From: muchodeanaero@aol.com
To: Telese Zuberer <tzuberer@icardmerrill.com>, Lars Lundholm <lars-a.lundholm@hotmail.com>, Pat Thompson <pat.jc.thompson@gmail.com>, Tom Christopher <chris67ta@gmail.com>, Bill Lockhorn <lockhorn1@comcast.net>, Peggy Lowndes Board Director <plownds@comcast.net>
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Date: 10/14/2026 5:12 PM EDT
Subject: UPCAI/PBM Gross Negligence and D&O Insurance

*Note: Copying many of the Neighborhood chairs so that you can kee*p your neighborhoods informed.

UPCAI Board and Attorney Zuberer:

The sentiment of University Park Residents writ large as it relates to the Fetsick (and now, Nickerson) severance demand invoices to UPRD is at *fever pitch*. Residents have voiced their outrage at this week's neighborhood chair council and UPRD BoS meetings.

See attached .PDF about the gross negligence of PBM (and UPCAI) which a) hired an unqualified [per FL Statutes] General Manager, b) failed to properly manage its employees and take corrective action. It also documents PARTICIPATION by certain PBM Management Committee members in defamatory and censorial conduct. All of this gross negligence was not mitigated and led to a) an employment agreement being entered into unilaterally between UPCAI/PBM and Fetsick [which was never shared with UPRD], and b) a severance agreement being entered into unliterally between PBM/UPCAI and Fetsick

Yet, in true tone-deaf [and in my opinion, arrogant] fashion, UPCAI/PBM sends an invoice to UPRD and expects it to pay for its Gross Negligence [and incompetence] which led to the employment and severance agreement payments.

Further, you want to enter into mediation, again in hopes to defray your gross negligence.

Additionally, Tom Christopher has the audacity to tell residents that he expects to re-kindle negotiations with UPRD to change the Mutual Cooperation Agreement.

Just some of UPCAI/PBM's gross negligence in this issue include:

- Appointing people to the PBM Management Committee who have demonstrated unethical, unlawful and even fraudulent actions in their past roles, primarily serving as Supervisors of UPRD. These actions are well-documented [and well-known by PBM/UPCAI] through emails, meeting video recordings, and Public Records Requests responses.
- Not vetting other suitable candidates to serve on the PBM Management Committee
- A non-transparent appointment process
- Hiring Fetsick into a role that for which he does not qualify for per pertinent Florida statutes
- Allowing him to solicit residents, UPRD Supervisors, and even DIRECT REPORTS into his defamatory scheme
- PBM failing to provide proper management of GM
- PBM not acting as a fiduciary for UP Residents writ large, but, instead, acted as a fiduciary and establishing a "Sanctuary City" environment for the GM's well-documented rogue actions
- PBM Managers PARTICIPATING in these rogue activities
- UPCAI not properly supervising/managing the managers of PBM

These actions were not unearthed due to UPCAI Board Members' inquiries or holding yourselves, PBM and employees accountable. They were exposed only due to residents' Public Records Requests. Your lack of fiduciary responsibility, transparency, governance and accountability brings into question your integrity and ethics and sense of responsibility toward ALL UP residents and the very nature of your roles and duties.

Under your watch, you perpetuated shameful conduct by looking the other way in this Sanctuary City environment which protected a rogue GM at the expense of UP Residents.

But, perhaps, the most perplexing action is that you have never entertained or discussed filing an insurance claim against yourselves for your Gross Negligence/Incompetence.

The D&O Insurance Policy should cover Gross Negligence and even incompetent and purposeful acts by UPCAI and PBM Managers Dickson, Mantia, Wood, Murphy and Christopher. Why is your first priority to "extort" your customer for your wrongful [and shameful] actions instead of filing an insurance claim?

If your gross negligence involved in these severance payments isn't a perfect reason to utilize your D&O insurance, I'm not sure what is.

Additionally, it would go a long way within this community and your insurance agent to acknowledge your wrongful actions and take swift, decisive, corrective actions to mitigate damages. Example: At Monday's Neighborhood Chair Meeting I suggested that Chair Christopher should resign.

Not only did he not serve first and foremost as a fiduciary to protect residents, he protected and watched out for GM Fetsick at the expense of residents:

Here he is stating he is more concerned with protecting Fetsick's reputation than mentoring and disciplining him and protecting the finances of residents:

From: Thomas Christopher <chris67ta@gmail.com>
Sent: Wednesday, September 30, 2026 12:54 PM
To [redacted]
Subject: Re: Fetsick

The board members have liability protection for this. The issue here is that there is a personal employment contract with John that was signed in January 2025 byi the PBM Management Committee that provided special provisions to him allowing his resignation for cause during the intense harassment and daily business interruptions caused by Dean Matt's constant stream of emails, complaints phone calls etc. John was the designated spokesperson for the RD and due to the numerous complaints and filings that Matt made to the State of Florida ethics commission and number of other agencies he felt that his business reputation was being ruined and he wanted the ability to be made whole for a year if it became too much for him.

The action that triggered his resignation occurred when the UPCAI board notified him that in order to comply with a recent state of Florida requirement that the HOA Property Manager must be a licensed CAM (which John is not) we were promoting Renee to a position as HOA property manager co-executive for PBM and John as the co-executive of PBM and general manager of the country club. His salary remained the same. He saw the removal of the HOA responsibilities as a demotion and used that action to immediately resign under the terms of his employment agreement. Out lawyer and HR manager both felt that although the agreement words were intended to address a different problem, they were applicable enough to the current actions taken by the board in this minor issue, that he had a strong legal case. He clearly did not want to be solely focused on the RD.

Tom

From: Matt Shane <mshane@shaneandassociates.com>

Fetsick never should have gotten to an employment agreement if PBM had properly managed him. [In many residents' opinion Fetsick should have been *fired on the spot* for his participation in defamatory, and censorial actions in August 2024, and resident surveillance activity which was made known in (approx.) March 2026.]

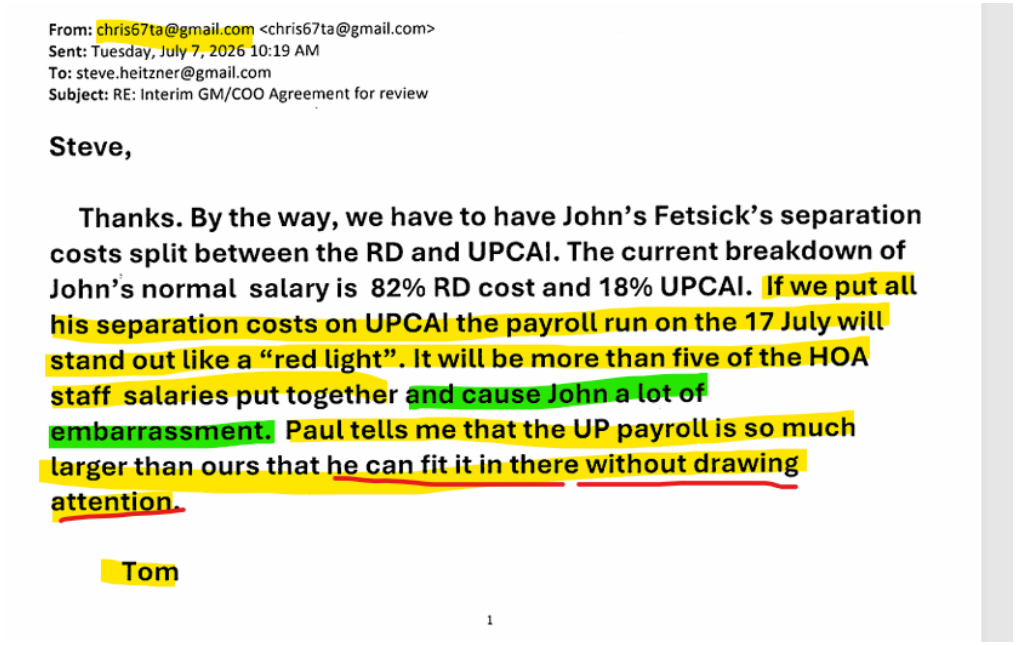
But you took no action. In fact, PBM and UPCAI rewarded him instead of terminated.

In previous University Park meetings, Tom cited that "PBM has total and sole authority for employment activities." With that, however, comes TOTAL AND SOLE **RESPONSIBILITY** for your gross negligence like hiring Fetsick in the first place when he did not meet the criteria per FL Statutes!!

PBM has represented that it wants to be a management company but hasn't fielded a team with any experience. This includes attorneys who allowed this gross negligence to happen. [You still bristle at the thought that UPRD, in simply doing its job in fulfilling its fiduciary responsibility to residents is learning about various management company alternate structures as if, after all of the turmoil and missteps and gross negligence, that somehow UPRD must use continue to use PBM as its Management company. Do you even hear yourselves on this issue? Arrogant, if you ask me. [In fact, the UPRD Board stated this week why it needs not include PBM in its management company interviews next week: *"No need. They've already showed us who they are."*].

As such, PBM is 100% responsible for its gross negligence. It is disgraceful and embarrassing and [most likely] unlawful that it tries to pass along the cost of its negligence to UPRD.

Further, then Tom Christopher has a conversation with Paul Fay, an outstanding employee who shows up for work every day trying to do the best, ethical compliant job he can and is asked by Christopher to "cook the books" so as to hide the Fetsick Severance Payment:



From: chris67ta@gmail.com <chris67ta@gmail.com>
Sent: Tuesday, July 7, 2026 10:19 AM
To: steve.heitzner@gmail.com
Subject: RE: Interim GM/COO Agreement for review

Steve,

Thanks. By the way, we have to have John's Fetsick's separation costs split between the RD and UPCAI. The current breakdown of John's normal salary is 82% RD cost and 18% UPCAI. If we put all his separation costs on UPCAI the payroll run on the 17 July will stand out like a "red light". It will be more than five of the HOA staff salaries put together and cause John a lot of embarrassment. Paul tells me that the UP payroll is so much larger than ours that he can fit it in there without drawing attention.

Tom

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Again...***here Christopher is more concerned about "Fetsick's embarrassment" than accepting responsibility for his and PBM's actions.***

Sydney Johnson was also put in an awkward spot when Fetsick asked her (his direct report) to participate in/coordinate the defamatory hit piece about a resident in August 2024. The purpose of which was, in Fetsik's own words to make Dean Matt appear deranged, unethical and unreasonable.

RE: FW: Fact Focus #2- Use of Facilities

From
Mark Criden
To
John Fetsick
Recipients
jfetsick@universitypark-fl.com

I'm not sure it accomplishes what you hope. There's a chance it may look vindictive on our part.

On 08/21/2024 9:44 AM EDT John Fetsick <jfetsick@universitypark-fl.com> wrote:

I have some feedback from Sally. I will send you a newer version. Let me see if any of her input removes the bolded words. I understand your point.

Barneby's office has been asked to review from a legal perspective only. I believe they have given the green light. It is all factual.

We are planning a number of Fact Focuses. This is #2 of several. The chronology can certainly be debated but since this is ready to go, I recommend we send as scheduled (Thursday at 5pm).

It at least paints DM to be unethical and deranged.

From: Mark Criden <mark.criden@universityparkrd.com> **Sent:** Wednesday, August 21, 2024 9:39 AM **To:** John Fetsick <jfetsick@universitypark-fl.com> **Subject:** Re: FW: Fact Focus #2- Use of Facilities

John,

I'm concerned about the following paragraph:

However, one hour after receiving approval, Mr. Matt altered his request to form a "Finance and Legal Issues Club." This change **raised concerns**, as it significantly deviated from the original intent and **appeared** less focused on member enjoyment, instead **potentially promoting a personal agenda** related to his ongoing opposition to the Board, the Capital Improvement Plan, and the favorable final judgment of the Bond Validation. Additionally, this new interest group, to discuss the business operations of the UPRD (a FL Special District), was **deemed political** in nature, violating our Club's rules and regulations.

8.19.24_Email.pdf

image0.png
image1.png

On Aug 18, 2024, at 9:25AM, Gio Cantarella <giocant@gmail.com> wrote:

Sydney Great job on the Fact Focus note and have to tell you that I heard from some people that they thought it was amazing. Shock at the Gaming Commission comment! Just wanted to check if we will have some time tomorrow to assist in reviewing the August 20th Fact Focus and any attached documentation before it is published. The three Amigos chatted this morning and are on standby for you so just let us know.

I

Have a good trip!

Gio

< image001.gif > < 1.4.24 town hall slides UPCC_Preso_ 1 _ 4_24_Final.pdf> <QA_ 12_26_23.pdf> <Chair_Note_ Vote_ YN_ 12.20.23 FINAL.pdf> < Fact Focus BAN 8.19.24 draft with comments.docx>

All this happened on PBM's/UPCAI's watch. And you believe that tweaking the Mutual Cooperation Agreement will fix everything? The issues and problems leading to UPCAI's/PBM's gross negligence are much more systemic than you acknowledge.

Paul Fay, Sydney Johnson, and ALL OTHER EMPLOYEES should NEVER be put in a position like they were put in by Christopher, Fetsick, and others who participated in these schemes (Cantarella, Criden, *The Three Amigos*, Conroy, Mantia, Dickson and others):

This is just one resident's opinion: It is REPREHENSIBLE that "leaders" of UPCAI and/or a Neighborhood Chair, UPRD senior managers are putting UPRD Employees in an uncomfortable positions by expecting their continued participation in nefarious, unethical (and even unlawful) schemes.

I can accept that, for whatever reason [probably a political one or DDS], you looked the other way when I was the object of defamation, and residents were the subject of censorship and surveillance.... ***but involving our great employees in shameful schemes by grown-ass adults who most certainly know better is a red line [the "employee red line"] that has been crossed and must be addressed. If not, what signal are you sending to all of our employees? The signal is that you would rather protect rogue managers and so-called "leaders" than provide a safe environment for our employees. This is shameful.***

I doubt that ANY of the remaining 1,190+ property owners would believe that crossing the "employee red line" is acceptable in ANY circumstance. Employees must be protected from those who don't comport to common decency, who don't operate with the highest of integrity and ethics [per OUR CORE VALUES] and who don't respect employees or their fellow neighbors.

Further, just last week, Christopher put Fetsick's Employment Agreement into the public domain. More gross negligence/Incompetence.

All of these actions are gross negligence and should be covered by insurance.

The Dickson Administration as a long history of not accepting responsibility and blaming others, and, then resigning or otherwise laying low when they can no longer defend their actions.

We all recognize the many past contributions of Christopher {and Cantarella in his position of neighborhood chair], but that does not excuse their crossing *the employee red line*.

As you prepare for tomorrow's UPCAI Board Meeting, DO THE RIGHT THING:

- Accept responsibility and quit blaming others' for your grossly negligent actions
    - At Monday's neighborhood chair meeting, I asked Tom to resign.
    - If he still hasn't resigned by tomorrow's meeting, then UPCAI Board Members should ask [force?] him to resign for the good of the community writ large and to mitigate damages
    - [Similarly, the Neighborhood Chair President should ask for Cantarella's resignation for crossing the "employee red line" as with the case of Sydney Johnson]
- Drop the foolhardy request for mediation
- Destroy the foolhardy invoices sent to UPRD
- File a claim with UPCAI's D&O insurance carrier immediately
- At the next UPCAI [or Neighborhood Chair meeting] issue public apologies:
    - To ALL residents
    - To UPRD
    - To Paul Fay
    - To Sydney Johnson
        - ...and all other employees who may have been affected by "leaders" asking them to do something they should not be asked to do

<u>Final thoughts:</u>

- UPRD has finally fielded an experienced winning team
    - **Steve Heitzner** has world-class experience in running resorts and in club management. His predecessor and most previous Supervisors had no relevant experience.
        - I'm most confident that we'll ever find him participating in defamatory or censorship schemes.
        - I'm most confident that he'll lead the Supervisors to abide by OUR CORE VALUES, the rule of law, and act as fiduciaries for all residents in a transparent manner AND QUIT PLAYING POLITICS
        - Unlike the preceding administration, I'm most confident that his administration will lead in conducting the required due diligence to protect all residents and won't take the legal shortcuts
    - **Joe Rassett's** integrity, experience, accountability is NIGHT and DAY compared to his predecessor
        - I'm most confident that we'll ever find Joe surveilling, censoring, or defaming residents and asking his direct reports and other residents to join in the fun.
    - **SCS** will be used as a trusted industry expert to make sure we invest properly in projects we can afford and which, through proper due diligence and a robust, well-maintained five-year plan, actually prove to move the needle.

We must support this team. The previous administration was given the reins and failed us. In accordance with OUR CORE VALUEs, all University Park Leaders (UPRD, UPCAI, Neighborhood Chairs, senior managers, etc) must operate with the highest integrity and ethics.

The unethical business practices of the past are no longer welcome here.

Joe Rassett: Your contribution and professionalism are noticed and appreciated and are a welcome breath of fresh air. We hope that you can find a permanent home here. You are needed. You are showing us what experience and integrity mean.

Sydney, Paul [and, frankly, *all other employees*]: Know that our current GM running the show is world-class and has experience and integrity that should ensure a great work environment. I know that Joe has all employees' backs and will be a great mentor for all as we try to change the culture and environment here at UP.

Know that, should UPCAI, PBM, Cantarella, or Christopher refuse to issue an apology for putting you in a difficult professional situation, please know that those who have studied these actions (namely the Finance and Legal Issues Club) recognize the unfair position you have been put in by people who should know better. Your stellar work is noticed and appreciated. On behalf of all residents, please accept our apologies as we work to ensure that the *employee red line* is never crossed by anybody in a position of authority here in UP.

If you should ever find yourself in a position like this again and feel comfortable discussing in confidence, please contact me and I'll work with the proper folks for resolution. We owe it to you and all employees.

Regards,

Dean Matt

aka MuchoDeanAero
aka The Pickleball Pilot
630.248.0646

MuchoDeanAero - aviation adventures and the home of The World Record 48-48-48 Pickleball Challenge

Golf Gear - ***golf accessories***
Gone to Pot Book - ***cannabis industry non-fiction***