

Chuck Drago, Interim Secretary

Charlie Crist, Governor

Clarence Johann Nyland  
d/b/a Prestige Properties of Pensacola, Inc.  
8542 Scenic Hills Drive  
Pensacola, FL 32514

Re: Case No. 2007-006128

Dear Mr. Nyland:

The Department of Business and Professional Regulation has reviewed the above-referenced case, which alleges that you violated certain provisions of Chapter 468, Part VIII, Florida Statutes, and/or the rules promulgated thereunder. After carefully reviewing the complaint and the compiled investigative report, the Department has concluded that this Letter of Guidance should be issued in lieu of a finding of probable cause.

You should review this case and refresh your understanding of Chapters 455 and 468, Florida Statutes, and Chapter 61-20, Florida Administrative Code, to serve as a guide for future conduct. Although the Board gave general approval to move reserve funds at the November 9, 2006 meeting, because the transfer was done in a manner not described in the management contract, a more formal plan should have been presented to and approved by the board to avoid the appearance of impropriety. Future failure to adhere to Chapter 455, Florida Statutes, will result in disciplinary action taken against your license.

You are urged to seriously review the statutes and rules controlling the practice of community association management in the State of Florida. If you do not have current copies of the rules and regulations, please contact the Regulatory Council of Community Association Managers at (850) 488-2141.

Sincerely,

  
Eric R. Hurst  
Assistant General Counsel