

February 20, 2024

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SENT VIA EMAIL TO: jmidgette@seacrestservices.com; bod@citysideonline.com

Dear Cityside Property Manager and Board Members:

Re: Documents accessible to Cityside owners via Frontsteps and request to review official records (TIME SENSITIVE)

We are writing this letter to bring to your attention that Cityside is not in compliance with Florida state law -- specifically, Chapter 718 of the Florida Statutes (otherwise known as The

Condominium Act), which requires that certain documents be available to owners via an online portal (in our case, Frontsteps). We are also making a request to review the official records listed in s. 718.111(12).

Documents legally required to be accessible to Cityside owners online

The obligation to make certain documents available online to owners stems from s. 718.111(12)(g)(1.) which states:

“By January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website.”

The “subparagraph 2” referenced in the above provision, for its part, states:

“2. A current copy of the following documents must be posted in digital format on the association’s website:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment thereto. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed \$500 must be maintained on the website for 1 year. In lieu of summaries, complete copies of the bids may be posted.

f. The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

g. The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

- h. The certification of each director required by s. [718.112\(2\)\(d\)4.b.](#)
- i. All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.
- j. Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. [468.436\(2\)\(b\)6.](#) and [718.3027\(3\).](#)
- k. The notice of any unit owner meeting and the agenda for the meeting, as required by s. [718.112\(2\)\(d\)3.](#), no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website, or on a separate subpage of the website labeled “Notices” which is conspicuously visible and linked from the front page. The association must also post on its website any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.
- l. Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. [718.112\(2\)\(c\)](#), which must be posted no later than the date required for notice pursuant to s. [718.112\(2\)\(c\)](#).”

We have highlighted certain sections above in yellow as we believe that documents referenced by those subsections are missing. There may be documents missing from Frontsteps that are described in the section above that we have not highlighted in yellow, and to be clear in case it is not, we are asking for full compliance with the section regardless of whether we have highlighted a particular subsection in yellow or not.

With respect to the contracts referenced in (i) or (j), we acknowledge that there may be no such contracts, however, that would be for you to advise.

Contracts and bids

There is a “Contracts” folder on the Cityside Frontsteps portal. Unfortunately, it is disorganized, outdated, incomplete, and difficult to navigate.

We will illustrate the above complaint with reference to the first subfolder, which is called “Fire Sprinkler”. (We did not choose this folder because it represents the most poorly maintained/incomplete folder. We simply chose it because it is the first folder.)

This folder contains six files.

The first file in the “Fire Sprinkler” subfolder is named “ADT Cityside Signed Contract”. It is a two-page contract with “John Polhemus Inc” for fire sprinkler inspection, and is dated 2008. There is no mention of ADT anywhere in this document.

The second file is named “LB 530212 - Central - W9-2017”. It is a Request for Taxpayer Identification Number and Certification that pertains to Red Hawk Fire and Security. In other words, it is not a contract at all, and it is unclear why it has been uploaded to this folder.

The third file, called “Red Hawk Fire Safety Contract”, contains a single page (a signature page) which notes at the bottom that it is page 3 of a 4 page document. The rest of the contract is nowhere to be found.

The fourth file, called “Red Hawk Safety Signed”, contains three pages. The first page is a contact information page. The second page says that it is “Page 7” of an Inspection Service Agreement. The remaining pages of the Inspection Service Agreement are nowhere to be found. The third page is a signature page dated 2017.

The fifth file in this folder is named “RED HAWK Signed Contract 2017-2022”. It contains the exact same three pages as the fourth file, just in a different order. In other words, it contains a contact information page, “Page 7” of the Inspection Service Agreement, and a signature page dated 2017.

The sixth file is “Redhawk Singed Deficiency Agreement” (sic). It contains two pages of a three-page Service Repair Fixed Price Agreement from 2017.

The above comprises all of the files in the “Fire Sprinkler” subfolder. In summation: 1) there is no document more recent than 2017; 2) there is at least one document that should not be there; 3) there is at least one incorrectly named document; and 4) there are at least two partial documents.

The one document we would hope to find in this subfolder – the current contract for fire sprinkler inspection services – is nowhere to be found.

This is simply the first subfolder we chose to look at, at random, in the “Contracts” folder. It appears that the other subfolders are in the same disorganized, incomplete state.

Financial reports

The audited financial statements that Cityside is required to have prepared pursuant to s. 718.111 (13)(a)(3.) are also required to be uploaded to FrontSteps. They were uploaded for 2020. They do not appear to have been uploaded for 2021, 2022 or 2023 (if received).

Frontsteps also appears to be missing the monthly financial reports for the latter half of 2022.

We respectfully request that Cityside Condominium Association and its agents act without delay to bring Frontsteps in compliance with Chapter 718.

Request to review official records

We hereby request to review the official records of Cityside Condominium Association.

Official records are those set out in s. 718.111(12) :

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain each of the following items, if applicable, which constitutes the official records of the association:

1. A copy of the plans, permits, warranties, and other items provided by the developer pursuant to s. 718.301(4).
2. A photocopy of the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.
3. A photocopy of the recorded bylaws of the association and each amendment to the bylaws.
4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and each amendment thereto.
5. A copy of the current rules of the association.
6. A book or books that contain the minutes of all meetings of the association, the board of administration, and the unit owners.
7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers. The association shall also maintain the e-mail addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. The e-mail addresses and facsimile numbers are not accessible to unit owners if consent to receive notice by electronic transmission is not provided in accordance with sub-subparagraph (c)3.e. However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices.

8. All current insurance policies of the association and condominiums operated by the association.
9. A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.
10. Bills of sale or transfer for all property owned by the association.
11. Accounting records for the association and separate accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(d). The accounting records must include, but are not limited to:
 - a. Accurate, itemized, and detailed records of all receipts and expenditures.
 - b. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due.
 - c. All audits, reviews, accounting statements, and financial reports of the association or condominium.
 - d. All contracts for work to be performed. Bids for work to be performed are also considered official records and must be maintained by the association.
12. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners, which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates, notwithstanding paragraph (b).
13. All rental records if the association is acting as agent for the rental of condominium units.
14. A copy of the current question and answer sheet as described in s. 718.504.
15. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.
16. A copy of the inspection report as described in s. 718.301(4)(p).
17. Bids for materials, equipment, or services.

With respect to our request to review the official records and the legal basis for same, please see s. 718.111(12)(c)(1.) which states:

(c)1. The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member or authorized representative of such member. A renter of a unit has a right to inspect and copy the association's bylaws and rules. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum damages are \$50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. [Empasis added]

If you have any questions, you may reach us at jessica@jessicagagne.ca and [REDACTED] Otherwise, we look forward to hearing from you when the official records will be available for our review.

Sincerely,

Jessica Gagné and Andrew Burgess
Owners

[REDACTED]

[REDACTED]

jessica@jessicagagne.ca

[REDACTED]