Ellis Akins

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3/25/2025

Community Management Professionals – an Associa Company

Panther Ridge HOA

4901 Vineland Rd, Suite 455

Orlando, FL 32811

Subject: Formal Demand for Records and Explanation Regarding Destruction of Protected Wildlife Habitats

Dear Board of Directors,

This letter serves as a formal request for records and information concerning the recent clearing of a habitat located in the swale between Cougar Street and Catfish Place. Attached are photographic records documenting the presence of Florida gopher tortoises in this area. As you are aware, gopher tortoises are a **protected species under Florida law**, and any disturbance to their habitat is subject to strict regulatory oversight.

Reference: Florida Fish and Wildlife Conservation Commission (FWC) Regulations: https://myfwc.com/wildlifehabitats/wildlife/gopher-tortoise/rules-and-regulations/

At the Board meeting held on January 14, 2025, it was stated that maintenance of swale areas was the responsibility of individual homeowners. However, within days of this meeting, the Board retained a commercial service to clear the swale in question without prior notification to homeowners or any official communication regarding this decision.

Prior to this clearing, I had intended to engage FWC for a **free wildlife survey** to ensure compliance with all applicable laws regarding protected species and their habitats. Due to the Board's unexpected actions, I was unable to do so. Additionally, I publicly inquired about this matter via TownSQ on February 2, 2025 (screenshot attached), yet the Board failed to provide any response.

Pursuant to **Florida Statute § 720.303(5)**, which mandates the availability of HOA records to members, I hereby formally demand access to and/or copies of the following documents and information:

1. **Wildlife Survey Documentation:**
    - Written confirmation of whether an FWC wildlife survey was conducted **prior** to the clearing.
    - Any reports or documentation indicating whether the commercial service performed a wildlife survey before initiating work.
    - Any communications, internal or external, regarding encounters with protected wildlife species during the clearing process.
2. **Board Decision-Making Process:**
    - All **Board communications, meeting minutes, emails, or records** that discuss the clearing of the swale, including but not limited to:
        - Any notifications sent to homeowners regarding this action.
        - The names of Board members involved in the decision.
        - The date of engagement of the commercial service and the date the clearing was executed.
3. **Post-February 2nd Actions:**
    - Any actions taken by the Board **after my February 2, 2025, post on TownSQ** regarding further clearing or impact to protected wildlife habitats.
4. **Future Plans & Compliance Assurance:**
    - The Board's **current and future plans** regarding any clearing, land modification, or habitat alterations.
    - A written explanation detailing how the Board intends to ensure all **future** actions comply with **state and federal environmental laws** and how homeowners will be transparently informed of such actions.
5. **Clarification of Responsibilities:**
    - An **official statement** clarifying the **legal responsibility of homeowners versus the HOA** regarding maintenance of swales, easements, and common areas, as per community survey plans and county property records.

This request is being submitted via **certified mail**, and per **Florida law**, all requested records must be made available electronically for inspection within **10 business days** from the date of this letter.

I expect your **prompt and complete** response and appreciate your immediate attention to this matter.

Sincerely,
Ellis Akins

Attachments follow on pages 2-6







Feb 2, 2025 | Sunday

Wildlife survey prior to easement clearing?

Comments: 6

Ellis Ray Akins
Address 441 COUGAR STREET

Close

Was a wildlife survey performed prior to clearing the easements? At the last board meeting I thought it was stated it was the responsibility of the homeowners (per the bylaws), and I was planning on contacting the FWC to do a survey because I have seen multiple gopher tortoises this last year in the easement between Cougar and Catfish. Then just the other day it was being cleared. Now that the vegetation is removed, I see something that may be a burrow, not sure I do not want to get too close.





