

IN RE: PETITION FOR RECALL ARBITRATION

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES

THE FOREST AT RIDGEWOOD / CASE NO. 2026-02-9833
HOMEOWNERS
ASSOCIATION, INC.,

Petitioner,

v.

OWNERS VOTING FOR RECALL,
LARRY BASSETT, DESIGNATED
HOMEOWNERS' REPRESENTATIVE
318 BOXWOOD DR., DAVENPORT,
FLORIDA 33837,

Respondent.

**RESPONDENT'S RESPONSE IN OPPOSITION TO PETITIONER'S MOTION
TO STRIKE ANSWER AND DEEM ALL ALLEGATIONS IN THE PETITION
FOR RECALL ADMITTED, AND MOTION TO STRIKE AFFIRMATIVE
DEFENSES**

COMES NOW, Respondent, Owners Voting for Recall, Larry Bassett, Designated Homeowners' Representative, appearing pro se, and respectfully files this Response in Opposition to Petitioner's Motion to Strike Answer and Deem All Allegations in the Petition for Recall Admitted and Motion to Strike Affirmative Defenses, and in support thereof states:

**I. RESPONDENT'S ANSWER WAS TIMELY FILED — PETITIONER'S
DEADLINE IS WRONG**

1. As a threshold matter, Petitioner's motion rests on the premise that Respondent's Answer was required by May 28, 2026. That premise is incorrect as a matter of law, for precisely the same reason addressed in Respondent's concurrently-filed Response to Motion to Strike Exhibits.
2. Rule 61B-80.105(2), Florida Administrative Code, mandates that five (5) days be added to any prescribed time period when the triggering order or pleading is served by United States mail. The Division's Order Requiring Answer was served by Certified United States Mail. Petitioner's own filing confirms receipt by Respondent on May 8, 2026.

3. The correct deadline for Respondent's Answer was therefore June 2, 2026 (20 days + 5 mail days). Respondent filed his Answer on May 26, 2026 — seven (7) days before the lawful deadline. The Answer was not merely timely; it was filed well in advance of the deadline. The predicate for Petitioner's motion — that the Answer was untimely — is factually and legally false.

II. RESPONDENT SUBSTANTIALLY COMPLIED WITH THE ANSWER REQUIREMENTS AND THE DRASTIC REMEDY OF DEEMING ALLEGATIONS ADMITTED IS UNWARRANTED

4. Petitioner argues that Respondent failed to use DBPR Form HOA 6000.9 as required by Rule 61B-80.111, Florida Administrative Code, and that this failure warrants the extraordinary remedy of deeming all allegations in the Petition admitted. This argument fails on multiple independent grounds.

5. First, Respondent's Answer, though not submitted on Form HOA 6000.9, addressed each and every material allegation in Petitioner's Recall Petition with specificity and in full. The Answer included: (D1) Respondent's Answer to each allegation; (D2) a detailed Statement of Facts; (D3) Affirmative Defenses; (D4) a Motion to Strike Improper Ballot Rejections; (D5) a Motion for Summary Final Order; and supporting proposed orders and a notice of filing. Petitioner was fully informed of Respondent's position on every issue. There is no ambiguity, no missing defense, and no concealed argument.

6. Second, deeming all allegations admitted is among the most drastic procedural sanctions available in any tribunal. Florida courts have repeatedly held that such sanctions are appropriate only where the failure to comply is willful, prejudicial, and incapable of cure. See *Kozel v. Ostendorf*, 629 So.2d 817 (Fla. 1993); *City of Hialeah v. Rojas*, 311 F.3d 1096 (11th Cir. 2002) (proportionality of sanctions). The use of a non-standard form, where the substantive content of the required answer is fully and timely provided, is not a willful violation. It is a technical deficiency that causes Petitioner zero prejudice.

7. Third, Petitioner has not articulated — and cannot articulate — any prejudice suffered by receiving Respondent's substantive Answer in a non-standard format. Petitioner knew every defense Respondent intended to raise. Petitioner's own voluminous responsive filings (Response in Opposition to Motion for Summary Final Order; Response in Opposition to Motion to Strike Ballot Rejections; Motion to Strike Affirmative Defenses) demonstrate conclusively that Petitioner suffered no confusion, no surprise, and no disadvantage. Petitioner engaged Respondent's arguments point-by-point.

8. Fourth, the proportionate remedy for a technical form deficiency is an order requiring the non-complying party to refile on the correct form — not the destruction of

that party's entire case. Respondent respectfully requests, in the alternative, that the Arbitrator grant leave to refile the Answer on Form HOA 6000.9 within such time as the Arbitrator deems appropriate. Respondent has obtained Form HOA 6000.9 and stands ready to submit a conforming answer immediately.

III. PETITIONER'S MOTION TO STRIKE AFFIRMATIVE DEFENSES MUST ALSO BE DENIED

9. Petitioner moves to strike Respondent's Affirmative Defenses on the grounds that affirmative defenses are not permitted in DBPR recall arbitration answers under Rule 61B-80.111, Florida Administrative Code. Respondent respectfully disagrees.

10. Rule 61B-80.111 provides that the answer shall include "all defenses" and "objections." Affirmative defenses — including defenses going to jurisdiction, the validity of the recall process itself, and Petitioner's failure to comply with Chapter 720 procedural requirements — are precisely the "defenses" the rule contemplates. Respondent's Affirmative Defenses go directly to whether the Recall Petition was properly initiated, whether the ballots were validly obtained and submitted, and whether the Association complied with the procedural prerequisites of §720.303(10), Florida Statutes.

11. Striking defenses going to the fundamental validity of the recall process itself — before any hearing on the merits — would deprive the Arbitrator of the factual and legal record necessary to render a fair Final Order. Such a result is contrary to the purpose of DBPR arbitration proceedings.

12. Petitioner also raises the issue that Respondent failed to file an affidavit regarding who delivered the recall ballots to Director Mack's residence and when. Respondent will comply with the Arbitrator's Order on this specific requirement and will submit the required affidavit promptly upon direction from the Arbitrator.

WHEREFORE, Respondent respectfully requests that the Arbitrator:

- DENY Petitioner's Motion to Strike Answer and Deem All Allegations Admitted in its entirety;
- DENY Petitioner's Motion to Strike Affirmative Defenses;
- In the alternative, GRANT Respondent leave to refile his Answer on Form HOA 6000.9 within such time as the Arbitrator deems appropriate, with all substantive content preserved; and
- For such other and further relief as the Arbitrator deems just and proper.

Respectfully submitted,

Larry Bassett, Pro Se

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon Jennifer A. Englert, Esq., The Orlando Law Group, PL, 12301 Lake Underhill Road, Suite 213, Orlando, Florida 32828, via electronic mail and/or United States Mail on June 4, 2026.

Larry Bassett, Pro Se