

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

**IN RE: PETITION FOR BINDING ARBITRATION – HOA**

**Danielle Tolman,**

Filed with  
Arbitration Section

**Petitioner,**

**MAY 27 2014**

**v.**

Div. of FL Condos, Timeshares & MH  
Dept. of Business & Professional Reg.

**Case No. 2014-01-5144**

**Sunset Point Association, Inc. and  
Walt Dixon,**

**Respondents.<sup>1</sup>**

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**CORRECTED FINAL ORDER OF DISMISSAL FOR  
LACK OF PRE-ARBITRATION NOTICE**

This Corrected Final Order is entered to pursuant to the Final Order on Motion for Rehearing to correct the DBPR FORM HOA number in footnote 2. This Corrected Final Order otherwise is unchanged from the original Final Order of Dismissal.

On April 7, 2014, Danielle Tolman (Petitioner) filed a "Mandatory Binding Arbitration Form Petition-Recall Dispute" naming Walter Dixon as Respondent. Petitioner alleges that she is a member of the board of directors of Sunset Point Association, Inc. and is the subject of a written recall, and that her recall was improper. On April 14, 2014, an Order Requiring Amended Petition and Proof of Pre-arbitration Notice was entered. On April 22, 2014, Petitioner filed "Petitioner's Motion for a Final

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<sup>1</sup> The caption has been changed to reflect the proper parties.

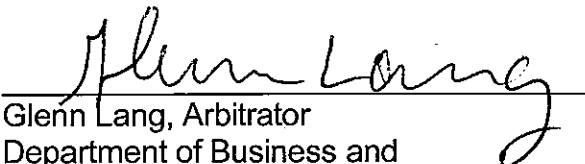
Order Denying Recall Certification," including attachments.<sup>2</sup>

Petitioner's April 22, 2014 filing did not include any document that would qualify as pre-arbitration notice under Section 718.1255(4)(b). Section 718.1255(4)(b), Florida Statutes, provides that failure to include the allegations or proof of compliance with the prerequisites identified in the statute requires dismissal of the petition.<sup>3</sup> Accordingly, it is

**ORDERED:**

The petition is DISMISSED for lack of pre-arbitration notice and Arbitration Case No. 2014-01-5144 is closed.

DONE AND ORDERED this 27<sup>th</sup> day of May, 2014, at Tallahassee, Leon County, Florida.

  
Glenn Lang, Arbitrator  
Department of Business and  
Professional Regulation  
Arbitration Section  
1940 North Monroe Street  
Tallahassee, Florida 32399-1030  
Section Telephone: 850-414-6867  
Section Facsimile: 850-487-0870

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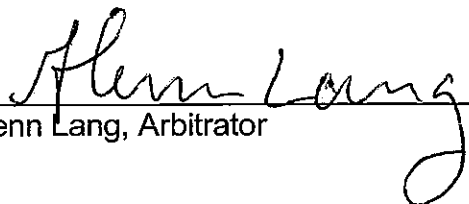
<sup>2</sup> Pursuant to Section 720.303(10)(k), Florida Statutes, and prior arbitration cases, and because the dispute alleged in the petition was not a recall, *per se*, the April 14, 2014 Order required Petitioner to file an Amended Petition using DBPR FORM HOA 6000-3, Mandatory Binding Arbitration Form Petition-Election Dispute. Petitioner also was ordered to file a copy of the Association's Articles of Incorporation, and any amendments to them, as required by the form petition incorporated by reference into Rule 80.103(1), Florida Administrative Code. Petitioner's April 22, 2014 filing did not comply with these requirements.

<sup>3</sup> Given the lack of pre-arbitration notice, there is no need to address Petitioner's failure to comply with the other portions of the April 14, 2014 Order.

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing final order has been sent by U.S. Mail, postage pre-paid, to the following persons on this 27<sup>th</sup> day of May, 2014:

Danielle Tolman  
108 Sunset Circle S.  
St Augustine, Florida 32080  
Petitioner

  
\_\_\_\_\_  
Glenn Lang, Arbitrator