

ANSWER AND RESPONSES TO THE FLORIDA  
BAR UNLICENSED PRACTICE OF LAW  
INVESTIGATION

File No. 20241083(15A)

FAUSTO FABBRO,  
UNITED CIVIC ORGANIZATION,  
Plaintiff,

vs.

KELLY JANSSEN,  
BOARD SYNERGY CLUB,  
Defendant,

\_\_\_\_\_ /

**DISCLAIMER**

The defendant has no legal background or interest in law or its practice, nor has he consulted with a lawyer or anyone else before responding. Everything in this response is written using his own common sense and experience. The defendant is trusting in his unwavering belief that there is absolutely no evidence of unlicensed practice of law (UPL) on his behalf.

**BACKGROUND**

Century Village, West Palm Beach is a Retirement Community with 309 distinct associations. The plaintiff and defendant are both Presidents of their association and neither are lawyers. The Plaintiff has been a Vice-President, Acting-President, and newly elected President (as of March) of the United Civic Organization (UCO). UCO's purpose is to negotiate 5 common contracts for the 309 associations and manage the common, non-recreational property, such as gate houses, roads, and canals, in Century Village. The defendant lost to the plaintiff by 7 votes in

March for UCO President and was successfully elected to the UCO Recording Secretary position in May, just 5 days before this UPL complaint was sworn. This is simply a petty, mostly one-sided, difference of opinion over leadership styles for Century Village.

### **DEFENDANT' ANSWER AND AFFIRMATIVE DEFENSES**

COMES NOW the defendant, KELLY JANSSEN, and presents his answer and responses to the plaintiff's complaint as follows:

1.

The defendant vehemently denies the claims made in the plaintiff's UPL Complaint Form and furthermore believes that it was knowingly sworn in bad faith and/or with malice.

2.

The plaintiff has failed to provide any specific examples or evidence to support the claims and hyperbole in his UPL Complaint Form.

3.

The defendant will provide specifics and/or evidence where it exists that demonstrates that the plaintiff must have been aware that the claims (see claims 3 and 6) and hyperbole found in this UPL Complaint Form was sworn in bad faith.

4.

The UCO Licensed Community Association Manager (LCAM), Donald Foster, who reports to the plaintiff, has been aware and supportive of the defendant's activities. It wasn't until the defendant ran for UCO Office in March against the plaintiff, that the false claims and hyperbole started. This UPL Complaint Form was filed a few days after the defendant won a

special May election for one of the eight UCO Officer positions unexpectedly vacated. The defendant believes this to be retaliation for running against the plaintiff in an election.

5.

The defendant's activities were nothing more than facilitating weekly meetings, sending minutes, and updating a website with many of the more than 1,500 elderly condominium board members belonging to the 309 distinct condominium associations in Century Village. The club was formed to provide an inspiring environment where association board members create, share, and leverage best practices and reusable documentation that makes running their association more efficient and enjoyable. This club became so popular that the plaintiff felt his position of power was threatened and instead of cooperating with the defendant for the good of everyone, he retaliated in typical command and control fashion. This petty, mostly one-sided, difference of opinion over leadership styles needs to be addressed by the UCO Board of Directors (Delegate Assembly) as outlined in the UCO Bylaws, not the Florida Bar or Supreme Court of Florida.

6.

Unlike many condominium associations who have full-time property managers and maintenance staff, Century Village has two hundred and eighty-four (284) small associations, one as small as 4 units, most with 16 to 26 units. Our boards members have much greater responsibilities and less assistance than normal. This is compounded by the fact that many members, while well-meaning, are well into their eighties and even nineties and are expected to do more than a normal condominium board member. It was this need that led the defendant to volunteer his energies to facilitate networking meetings and as a byproduct, almost contributed to the defendant's election victory over the plaintiff, leading to the plaintiff's retaliatory false claims and hyperbole.

7.

The meetings facilitated by the defendant made it clear that discussions could include anything lawful and not involving legal advice. The meetings often included a former lawyer or an LCAM or a UCO Officer(s). It was well understood by the defendant and all participants that legal advice was taboo. Every association is always encouraged to retain and use their lawyer.

8.

After a narrow election victory over the defendant, the plaintiff has begun facilitating his own board member meetings with the same intent and purpose as those “activities” that are being criminalized in his UPL Complaint Form.

9.

The defendant has included a timeline (Appendix A) of all known events leading up to the UPL Complaint Form. The defendant asserts that a reasonable person would conclude that the plaintiff’s actions are most likely retaliation motivated by insecurity about keeping his elected position as UCO President, as the defendant is the biggest impediment to his staying in power.

10.

The defendant was given no chance in the UCO election due to his massive experience gap and lack of name recognition within Century Village. The defendant nearly defeated the plaintiff because of his much-appreciated activities and because he made the plaintiff’s top-down, command and control, management style the main issue in the campaign and in open debate. It is this outdated management style that is giving the plaintiff the confidence that he can abuse his position of power by filing false claims and fearing no repercussions.

11.

The defendant believes an UPL Complaint is meant for situations where an individual is consciously giving legal advice. In this situation, the defendant is consciously avoiding giving legal advice, has no desire to give legal advice, has only heard one accusation of stating a “cause of action”, something the defendant does not really understand, and wasn’t any part of, other than sharing minutes taken by another person, and something the UCO LCAM remarked was likely not intentional. The defendant is simply networking with other elderly board members sharing and listening to others experiences to run his board better. As a new board member with a background in technology, the defendant considered it beneficial to the community to learn as much as he could by networking and share it via a website<sup>1</sup>, so 1,500 people don’t have to learn and document it themselves. In the nine (9) months the site has existed, the Google™ analytics have recorded over 1,600 unique visitors<sup>2</sup>. A side effect of this networking was community-wide popularity that nearly removed the plaintiff, a long-standing command and control leader, from his position of power. The defendant believes that the plaintiff had assistance from a lawyer in preparing the UPL Complaint Form.

### **CLAIMS**

1. The drafting of an official looking Court pleading is [an] activity relating to the practice of law. This allegation is unknown to the defendant and therefore denied. The defendant has never claimed to have any legal knowledge or experience. The defendant has never knowingly provided any legal advice. This “official looking pleading” was a response to false claims published on the internet by the plaintiff. Critically the “official looking pleading” was not drafted

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<sup>1</sup> <https://boardsynergyclub.com>

<sup>2</sup> The defendant does not believe all these visits are from people inside Century Village.

for another person, it was describing the defendants common sense thoughts and experiences. Also critically, the “official looking pleading” did not require legal expertise, the defendant was not responding to any legal document or argument, but simply a video making false claims about him. Another critical point is there is no client for the “official looking pleading”, the defendant was defending himself in writing from public claims, using a format he found successful on three prior occasions. Over his life, the defendant has filed three (3) court pleadings on his own behalf all with the Palm Beach County Clerk of Courts in response to a single civil case but has never claimed to be an attorney. The defendant was sued in civil court (Case No. 50-2023-SC-005718-XXXX-MB, Palm Beach County) in retaliation in 2023 and was falsely accused of many things including threats, discrimination, hate crimes, emotional distress, defamation of character, hate speech, and social injustice. The case was dismissed. If the defendant believed there was any evidence of wrongdoing, he would have hired counsel, but knowing the claims were completely baseless and in retaliation for reporting a crime, he filed an initial response on his own expecting a dismissal for lack of evidence. For that civil case the defendant read the relevant Florida Statutes, viewed other public civil cases, read the process for answering the false claims, and drafted his replies in the same “official looking” public format as referenced by the plaintiff and used here. The defendant filed three (3) “official looking” documents in person with the Clerk of Courts with no need to possess a law license. If this was considered practicing law, surely the Court official would have instructed the defendant to change the formatting. On April 25<sup>th</sup>, 2024, the plaintiff and fellow Officers published a video<sup>3</sup> on YouTube<sup>TM</sup> containing numerous false claims about the defendant days before a UCO election in which the plaintiff was seeking office. In this video the plaintiff and his officers discussed taking legal action against the defendant and West Palm Recreational

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<sup>3</sup> <https://www.youtube.com/watch?v=d8m8DyyFHZA&list=PPSV>

Facilities (W.P.R.F.), who would allow us to meet in their facilities. They also posted a link to this video on the UCO Official website<sup>4</sup>. While drafting a response to the UCO Officers, the defendant was reminded of the “wild” accusations from the civil case and decided to use that “official looking” format to improve clarity and efficiency. This format helps the defendant organize his thoughts and stay on point. The “official format” was not used to hold out to the public that the defendant practices law. It lacked critical components like a reference to a court, a file number, a law office, and the defendant claiming to being a lawyer.

2. *The activity misrepresents to the public that Mr. Janssen is a licensed attorney and that his Pleading is part of an official lawsuit.* This allegation is unknown to the defendant and therefore denied. The defendant has never claimed to be a licensed attorney. The defendant has never knowingly provided any legal advice. The defendant has filed several similar-looking documents (see Case No. 50-2023-SC-005718-XXXX-MB, Palm Beach County) with the clerk of courts and was not perceived to be presenting himself as a licensed attorney. The “official looking” format is publicly available, was stripped of any references to courts or files, and adopted simply for its clarity and efficiency, not for any other reason.

3. *Mr. Janssen is giving legal advice and performance of legal services to the residents of Century Village.* This allegation is unknown to the defendant and therefore denied. The defendant has never claimed to be a licensed attorney. The defendant has never knowingly provided any legal advice. Before retiring, the defendant naturally used a bottom-up, servant management style that encourages collaboration and told people what to think about, not what to think or do. The plaintiff and his fellow Officers have only ever made one claim of legal activity

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<sup>4</sup> <https://unitedcivic.org>

that the defendant is aware of, that being sharing the statement “Discussions were held re holding CV responsible in the event a security issue arises due to security deficiencies.” in the meeting minutes. The UCO Officer’s called this a “claim of action.” The plaintiff is aware<sup>5</sup> that the defendant was not present when that discussion happened and was only sharing minutes that were provided to him. The plaintiff’s LCAM, Donald Foster, added that, “I don’t even think they realize that that’s a bad phrase we take very seriously?” An admission he viewed this as unintentional. Being licensed by the state of Florida, Mr. Foster cannot make deceptive or untrue statements<sup>6</sup>. Until seeking the office of UCO President, the UCO LCAM had been fully aware and generally supportive of the defendant’s activities. Mr. Foster’s remark is evidence that speaks to the defendant’s assertion that the plaintiff’s claims and hyperbole are knowingly made in bad faith and/or with malice in retaliation (for running for office against the plaintiff.) In nearly one year, there was only one sentence that they shared a concern about, and the defendant wasn’t even present and simply shared it, and yet the plaintiff feels justified to file a UPL complaint with the Florida Bar?

4. *Janssen is basically giving deceptive legal advice to the members of UCO and its resident members under the law.* This allegation is unknown to the defendant and therefore denied. The defendant has never claimed to be a licensed attorney. The defendant has never knowingly provided any legal advice. The defendant would never try to deceive a fellow board member or Century Village resident. The defendant doesn’t know how to address these “wild” accusations beyond emphatically denying them. The defendant would point out the use of the

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<sup>5</sup> <https://boardsynergyclub.com/pdfs/2024-04-18%20Synergy%20Minutes%20from%20Donna.pdf> This email clearly states that the defendant was not at the meeting because his wife had serious medical issues and that Donna facilitated and provided meeting minutes.

<sup>6</sup> <https://flsenate.gov/Laws/Statutes/2019/455.227>



“weasel” word “basically”. This is a serious claim and the defendant either did something illegal or didn’t, the plaintiff can’t claim the defendant mostly broke the law.

5. Janssen does not possess the impartial legal skills and a knowledge of the law greater than that possessed by the average citizen. This allegation is true. The defendant has never had any interest in studying or practicing law. The defendant has never claimed to be a licensed attorney. The defendant possesses a great respect for the legal profession and worked with many fine lawyers in his senior leadership role at a \$120 billion company before retiring. The defendant knows better than to think he has any knowledge or skills to answer any legal questions. The defendant has never knowingly provided any legal advice.

6. Janssen continues to engage in this activity and plans more of the same in the future. This allegation is unknown to the defendant and therefore denied. The defendant believes that “activity” no longer refers to the pleading(?) and now refers to facilitating the Board Synergy Club meetings and communications(?). At the first UCO Officer meeting<sup>7</sup> held after the defendant was elected as a UCO Officer and two days before the plaintiff filed this UPL Complaint Form, the defendant told the plaintiff and his Officers, that because of the past friction (the plaintiff’s April 25<sup>th</sup> YouTube™ Video and the defendants April 29<sup>th</sup> “official looking” response), the defendant stepped away from the Board Synergy Club, and that the two co-founders took it over. Hence, the plaintiff knew this claim to not be true and with the evidence in claim number 3, this evidence further supports the defendant’s assertion that the plaintiff’s claims and hyperbole are knowingly made in bad faith and/or with malice.

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<sup>7</sup> The first meeting where we were all together was a staff meeting, not a committee meeting, therefore there are no minutes or AV recording that can be shared.

7. Janssen's activities are contrary to the protection of the public from incompetent, unethical or irresponsible representation. This allegation is unknown to the defendant and therefore denied. The defendant is finding it difficult to follow what "activities" is referring to from sentence to sentence, making it difficult to follow these accusations. The defendant cannot understand what the accusation is, to deny it accurately. The defendant denies legally representing or advising any person in any way. The defendant denies providing any legal advice or acting unethically or irresponsibly. The defendant can be incompetent as there is way more that he doesn't know than he does know. The defendant's competency is leadership, not associations, or statutes, or many other things. The defendant believed the plaintiff as being incapable of producing this sentence (i.e. Janssen's activities are contrary to the "protection of the public from incompetent, unethical or irresponsible representation.") on his own and performed a quick Google™ search and found it was lifted from the first page of "SUMMARY OF UNLICENSED PRACTICE OF LAW CASES<sup>8</sup>." After further reading, the defendant believes this UPL Complaint Form was largely assembled by a legal professional and submitted and sworn by the plaintiff. The defendant is struggling to understand this, because instead of making claims that happened, claims seem to parrot UPL criteria but have little resemblance to what has happened (See Appendix A for the key events.). The rules of professional conduct say, "A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others." The defendant is not sure of the level of involvement nor who was paid to assemble this complaint, but in the defendant's opinion, the plaintiff's counsel (if any) is not respecting the legal system or those who serve it. The defendant feels awful for wasting everyone's time with this petty, mostly one-sided, difference of opinion over leadership styles.

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<sup>8</sup> <https://www.flcourts.gov/content/download/218046/file/Summary-UPL-Cases.pdf>

8. Janssen's activities hold out to the public or otherwise represent that he is admitted to practice law in Florida in violation of Florida Bar Rule 4-5.5(2). This allegation is unknown to the defendant and therefore denied. The defendant has never knowingly provided any legal advice. The defendant has never claimed to have any knowledge of or desire to share any legal opinions. The defendant is finding it difficult to follow the vague "activities" reference again. The defendant thinks this may be now referring to the response (pleading). Again, the "official looking pleading" was not drafted for another person, it was describing the defendants common sense thoughts and experiences. The "official looking pleading" did not require legal expertise, the defendant was not responding to any legal document or argument. There is no client for the "official looking pleading", it was completely written by and for the defendant. The defendant has never implicitly or explicitly claimed to be a lawyer. Cumulative false statements and hyperbole do not eventually become true, evidence is required and is completely lacking in this UPL Complaint Form. No evidence was presented because no evidence exists, only hyperbole born of insecurity of retaining power.

### **AFFIRMATIVE DEFENSES**

**Affirmative Defense No. 1.** These claims and hyperbole are false.

**Affirmative Defense No. 2.** The plaintiff failed to allege facts sufficient to support the claims and hyperbole.

**Affirmative Defense No. 3.** The plaintiff has knowingly sworn false claims and hyperbole in bad faith and/or with malice (See claims 3 and 6).

**Affirmative Defense No. 4.** The plaintiff has alleged false claims and hyperbole in retaliation for the defendant seeking UCO office. The defendant facilitated Board Synergy Club

meetings for nearly a year, it wasn't until after the defendant attained elected UCO office that this UPL Complaint Form was filed. Seeing the defendant's success, the plaintiff has started holding his own "Synergy" style meetings.

### **REMEDIES SOUGHT**

The defendant is asking these false claims and hyperbole be dismissed and the case closed. The defendant is bringing this action to the Century Village/UCO Board of Directors (Delegate Assembly) on Friday August 2<sup>nd</sup>, asking them to form a Board of Inquiry investigating the defendant for Unlicensed Practice of Law and the plaintiff for filing a false sworn UPL Complaint Form with the Florida Bar against a fellow Officer. The UCO Bylaws will allow them to discipline and/or remove the guilty party(s).

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## **APPENDIX A – TIMELINE WITH EXHIBITS**

**June 30th, 2023** - During a United Civic Organization's (UCO) Executive Board meeting, three (3) association board members (including the defendant) asked the UCO Officers to help better prepare board members for their responsibilities. The UCO Officers (including the plaintiff) stated that board members have all the resources and knowledge they need to do their jobs. The meeting can be viewed on YouTube and the relevant conversation<sup>9</sup> starts at the 46:46 mark.

**July 20th, 2023** - Several board members (including the defendant) met and talked about forming a group with the mission to "provide an inspiring environment where board members create, share, and leverage best practices and reusable documentation that makes running their associations more efficient and enjoyable." As part of our desire for transparency, the minutes<sup>10</sup> of every Board Synergy Club meeting were sent to UCO's LCAM, Donald Foster.

**August 4th, 2023** - Donald Foster approached UCO President David Israel, who appointed the defendant to the Executive Board. This appointment was approved unanimously by the 149 members attending the Delegate Assembly.

**August 26, 2023** - After many fruitful conversations with the UCO LCAM Donald Foster, the defendant with Donald Foster's support made a formal request, to the then UCO President David Israel, to create a temporary Board Synergy Committee focused on documenting and sharing best practices for the 309 Association Boards. Most of the information needed by associations is available, but finding it, when you need it, is a challenge. Our club later created a

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<sup>9</sup> <https://www.youtube.com/watch?v=oN7RraC1fJI>

<sup>10</sup> <https://boardsynergyclub.com/pdfs/2023-07-20%20Meeting%20Minutes.pdf>

website<sup>11</sup> that organizes already available information in one place organized by subject. It is clear from this request<sup>12</sup> that the defendant wanted to work with and under UCO's supervision and that Donald Foster was interested in help making this happen.

**September 21st, 2023** - Primarily to be able to reserve a room to meet regularly, the Board Synergy Club was formed under the supervision of the Century Village West Palm Recreational Facilities (WPRF).

**December, 2023** – The defendant was conducting business with Donald Foster in the UCO Office and the defendant asked Donald if he was following what the Board Synergy Club was doing. Donald Foster said he read the weekly updates and monitored the club's Action Register. Donald added something on the order of "Keep doing what you are doing. It's good that you aren't being critical of UCO."

**December 31st, 2023** - The defendant submitted his intent to run for the UCO President in the upcoming UCO elections to be held March 1st.

**January 7th, 2024** - The defendant was campaigning for UCO President door-to-door and was angrily confronted by a resident who heard inflammatory things about him while he was conducting business in the UCO office lobby. The defendant sent an email<sup>13</sup> to UCO Officers (including the plaintiff) asking for this to cease.

**March 1st, 2024** - The defendant lost the UCO President election to the plaintiff and Acting-President by only seven (7) votes. No one gave the defendant a chance at winning. The

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<sup>11</sup> <http://boardsynergyclub.com>

<sup>12</sup> <https://boardsynergyclub.com/pdfs/Board%20Synergy%20Committee%20Formation%20Request.pdf>

<sup>13</sup> <https://boardsynergyclub.com/pdfs/Email%20to%20UCO%20asking%20them%20to%20criticize%20me%20behind%20closed%20doors.pdf>

election was close because the defendant made contrasting leadership styles the issue and because of the popularity of the Board Synergy Club that he co-founded in July of 2023.

**April 4th, 2024** - The defendant submitted a letter<sup>14</sup> of intent to run for a vacated UCO Officer position.

**April 24th, 2024** - The defendant emailed meeting minutes for previous (April 18th) Board Synergy Club meeting. The defendant asked Donna to facilitate and take minutes in his absence as the defendant 's wife was recovering from two emergency surgeries for a 99% blockage near her heart. There was a line in Donna's minutes<sup>15</sup> that agitated the plaintiff and UCO which said, "Discussions were held re holding CV responsible in the event a security issue arises due to security deficiencies<sup>16</sup>." UCO officers characterized this as "a cause of action" in their meeting the next day and discussed taking legal action against the defendant and West Palm Recreational Facilities (W.P.R.F.), who allows us to meet in their facilities.

**April 25th, 2024** - UCO Officer's Committee (including the plaintiff) made several false claims and hyperbole about the defendant and the Board Synergy Club. The meeting can be viewed on YouTube and the relevant conversation<sup>17</sup> starts at the 22:26 mark.

**April 29th, 2024** - The defendant sent an email<sup>18</sup> to the UCO Officers titled: ANSWER AND RESPONSES TO CLAIMS PRESENTED ON THE RECORD IN THE UCO OFFICER'S COMMITTEE MEETING ON APRIL 25th, 2024. This email was also distributed to

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<sup>14</sup>

<https://boardsynergyclub.com/pdfs/Letter%20of%20Intent%20to%20Run%20for%20Office%20of%20UCO%20Recording%20Secretary.pdf>

<sup>15</sup> <https://boardsynergyclub.com/pdfs/2024-04-18%20Synergy%20Minutes%20from%20Donna.pdf>

<sup>16</sup> This was likely prompted by a recent case where a woman was murdered in her Century Village condominium in September 2020, and United Civic Organization and Platinum Security Group were ordered to pay a combined 7-million-dollar settlement.

<sup>17</sup> <https://www.youtube.com/watch?v=d8m8DyyFHZA&list=PPSV>

<sup>18</sup> <https://boardsynergyclub.com/pdfs/2024-04-29%20Email%20Response%20to%20Officers%20Committee%20Claims.pdf>

members of the defendant's club that shared their email address with me. The "official looking" attachment<sup>19</sup> was included in the email. The defendant can reach a tiny fraction of the residents of Century Village compared to the plaintiff.

**May 3rd, 2024** - The defendant was elected in a special election as a UCO Officer (1 of 8) holding the Recording Secretary position.

**May 6th, 2024** - The defendant announced to the UCO Officers (including the plaintiff and LCAM) that because of the past friction (especially April 25<sup>th</sup> and 29<sup>th</sup>), he stepped away from the Board Synergy Club, and that the two co-founders took it over.

**May 8th, 2024** – The plaintiff filed an Unlicensed Practice of Law Complaint<sup>20</sup> against the defendant. It is the defendant's position that this was knowingly sworn in bad faith and/or with malice.

**July 20th, 2024** - The defendant became aware of the Unlicensed Practice of Law Complaint from the Florida Bar through the mail.

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<sup>19</sup> <https://boardsynergyclub.com/pdfs/UCO%20on%20Synergy%20Club.pdf>

<sup>20</sup> <https://boardsynergyclub.com/pdfs/2024-05-14%20Bar%20Complaint.pdf>