



Special Online Edition October 17, 2011

A Note from the Editors:

We are gearing up for the fourth season of publishing Bay Watch News. The printed issues will be sent on the first of each month beginning in December and continuing through April. We are pleased to once again include in the mailing Club Views – The newsletter of Bonita Bay Club ... two publications for the “price” of one!!!

As many of you begin your return journey to Bonita Bay, we wish you - Safe Travels.

Don and Valerie Gorman

**Letter from Dan Miles Concerning
Attorney General’s Lawsuit against
Bonita Bay Properties**



September 22, 2011

Dear Bonita Bay Club Member:

As we reported to you several days ago, the Florida Attorney General circulated an email requesting information regarding your membership deposits. The following is brief description of the context for the AG's request provided by our attorneys.

The AG filed a lawsuit against Bonita Bay Properties, Inc. and David Lucas and Brian Lucas personally and other Bonita Bay Group entities under the Florida Deceptive and Unfair Trade Practices Act alleging unfair and deceptive practices relating to the revocation of the "instant refundability" of member deposits. The defendants made a motion to dismiss the AG's claim. In a decision dated July 5, 2011, the Court dismissed the claim relating to "deceptive" practices but permitted the AG to file an amended complaint on that claim. The AG has not pursued that part of the claim. However, the Court denied the defendants' motion to dismiss the claim for "unfair" trade practices. The Court also denied the defendants' motion to dismiss the personal claims against the individual defendants.

In its decision, the Court cited a federal case which establishes the matters which the AG needs to show to establish its claim of unfair trade practices. According to the cited case, there are 3 tests to determine unfairness which are:

- The injury must be substantial;
- The injury must not be outweighed by any countervailing benefits to consumers or competition that the practice produces; and
- The injury must be an injury that consumers themselves could not reasonably have avoided.

The AG has requested Affidavits from those who were members of the Club as of February 1, 2007. We believe the purpose of the Affidavits is to assist the AG in showing that its claim complies with the 3 tests described above. It appears that there is a statutory provision which allows the AG, under certain circumstances, to submit these Affidavits in lieu of actual testimony from the affected individuals.

We do not know what the possible outcome will be from this litigation and it is too early to speculate on the timing for any decision on this litigation.

Below is the email from the AG.

From: John A. Konopka, Jr., CP, CFE Financial Investigator
Office of the Attorney General Economic Crimes Division
1515 N. Flagler Dr., Suite 900
West Palm Beach, FL 33401
john.konopka@myfloridalegal.com
Ofc (561) 837-5000, ext. 122
Fax (561) 837-5109
Date: September 15, 2011 11:02:16 AM EDT
Subject: Bonita Bay Group - Please complete OAG affidavit

In re: Bonita Bay Group, Bonita Bay Properties, Inc., Long Bay Partners, LLC, Resource Conservation Properties, Inc., et al.

The Office of the Attorney General for the State of Florida is currently in litigation concerning the above referenced businesses.

By law, our office exercises statutory authority to enforce Chapter 501, Part II, Florida Statutes, known as Florida's Unfair and Deceptive Trade Practices Act. Our office focuses its enforcement efforts on business practices by companies which harm numerous consumers in more than one judicial circuit.

We are contacting you because you have either notified us, or another consumer related entity of your interest and concerns regarding the above named businesses. If you wish to detail your personal transaction and experience with these businesses, please complete the attached affidavit complaint form.

You will need to complete the attached affidavit complaint regardless of whether you have filed a prior written complaint with our office or not.

If you are aware of any other consumers who may have concerns about these businesses, please feel free to provide them a copy of the affidavit complaint form to complete. We greatly appreciate your cooperation, time and effort in completing the attached affidavit complaint form. Please return the completed form to our office at your earliest convenience.

Return your Affidavit by Email to: FTL.EC@myfloridalegal.com or/and (you may want to do both to ensure delivery)

Return your Affidavit by US Mail to:

Office of the Attorney General Economic Crimes Division

Attn: Fulvio Gentili

110 S.E. 6th Street, 10th Floor

Fort Lauderdale, FL 33301

A printable copy of the requested Affidavit may also be viewed or obtained by [cutting and pasting](#) the following link.

http://hosting.fyleio.com/11539/public/AG_affadavit.pdf

We have added certain factual; information in the form of Affidavit, such as the name of the Club and the Bonita Bay Group names.

Completion, and filing, of the Affidavit is voluntary on the part of each member, but if you wish to do so, I have repeated below the instructions which are also included in the attached email from the AG:

Return your Affidavit by Email to:

FTL.EC@myfloridalegal.com

or/and (you may want to do both email and mail to ensure delivery)

Return your Affidavit by US Mail to:

Office of the Attorney General
Economic Crimes Division
Attn: Fulvio Gentili
110 S.E. 6th Street, 10th Floor
Fort Lauderdale, FL 33301

If you need any information to complete the Affidavit, please contact Stephanie Glasco or Heather Schadt at the Club at 239-495-0200 during the Club's regular hours which are 8 am to 4 pm Tuesday through Friday until September 30 and from 8 am to 5 pm Monday through Friday starting on October 3. You may also email Stephanie at stephanieg@bonitabayclub.net or Heather at heathersc@bonitabayclub.net.

Sincerely,



Daniel Miles, CCM
General Manager/COO

Editors note: We strongly encourage all Bonita Bay Club members to fill out and mail the requested form (which should only take 10 minutes of your time). It is our understanding that the greater the number of received affidavits the stronger the Attorney General's case will be against Bonita Bay Properties, Inc.

 <p>Fagan & Michaud Insurance Agency, Inc. <i>GUARDING YOUR ASSETS</i></p>	<p>Fagan & Michaud Insurance Agency, Inc., 3690 Bonita Beach Rd., Suite C Bonita Springs, FL 34134 Phone 239-498-6499 Fax 239-498-6761 www.faganandmichaud.com</p>	
<p><i>Insuring</i> Homes • Autos • Boats • RVs</p>		
<p>Experience life with peace of mind while we guard your most valuable assets!</p>		

Correspondence from the New Board of Directors of The Bonita Bay Community Association



Community Association, Inc.

September, 2011

Fellow Bonita Bay Residents,

As you may know, in March 2010, the Bonita Bay Community Association (BBCA) Board of Directors, then controlled by the developer, Bonita Bay Properties, Inc. (BBPI), created a transition committee for the purpose of facilitating the transfer of control of the BBCA to an owner-controlled Board of Directors. Eight owners of property within Bonita Bay (BB) were appointed by the Board to serve on the committee, which came to be known as the Homeowners Transition Committee (HTC), in a volunteer capacity. The HTC whole-heartedly took on the responsibility of zealously representing the interests of the BB homeowners during the transition process.

In conducting its due diligence during the transition process, the HTC reviewed a substantial amount of documentation, including but not limited to state laws, deeds, and permit files relative to BB infrastructure. Members of the HTC also met with governmental permitting agencies when necessary. In doing so, it became evident that a number of the issues addressed in the documents controlling the development of BB were complex and often interrelated. There were few instances where issues were simple, and where one decision did not affect another, or many others. This was made significantly more difficult by the fact that BBPI still owns property within BB that it wishes to develop and, as such, demanded that it retain certain rights granted to it in the original Governing Documents, as allowed by Florida law. The process was tedious, difficult, frustrating and sometimes even contentious. As a result, it was decided that negotiations would be done in confidence, and that progress reports would be limited to generalities until turnover was accomplished.

Turnover has now happened and on June 22, 2011 the directors you elected in November 2010 were seated as the owner-controlled Board of the BBCA. As promised, a Town Hall Meeting has been scheduled for November 17, 2011, at which the Board will discuss the major changes resulting from the transition process. In the interim, the Board has decided to provide you with the attached document that begins to explain what happened during the transition process, why it happened and what effect it may have on the future of BBCA. We expect that it will demonstrate the extraordinary effort put forth by the HTC, the parameters within which it had to work and the results.

If you have questions or comments for the Board following your review of the attached document, or about any other Board or BBCA issue, please feel free to email them to HomeownerFeedback@bbcahome.com. Questions and comments will be responded to in a timely manner.

For the Board of Directors,

A handwritten signature in black ink, appearing to read "Stephen M. Aronson".

Stephen M. Aronson
President

***Editors Note: Copy and paste the following to read the
Bonita Bay Community Association
Turnover Significant Changes and Implications Documents:***

http://www.bonitabayresidents.com/Libraries/BBCA_-_Document_Library/HTC_Memo_CvrLetter_10-3-11.pdf

Three Valued Bonita Bay Club Employees Resign

Gone are the smiling faces and welcoming voices of Bryan Starcher, Ken Saksa and Mike O'Donnell. Many of the members were saddened to learn of the abrupt departure of the three golf staff personnel who served BBC through the hard times of transition and helped rejoice in the member owned New Club. Nonetheless, we wish them well in their new endeavors.

Editors note: Bryan, Ken and Mike will be sorely missed and wonder what happened to drive them away?

New Area Restaurants

Agave Southwestern Grill. Located at 2011 Vanderbilt Beach Road. Newest venture by the owners of Angelina's Ristorante offering southwest fare.

Call for reservations: 598-3473

Figs Grille. Located in Bonita Commons at 25987 S. Tamiami Trail. Sam Tadros of Sam-Bucco Bistro opened Figs which features a fusion of Turkish, Spanish, Moroccan, Lebanese and French food.

Call for reservations: 390-1700.

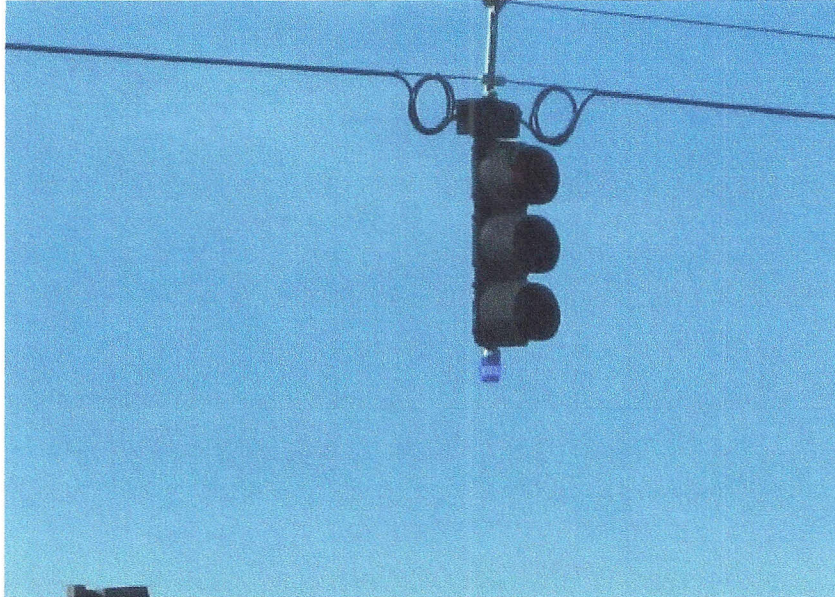
Seasons 52. Located next to Mercato at 8930 Tamiami Trail N. Seasonally inspired menu in which all entrees are under 475 calories.

Call for reservations: 5948852

Blue Lights at Intersection of Bonita Beach Road and 41

Small blue lights at the bottom of traffic light mast arms have been installed at some Collier and Lee County intersections. These blue lights switch on when the traffic light turns red to help law enforcement officers catch red

light runners. Apparently, white lights have been in place for several years – but were hard to see and not effective. You will DEFINITELY notice the new blue ones!



WHOM DO OVER 100
BONITA BAY FAMILIES
HAVE IN COMMON?
ATTORNEY DAVID BROWNE

DAVID P. BROWNE, P.A.

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PHONE: (239) 498-1191

DAVID@DPBROWNE.COM

BUILDING TRUSTING RELATIONSHIPS FOR OVER 20 YEARS

Bob's Barricades are Back!

The road expansion project on Bonita Beach Road between Old 41 and Lime Street from four lanes to six lanes is in full swing. Along with the construction come the inevitable Bob's Barricades:



The road work is expected to be completed in early 2012 in time for the anticipated opening of Lowe's.

Taking Care of Business

1. Do you belong to an organization that would like to list your event in the "Community Calendar" section of Bay Watch News?
2. Do you have a comment about any of the information contained in this online edition for submission the "Letters to the Editor" section of Bay Watch News?
3. Do you have any household items you would like to include in the FREE "Classified" section of Bay Watch News?

4. Would you like to have the December issue of Bay Watch News mailed to your northern address?

Editors Note: If You answered "YES" to any of the above, please email us at: BayWatchNews@aol.com.

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**Four Candidates
For City Council
District Four**

As of this date, four people have thrown their hats into the ring for a seat on the City Council vacated by Attorney John Spear. The election will take place on January 31, 2012 election. They are as follows:

Barbara Barnes-Buchanan
Roger Brunswick (Bonita Bay Resident)
J. Wesley Norris
Peter Simmons (Bonita Bay Resident)