

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

CONDOMINIUM / COOPERATIVE COMPLAINT

INSTRUCTIONS: To expedite your complaint, it is helpful if this form is typewritten or legibly printed, and each question answered fully. If available, attach supporting or clarifying documents and items pertaining to the issues listed in this complaint.

Name Paul R. St. Clair, LCAM

Mailing Address 275 Palm Ave

Unit No. D-207

City Jupiter County Palm Beach State FL Zip 33477

Home telephone number (561) 575-9424

Cell phone number (585) 730-2612

E-mail address Paul.St.Clair@Comcast.net

Complaint filed against: DEVELOPER ☒ ASSOCIATION

Name Jupiter Bay Condominium Association

If Developer list principal officer _____

If Association list President James Kalec, President

Mailing address 275 Palm Ave Apt D-105

City Jupiter County Palm Beach State FL Zip 33477

Business telephone number (561) 746-5857

Has the above been notified of the issues in this complaint? ☒ YES ☐ NO

If yes, what was the method of notification? Email dated April 1, 2025

Date declaration of condominium was recorded in public records:

11 / 18 / 1988 County Palm Beach

If a cooperative, date articles of incorporation were filed with the Secretary of State:

 / /

Have purchaser unit owners elected a majority of the members to the Board of Administration? ☒ YES ☐ NO

If you have retained legal counsel regarding the issues listed in this complaint, do you want the division to contact your attorney? ____ YES ____ NO

If yes, please provide the following information:

Name of Counsel _____

Mailing address _____

City _____ County _____ State _____ Zip _____

Business telephone number _____

a) Has court action been filed regarding any of the allegations in this complaint?

____ YES X NO If yes, attach a copy of each complaint filed in court and any subsequent court pleadings.

b) Has a petition for a Declaratory Statement been filed with the division regarding

any of the allegations in this complaint? ____ YES X NO

c) Has a petition for Mandatory Nonbinding Arbitration been filed with the division

regarding and of the allegations in this complaint? ____ YES X NO

List each issue. If possible, specify the provisions in the condominium act, or the cooperative act if applicable, which you allege have been violated. Attach additional pages, as needed.

1. Florida Administrative Code 61B-22.005(6) says:

"Timely funding. Reserves included in the adopted budget are common expenses and must be fully funded unless properly waived or reduced. Reserves shall be funded in at least the same frequency that assessments are due from the unit owners (e.g., monthly or quarterly)."

Our assessments are paid quarterly, and beginning in January 2025 the Association began funding reserves monthly. This means that the Association is using up to two months of reserve money each quarter to pay operating expenses.

2. Florida Statute 718.111(14) says:

"For investment purposes only, reserve funds may be commingled with operating funds of the association. Commingled operating and reserve funds shall be accounted for separately, and a commingled account shall not, at any time, be less than the amount identified as reserve funds."

By transferring reserve funds monthly rather than quarterly, we are commingling operating and reserve funds. We are not doing this for investment purposes and we're not accounting for them separately when received. Generally, reserve funds received

as a part of the quarterly maintenance fee must be moved into a reserve account by the end of the month. Our financial reporting shows a portion (1/3 or 2/3) of the reserve funds as operating funds until the end of the quarter, when the remainder is moved. Finally, we are foregoing interest on these funds while in the checking account.

I believe that the Association is commingling funds due to insufficient operating funds caused by a negative \$314,468 fund balance at the end of 2024.

I hereby request the Division of Florida Condominiums, Timeshares and Mobile Homes to review the violation(s) herein alleged. I understand that the division may act on this complaint pursuant to the provisions of Section 718.501, or as applicable Section 719.501, Florida Statutes. I further understand that the division does not represent me or my private interests, and that any action taken by the division will be on behalf of the State of Florida. My signature below certifies the authenticity of this complaint.

<hr/>	<hr/>
Signature of Complainant	Jupiter Bay Condominium Association Name of Condominium / Cooperative
<hr/>	<hr/>
4/21/2025 Date	Jupiter Bay Condominium Association Name of Association