
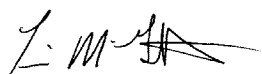




Department of Business and Professional Regulation

INVESTIGATIVE REPORT

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|--|--------------------------|---|---|-----------------------------------|
| Office: Tampa Field Office | | Date of Complaint: 08/24/2021 | | Case Number: 2021040371 |
| Subject: Matthew B Edwards 3857 Catalina Drive, Bradenton, FL 34210 941-773-5839 | | | Complainant: Paul Hallick 570 57 th Avenue West, Lot 132, Bradenton, Florida 34207 941-524-7010 | |
| Prefix: CAM | License: 35317 | Profession: Community Association Manager | Board: Community Association Managers | Report Date: 03/23/2022 |
| Period of Investigation: 09/17/2021 – 03/22/2022 | | | Type of Report: Final | |
| Alleged Violation: F.S. 468.436 (2) (B) – Violating any provision of chapter 468. F.S. 455.227 (1) (j) – Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or board. | | | | |
| Synopsis: <ol style="list-style-type: none">1. This investigation was predicated upon a complaint filed by Paul Hallick, a former maintenance technician for Palma Sola Harbour Condominiums. Mr. Hallick alleged in his complaint that over the course of several years, he and other maintenance staff were directed by the Community Association Manager, Matthew Edwards, to perform regulated construction on association property in violation of Florida Building Code and without proper licensure. Mr. Hallick also alleged that Matthew Edwards instructed him and other maintenance staff to dump a variety of debris and chemical waste into the nearby mangroves. Through investigation, it was also discovered that the subject, Matthew Edwards utilized association funds to hire an unlicensed contractor as well as pay himself additional compensation other than his salary wage. (Uniform Complaint Form)2. On 09/27/2021 a Subject Notification Letter and all evidence pertaining to the complaint were sent to the subject via email. As of the date of this report, the subject has not provided an official written response regarding the allegations outlined in this complaint. (Notification Letters)3. DBPR licensing records indicate that Subject Edwards holds a current and active community association manager license (CAM35317). A search of the Division of Corporations was conducted and revealed an active status for the Palma Sola Harbour Condominium INC, with Subject Edwards listed as the registered agent. (Licensure Data)4. At this time, Subject Edwards is being represented by attorney Brennan Donnelly of Messer Caparello, P.A. (850)-222-0720. Attorney Donnelly has requested a copy of this report. | | | | |
| Related Cases: 2022009883 | | | Prior Cases: None | |
| Investigator / Date: 03/23/2022  Matthew Dunklin - Investigator | | | Approved By / Date: 3/24/2022  Timothy McGrath – Field Office Manager | |
| Distribution: Headquarters – Division of Regulation | | | | |

5. INVESTIGATIVE REPORT:

On August 24th 2021, the DBPR received a complaint from Paul Hallick, a former maintenance technician with the Palma Sola Harbour Condominium Association. Mr. Hallick alleged in his complaint that over the course of several years, he and other maintenance staff were directed by the Community Association Manager, Matthew Edwards, to perform regulated construction on association property in violation of Florida Building Code and without the proper licensure. Mr. Hallick also alleged that Matthew Edwards instructed him and other maintenance staff to dump a variety of debris and chemical waste into the nearby mangroves. **(Uniform Complaint Form)**

Research into Palma Sola Harbor Condominium Association revealed that the association is currently listed in the Division of Corporations as “active” with Subject Matthew Edwards listed as the registered agent. **(Licensure Data – page 5)**

Division of Corporation records reveal that Subject Edwards has been the registered agent for Palma Sola Harbour Condominium Association since January 29th 2014. **(Licensure Data – page 9)**

Subject Matthew Edwards currently holds a current and active Community Association Manager’s license with the DBPR (CAM35317). Subject Edwards has been licensed as a Community Association Manager since July 29th 2009. **(Licensure Data – page 1)**

DBPR records reveal that between October 1st 2020 and June 17th 2021, Subject Edwards Community Association Manager’s license was listed as delinquent/active. **(Licensure Data – pages 2-3)**

No community association business/management firm is associated with Palma Sola Harbour or Subject Edwards.

Manatee County Property Appraiser records reveal that Subject Edwards is also a resident of Palma Sola Harbour residing at 3857 Catalina Drive, Bradenton, Florida 34210. Property Appraiser records reveal that Subject Edwards purchased the aforementioned property on June 18th 2015.

Interviews:

On September 17th 2021, the reporting investigator conducted an in-person interview with the complainant Paul Hallick. Mr. Hallick was accompanied by Fred Anderson, another former maintenance employee of Palma Sola Harbour Condominium Association.

Mr. Hallick began by stating that he had been employed with the association for approximately 13 years and was the lead maintenance technician. Mr. Hallick stated that his regular duties as a maintenance technician would be to perform small repairs, take care of common areas, clean pools, and pick up garbage around the community. Mr. Hallick stated that Subject Edwards became the community association manager in 2013/2014 and immediately began instructing the maintenance staff to perform duties that Mr. Hallick felt were regulated and required licensure. Mr. Hallick states that he and other maintenance staff began treating common areas and residential buildings with insecticides to remediate termite issues.

Per FS 482.165 (1) – it is unlawful for a person, partnership, firm, corporation, or other business entity not licensed by the department (Florida Department of Agriculture and Consumer Services) to practice pest control.

Mr. Hallick stated that as a result of termite damage, Subject Edwards instructed him and other maintenance staff to replace several exterior structural support beams as well as structural interior walls within homeowner units.

Per FS 489.127(1) (f) – No person shall engage in the business or act in the capacity of a contractor or advertise himself or herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified.

Mr. Hallick began to discuss the allegations he listed regarding the dumping of debris into the mangroves. Mr. Hallick stated that in approximately 2014, the concrete in front of the office was demolished and he was instructed by Subject Edwards to dump the concrete into the mangrove area east of Catalina Drive. Mr. Hallick stated that over the years, concrete, wood, and a variety of construction debris were dumped into the mangroves as opposed to paying to dispose of the items. Mr. Hallick stated that Subject Edwards subsequently ordered crushed shell fill and instructed the maintenance staff to cover the debris. Mr. Hallick continues by stating that a French drain was installed leading to the mangroves where the maintenance staff was instructed to dump chemical waste.

Mr. Hallick stated that Subject Edwards was friends with a known unlicensed contractor, Lowell "Lucky" Rollins and would pay Rollins with association funds to perform roof patches around the community. Mr. Hallick also stated that Subject Edwards would recommend Rollins to residents within the community who wished to remodel their condominium.

Mr. Hallick concludes his interview by stating that he began to question Subject Edwards regarding the legality of the actions he and other maintenance staff were performing and subsequently reported the situation to Manatee County Code Enforcement. Mr. Hallick stated that he was ultimately terminated along with Fred Anderson for reporting the violations.

Paul Hallick subsequently completed an affidavit detailing the allegations outlined in this complaint **(Affidavits)**

On September 24th 2021, while conducting an onsite investigation in the community, the reporting investigator observed Lowell Rollins performing construction activity at 9508 Valencia Cove. Mr. Rollins would not allow this investigator inside the residence that he was remodeling, however, he did agree to speak with this investigator outside. Mr. Rollins stated that he was only doing flooring at the aforementioned address. Mr. Rollins continued by stating that he had recently been cited by Manatee County Code Enforcement for what he described as the demolition of a couple of walls. Mr. Rollins stated that he has known Subject Edwards for approximately six to seven years and has worked within the community for the same amount of time. Mr. Rollins stated that he mainly works for residents to perform interior remodels. When asked if he was ever hired by the association to do work, he stated that he has been paid one time for painting approximately six months prior. When questioned about the allegations regarding him patching roofs, Mr. Rollins stated that he was a roofing consultant and would assist Unicoat, a licensed contractor, with the repairs. Mr. Rollins stated that he was in the process of attempting to satisfy the code enforcement violations by securing a licensed general contractor, Steve Titsworth DBA Shoreline Builders of Southwest Florida (CGC037613), to pull after the fact permits. *It should be noted that Manatee County Code Enforcement subsequently made contact with Titsworth who stated that he would not assist Lowell Rollins.*

On November 1st 2021, the reporting investigator conducted an in-person interview with Don Schultz, who at that time was a current board member. Mr. Schultz stated that he moved into the community in August 2015 and was elected to the board in January 2016. Mr. Schultz stated that he as a board member did not support the unlicensed and unpermitted work that Subject Edwards had instructed the maintenance staff to perform. Mr. Schultz also stated that after learning that Lowell Rollins was unlicensed, he was not comfortable with him working on community member's homes or for the association. Mr. Schultz stated that as a board member and resident, he did not condone the dumping of debris into the mangroves. Mr. Schultz stated that he began to suspect wrongdoing shortly after he was elected to the board as a result of a meeting when the then treasurer informed Subject Edwards that they were no longer able to pay unlicensed contractor Lowell Rollins in cash anymore and had to pay him by check. Mr. Schultz stated that Lowell Rollins was paid approximately \$60.00 per hole to patch the roofs in the community and that Lowell Rollins also did work at Mr. Schultz private residence.

Mr. Schultz stated that when he initially moved into the neighborhood, Subject Edwards insisted that he use Lowell Rollins for any remodeling needs. Mr. Schultz contracted with Lowell Rollins to construct a deck in the rear of his residence as well as a wheelchair ramp in the front. Mr. Schultz subsequently provided this investigator with the copies of checks paid to Lowell Rollins. *It should be noted that during this investigation, Mr. Schultz was cited by code enforcement for the unpermitted work performed by Lowell Rollins.*

Mr. Schultz stated that he was left out of board decisions as a result of voicing his opinions of possible violations of law. Mr. Schultz described secret meetings that would occur between Subject Edwards, board members, and Lowell Rollins.

On November 4th 2021, the reporting investigator was able to make contact with board member Judy Gardner via telephone. Ms. Gardner stated that her title was Vice President. Ms. Gardner stated that she was elected to the board approximately four to five years prior. Ms. Gardner continued by stating that she had no knowledge of the complaint filed with the DBPR. Ms. Gardner stated that she was familiar with Lowell Rollins and had contracted with him to remodel her home. Ms. Gardner stated that she was unaware of Lowell Rollins unlicensed status. The reporting investigator informed Ms. Gardner that Lowell Rollins was not licensed and she responded by stating that Subject Edwards is the one who gives advice on what contractors to use. The reporting investigator asked Ms. Gardner if she was aware of the replacement of beams by maintenance staff in which she responded that she was. Ms. Gardner stated that she was unaware that replacing the structural beams would require permitting and licensure. Ms. Gardner continues by stating that she was unaware of the dumping of the debris into the mangroves. Ms. Gardner concluded her interview by stating that she was personally satisfied with Subject Edwards job and that there are multiple people out to destroy him.

On November 4th 2021, the reporting investigator was able to make contact with board member Tony Jurcik via telephone. Mr. Jurcik stated that his title was board member and that he was elected to the board approximately six years prior. Mr. Jurcik stated that he was not personally notified of this investigation; however, he had heard rumors throughout the community. Mr. Jurcik initially stated that he did not know who Lowell Rollins was, however, after being informed of work done in the community by Rollins, Mr. Jurcik conceded and stated that as far as he was aware, Lowell Rollins was allowed to perform roof repairs and odd jobs for the residents. Mr. Jurcik stated that he was aware of the replacement of structural beams by maintenance staff; however, he was unaware that the work required permitting and licensure. When questioned about his knowledge of the dumping of the debris into the mangroves, Mr. Jurcik stated that he only heard rumors and thought that it was untrue. Mr. Jurcik concluded by stating that this complaint was brought on by an irate employee and that he and Subject Edwards have a good relationship.

It should be noted that on November 4th 2021, after the above documented interviews, the reporting investigator received email correspondence from Don Schultz stating that Subject Edwards along with the board members (excluding Schultz) participated in an impromptu meeting. The subject of that meeting was not disclosed. **(Correspondence – page 17)**

On March 17th 2022, the reporting investigator was able to make contact with Jim McConnell. At the time of this interview, Mr. McConnell had stepped down as the Treasurer of Palma Sola Harbour Condominiums. Mr. McConnell stated that he did have oversight of the finances coming in and out of the associations accounts during his tenure. When asked how much Subject Edwards was paid per his contract for management services, Mr. McConnell refused to answer that question. Mr. McConnell stated that the board does not even disclose that information to the residents of the community. When asked about payments made to Lowell Rollins, Mr. McConnell responded by confirming that payments were made for roof repairs. Mr. McConnell stated that Lowell Rollins was an employee of a roofing company hired to repair the roofs in the community. Mr. McConnell continued by stating that as a result of the rising cost of roof repairs, the board decided to “cut out the middle man” and hire Lowell Rollins directly. When questioned, Mr. McConnell stated that he was unable to remember the name of the roofing company that Lowell Rollins was formerly employed with. Mr. McConnell confirmed knowledge of the allegations of the dumping of

debris into the mangroves; however, he stated that the debris was dumped next to the mangroves and not directly in them. Mr. McConnell confirmed that the maintenance staff had performed multiple structural post repairs and stated that he did not know that the aforementioned work require permitting and licensure.

The reporting investigator attempted to make contact with the remaining three board members, Judy Sullivan, Jim Reuther, and Ben Tudor. As of the date of this report, the remaining board members have not returned this investigator's call.

Allegation of Dumping Debris into the Mangroves:

On September 24th 2021, the reporting investigator traveled to Palma Sola Harbour Condominium Association to perform an in-person inspection of the mangroves. Upon arrival, the reporting investigator was met by the complainant Paul Hallick and Florida Department of Environmental Protection Investigator Alexis Black.

The mangrove area stated to be the site of the alleged dumping is east of Catalina Drive and north of the tennis courts near a maintenance outpost area. Upon arrival, the reporting investigator noted a mound of crushed shell piled along an embankment leading to a wetland mangrove area. Upon view of the wetland area, the reporting investigator noted several items of construction debris to include wood, glass, and concrete.

The reporting investigator subsequently took pictures of the affected area. **(Photos – pages 12-18)**

On November 23rd 2021, the Florida Department of Environment Protection issued Warning Letter #WL21-159DF41SWD to Palma Sola Harbour Condominium INC c/o Matthew Edwards.

The aforementioned warning letter described possible violations of FS 403, FS62-330, and Florida Administrative Code. The warning letter detailed the inspection performed on September 24th and listed the following items discovered:

- Solid Waste materials, including but not limited to wooden materials, tree debris, glass materials, and concrete, filling wetlands.
- Material such as dirt and millings/gravel filling wetlands.
- Mangrove alteration in the wetland areas described above.

The aforementioned warning letter recommends return to compliance within thirty calendar days **(Documents Supporting Complaint – pages 2-10)**

On February 22nd 2022, the reporting investigator was able to make contact with Hannah Westervelt, the Environmental Manager of the Compliance Assurance Program of the Florida Department of Environmental Protection. Ms. Westervelt stated that the DEP case is currently still open and that she has been in contact with Subject Edwards attorney Brennan Donnelly in an attempt to resolve the issue.

On March 4th 2022, Manatee County Code Enforcement issued Subject Edwards a Notice to Appear in County Court for violations of Manatee County Code 2-9-105. The narrative section of the notice to appear states *"there is trash and debris on the property. The trash and debris include tree debris, rocks, crushed concrete, etc."* The Notice to Appear indicated that Subject Edwards had a mandatory court appearance date of April 6th 2022. **(Documents Supporting Complaint – page 75)**

Building Code Violations/Unlicensed Contracting:

Alleged in the initial complaint by Paul Hallick was that he and other maintenance staff were directed by Subject Edwards to replace structural posts as well as headers that secure the roofs over the carports. Mr. Hallick alleged that 41 units have already had posts replaced without the proper permitting, engineering, or

licensing. On January 16th 2022, Mr. Hallick provided this investigator with a list of address where posts had been replaced **(Document's Supporting Complaint – page 15)**

The reporting investigator was able to make contact with Jeff Johnson, the Senior Building Inspections Officer and Plans Examiner with the Manatee County Building Department. On October 26th 2021, the reporting investigator was able to meet Mr. Johnson onsite at Palma Sola Harbour Condominium Association, along with Code Enforcement Officer Pete Chadziewicz. **(Correspondence – pages 9-13)**

The reporting investigator along with Mr. Johnson and Officer Chadziewicz performed a visual inspection of the structural posts throughout the community. It was discovered that work was in progress at 3870 Catalina Drive, although no workers were present.

Photograph documentation was taken of the repair work where the post had been changed on one side of the unit and a temporary post was affixed to the other side. Per the Building Department, no permits had been issued and upon a visual inspection, Mr. Johnson stated that the work that was done would fail inspection. Mr. Johnson stated that the original steel posts with four points of contact were being replaced by aluminum posts with only two points of contact. **(Photos – pages 2-10)**

Mr. Johnson subsequently posted an unsafe to occupy notice on the structure along with a Code Enforcement Notice of Violation. **(Documents Supporting Complaint – pages 77-86)**

On October 27th 2021, the reporting investigator received an email from the board member Don Schultz stating that Subject Edwards removed the notice of violation posted by Manatee County. Contact was made with the Manatee County Building Department who stated that removal of official notices constitutes a violation of Manatee County Code of Ordinances 2-6-22 (e). **(Correspondence – page 16)**

A review of the above listed ordinance revealed the following language:

“A notice shall be posted on the property in a conspicuous location. The posted notice shall contain a statement indicating that the building or structure has been declared unsafe by the building official and a statement advising that occupancy of the building or structure is prohibited. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents to remove such notice without written permission of the building official, or for any person to enter the building or structure except for the purpose of removing personal property, making the required repairs or demolishing the building or structure.” **(Documents Supporting Complaint – pages 12-13)**

On October 31st 2021, the reporting investigator received an email from the complainant, Paul Hallick, indicating that Subject Edwards removed the aforementioned warning signs. **(Correspondence – page 14)**

Mr. Schultz sent a follow up email to the reporting investigator on November 1st stating that he contacted the Building Department to report the removal of the violation notice. Mr. Schultz indicated that the building department would be returning the following day to again post the notices to 3870 Catalina Drive. **(Correspondence page – 15)**

On November 9th 2021, the reporting investigator received a series of emails from the complainant Paul Hallick. Attached to the emails were what appeared to be screen shots of text messages between Mr. Hallick and Subject Edwards. **(Documents Supporting Complaint – pages 88-97)**

A review of the aforementioned text messages revealed several conversations regarding roofing repairs as well as the replacement of structural beams.

One conversation dated May 13th (no year) appeared to show Subject Edwards requesting that Paul Hallick perform a temporary roofing repair until Lowell Rollins could return to repair the roof himself. The conversation is detailed by the following text:

Edwards – “Paul do we have any rubber boots laying around
Lucky was supposed to fix a stack yesterday but he was not feeling good and put it off today.
But he is not here today either and there are rain clunks everywhere
Maybe there is one in the 40' container??”

Hallick – “anywhere else he would keep them”

Edwards – “no idea”
Maybe go up and see how bad it is
It is the kitchen stack for ethridge next to Ann Lennon
Donald had to fix it from the roof
Maybe you can do a temp seal until lucky can get there
Hopefully the old boot is there”

Hallick – “K”

Based on the above quoted message, it appears that the “rubber boot” that Subject Edwards is referring to is what is known in the roofing industry as a roof boot or pipe flashing. Per an article on www.abmservicesandrenovations.com titled “what is a roof boot and why is it important”, a roof boot is a “pre-formed flashing for waterproofing pipe penetrations of a roof”. **(Documents Supporting Complaint – pages 99-101)**

FS 489.105 (1) (e) provides the statutory definition of a roofing contractor. The aforementioned statute defines a roofing contractor as “a contractor who’s services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when the coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof. The scope of work of a roofing contractor also includes skylights and any related work, required deck attachments, and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement of any related work.”

Based upon the above quoted text message, it appears that Subject Edwards was intending on utilizing Lowell Rollins to install the roof boot and when he was unavailable requested that Paul Hallick perform a temporary repair until Rollins could return. Neither Rollins nor Hallick are licensed as a roofing contractor under Florida Statute 489.

Further review of the text messages provided to this investigator by Paul Hallick reveals several conversations where Subject Edwards appeared to instruct Hallick to perform termite remediation as well as repairing the structural posts over the car port. **(Documents Supporting Complaint - pages 91-97)**

Allegations of working on a delinquent license:

Reviews of DBPR records reveal that Subject Edwards received his initial CAM license on July 29th 2009. **(Licensure Data – page 1)**

Division of Corporation records reveals that Subject Edwards has been the registered agent of Palma Sola Harbour Condominium Association since January 29th 2014. **(Licensure Data – page 9)**

DBPR records reveal that Subject Edwards CAM license went from current/active to delinquent/active on October 1st 2020. The license stayed in a delinquent status until June 17th 2021 when it was again returned to current/active. **(Licensure Data – page 2-3)**

Upon review of records obtained from the Florida Department of Revenue it was discovered that Palma Sola Harbour Condominium INC had claimed \$12,000.00 in income paid to Subject Edwards for the financial quarter ending on December 31st 2020. \$12,000.00 in income to Subject Edwards was also

claimed for the financial quarter ending on March 31st 2021 as well as the financial quarter ending on June 30th 2021. **(Documents Supporting Complaint – Page 73) (Financial Statements – pages 462-471)**

Between January 2021 and May 2021, Subject Edwards received a total of 11 checks from the association account ending in [REDACTED] totaling in the amount of \$13,500.00. All of the aforementioned checks list “salary benefits” in the memo line. **(Financial Statements – Pages 120-259)**

Per Florida Administrative Code 61-20.011 (a) – *“Holding one’s self out to the public as being able to manage a community association, or actively managing a community association with an inactive or delinquent license”* constitutes a violation of FS 468.432 (1).

Request for records:

On September 27th 2021, a Subject Notification Letter and all evidence pertaining to the complaint were sent to the subject via email. **(Notification Letters)**

On October 1st 2021, the reporting investigator was contacted by attorney Brennan Donnelly of Messer Caparello P.A. in regard to the above listed subject notification letter. Mr. Donnelly informed this investigator that he would be representing Subject Edwards in the complaint. **(Correspondence – page 1)**

On October 7th 2021, the reporting investigator sent attorney Donnelly a records request via email requesting the following documentation:

- Contract between Palma Sola Condominium Association and Matthew Edwards.
 - Association by-laws.
 - All maintenance work orders from 2016 to current.
 - All construction/maintenance invoices and payments made to third party contractors from 2016 to current.
 - All contracts/invoices and payments made by the association to Lowell “Lucky” Rollins.
- (Correspondence – page 2)**

Mr. Donnelly subsequently made contact with this investigator in regard to the above listed records request. Due to the voluminous amount of documentation associated with the request for all construction and maintenance invoices to third party contractors, the reporting investigator elected to place that request on hold pending further investigation.

On November 3rd 2021, the reporting investigator received an email from attorney Donnelly responding to the October 7th records request. The aforementioned email responded to each item listed in the request. **(Correspondence – pages 3-4)**

For the request of Subject Edwards management contract, Mr. Donnelly objected to the release of the contract and instead attached a copy of Subject Edwards job description. It should be noted that the item listed as number five of the job description states *“check and confirm contractor’s license, workman’s comp and insurance.”* **(Contracts – page 2)**

For the request of association by-laws, Mr. Donnelly directed this investigator to Palma Sola Harbour’s Website.

For the request of maintenance work orders, Mr. Donnelly stated that Palma Sola Harbour does not issue work orders. It should be noted that per previous text messages obtained between Subject Edwards and the complainant, Subject Edwards appears to direct Paul Hallick to *“fill out a work order for termites.”* **(Documents Supporting Complaint – page 92)**

For the request of payments made from the association to Lowell Rollins, Mr. Donnelly attached a screenshot of what appeared to be an internal accounting program. The screenshot displayed four payments made to Rollins between June and September of 2021 totaling in the amount of \$5,900.00. Mr. Donnelly added that the aforementioned payment to Rollins were for the installation of 2x4's around the buildings for gutter mounts. **(Financial Statements – page 435)**

A review of the job description sent by Mr. Donnelly revealed that the document appeared to be a generic Microsoft Word document without a Palma Sola Harbor Letterhead or Subject Edwards signature. The reporting investigator subsequently made contact with Mr. Donnelly via telephone to request a copy of the management contract signed by Subject Edwards. Mr. Donnelly objected to the release of his client's management contract stating that it was no one's business what his client was compensated. Mr. Donnelly confirmed that the contract did not contain trade secrets. **(Contracts page – 2)**

With the allegations made by board Member Don Schultz alleging that Subject Edwards was receiving rental assistance compensation after having purchased his unit within the community, the reporting investigator subsequently issued a subpoena duces tecum (A045329) on November 19th 2021 to Subject Edwards for a copy of the original contract between Palma Sola Harbour and Subject Edwards as well as any updated, amended or revised versions. The aforementioned subpoena commanded that the document was to be furnished to the reporting investigator by Friday November 19th 2021 at 5:00 PM. **(Subpoenas – page1)**

On November 19th 2021, the reporting investigator received an email from Mr. Donnelly with a copy of Subject Edwards management contract attached. The aforementioned contract was incomplete only listing pages 1 of 3 and 2 of 3. The compensation portion of the contract was also redacted. The contract was also dated for March 1st 2017. It should be noted that the Division of Corporation records indicate that Subject Edwards has been listed as the registered agent of Palma Sola Harbour Condominiums since 2014. **(Contracts – pages 5-6)**

The reporting investigator relayed the above information to Mr. Donnelly who responded via email stating that Subject Edwards was looking for his 2014 contract. **(Correspondence – page 5)**

On December 2nd 2021, the reporting investigator received another email from Mr. Donnelly stating that the 2015 contract was enclosed. In his email, Mr. Donnelly stated that page 3 of the contract was the job description that had been sent to this investigator on November 3rd. **(Contracts – page 8)**

A review of the contract revealed that it was dated February 27th 2015. It should be noted that Subject Edwards has been the registered agent for Palma Sola Harbour Condominium Association since January 29th 2014. This contract only listed pages 1 of 3 and 2 of 3. A subsequent phone call was placed to Mr. Donnelly questioning that if the job description sent on November 3rd was the third page to the contract, why was the font different than the contract and why did the document not indicate that it was page 3 of 3. Mr. Donnelly responded by stating that he did not know. **(Contracts – pages 9-10)**

With allegations made by board Member Don Schultz alleging that Subject Edwards was receiving rental assistance compensation after having purchased his unit within the community, and with the lack of transparency regarding financial compensation on the part of Subject Edwards, the reporting investigator subsequently issued a subpoena duces tecum (A045330) on November 19th 2021 to American Momentum Bank for the following:

- List of account numbers belonging to Palma Sola Harbour Condominium INC and Matthew Edwards.
- All authorized account signers associated with the above listed accounts.
- All bank statements showing deposits, withdrawals, and transactions for the above listed accounts from 1/1/2016 to current. **(Subpoenas – page 5)**

On December 1st 2021, the reporting investigator received the aforementioned bank account records from American Momentum Bank via FedEx.

American Momentum Bank indicated that Palma Sola Harbour Condominium INC currently had three accounts with their institution, [REDACTED] – Operating Account, [REDACTED] – Reserve Account, and [REDACTED] – Insurance Account. The authorized account signers were the same for all three accounts listing, James T McConnell, Benjamin J Tudor, Judith E Sullivan, and Judith Gardner.

While reviewing the above mentioned financial documents, the reporting investigator noted that a payment totaling \$1,000.00 was made to unlicensed contractor Lowell Rollins from reserve account [REDACTED]. The payment date for the aforementioned transaction was listed as January 9th 2020. It should be noted that this transaction was not included in the list of payments made to Rollins that was submitted as a result of a records request for all payments made by the association. **(Financial Statements – page 332)**

The reporting investigator also noted several transactions with the description “vendor pay palmasolaharb61r.”

On February 3rd 2022, a subpoena duces tecum (A045333) was issued to American Momentum Bank requesting “ACH Company details for all transactions described as vendor pay palmasolaharb61r as well as misc. debit for Palma Sola Harbour Condominium.” **(Subpoenas – page 10)**

On February 8th 2022, the reporting investigator received the aforementioned bank account records from American Momentum bank via FedEx.

A review of the vendor pay palmasolaharb61r transactions revealed that unlicensed contractor Lowell Rollins had received funds from the association 34 times between March 2020 and December 2021, with the last payment issued on December 20th 2021, approximately three months after this investigation was initiated. **(Financial Statements pages 417- 423)**

The total amount paid to Lowell Rollins during the above listed timeframe was \$22,785.00.

Subject Edwards was also paid via vendor pay transactions on nine different occasions totaling in the amount of \$16,700.00.

On February 24th 2022, the reporting investigator sent another records request to attorney Donnelly requesting copies of invoices associated with the above listed transactions for Subject Edwards and Lowell Rollins. **(Correspondence – page 7)**

On March 2nd 2022, the reporting investigator received a phone call from attorney Donnelly acknowledging receipt of the records request. Mr. Donnelly stated that he should be able to provide the invoices to this investigator in approximately one week.

A comparison of the vendor pay palmasolaharb61r transactions and the bank records from American Momentum Bank revealed that the reporting investigator only received the transactions from the operating account ending in [REDACTED]. Contact was made with bank representative Louise Slemp who confirmed that American Momentum Bank only provided the vendor pay transaction details for the account ending in 8611. Ms. Slemp stated that the last four characters of vendor pay palmasolaharb61r, specifically the “61” indicated what account that transaction originated from.

On March 7th 2022, a subpoena duces tecum (A045336) was issued to American Momentum Bank requesting “ACH Company details for all transactions described as “vendor pay palmasolaharb92r” and “vendor pay palmasolaharb93r” for Palma Sola Harbour Condominium INC accounts [REDACTED] and [REDACTED] **(Subpoena - page 14)**

On March 10th 2022, the reporting investigator received the aforementioned bank account records from American Momentum Bank via email.

A review of the vendor pay palmasolaharb93r transactions did not indicate any payments to Lowell Rollins from the association account ending in [REDACTED] **(Financial Statements – pages 430-431)**

A review of the vendor pay palmasolaharb92r transactions revealed that Lowell Rollins had received funds from the association account ending in [REDACTED] 17 times between March 2020 and January 2022 totaling in the amount of \$38,513.00. **(Financial Statements – page 429)**

The amount paid to Lowell Rollins from both association accounts was a total sum of \$61,298.00.

On March 10th 2022, the reporting investigator sent a follow up records request to attorney Donnelly requesting copies of invoices associated with the additional listed transactions to Lowell Rollins. **(Correspondence – page 8)**

On March 21st 2022, the reporting investigator was able to make contact with attorney Donnelly via telephone. During that conversation, Mr. Donnelly confirmed that Subject Edwards would not provide the requested invoices associated with the \$61,298.00 paid to Lowell Rollins or the \$16,700.00 paid to Subject Edwards through the vendor pay transactions. Mr. Donnelly stated to this investigator that the DBPR would have to obtain the invoices from Lowell Rollins.

Subject Edwards Financial Compensation:

Through the issuance of subpoenas to American Momentum Bank, it was confirmed that Subject Edwards received 16 checks from the association account in the 2021 calendar year totaling in the amount of \$19,500.00. The aforementioned checks listed “salary benefits” in the memo line. **(Financial Statements – pages 118-231)**

Subject Edwards also received payment from the association accounts in the 2021 calendar year via the vendor pay transaction on nine different occasions totaling in the amount of \$13,700.00.

Records received as a result of a March 9th 2022 Subpoena Duces Tecum to ADP Payroll revealed that Subject Edwards was compensated from association accounts in the 2021 calendar year in the amount of \$48,000.00 (gross income). **(Subpoenas – page 23) (Financial Statements – page 437)**

It appears that during the 2021 calendar year Subject Edwards was financially compensated from the same association account through three different sources. Those sources include written checks, vendor pay transactions, and ADP payroll. The amount of financial compensation that Subject Edwards received for the 2021 calendar year totaled in the amount of \$81,200.00.

Although the reporting investigator was unable to confirm the amount of financial compensation included on Subject Edwards management contract due to the redaction of his contract, the reporting investigator was able to confirm via a records request that Palma Sola Harbour Condominium Association INC only reported \$48,000.00 in income for Subject Edwards to the Florida Department of Revenue for the 2021 calendar year. **(Financial Statements – pages 463-471)**

Unlicensed Contractor Lowell Rollins:

Through this investigation it was discovered that unlicensed contractor Lowell Rollins was paid \$61,298.00 by association funds.

Lowell Rollins is not an employee of Palma Harbour Condominium Association INC.

DBPR Records indicate that Lowell Rollins DBA Rollins Services LLC does not, nor has ever had a current or active license as a contractor in the State of Florida in accordance with chapter 489 part I or part II, Florida Statutes. **(Licensure Data – page 4)**

FS 489.127 (1) (f) states that “no person shall engage in the business or act in the capacity of a contractor

or advertise himself or herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified."

FS 489.127 (2) (a) states in part that *"any unlicensed person who violates any of the provisions of subsection (1) commits a misdemeanor of the first degree."*

In regard to Subject Edwards utilizing association funds to compensate an unlicensed contractor for State regulated work, FS 455.227 (1) (j) states in part that *"aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board"*, constitute grounds for discipline.

Florida Department of Financial Services Records reveals that Lowell Rollins does not have a current worker's compensation policy in the State of Florida. Per DFS records, Lowell Rollins had an exemption registered on file for carpentry; however, that exemption expired on 04/07/2020. **(Licensure Date – Pages 17-18)**

It should be noted that the job description sent to this investigator via attorney Brennon Donnelly list item number 5 as *"check and confirm contractor's license, workman's comp and insurance."* **(Contracts – page2)**

A Subsequent in-person interview was conducted with Lowell Rollins on March 22nd 2022. Mr. Rollins stated that before opening his business, he was employed as the general manager of PDF Roofing for approximately 17 years. Mr. Rollins continued by stating that PDF Roofing ultimately went out of business which prompted him to start Rollins Services LLC. Mr. Rollins stated that as a result of working in the Palma Sola Harbour community with PDF Roofing, he developed relationships with residents who in turn hired him for handyman services. Mr. Rollins stated that his business initially began with small repairs and painting and then subsequently involved into full remodeling projects. Mr. Rollins stated that he developed a relationship with Subject Edwards while working for PDF Roofing and ultimately received work from the community association after starting his own business. Mr. Rollins stated that he would contract with Palma Sola Harbour Community Association to perform roof leak repairs as a result of termite damage. Mr. Rollins described the repairs as a two-step process. Mr. Rollins stated that initially he would perform a temporary fix where he would locate termite holes on the roof and apply polyurethane caulking to stop the initial leak. Mr. Rollins stated that the second step would be a permanent fix where he would heat seal a rubber patch at the site of the roof leak. Mr. Rollins stated that this method would not void the manufacturer's warranty. Mr. Rollins added that he would perform other work for the association that was not regulated to include painting and the installation of gutter mounts.

During the interview, Mr. Rollins allowed this investigator to take photograph copies of invoices submitted to the association for the above described repairs. It should be noted that the invoices provided were a cross section of invoices and not a total accounting of the invoices submitted to the association.

A subsequent review of the invoices revealed several items that are listed under the definition of a state licensed roofing contractor pursuant to Florida Statute 489. **(Documents Supporting Complaint – pages 103-124)**

In regard to the replacement of the structural posts throughout the community, Mr. Rollins stated that he was never contracted to perform the aforementioned work. Mr. Rollins stated that the complainant, Paul Hallick, performed the post replacements while acting in his capacity as a maintenance technician.

Summary of investigative findings:

- Subject Edwards actively managed Palma Sola Harbour Condominium association and was compensated for his services with a delinquent CAM license for approximately eight months.
- Palma Sola Harbour Condominium INC was issued a warning letter C/O Subject Edwards for possible violations of dumping debris into mangroves.

- Subject Edwards received a notice to appear from Manatee County Code Enforcement for dumping of trash and debris.
- Subject Edwards instructed maintenance staff to perform construction work without appropriate permitting or licensure.
- Manatee County Building Department and Code Enforcement issued Notice of Violations and Unsafe to Occupy Notices as a result of the replacement of structural beams by maintenance staff.
- Subject Edwards did not provide a copy of his original management contract.
- Subject Edwards did not provide a complete un-redacted copy of his management contract.
- Subject Edwards received \$81,200.00 of financial compensation through three different sources from the same association account in the 2021 calendar year. Palma Sola Harbour Condominium INC only claimed \$48,000.00 of income paid to Subject Edwards with the Florida Department of Revenue.
- Subject Edwards responded to a records request that unlicensed contractor Lowell Rollins was only paid by the association four times. Subpoenas verified that Lowell Rollins had been paid by the association 51 times totaling in the amount of \$61,298.00.
- It was confirmed that Lowell Rollins does not have a contractor's license or active worker's compensation insurance.
- Subject Edwards failed to produce invoices justifying \$91,698.00 in vendor payments made to himself and Lowell Rollins.