

**CONSUMER COMMITTEE MEETING
February 25th, 2021**

Webex Meeting called to Order at 1:36pm EST

In Attendance:

Receiver:

Brick Kane
Val Miller
Anita Jen
Henry Jen
Gary Caris
Srinivasa Krishnan

FTC:

Jonathan Cohen
Caroline Dorsey

Committee Members:

Shawna Arop
Lisa Daniels
Shryl Kirkbride
Linda Ozminkowski
Michele Weslander Quaid
Jimbob Slocum
Leslie Thomas
Jodi Vance

Receiver Discussion Topics:

Consumer Redress Plan Mechanics

- Regardless of which final Redress Plan is selected and ordered for implementation by the Court, proper and effective administration will depend upon a considerable number of mechanical details.
- As Administrator, the Receiver will need to communicate with all consumers of Sanctuary Belize and Kanantik. It would be optimal to condense communications so that fewer back-and-forth messages are required.
- The Receiver has contracts and payments for many consumers which should streamline the claims process.

Email Confirmation

- Some owners currently have more than one email address on file; however, that is neither practical nor efficient. Therefore, Henry Jen is working on a daily basis to clean up the contact information currently on file for all owners, although he has not yet figured out the best mechanism to accomplish that in the most timely and accurate manner.
- it is important that each Owner have **only one current and correct primary** email address that is to be used for all Receiver communications.
- After the Minutes from the January meeting were sent out, a great many emails from Kanantik Owners were sent to the Receiver providing the needed information.
- When the Receiver sends broadcast emails to consumers of Sanctuary Belize and Kanantik, they have been received by all but a very small number of owners. It is recommended that owners always check their junk mail before assuming emails were not sent.
- It was noted that on some Email servers, consumers have the ability to add Sanctuarybelize@robbevans.com and/or Kanantik@robbevans.com to their list of contacts. It is recommended that all Owners take this action in order to ensure that emails from the Receiver will go directly to their inbox, and not end up in spam or junk mail folders.

DocuSign

- DocuSign will be used for Owners to sign and submit all documents required for processing claims during administration of the final Redress Plan. The claims procedure will entail first sending claims information followed by disclosures and contracts.
- For DocuSign to work, each Owner needs to have **only one** primary email address designated for use.

Seller Deceptive Price

- The Receiver noted *important details regarding the calculation of Seller Deceptive Price*, which is referred to in the FTC Proposed Redress Plan.
 1. **INCLUDED in the Seller Deceptive Price are the following items:**
 - Amounts that have been and/or would have been paid for lot payments; specifically,
 - a) Total of interest payments over the term of the contract
 - b) General Sales Tax (GST in Belize) of 12.5% required for lot purchase
 2. **NOT Included in the Seller Deceptive Price:**
 - a) HOA Fees.

Moderated Information Sessions

- After the Court has selected, and ordered implementation of, a final Redress Plan, the Receiver will conduct plan information sessions for the benefit of all owners.
- It is anticipated that a total of 3-5 sessions will be conducted; each session will be held for a specific group of Owners, who will be notified in advance.
- The Receiver is looking into the possibility of using a WebEx Events program for these sessions. Although these programs purport to work for up to 5,000 participants, it is likely that each session will be held for only 200-500 attendees. The most effective method for determining workable groups of Owners is still undecided.
- Henry Jen will be testing any potential program in order to ascertain that it will work for all participants.
- Once the Sessions have been arranged, notice will be given to Owners via email regarding dates and times of scheduled Moderated Information Sessions – again emphasizing the need for the Receiver to have accurate email records.
- The Consumer Committee will receive advance notice of each scheduled Information Session so that the meeting specifics can be posted to appropriate Facebook pages for further dissemination. *However*, the optimal method of consumer notification is via email sent to each included Owner’s primary email address.
- A recordkeeper has been appointed to document all Information Sessions; the information presented at each session will be distributed via email to all participants shortly after each event.

FTC Discussion Topics

AMG Capital Management, LLC, et al v. Federal Trade Commission

- The FTC has different statutory tools to recover money for injured consumers.
- One tool is Statute 13(b), which was used in the SBE case; another tool is Section 19 – while the process differs in important ways, both may result in the recovery of funds that will compensate injured consumers.
- Final orders issued in the SBE case provided that monies will be paid and used to compensate consumers for specifically named unfair and unlawful practices that were perpetrated by the Defendants.
- The AMG Capital Management, LLC case is a challenge which asserts that an injunction under Statute 13(b) can be issued for some things, but not for an order to pay monies. This case has been heard by the Supreme Court; a ruling is expected within the next few months.
- Defendants in the SBE case have filed various motions to amend and/or stay the Final Orders, arguing that the Supreme Court decision in AMG has not yet been issued and could have a bearing on the final judgments rendered in the SBE case.

- It is possible that the AMG ruling could mean a delay in moving forward with enforcement of the judgments issued in the SBE case:

New Business

- It was noted that Kanantik consumers are not well-versed regarding details about the Sanctuary Belize Development; these Owners therefore need information prior to making any decisions regarding their lots per a final Redress plan.
- The Receiver stated that they will put together a compilation of SBE maps, current amenities, and various pictures including the mini market, beach club, and tent rentals; these should be ready for emailing to Kanantik Owners very soon.

The Meeting was adjourned at 2:05pm EST.