

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
REGULATORY COUNCIL OF COMMUNITY ASSOCIATION MANAGERS**

CASE NUMBER: 2007-006128

COMPLAINT MADE BY: LINDA PASSMAN
2297 Trailwood Drive
Cantonment, FL 32533

DATE COMPLAINT RECEIVED: January 23, 2007

COMPLAINT MADE AGAINST: CLARENCE JOHANN NYLUND
d/b/a/ Presting Properties of Pensacola, Inc.
8542 Scenic Hills Drive
Pensacola, FL 32514

LICENSE NUMBER: CAM 21958

INVESTIGATED BY: Elaine M. Brantley, Region IX
Margate-BIS Office

REVEIWD BY: Eric Hurst/jcp

STAFF RECOMMENDATION: **DISMISS (R46 Letter of Guidance Issued)**

CLOSING ORDER

THE COMPLAINT: Subject is alleged to be in violation of Section 468.436(1)(b)(5), Florida Statutes, which states in pertinent part that committing acts of gross misconduct or gross negligence in connection with the profession of community association management constitutes grounds for which disciplinary actions in subsection (3) may be taken.

THE FACTS: Complainant alleges misconduct on the part of Subject in his management of the Pine Forest Royale Homeowners Association Inc. ("Association"). Specifically, Complainant alleges that Subject transferred reserve account funds to the operating account when he specifically was not to sign checks on the reserve account. Further, Complainant alleges that the account balance was nine hundred and fifty five dollars (\$955) short after Subject's termination in January, 2007. Complainant also alleges that Subject failed to obtain insurance coverage on the pool house, and that the pool was shut down as a result of Subject's failure to pay the renewal fee for the license. Additionally, Complainant alleges that Subject overpaid for the cleaning services for the pool restrooms. Complainant states that Subject never responded to her verbal requests for invoices for these payments.

Subject responds by denying Complainant's allegations. Subject states that the minutes from the Association board meeting on November 9, 2006 reflect the board's approval of the transfer of reserve account funds. Subject states that the nine hundred and fifty five dollar (\$955) difference in the account balance was because the deposit shown on the ledger was not credited until February. Subject states that he paid for insurance on the pool house and the lack of insurance coverage resulted from an error on the part of the insurance company. In regards to the failure to renew the pool's license, Subject states that he never received the license renewal notices, as they were mailed prior to his assuming responsibility of the Association. Subject states that he paid only the one hundred and fifty dollars (\$150) per week that he was billed for the cleaning of the pool restrooms. Payments to the cleaning service have been properly documented based on the invoices presented by Subject.

THE LAW: This case should be closed with a letter of guidance to Subject instructing him to be careful not to violate the provisions of the Department.

It is therefore **ORDERED** that the matter should be, and the same is, hereby **DISMISSED**.

DONE and ORDERED this 3rd day of April 2008.



Eric R. Hurst
Assistant General Counsel