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Subject: Meeting

Hi Renee, It was good to see you last evening at the Chair Council meeting. One comment that needs to be addressed was the resident's concern that UPRD and UPCAI consist of the same membership and we appear to be headed towards litigating with ourselves. That should not be the case.

When Mr. Fetsick was hired he was apparently not qualified for the position. As stated last evening, the Florida statute requiring an HOA manager to be an LCAM has been on the books since 1987. Therefore, hiring him for that position appears to have been negligent. That is why HOA's and condo associations have D&O insurance; to protect them from negligent acts of the governing body.

In addition to appearing to be negligent in hiring Mr. Fetsick, it appears that the governing body may have also been negligent in providing an employee agreement allowing him to resign without cause and collect a six-figure severance package; thereby incurring a financial loss to the Association.

Now, in addition to being out the six-figure settlement, which even Steve referred to as "..pure mismanagement." at the September meeting, we have the potential exposure for official acts Mr. Fetsick may have performed while not properly licensed. The depth and breadth of those are unknown and it will no doubt require accounting and financial forensics, incurring additional cost to the residents.

All of the above being stated, what is the protocol for filing a claim against our D&O insurance?

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