

**CAPTAIN'S COVE HOMEOWNERS ASSOCIATION, INC.
HEARING COMMITTEE MEETING
February 18, 2005**

The roll was called and a quorum declared present as follows:

BOARD MEMBERS PRESENT:

Jack Masters, President
James Elam, 1st Vice-President
John Lindgren, Secretary
Susan Gallagher, Treasurer

HEARING COMMITTEE MEMBERS:

Otto Gindele, Chairman
Joe Richard
Tom Schaffner
Roy Sheen
Debby Wedeking

BOARD MEMBERS ABSENT:

Camille Coulborn

PRINCIPAL PARTIES PRESENT:

James Scoone
Kevin McNeeley (representing Mr. Scoone)
Tye Deyo (Assoc. Attorney representing CCHOA)

ALSO PRESENT:

Denny Bireley, Jim Britton, Pat Lindgren, Joan Richard, Carolyn Rockey,
Christine Scoone, Sue and Bill Trimble, Paul Wedeking

MEETING CALLED TO ORDER AT 7:20PM by President Jack Masters

PLACE OF MEETING: Home of Ms. Wedeking, 7981 Della Bitta Lane, Bokeelia

PRESIDENT'S REPORT:

Mr. Masters introduced the principals in attendance at the meeting, and then ceded the floor to Chairman Gindele.

CHAIRMAN'S REPORT:

Mr. Gindele established the guidelines for participation in the proceedings.

EVIDENCE PRESENTATION:

President Masters presented documents detailing the events leading up to the infraction of using common property (the boat ramp) in defiance of a motion approved by the Board of Directors of CCHOA to deny use of the boat ramp for Mr. Scoone's fishing tournament in August of 2004. The motion was precipitated by several complaints by property owners that were present in the summer at the time of Mr. Scoone's fishing tournament in 2003. The complaints were as follows:

1. The fishing tournament participants were parking their vehicles and boat trailers on grassy areas and in driveways.
2. The congestion of vehicles and trailers was interfering with owner's being able to launch their boats at the boat ramp.
3. The behavior of some of the tournament participants was unacceptable.
4. The questionable area of liability of the property owners by other's use of the boat ramp.
5. The safety of property of those who do not live here during the summer.

Mr. Masters read excerpts of letters from attorney Joe Adams which state that the Board of Directors of CCHOA has legal prerogative to establish parameters for the use of common property belonging to Captain's Cove Homeowners Association and cannot be selective in that enforcement.

Mr. Masters also related the results of correspondence with other homeowner and condominium associations in regards to use of common property as a factor in the motion to deny use of the boat ramp for the fishing tournament.

PRESENTATION BY MR. SCOONE:

Mr. Scoone stated that he "took exception" to the letter from Mr. Masters in regard to establishing a hearing committee for his infraction of using the boat ramp for his fishing tournament.

Mr. Scoone questioned the authority of the Board of Directors of CCHOA to be able to make the decision to deny his fishing tournament of use of the boat ramp and felt that the Board had singled him out as a personal vendetta. He stated that he had received many favorable responses from Captain's Cove owners concerning his fishing tournament at the boat ramp in response to a letter he sent to owners previously in support of his tournament after the Board's motion to deny the tournament.

Mr. Scoone stated that other owner's in Captain's Cove allow use of the boat ramp to outsiders and that the Board did nothing to limit that practice. (In response, attorney Tye Deyo stated that the Board had to know about the infraction in order to enforce it).

Mr. Scoone reported that he had found another location in which to have his fishing tournament this year (2005) and would not have it at Captain's Cove boat ramp.

DISCUSSION:

Mr. Trimble read his letter that he had sent to Mr. Masters in favor of having Mr. Scoone's fishing tournament at CCHOA boat ramp.

Ms. Wedeking asked to clarify the portion of the CCHOA Deed of Restrictions concerning the legality of the Board to set parameters for the use of common property.

Mr. Sheen stated that a letter of censure would not be "as negative" as a fine against Mr. Scoone.

MOTION WAS MADE by Mr. Elam that Mr. Scoone be fined \$100.00, but to suspend the fine if Mr. Scoone agrees to, in writing, that he not hold his fishing tournament at the CCHOA boat ramp in the future.

MOTION WAS SECONDED by Mr. Lindgren

AYES: Elam, Gallagher, Lindgren, Masters.

MOTION CARRIED.

MOTION WAS SUBMITTED by Chairman Gindele to the Hearing Committee members to accept or reject the recommendation of the Board of Directors to fine Mr. Scoone \$100.00, but suspend the fine if Mr. Scoone agrees to, in writing, that he not hold his fishing tournament at the CCHOA boat ramp in the future.

AYES: Gindele, Richard, Schaffner, Wedeking

NAYS: Sheen

MOTION CARRIED.

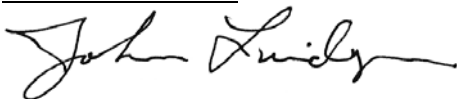
OTHER:

Representatives Mr. Deyo and Mr. McNeeley agreed to draw up the contract outlining the agreement of both parties to the motion.

MOTION TO ADJOURN BY Mr. Masters at 8:06PM

MOTION SECONDED BY Ms. Wedeking

SUBMITTED BY:



John Lindgren
CCHOA Secretary