

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

FEDERAL TRADE COMMISSION	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 18-cv-3309-PJM
	)	
ECOLOGICAL FOX, LLC, <i>et al</i>	)	
	)	
	)	
Defendants.	)	
	)	

**COMMENTS OF *SELECT* CONSUMER COMMITTEE MEMBERS**  
**RE: REDRESS PLAN**

**TO: THE HONORABLE PETER J. MESSITTE, UNITED STATES DISTRICT**  
**JUDGE; THE FEDERAL TRADE COMMISSION; ROBB EVANS & ASSOCIATES**  
**LLC, RECEIVER; AND OTHER PARTIES IN INTEREST:**

On 08/23/2019, Judge Messitte signed Document 559 approving the formation of a “Consumer Committee” consisting of representatives from the FTC, the Receiver, and eight consumers chosen to represent different categories of Sanctuary Belize Lot Owners; the Committee was officially expanded on 1/12/21 to include two Kanantik Belize Lot Owners.

All members of the Consumer Committee, individually and as a group, share a commitment to their responsibilities and are critically aware of the importance and significance of Owner representation, and the large part this representation must play in determining the potential future of the Sanctuary Belize development and satisfactory restitution for injured consumers. The Redress Plan will have significant and consequential effects on all Lot Purchasers, and although it is understood that developing a thorough and equitable plan for

restitution is extremely difficult in light of the many purchaser categories that must be considered and the recovered funds available, it is crucial that negotiation and subsequent plan decisions are made with the inclusion and serious evaluation of Owner input. Only then can we be assured of finalizing a plan that will be of equitable benefit to the largest number of injured consumers as possible, while affording full consideration to their primary concerns.

Nevertheless, the FTC Redress Plan was developed without any real consultation and input from the representatives of the Consumer Committee, leading a great number of lot owners to believe that, as a result, many of their principal concerns were ignored and/or disregarded. The result is an incomplete plan that does not present equitable restitution to all lot categories of Lot Owners, and ignores resolution of major foundational issues - issues that factor heavily into the consequential final decisions that must be made by Lot Owners.

Therefore, *before* any final Redress Plan is approved by the Court:

The Consumer Committee hereby requests a Court-ordered meeting between the ten appointed Consumer Representatives, the FTC representatives, and the Receiver representatives, for the purpose of negotiating and correcting problematic aspects of the Redress Plan. We believe that it is not only possible, but necessary, for these parties to work together at finding solutions which will alleviate the Plan's financial inequities and resolve a number of vital, unaddressed foundational issues, including the following:

- The future existence and incarnation of the Sittee River Wildlife Reserve (SRWR) has not been addressed in the Redress Plan, which is a major, critical oversight. This Belizean, not-for-profit association comprised of all Lot Owners within the SRWR, is charged with the operation, maintenance and governance of the Sanctuary Belize development and community; it is therefore crucial to the future

workings of the Sanctuary Belize Development. Lot Owners need to know if SRWR will survive after the Receivership has ended.



- If SRWR is to be dismantled, it is important that Lot Owners know what organizational form will take its place, and details of that new organization.
- If SRWR is to remain viable, all SRWR rules, regulations, fees, and assessments that will form the basis for the Sanctuary Belize development moving forward must be determined and disclosed -- they will result in consequential legal and financial obligations to all Lot Owners who choose to opt-in, and thus weigh heavily in that decision. Therefore, before the Redress Plan claims process begins, all details and financial obligations must be finalized and available for Owner consideration. Over the past year, Consumer Committee Members have prepared for this requirement by devoting a great deal of time and attention to analyzing, rewriting and updating the SRWR organizational documents that detail the crucial elements for implementing all future plans for the Sanctuary Belize community: the Articles of Association (AoA's), the Restrictive Covenants, Conditions and Easements (RCC&E's), and the Design Review Guidelines (DRG). These documents must now be thoroughly reviewed and specific figures for fees and assessments must be finalized and included before implementation.

## CONCLUSION

Given the major impact of this case on the financial futures of hundreds of injured consumers, it is our sincere hope that the Court will order the needed conference and negotiation we have requested, thus enabling the collaborative effort that must be made. The Consumer

Representatives must be allowed to participate in negotiating a workable compromise to achieve satisfactory solutions for the number of inequities and still unresolved issues in the current Redress Plan.

Respectfully submitted,

COMMITTEE MEMBER	Signature
Leslie S. Thomas	
Shryl Kirkbride	
Jodi Vance	