

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION



DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2016-019282

P & R HOUSING MANAGEMENT  
CORPORATION,

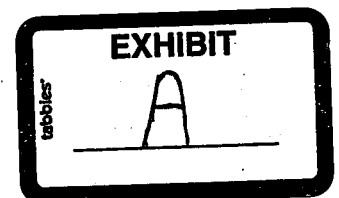
Respondent.

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ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation ("Petitioner") files this Administrative Complaint against P & R Housing Management Corporation ("Respondent") and alleges:

1. Petitioner is the state agency charged with regulating the practice of community association management pursuant to Section 20.165, Florida Statutes, and Chapter 468, Florida Statutes.
2. Petitioner has jurisdiction over the unlicensed practice of community association management pursuant to sections 455.227, 455.228, and 468.432, Florida Statutes.
3. At all times material to this complaint, Respondent was not licensed as a Community Association Business (CAB) in the State of Florida.
4. Respondent's current address of record is 6511 Pinecastle Blvd., Orlando, Florida 32809.



5. At all times material to this Complaint, Respondent served as the CAB firm, hired to provide community management services pursuant to a contract with Eagle Lake Phase I Homeowners Association (“Association”).

6. At all times material to this complaint, Respondent employed as its “qualifying” CAM, Pamela Wolters, who was listed as the registered president for, and owner of, the Respondent CAB firm.

7. From in or around December 2011 through in or around September 2014, Respondent served as the CAB and Pamela Wolters served as CAM, to provide management services for the Association pursuant to their management contract.

8. The Association is a “Community Association” as that term is defined by Section 468.431(1), Florida Statutes, with more than 10 units or an annual budget in excess of \$100,000.

9. Section 468.431(2), Florida Statutes, defines “Community association management” to include the following:

“...controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, determining the number of days required for statutory notices, determining amounts due to the association, collecting amounts due to the association before the filing of a civil action, calculating the votes required for a quorum or to approve a proposition or amendment, completing forms related to the management of a community association that have been created by statute or by a state agency, drafting meeting notices and agendas, calculating and preparing certificates of assessment and estoppel certificates, responding to requests for certificates of assessment and estoppel certificates, negotiating monetary or performance terms of a contract subject to approval by an association, drafting prearbitration demands, coordinating or performing maintenance for real or personal property and other related routine services involved in the operation of a community association, and complying with the association’s governing documents and the requirements of law as necessary to perform such practices.

10. Respondent, through its CAM performed one or all of the above described management services during its tenure as CAB firm.

11. Section 468.432(2), Florida Statutes, requires a firm providing CAB duties for compensation to be licensed in pertinent part:

As of January 1, 2009, a community association management firm or other similar organization responsible for the management of more than 10 units or a budget of \$100,000 or greater shall not engage or hold itself out to the public as being able to engage in the business of community association management in this state unless it is licensed by the department as a community association management firm in accordance with the provisions of this part.

12. Section 468.436(2)(a), Florida Statutes, provides that a violation of any provision of s. 455.227(1), is grounds for discipline.

13. Section 455.227(1)(q), Florida Statutes, subjects a person to discipline for, "Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board...."

14. Respondent violated Section 455.227(1)(q), Florida Statutes, and violated Section 468.432(2) Florida Statutes, by performing one or more of the above duties requiring licensure for compensation, as listed above, by acting as a community association management firm without a license issued by the Petitioner during the timeframes referenced, for the Association. Therefore, Respondent is subject to discipline by the Petitioner pursuant to Section 455.228, Florida Statutes.

15. Section 455.228, Florida Statutes, authorizes the Petitioner to impose an administrative penalty not to exceed \$5,000 per incident on any person not licensed by the Department who has violated any provision of Chapter 455, Florida Statutes or any state that relates to the practice of a profession.

WHEREFORE, Petitioner respectfully requests the Department of Business and Professional Regulation enter an order imposing one or more of the penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine for each count of this complaint, issuance of a reprimand, placement of Respondent on probation subject to specified conditions, corrective action, assessment of costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time, or any other relief the Department is authorized to impose pursuant to Chapters 455 and 468, Florida Statutes, and the rules promulgated thereunder.

Signed February 14, 2017.

MATILDE MILLER, Interim Secretary  
Department of Business and  
Professional Regulation

By: /s/ Wayne Mitchell  
Wayne Mitchell  
Assistant General Counsel  
Department of Business and  
Professional Regulation  
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PC Found: February 14, 2017  
By: DBPR

### NOTICE OF RIGHTS

Please be advised mediation under Section 120.573, Florida Statutes, is not available for administrative disputes involving this type of agency action.

Please be advised Respondent has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoenas and subpoenas duces tecum issued on his or her behalf if a hearing is requested. Any request for an administrative proceeding to challenge or contest the charges contained in the administrative complaint must conform to Rule 28-106.2015, Florida Administrative Code. Rule 28-106.111, Florida Administrative Code, provides in part if Respondent fails to request a hearing within 21 days of receipt of an agency pleading, Respondent waives the right to request a hearing on the facts alleged.

### NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 455.227(3)(a), Florida Statutes, the Board, or the Department when there is no Board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time, against Respondent in addition to any other discipline imposed.

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

<b>FILED</b>	
Department of Business and Professional Regulation AGENCY CLERK	
CLERK	Ronda L. Bryan
Date	2/15/2017
File #	

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2016-015503

PAMELA WOLTERS,

Respondent.

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ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation (“Petitioner”) files this Administrative Complaint against Pamela Wolters (“Respondent”) and alleges:

1. Petitioner is the state agency charged with regulating the practice of community association management pursuant to Section 20.165, Florida Statutes, and Chapters 455 and 468, Part VIII, Florida Statutes.
2. Petitioner has jurisdiction over the unlicensed practice of community association management pursuant to sections 455.227, 455.228, and 468.432, Florida Statutes.
3. At all times material to this complaint, Respondent was licensed as a Community Association Manager (CAM) in the State of Florida, holding license number CAM 216.
4. Respondent’s address of record is P.O. Box 568846, Orlando, Florida 32856.
5. At all times material to this complaint, Respondent was employed by, and serves as a governing officer for PRHM where she is the owner and registered agent.
6. At all times material to this complaint, PRHM was not licensed as a Community Association Business (CAB) in the State of Florida.

7. At all times material to this Complaint, PRHM served as the CAB firm, hired to provide CAM services pursuant to a contract with Eagle Lake Phase I Homeowners Association (“Association”).

8. From in or around December 2011 through in or around September 2014, PRHM served as the CAB and Pamela Wolters served as the CAM providing CAM services for the Association pursuant to their management contract.

9. The Association is a “Community Association” as that term is defined by Section 468.431(1), Florida Statutes, with more than 10 units or an annual budget in excess of \$100,000.

10. Section 468.431(2), Florida Statutes, defines “Community association management” to include the following:

“...controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, determining the number of days required for statutory notices, determining amounts due to the association, collecting amounts due to the association before the filing of a civil action, calculating the votes required for a quorum or to approve a proposition or amendment, completing forms related to the management of a community association that have been created by statute or by a state agency, drafting meeting notices and agendas, calculating and preparing certificates of assessment and estoppel certificates, responding to requests for certificates of assessment and estoppel certificates, negotiating monetary or performance terms of a contract subject to approval by an association, drafting prearbitration demands, coordinating or performing maintenance for real or personal property and other related routine services involved in the operation of a community association, and complying with the association’s governing documents and the requirements of law as necessary to perform such practices.

11. Respondent, d/b/a PRHM CAB firm, performed one or all of the above described management services during her tenure as CAM.

12. During the course of providing the management services contracted for with the Association, the Respondent failed to perform certain required duties, and failed to properly maintain and keep current records required pursuant to terms of the management contract.

13. During the course of providing the management services contracted for with the Association, the Respondent failed to properly maintain and keep current financial, accounting and official records required pursuant to sections 718.111(12); and 720.303(4), Florida Statutes.

14. The duties Respondent improperly performed including records not properly kept current or accurate for the Association and/or its Board, include but are not limited to at least one of the following:

- a. Failed to maintain, or produce a current fidelity bond covering Respondent and its agents during term of the management contract as required;
- b. Failed to maintain accurate financial documents and records consisting of current income statements, account balance sheets, and cash flow (transactions), reconciled regularly with monthly statements for the Association prepared with accrual method of accounting as required;
- c. Failed to accurately calculate and assess management fees due, as reported in a 2014 financial report;
- d. Failed to account for removal of “bad debts” accounts receivable deficits from the Association budget statements ranging from January 2012-October 2014;
- e. Failed to accurately report assessment delinquencies, with resulting inaccurate collection efforts figures;
- f. Failed to maintain and/or refer delinquent assessment records to Association counsel for appropriate collection or estoppel actions;
- g. Failed to maintain or report to the Association, accurate records regarding liens or foreclosures on Association units;
- h. Failed to maintain and produce upon request from the Board, accurate current vendor contracts and invoices;
- i. Failed to maintain and submit accurate billing statements to individual unit owners;
- j. Failure to budget for and accurately maintain or report, reserve account assets of the Association;
- k. Failed to prepare and report accurate, correct Association budget statements;
- l. Failed to maintain accurate billing and/or assessment records;
- m. Failed to maintain actual historical billing records of the Association;
- n. Failed to disclose or report to the Association, unauthorized delinquent account payment plans;
- o. Failed to prepare and report required financials audits for budget years 2011-2013, upon request of the Association and/or its Board;
- p. Failed to accurately report transfer of assets from Association reserve accounts to operating accounts, particularly when done without Board approval;
- q. Failed to issue required Association closing documents in home or parcel sales, where annexation notice/restrictive covenants should have been included;
- r. Failed to collect or report accurate assessments due from the Developer;



- s. Failed to update the registered agent listing to the Association counsel upon request;
- t. Failed to pay/report regular recurring bills such as utility bills due for common area meters, resulting in penalty fees, disconnects;
- u. Failed to respond to a retained auditor's request for documents, internal accounting methods, and endorsement of the auditor's fraud questionnaire;
- v. Failed to maintain and submit accurate office/administrative expenses for payment by Association funds;
- w. Failed to maintain or submit accurate financials to the CPA retained for preparation of the Association tax return for 2012 and 2013, and/or;
- x. Failed to deposit only Association designated checks/funds in Association accounts, by co-mingling another association's checks/funds through unexplained deposits made in July, August, and October 2014.

15. Upon termination of the CAB firm and Respondent as CAM in or around September 2014, the Association requested a complete return of all Association official records including those listed above, including financial or accounting records.

16. Respondent has failed to return or turnover all requested Association records to the Board, its new management company, or its auditor as requested.

#### COUNT ONE

17. Petitioner re-alleges and incorporates by reference the allegations set forth in paragraphs one (1) through sixteen (16) as if fully set forth herein.

18. Section 468.432(2), Florida Statutes, requires a firm providing CAB duties for compensation to be licensed in pertinent part:

As of January 1, 2009, a community association management firm or other similar organization responsible for the management of more than 10 units or a budget of \$100,000 or greater shall not engage or hold itself out to the public as being able to engage in the business of community association management in this state unless it is licensed by the department as a community association management firm in accordance with the provisions of this part.

19. Section 468.436(2)(a) Florida Statutes, provides that a violation of any provision of s. 455.227(1), is grounds for discipline.

20. Section 455.227(1)(j), Florida Statutes, subjects a licensee to discipline for, “Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.”

21. Respondent violated Section 468.436(2),(a) Florida Statutes, by violating section 455.227(1)(j), Florida Statutes, by employing, aiding assisting procuring and/or enabling the unlicensed entity PRHM, to provide one or more of the above duties requiring licensure for compensation as described above, during the timeframes referenced, pursuant to a contract with the Association.

#### COUNT TWO

22. Petitioner re-alleges and incorporates by reference the allegations set forth in paragraphs one (1) through sixteen (16) as if fully set forth herein.

23. Section 468.4334(1), Florida Statutes, requires a CAM performing duties on behalf of an association to discharge such duties “loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds.”

24. Section 468.436(2)(b)2, Florida Statutes, states a licensee is subject to discipline for violation of any lawful order or rule rendered or adopted by the department or the council.

25. Rule 61E14-2.001(2)(c), Florida Administrative Code, states “

61E14-2.001 Standards of Professional Conduct.

Licensees shall adhere to the following provisions, standards of professional conduct, and such provisions and standards shall be deemed automatically incorporated, as duties of all licensees, into any written or oral agreement for the rendition of community association management services.

(2) Professional Standards. During the performance of community association management services, a licensee shall do the following:

(c) Perform all community association management services required by the licensee's contract to professional standards and to the standards established by Section 468.4334(1), F.S.

26. Respondent has violated section 468.4334(1), and Section 468.436(2)(b), Florida Statutes, through a violation of Rule 61E14-2.001(2)(c), Florida Administrative Code, as listed in par. 14 above, by failing to properly perform required duties and/or failing to accurately maintain and produce financial, accounting and official records required under terms of the management contract, and pursuant to sections 718.111(12); and 720.303(4), Florida Statutes.

### COUNT THREE

27. Petitioner re-alleges and incorporates by reference the allegations set forth in paragraphs one (1) through sixteen (16) as if fully set forth herein.

28. Section 468.436(2)(b)7, Florida Statutes, states a licensee is subject to discipline for “[v]iolating any provision of chapter 718, chapter 719, or chapter 720 during the course of performing community association management services pursuant to a contract with a community association....”

29. Section 468.436(2)(b)2, Florida Statutes, states a licensee is subject to discipline for violation of any lawful order or rule rendered or adopted by the department or the council.

30. Rule 61E14-2.001(3)(d), Florida Administrative Code, states:

#### 61E14-2.001 Standards of Professional Conduct.

Licensees shall adhere to the following provisions, standards of professional conduct, and such provisions and standards shall be deemed automatically incorporated, as duties of all licensees, into any written or oral agreement for the rendition of community association management services.

(3) Records. During the performance of community association management services pursuant to a contract with a community association, a licensee shall not:

(d) Fail to maintain the records for a community association manager or management firm or the official records of any applicable association, as required by Sections 718.111(12), 719.104(2) or 720.303(4), F.S.

31. Respondent has violated section 468.436(2)(b), Florida Statutes, through a violation of Rule 61E14-2.001(3)(d), Florida Administrative Code, by failing to properly perform required duties and/or failing to accurately maintain and produce financial, accounting and official records as required.

#### COUNT FOUR

32. Petitioner re-alleges and incorporates by reference the allegations set forth in paragraphs one (1) through sixteen (16) as if fully set forth herein.

33. Section 468.436(2)(b)2, Florida Statutes, states a licensee is subject to discipline for violation of any lawful order or rule rendered or adopted by the department or the council.

34. Rule 61E14-2.001(3)(a), Florida Administrative Code, states:

(3) Records. During the performance of community association management services pursuant to a contract with a community association, a licensee shall not:

(a) Withhold possession of the association's official records, in violation of Sections 718.111(12), 719.104(2) or 720.303(5), F.S., or original books, records, accounts, funds, or other property of a community association when requested by the association to deliver the same to the association upon reasonable notice. Reasonable notice shall extend no later than 10 business days after termination of any management or employment agreement and receipt of a written request from the association. The manager may retain those records necessary for up to 20 days to complete an ending financial statement or report. Failure of the association to provide access or retention of accounting records to prepare the statement or report shall relieve the manager of any further responsibility or liability for preparation of the statement or report. The provisions of this rule apply regardless of any contractual or other dispute between the licensee and the association.

35. Respondent violated Section 468.436(2)(b)2, Florida Statutes, through a violation of Rule 61E14-2.001(3)(a), F.A.C., by failing to timely turn over association official records upon notice and official request to do so.

#### COUNT FIVE

36. Petitioner re-alleges and incorporates by reference the allegations set forth in paragraphs one (1) through sixteen (16) as if fully set forth herein.

37. Section 468.4334(1), Florida Statutes, requires a CAB performing duties on behalf of an association to discharge such duties “loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds.”

38. Section 468.436(2)(b)2, Florida Statutes, states a licensee is subject to discipline for violation of any lawful order or rule rendered or adopted by the department or the council.

39. Rule 61E14-2.001(2)(b), Florida Administrative Code, states:

During the performance of community association management services, a licensee shall do the following: Only deposit or disburse funds received by the community association manager or management firm on behalf of the association for the specific purpose or purposes designated by the board of directors, community association management contract or the governing documents of the association.

40. Respondent violated Section 468.436(2)(b)2, F.S., through a violation of Rule 61E14-2.001(2)(b), F.A.C., and violated Section 468.4334(1), Florida Statutes, by improperly depositing/dispersing unaccounted for non-Association funds in Association accounts, which were not authorized by the Board and/or were not for Board approved purposes.

#### COUNT SIX

41. Petitioner re-alleges and incorporates by reference the allegations set forth in paragraphs one (1) through sixteen (16) as if fully set forth herein.

42. Section 468.436(2)(b)5, Florida Statutes, states a licensee is subject to discipline for “[c]ommitting acts of gross misconduct or gross negligence in connection with the profession.”

43. Respondent violated Section 468.436(2)(b)5, Florida Statutes, through gross misconduct by improperly performing required duties, failing to perform duties which were

required, and failing to properly handle and maintain Association accounts and official financial records as set forth above.

WHEREFORE, Petitioner respectfully requests the Department of Business and Professional Regulation enter an order imposing one or more of the penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine for each count of this complaint, issuance of a reprimand, placement of Respondent on probation subject to specified conditions, corrective action, assessment of costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time, or any other relief the Department is authorized to impose pursuant to Chapters 455 and 468, Florida Statutes, and the rules promulgated thereunder.

Signed February 14, 2017.

MATILDE MILLER, Interim Secretary  
Department of Business and  
Professional Regulation

By: /s/ Wayne Mitchell  
Wayne Mitchell  
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PC Found: February 14, 2017

By: DBPR

### NOTICE OF RIGHTS

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Please be advised Respondent has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoenas and subpoenas duces tecum issued on his or her behalf if a hearing is requested. Any request for an administrative proceeding to challenge or contest the charges contained in the administrative complaint must conform to Rule 28-106.2015, Florida Administrative Code. Rule 28-106.111, Florida Administrative Code, provides in part if Respondent fails to request a hearing within 21 days of receipt of an agency pleading, Respondent waives the right to request a hearing on the facts alleged.

### NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 455.227(3)(a), Florida Statutes, the Board, or the Department when there is no Board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time, against Respondent in addition to any other discipline imposed.