

Attention Unit Owners:

As you are aware, the Annual Meeting of the Association and Election of the Board of Directors occurred on November 20, 2025. Pursuant to a Petition for Appointment of Election Monitor that was submitted to the State of Florida's Office of the Condominium Ombudsman by at least fifteen percent (15%) of the membership, the Condominium Ombudsman appointed Tom Rementeria to serve as the Election Monitor. At the Membership Meeting, Mr. Rementeria declared multiple envelopes invalid as he concluded that they required a Voting Certificate. Since the date of the election, the Association has received several complaints from Members threatening to file an election dispute with the Department of Business and Regulation over the manner in which the election was conducted.

Section 3.6(c) of the Association's By-Laws entitled "Voting Member" sets forth the circumstances wherein a Voting Certificate is required to be submitted on behalf of a Unit. This provision in the By-Laws is clear that Voting Certificates are not required to be submitted on behalf of a Unit that is owned by more than one natural person, including but not limited to husbands and wives, provided the Association has not been put on notice that there is a dispute between the parties as to how a vote is to be cast. In other words, when one of the Owners of a Unit votes in the election on behalf of their Unit, it is presumed that they have the authority to cast that vote without the need of a Voting Certificate. In the election that occurred on November 20, 2025, multiple envelopes were excluded for not having a Voting Certificate that were required to be included. Additionally, claims have also been made that some Corporations were permitted to vote that did not have a Voting Certificate on file with the Association.

In light of the aforementioned voting irregularities, the Association has determined that the best and only fair course of action is to redo the election at a later date to ensure that the election is conducted properly and to ensure uniform application of the Voting Certificate requirements. Given the fact that there are some envelopes that were included and excluded that shouldn't have been, there is no way reconcile these election irregularities to obtain reliable election results. As such, the only way to ensure that the results of the election are fair and representative of the will of the Membership is to redo the election from the second notice stage, meaning that no new candidates will be permitted to participate in the election.

In conclusion, the Association will not be scheduling a run-off election but rather will be re-noticing a new election to begin from the Second Notice stage. An Amended Second Notice of Annual Meeting and Election will be mailed out to you with new election materials to be submitted in connection with the new election.

Sincerely,

Brickell on the River South  
Condominium Association, Inc.  
Board of Directors