

April 17, 2025

Via Email and Hand Delivery

Attention: Evan Bachove, Esq.
Fields & Bachove, PLLC
4440 PGA Boulevard, Suite 308
Palm Beach Gardens, FL 33410

Dear Mr. Bachove,

I apologize for the length of this letter, but it is important to ensure that you are fully informed of the urgent situation at Jupiter Lakes Villas Condominium Association ("JLV COA") involving serious violations of Florida law, our governing documents, and fiduciary duties.

About My Background:

I, Kimberly Sullivan, was duly elected by the owners as a Board Member at the February 20, 2025 election. Shortly thereafter, on March 25, 2025, a majority of the Board lawfully voted via email to appoint me as Treasurer. My professional background includes 30+ years on Wall Street as a Managing Director of a major investment banking firm, specializing in finance, real estate, and regulatory compliance. I have held multiple securities licenses and currently maintain a Florida Real Estate Associate license. I have worked closely with top corporate and securities attorneys and take compliance, confidentiality, and fiduciary duties very seriously. I am bringing the following serious issues to your immediate attention, requesting your direct legal intervention.

1. Improper Interference with Board Officer Positions

On March 25, 2025, three Board members (James Squires, Lori Elsbree, and Ann Sergent) lawfully voted via email to appoint me, Kimberly Sullivan, as Treasurer. Florida Statute 718.112(2)(a)1 provides:

"The officers of the association shall be elected by the board."

This email vote was lawful, binding, and properly documented. However, on or about **April 5, 2025**, shortly after I questioned Mr. Squires regarding unapproved landscaping expenses, he reversed his position, refused to recognize my lawful appointment, and unilaterally re-designated me as merely a "Director/Member"—without any Board vote or legal authority to do so. This retaliatory action is a direct violation of Florida law, the Association's governing documents, and his fiduciary duty as President.

2. Financial Transparency and Board Access Violations

- James Squires has refused to post full financial records, insurance documents, and reserve studies on the Association website as required by Florida law.
- Meeting minutes are either missing, incomplete, or added retroactively, violating 718.111(12)(b).
- Financial decisions are being made without Board votes, and financial data is being withheld from Directors.

3. Abuse of Authority and Unilateral Spending Decisions

- James Squires authorized landscape enhancements, repainting planning, gutter projects, and other non-essential expenditures without prior Board approval.
- Florida law (718.112(2)(f)) prohibits expenditure of Association funds outside the adopted budget without a Board vote.

4. Improper Use of Contingency Funds

- James plans to spend contingency reserves on repainting buildings painted in 2022 and installing gutters that are not Association property per the governing documents, rather than addressing urgent structural and safety issues like stucco repairs, sidewalks, and lighting needed for insurance and liability protection.

5. Election Interference and Manipulation

- Before the February 20, 2025 election, James used the official COA website to endorse certain candidates and oppose others, violating neutrality obligations.
- James privately asked me to discourage a candidate from running to avoid an election, which I refused.
- These actions violate 718.112(2)(d)2 and compromise the fairness of elections.

6. Suppression of Owner Participation

- A "3-minute speaking rule" was implemented without Board vote, severely limiting owners' ability to raise financial and community concerns, in violation of 718.112(2)(c)1.

7. Hurricane Protection Misinformation

- James distributed misleading memos suggesting the Association would pay for non-compliance by owners regarding hurricane protections without explaining the significant financial risks.
- Reasonable, affordable owner options I obtained (e.g., Home Depot bids) were suppressed.

8. Attempted Insurance Fraud and Concealment of Damage

- James reprimanded a Board member for notifying the Town of Jupiter about a broken pipe near her unit, warning it could "raise insurance rates"—thus attempting to discourage proper repairs and disclosure, risking potential insurance fraud.

9. Website and Vendor Access Dictatorship

- James solely controls the Association website, blocks owners from posting legitimate concerns, and directed vendors (Triton, GetQuorum, insurance agents) to speak only to him, excluding the rest of the Board.
 - This is a clear abuse of power and a violation of Florida law requiring full Board transparency and access.
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Summary of Statutory Violations:

- **718.112(2)(a)1** – Failure to recognize lawful Board vote for officers.
- **718.112(2)(d)2** – Improper use of Association resources to influence elections.
- **718.111(12)(a) and (b)** – Failure to maintain and provide access to Association records, financials, insurance documents, and minutes.
- **718.112(2)(c)** – Disregard of election votes of officers and impeding Board functions.
- **718.113(2)(a)** – Unauthorized material alterations to common elements (e.g., fences, painting).
- **718.112(2)(f)** – Unauthorized expenditures outside the adopted budget without Board approval.
- **617.0830** – Breach of fiduciary duties by Directors.

Requested Immediate Actions:

1. **Immediate Attorney Guidance** to the full Board, confirming that I lawfully hold the position of Treasurer as of March 25, 2025.
2. **Immediate Demand** that a Special Meeting be called to confirm officer roles officially and cure the ongoing violations.
3. **Mandate Removal** of James Squires' sole control over the Association website, with Triton or a neutral third-party administrator assuming control.
4. **Cease and Desist** all unvoted projects and discretionary spending not previously approved by full Board votes.
5. **Require Vendors** (Triton, GetQuorum, insurance agents, etc) to communicate with the full Board, not solely the President.
6. **Conduct Structural and Safety Inspections** before any aesthetic projects are funded.
7. **Advise the Board** that each Director has fiduciary duties and can be held personally liable for breaching them.
8. **Notify the Board** that their fiduciary duties are to the Association—not to any individual President.
9. **Review and Recommend** whether James Squires' conduct warrants formal removal or his voluntary resignation to protect the Association from further liability.

Enclosures:

- Supporting emails, communications, Reserve Study excerpts, insurance documentation, and evidentiary packet for legal review.

Respectfully submitted,

Kimberly Sullivan

Elected Treasurer, Jupiter Lakes Villas COA

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