

**STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES**

**IN RE: PETITION FOR ARBITRATION**

**VISCONTI CONDOMINIUM ASSOCIATION, INC.,**

**Petitioner,**

**v.**

**Case No. 2007-03-7232**

**FRONTIERS MORTGAGE SOLUTIONS, I, LLC,**

**Respondent.**

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**ORDER DENYING RESPONDENT'S MOTION FOR CONTEMPT,  
ORDER DENYING RESPONDENT'S MOTION TO DISMISS,  
ORDER DENYING RESPONDENT'S MOTION FOR SANCTIONS AND  
ORDER TO AMEND REQUEST FOR ATTORNEY'S FEES AND COSTS**

This cause comes before the undersigned on Respondent's Motion for Contempt, Motion to Dismiss, and Motion for Sanctions for Petitioner's Failure to Comply with This Tribunal's 16 October Order and requests an award of attorney's fees and costs filed on November 19, 2007, and received by the arbitrator on November 20, 2007. On July 26, 2007, Respondent filed a Motion to Dismiss, alleging, in pertinent part, that the dispute was moot. On October 16, 2007, an order to show cause was entered requiring the Petitioner to show cause why the case should not be dismissed as moot. As of November 19, 2007, the Petitioner had not filed any document, pleading, or other communication disputing the Respondent's allegation that the dispute was moot and, accordingly, a Final Order Dismissing Case as Moot was entered.

Respondent seeks an order of contempt against Petitioner. The Respondent's motion for contempt must be denied. Contempt is not a form of relief that is available in arbitration pursuant to section 718.1255(4)(j), Florida Statutes.

Respondent seeks an order dismissing the dispute. A Final Order Dismissing the Case as Moot was entered on November 19, 2007.

Respondent seeks an order imposing sanctions upon Petitioner for failure to respond to the undersigned's order to show cause entered on October 16, 2007. As stated in the order, failure of the Petitioner to comply with the order would result in an order dismissing the case as moot would be entered. Such order was entered on November 19, 2007. No further sanctions will be imposed upon the Petitioner.

Respondent seeks an award of attorney's fees and costs. Section 718.1255(4)(k), Florida Statutes, authorizes the award of attorney's fees and costs to a prevailing party. Rule 61B-45.048, Florida Administrative Code, provides the requirements associated with such a motion, including the necessary affidavits and documentation.

Accordingly, it is

**ORDERED:**

1. Respondent's motion for contempt is **DENIED**, as the undersigned is without authority to impose such sanction.
2. Respondent's motion to dismiss is **DENIED**, as a Final Order Dismissing Case as Moot was entered on November 19, 2007.
3. Respondent's motion for sanctions is **DENIED**, as the order was self-effectuating.

4. Respondent's motion for attorney's fees and costs fails to comply with the requirements of rule 61B-45.048, F.A.C. Accordingly, if Respondent, upon review of prior arbitration case law, intends to seek an award of attorney's fees and costs, Respondent shall file an amended motion in compliance with the rule, within the timeframes established by the rule.<sup>1</sup>

DONE AND ORDERED this 20<sup>th</sup> day of November 2007, at Tallahassee, Leon County, Florida.

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Tonya S. Chavis, Arbitrator  
Dep't of Business and Professional Regulation  
Arbitration Section  
1940 North Monroe Street  
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<sup>1</sup> Arbitration orders are available on the internet at:  
<http://www.myflorida.com/dbpr/lsc/ARB/LSCMHArbitrationResearch.html>