2015, Holley By The Sea Improvement Association (the Association) filed a petition for mandatory binding arbitration of a recall dispute. The petition states that the recall targeted three of the Association's board members: Alex Crawford, William Crouch and Ryan Miller. Respondent, the Homeowners Voting For Recall, filed an answer on June 6, 2015. On August 14, 2015, the Association filed a status report and notice of withdrawal of its petition.

Resignation of Ryan Miller

The parties agree that Ryan Miller resigned from the Association's board of directors prior to service of the written recall agreement on the Association. Therefore, the recall of Mr. Miller has been rendered moot. *Captiva Lakes Villas Condo. Ass'n, Inc. v. Unit Owners Voting For Recall*, Summary Final Order (May 5, 2005).

Intervening Election

In its status report, the Association states that William Crouch's position on the Association's board expired on July 18, 2015 and that his position was filled by a

director elected as the a result of the Association's July 18, 2015 annual election. An intervening election involving the seats of the board members whose recall is sought will render the case moot. *Hidden Lakes at Meadows Woods Homeowners Ass'n, Inc. v. Homeowners Voting For Recall*, Arb. Case No. 2013-00-076, Final Order Dismissing Petition of Moot (March 15, 2015). Therefore, the recall dispute involving Mr. Crouch is moot.

Withdrawal Of Petition

The Association has filed notice of withdrawal of its petition. Rule 61B-80.109(3), Florida Administrative Code, provides as follows:

Withdrawal of a petition for arbitration of a recall shall be with prejudice; that is, the recall petition can never be re-filed with reference to that recall effort. If the board withdraws the petition, unless otherwise provided in the final order, the recall shall be deemed certified and the board members recalled. The board member or members recalled shall turn over all association records in his or their possession within five full business days after the withdrawal is filed (i.e., received by the division).

Therefore, in accordance with the rule, the recall of Alex Crawford is deemed certified.

Based upon the foregoing, it is ORDERED:

1. The recall disputes involving Ryan Miller and William Crouch are moot.
2. The recall of Alex Crawford is certified and Alex Crawford is removed from the board of directors effective upon the date of the mailing of this order. Within five days of the date this order, Alex Crawford shall return all Association records and property in her possession to the board.
3. Because less than a majority of the members of the board have been recalled, the vacancy created by the recall may be filled by the affirmative vote of a majority of the remaining directors as provided in section 720.303(10)(e), Florida Statutes.

DONE AND ORDERED this 17th day of August, 2015, at Tallahassee, Leon County, Florida.

James W. Earl, Arbitrator
Department of Business and
Professional Regulation
Arbitration Section
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Certificate of Service

I hereby certify that a true and correct copy of the foregoing final order has been sent by U.S. Mail and facsimile to the following persons on this 17th day of August, 2015:

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