

March 11, 2006

Political Hothouse: Florida Sends Help For Condo Elections

At Parker Plaza, Uproar Over Storm Windows; Raphans Counsel Peace

By **MICHAEL CORKERY**
March 11, 2006; Page A1

HALLANDALE BEACH, Fla. -- The bitter campaign at the beachfront Parker Plaza condominiums here featured 17 candidates challenging incumbents for all nine seats on the association's governing board. Accusations flew about the design of an outdoor fountain, the cost of the biometric hand scan at the front door and a proposed \$14.3 million assessment for hurricane-resistant windows and some repairs, which would have set back some unit owners nearly \$28,000. One of a series of anonymous fliers took a gratuitous dig at a candidate's new car: "How about the new Jaguar you got."

And when residents here finally went to the polls, the ballots were counted under the watchful eye of government-appointed election monitors to squelch any doubt about the results.



Bill Raphan

Election monitors are usually sent to watch over voting in developing countries and war zones. But in Florida -- home to infamous hanging chads and other election irregularities that led to the 2000 presidential recount -- the state legislature has created a new office to oversee some of its most contentious races: the battle for condo board seats.

"It's my job to make sure the people get their vote," says Bill Raphan who, with his wife Susan, works in the new state office, called the Condominium Ombudsman. The office, which has five employees and an annual budget of roughly \$444,000, oversees elections, mediates disputes and runs workshops to avoid them.

On election night at Parker Plaza last month, Mr. Raphan and his wife



Susan Raphan

sorted through a stack of about 400 secret ballots and checked them twice against a list of eligible voters. At previous elections, there were fears that the ballots were being steamed open or thrown out. So this year, nearly half the residents mailed their ballots in advance to Mr. Raphan's office in nearby Fort Lauderdale for safekeeping.

Squabbles break out in condos, home-owners' associations and co-ops all the time. It's part of the inevitable tension that occurs when people who live cheek by jowl have to share expenses and abide by shared rules. But in parts of fast-growing Florida, officials say fights between boards and unit owners have been escalating.

The condo ombudsman office, created in 2004, says it's currently fielding about 700 complaints and requests for help each week. The office conducted 43 elections last year. It has already been asked to conduct that many this year. The state office that oversees condos, the Department of Business and Professional Regulation, says its number of formal complaints are staying steady. In the past two fiscal years, it received about 1,800 complaints a year.

A major reason for the strife is the growth in condo living. The state has about 1.2 million condo units, up about 135,000 units from October 2003. Other states are also addressing the issue. Nevada has had an ombudsman for several years, and lawmakers in California and Arizona are proposing similar positions.

More young people and baby boomers are moving into condos once dominated by retirees. The new residents are challenging the old boards, asking questions about expenses and bristling at the rules.

"The demographics are going from an older crowd to a younger crowd," says Julio Robaina, a Florida lawmaker who proposed the legislation that created the ombudsman's office. "The older retirees didn't want to shake the trees," Mr. Robaina says. "Young professionals are appalled by the condo boards. They see people who have no idea what they are doing."

Jarrett Osborn, a 33-year-old financial planner, objected to the layers of "middlemen" who were being paid to hire contractors to provide services like a concierge in his Hallandale Beach condo building. He decided to run for the board about a year ago and was elected president, he says.

The recent spate of hurricanes in Florida is bringing the tensions to a boil, as condo boards ask residents to pay for costly storm repairs.

The Raphans, retired caterers from Queens, N.Y., first waded into Florida's condo disputes as volunteers. About a year ago, they went to work for Florida's first condo ombudsman, Virgil Rizzo, a retired doctor and a lawyer.

His small staff occupies a one-room office in Fort Lauderdale, adorned with a picture of a stuffed gorilla in red boxing gloves -- a symbol, the staff says, of the fight for fairness in Florida's condos.

The Raphans were partly inspired by scrapes with their own condo board in Fort Lauderdale. Mr. Raphan says he often raised objections to the board's reluctance to increase maintenance fees to pay for certain repairs. The conflict came to a head when Mr. Raphan says a former board member told him he was banned from the pool area after he attempted to sit in on a private meeting there. Sometimes, Mr. Raphan says, condo boards can "lose track of the scope of their authority."

Mr. Raphan is now the assistant condo ombudsman, earning about \$25,000 a year, not including benefits. Recently, he accompanied a group of unit owners as they went to inspect financial documents held by the management office. At the end of the meeting, he asked the sides to simply stop fighting. "They don't need any more lawsuits," he says. "They need us to come in there and say, guys, this is not the playground, stop throwing mud." The two sides shook hands at the end of the meeting -- a big step for them, he says.

Another condo resident called Mr. Raphan to say the board president and board secretary were having a romantic relationship. "I explained that is not something we can get involved in," Mr. Raphan says.

By the time the ombudsman's office was asked to send monitors to the Parker Plaza election, a battle was raging. The building was still reeling after the board proposed a \$14.3 million assessment for new windows without much public input.

On election day, a group of residents set up a collection box for ballots in the lobby, but some board members objected and wanted to watch over the box. Meantime, one of the election monitors working with the Raphans showed up around 6:30 p.m. with the ballots sent to the ombudsman's office in a large gray suitcase.

All roughly 400 ballots made their way to the community room where the Raphans worked with three election monitors to verify the ballots. They collected the last ballot at around 7 p.m. and began counting. Residents huddled around, waiting for the results. At one point, Mr. Raphan had to ask the crowd to back up.

It was nearly midnight when the monitors finished the vote tally. It was a rout. Every incumbent lost -- some by margins of five to one. A woman pushed her walker over to Robert Fisher -- a 55-year-old architect, who was elected board president -- and gave him a kiss on the cheek.

The Raphans quietly collected the ballots and turned them over to the new board, which must keep them for a year in case the election is disputed. A condo owner addressed the crowd and thanked the ombudsman's office for the help. The residents cheered.

"We were able to facilitate the will of the people," Mr. Raphan says.

Write to Michael Corkery at michael.corkery@wsj.com¹

URL for this article:

<http://online.wsj.com/article/SB114204425758995601.html>