



Avoid The Collision - Stay in Your Lane

CRC-CAI Breakfast seminar
Friday, February 7, 2020

Moderator



Tara Laing
Community Manager
Legum & Norman

Panelists



Reese Cropper, III
SVP
NFP Property and Casualty



Kirk R. Parsons
Vice-President
ETC



Mac Staples
SVP
Community Management Corporation

Panelists



Ellen W. Throop

Partner

Elmore & Throop, P.C.



Chad J. Toms

Partner

Whiteford, Taylor, Preston



B.K. Swartwood

General Manager

Comsource Management

AAMC

Agenda

- Define “Lanes” - Roles, Responsibilities and Relationships
 - The Board of Directors
 - Manager
 - Residents
 - Business Partner
 - Officer versus Director
- Communication Dos and Don'ts
- Community Governance
 - Code of Ethics



The Board of Directors

Roles, responsibilities and relationships

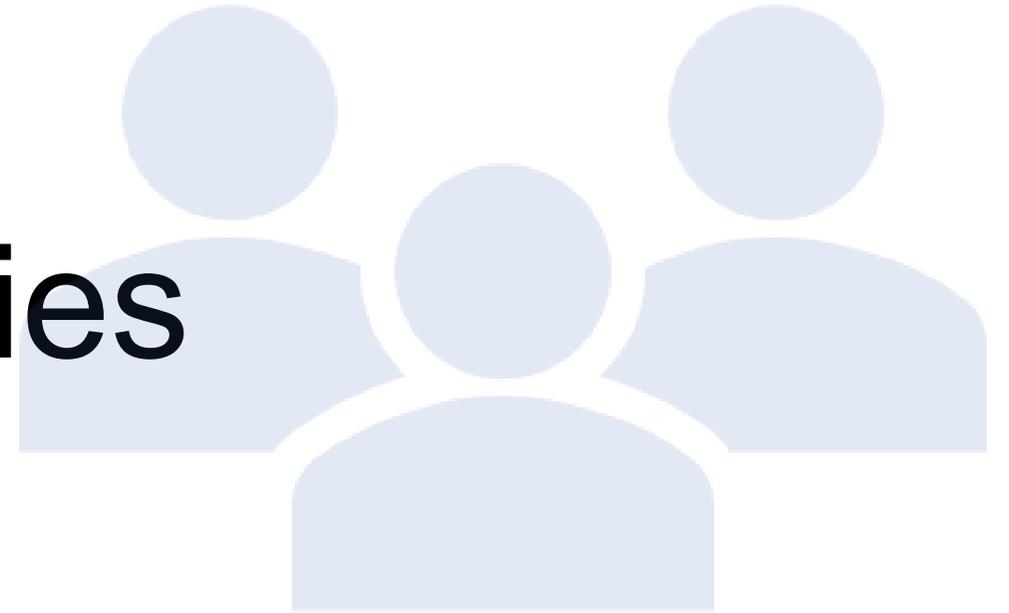


Board Functions

1. To represent the community
2. To protect the association's real and intangible assets
3. To enforce the governing documents
4. To build the social and civic well-being of the community



Responsibilities



Three Duties of the Board



Duty of care

requires each board member to make informed decisions.



Duty of loyalty

requires each Board Member to act fairly and in good faith for the benefit of the community association.



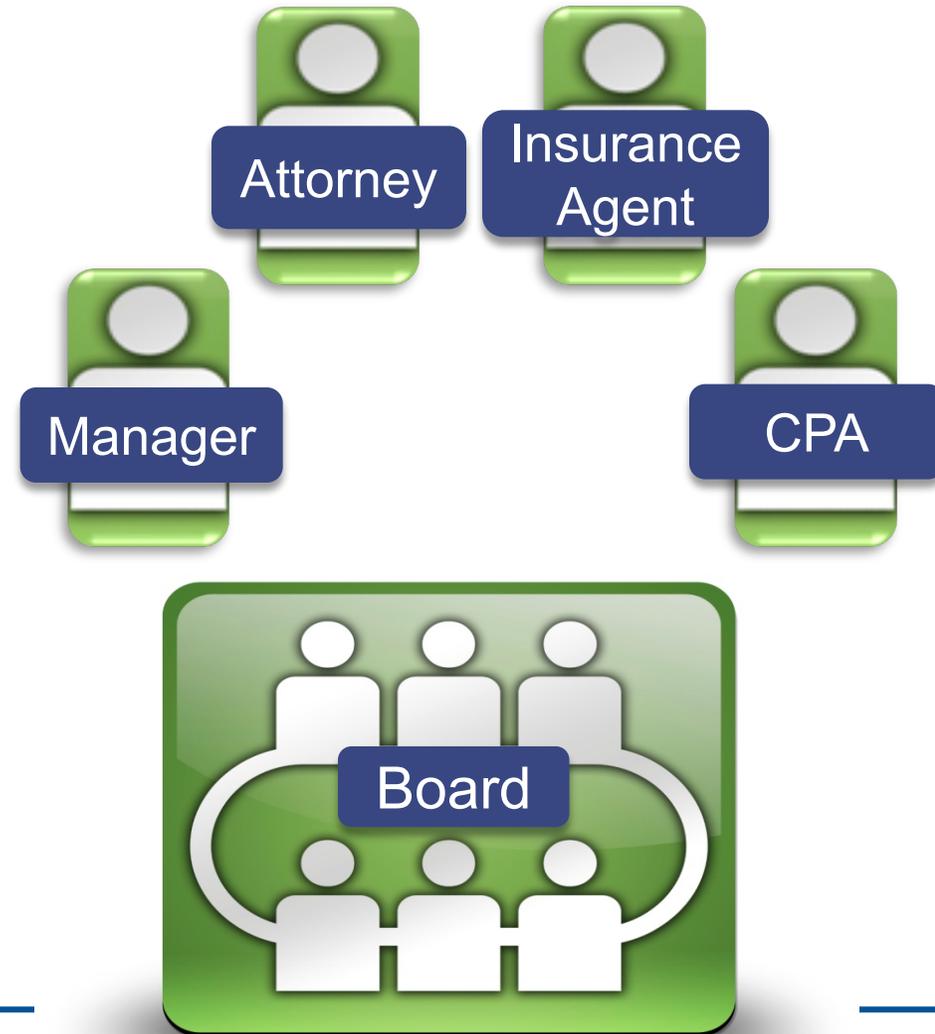
Duty to act

within the scope of authority requires board members to know their powers exactly.

The Board's Responsibility

Having professional assistance in complex situations is always a good idea.

The board of directors, however, is **ULTIMATELY** responsible for ensuring adequate policies, practices and procedures are in place to safeguard assets.



Professional Community Manager

Reasons for partnering with a professional manager vary widely:

- Size of the community association.
- Lack of time, skills or interests of residents to perform what needs to be done.
- Developer Transition
- Staff/Human Resources support



Professional Management Limitations

- What managers should **not be required** or **expected** to do:

- Perform duties specifically assigned to the board by the governing documents
- Sign checks over a set amount without authorization
- Waive rules or negotiate with residents about rules without good reason
- Oversee the annual audit
- Serve as the final authority in hiring or terminating contractors
- Initiate the filing of a lien against a homeowner
- Dispense legal advice or other advice outside their areas of expertise

Professional Manager Qualifications

CMCA

Passed the CMCA exam and comply with the CMCA Standards of Professional Conduct

AMS

Passed the CMCA exam, completed at least 2 CAI education courses and managed community associations for at least 2 years

PCAM

Passed the CMCA exam, completed 6 education courses, passed the Case Study and managed community associations for at least 5 years

LSM

Earned the PCAM, met educational requirements, managed associations for 10 years, and managed a large-scale association for at least 5 years

AAMC

Have PCAM as company's senior manager and at least 50% of managers hold a credential



Relationships



Board – Resident Relationship



1. Remain professional
2. Develop communication policy
3. Develop resident forum policy
4. Route electronic communication through management

Resolving Owner to Owner Dispute

1. Board generally not to be involved - with caveat of discrimination issues and FHA
2. A Board Member needs to define whether he/she is acting as Board Member or Homeowner
 - Which “Hat” is being worn when talking to other owners or contractors?
 - Apparent and Implied Authority Concerns
 - Potential for Recusal - Board Member Too Personally Involved in an Issue

Manager – Resident Relationship

Role of Business Partners

- CPA
- Engineers
- Reserve Specialists
- Landscape & Irrigation
- Contractors



Role of Business Partners

Many considerations:

- Filtering communication between Board and Business Partners
- Contracting – spending limit, emergency spending, etc.
- “Real-World” Examples

Role of Business Partners

Many considerations:

- Possible to recuse from vote?
- Legal considerations for interactions with business partners and lawyers?

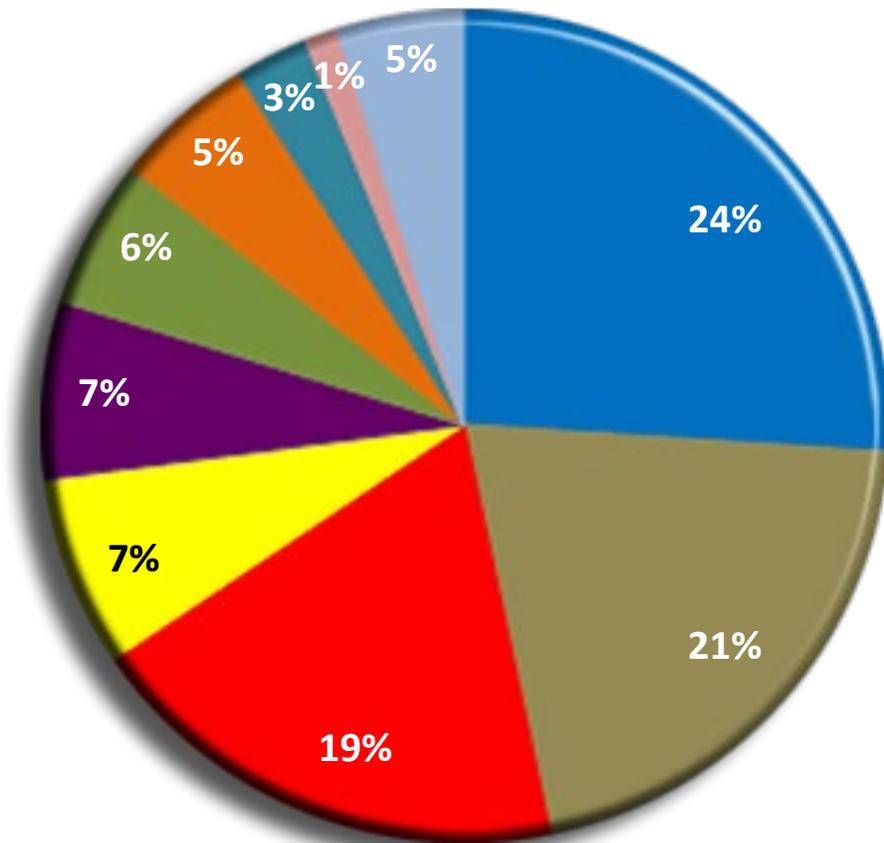
Insurance Agent



- Recommend insurance requirements and coverage
- Inspect the association's physical layout and identify exposure to risk
- Verify property values for replacement
- Review the association's fidelity bond
- Create a risk-management program
- Educate residents

Community Association D&O Causes of Loss

% of Total Loss Amount



-  Breach of Fiduciary Duty
-  Violation of CCR's
-  Breach of Contract
-  Discrimination – Non-Employee
-  EPL
-  Insured vs. Insured
-  Mismanagement
-  Violation of Law/Regulation
-  Wrongful Lien/Foreclosure/
FDCA Violation
-  Other

Common Types of Claims

1. Breach of Fiduciary Duty

For example, the board has a strict no pet policy and forces the owner of unit 12 to get rid of his dog Max. The unit owner feels the rule is unreasonable because Max is a comfort pet and has a doctor's note. The unit owner files a claim against the board for breach of fiduciary duty.

Defense Paid: \$22,000

Unit Owner alleged Board failed to obtain at least three quotes for work done. By Laws state that Association must obtain three bids for all work done. Defense Paid: \$17,000

Common Types of Claims

2. Violation of Covenants, Conditions & Restrictions

Association By-Laws has restrictions regarding the color schemes of homes. Owner is building a home and desires to paint it brown. Association approves. Owner subsequently decides to paint the house pink and they don't notify the association.

Association notifies the owner that the color was not approved, and the owners sue for arbitrary, discriminatory treatment since they believe that other homes in the neighborhood are not on the approved color list.

Common Types of Claims

3. Breach of Contract

Association hires a company to maintain the grounds for a three-year term. After the first year of the contract, the board is not happy with the foliage selection and fires the grounds company.

Grounds company files suit against association for fulfillment of contract.

Plaintiff seeking \$150,000 for fulfillment of contract

Cost of Defense: \$15k

Common Types of Claims

4. Discrimination

During the course of a heavily competitive Board Election, the Board President printed flyers accusing his competitor of questionable personal business activities and made various negative comments about this person and his ethnicity. The competitor lost the election and filed suit against the Board President and the Association accusing the President of slander.

Defense Paid: \$3,000

Common Types of Claims

5. Employment Practices Liability

Association employs security personnel for the main gate and the security booth at the Condominium Entrance.

The Association decides to terminate a 72-year-old employee. The other personnel are younger and in response, the older security guard claims age discrimination.

This Association has more than 20 employees and is subject to the Age Discrimination in Employment Act (ADEA).

Other Claims Impacting Community Associations

- Insured vs. Insured
- Mismanagement of Association Funds
- Wrongful Foreclosure
- Architectural Violations
- Violation of the Pet Policy
- Noise Complaint

Partnering with Attorneys

KEY POINT:

The association's attorney is legal counsel to the association and does NOT represent:

- The board
- Any single member of the board
- Any particular officer or resident member

College of Community
Association Lawyers (CCAL)

CAI
TIP

General recommendations:

- Choose an attorney whose expertise is community association law.
- Avoid retaining a member of the association.

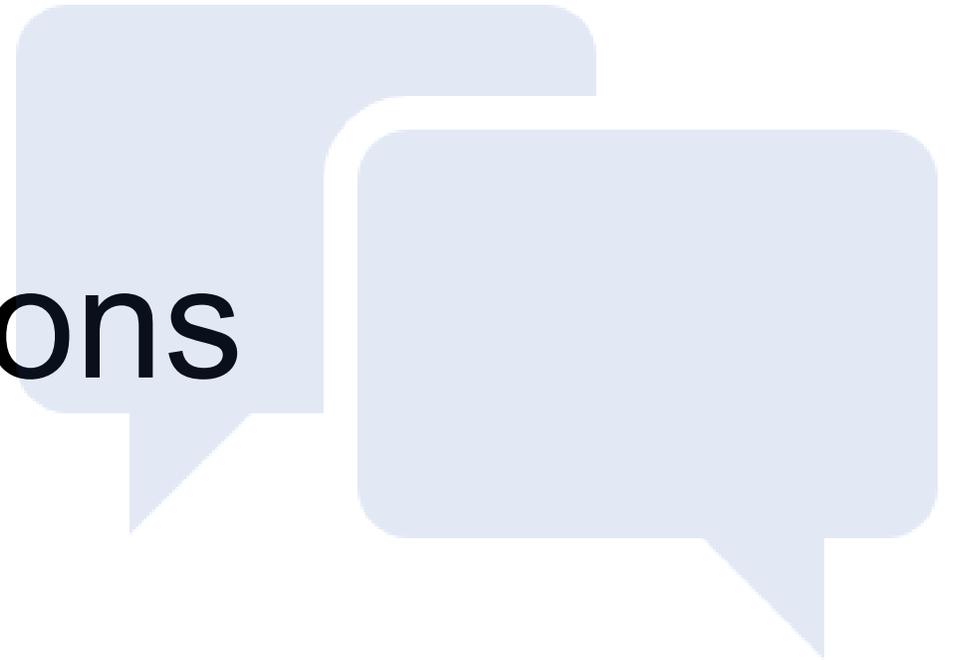


Scope of Services Attorneys Can Provide

- Review the governing documents and proposed rules
- Provide legal opinions
- Attend meetings to educate residents
- Write and send demand letters for delinquent assessment, file liens and process foreclosures
- Enforce deed restrictions
- Represent the association to pursue collections



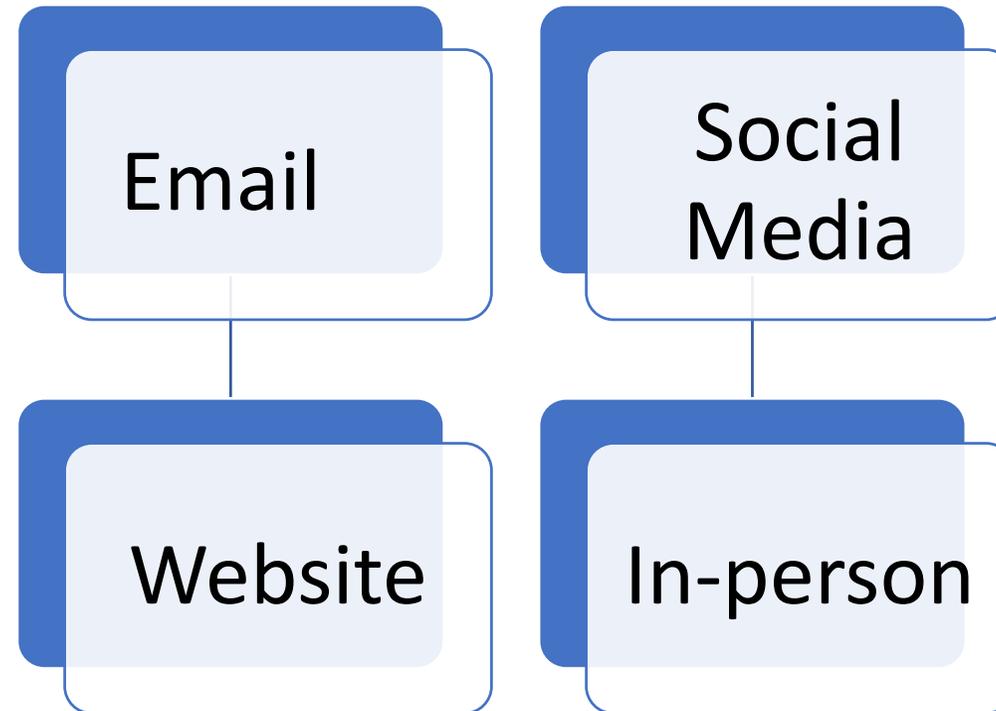
Communications



Effective Communication

- Now that we've covered the relationships within a community association, let's discuss how we communicate!

How do we communicate with each other?



Board - Manager – Communication

How to keep homeowners informed with Board and Manager actions?

- Frequency and types of communication
 - Emails
 - Message Board
- What should be communicated?
- Where should documents be stored?

Board/Manager – Homeowners Communication

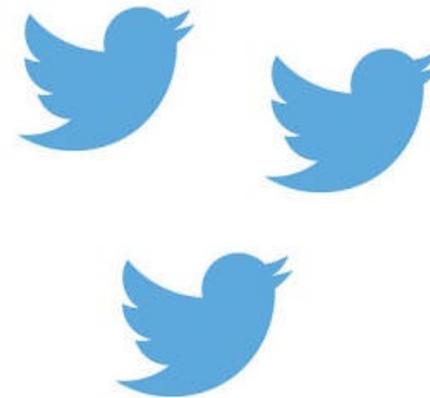
How to keep homeowners informed with Board and Manager actions?

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Use of Social Media

- When should it be used?
- Who should be responsible?
- Pros
- Cons

LinkedIn



Types of Committees

- Standing committees are created for an ongoing function and remain in force indefinitely, although the members may change.
- Mandatory committees are those required by the governing documents
- Ad Hoc committees are created for a particular short-term task

Helping Committees Achieve Success

Committees are training ground for future board members.



Board members should develop guidelines for the structure, function and responsibility of each committee.

They should:

- Act or follow up on the committee's recommendations in a reasonable time frame
- Publicly recognize and thank committee volunteers

Code of Ethics

- See handout



Roles

Director versus Officer

Roles & Responsibilities of Board President

Responsibilities revolve around two primary roles: **leader & administrator**

Lead the board



Preside at meetings



Determine meeting agenda



Help prepare budget



Work with professional partners



Approve & enter into agreements



Oversee committees



Oversee enforcement procedures



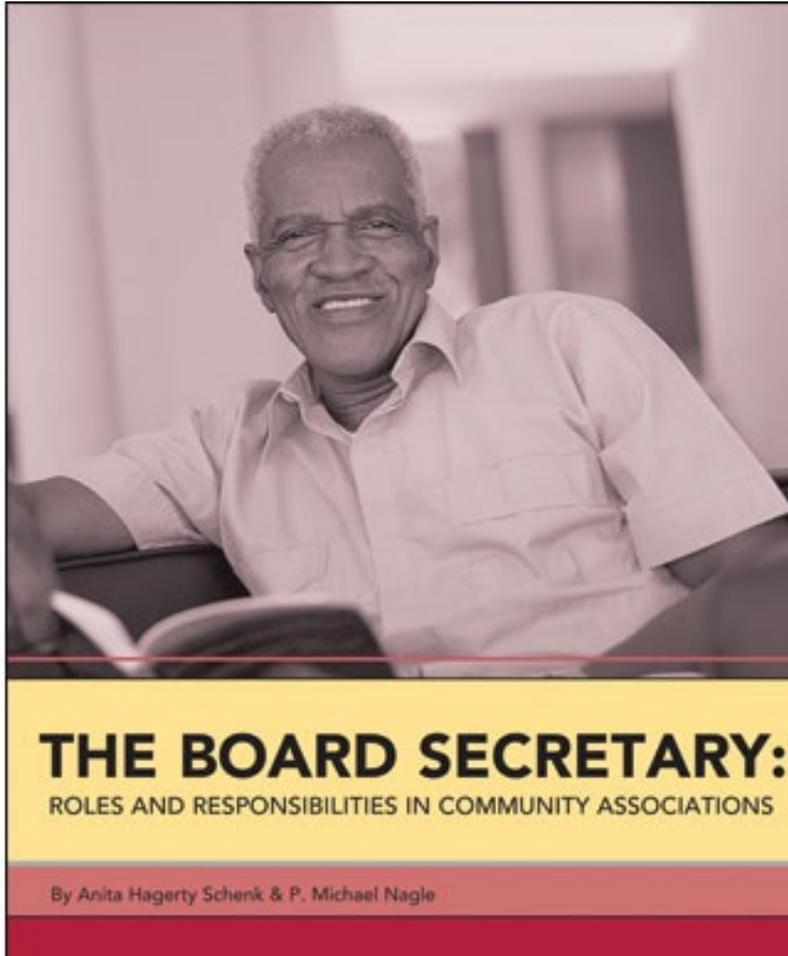
Role & Responsibilities of Vice President

Primary role is to substitute for the president.

- Make sure the vice president has access to all the information the president has to ensure a seamless transition when the vice president substitutes.



Role & Responsibilities of the Secretary



Role is to preserve history, maintain records and protect the association from liability.

Responsibilities Include:

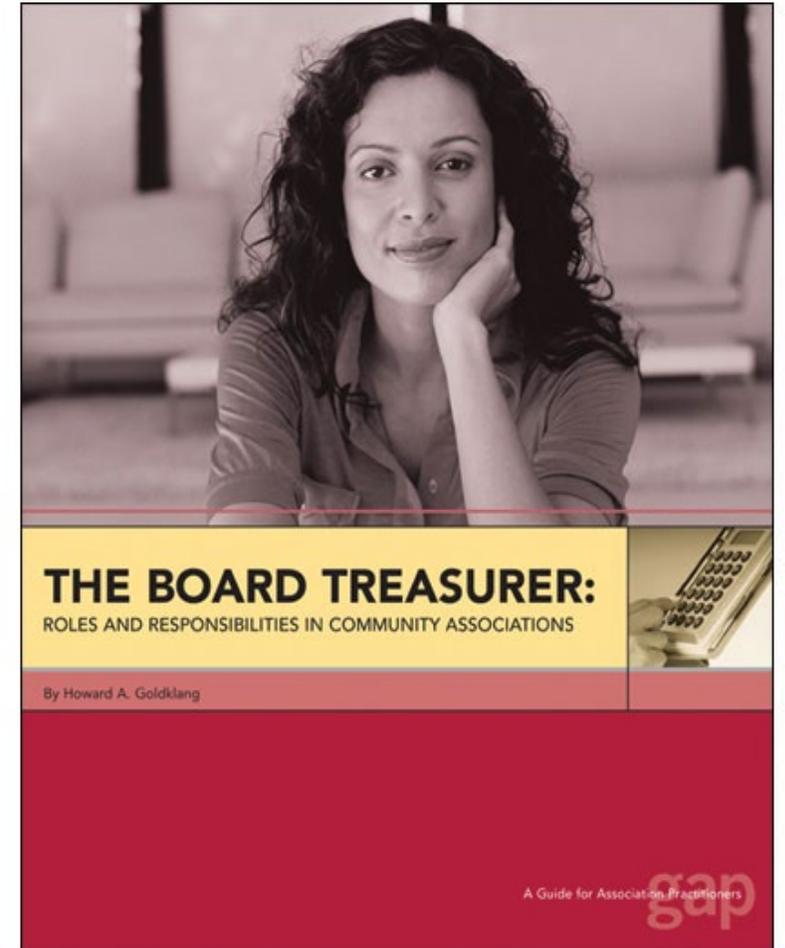
- Record all Minutes
- Notify Members of Meetings
- Prepare the Agenda
- Collect & Maintain association documentation
- Maintain Directory of Members
- Manage correspondence

Role & Responsibilities of the Treasurer

Role is to serve as financial voice of the board and chief liaison to financial specialists.

Responsibilities:

- Maintain all financial and accounting records
- Oversee investments
- Oversee Assessment and Delinquency Procedures
- Prepare/Present Budgets
- File Income Tax Returns
- Work with Reserve Specialist, CPA and Insurance Agent



Q&A



Thank you!

talk. listen. respect.



Community Association Civility Pledge

A commitment to fostering a climate of open discussion and debate, mutual respect, and tolerance between all who live in, work in, and visit our community.

- 1. We expect each individual**, whether a resident, guest, board or committee member, community association manager, staff member, business partner, or contractor, to be accountable for his or her own actions and words.
- 2. We believe all interactions in the community should be civil despite any differences of opinion on a particular issue.** We believe in finding common ground and engaging in civil discussion about community issues important to each of us.
- 3. We vow to respect all points of view and will strive to provide a reasonable opportunity for all to express their views openly—without attacks and antagonization.** We agree to keep our discussions focused on the business issues at hand, as well as on the ideas and desired outcomes.
- 4. We urge all residents to be engaged and informed.** Get to know your neighbors, your board members, and your community manager. Attend meetings, join a committee, or serve on the board. Understand the community's rules, regulations, and covenants, and the value they add. Ask questions, share your opinions, and vote.
- 5. We also encourage all residents to review Community Associations Institute's (CAI) Rights and Responsibilities for Better Communities.** The principles laid out in the document can serve as important guideposts for all those involved in our community: residents, guests, board and committee members, community association managers, staff members, business partners, and contractors. Read more at www.caionline.org/RightsandResponsibilities.
- 6. We believe these commitments to civility, as well as engaged and informed residents, are a vital part of our shared goal of being a vibrant, thriving community.**

These commitments are guiding principles. They are not governing documents or legally enforceable and do not give rise to penalties if they are not followed.

If you agree with these commitments to civility, please sign and return the document.

COMMUNITY ASSOCIATION NAME

ADOPTION DATE

By the creation and adoption of the CAI Civility Pledge, the College of Community Association Lawyers (CCAL) recognizes the importance of civility in community association governance. Complete and email your civility pledge to government@caionline.org. For questions, call (888) 224-4321.



talk. listen. respect.

Community Association Commitment to Civility



HOW CAN YOU MAKE IT HAPPEN? Adopting the Civility Pledge Starts with YOU!

1. Distribute the document throughout your community, announcing and publicizing where and when the adoption will be considered.
2. Explain why this is important to your community and the benefits it can create.
3. Review and discuss the merits of the principles at an open meeting of your board of directors.
4. Solicit input from homeowners.
5. Hold a board vote to adopt a resolution endorsing the Community Association Civility Pledge.
6. Share the news of adopting the Community Association Civility Pledge throughout your community regularly. Post on your website, social media, and on every community association meeting agenda.
7. Tell CAI that you've adopted the Community Association Civility Pledge so we can share the information on our website.
8. Once your community association board of directors has adopted the Community Association Civility Pledge, share the good news with CAI by completing and submitting the following information.

DATE OF ADOPTION

COMMUNITY ASSOCIATION NAME & WEBSITE

PRIMARY CONTACT NAME

PRIMARY CONTACT INFORMATION (ADDRESS, PHONE, & EMAIL ADDRESS)

Complete and email to government@caionline.org. Questions? Call (888) 224-4321, or submit an online form at www.caionline.org/civilitypledge.

Code of Conduct (Sample)

AGREEMENT TO SERVE

I agree to serve on the board of directors for _____ ("Association") and I also agree to be guided by the following principles:

- To attend and participate in all meetings and communications to the best of my ability to be present.
- To respect parliamentary procedure at all meetings, to refrain from speaking out of turn, and to participate in a business-like manner.
- To maintain confidentiality with respect to the board's "executive session" meetings, discussions, and communications.
- To accept the board's decisions, even if I disagree, as I understand there may not be unanimous support for every action taken by the board.
- To promote the goals and interests of the Association in a constructive manner, rather than create unnecessary conflict among the homeowners.
- To disclose to the board any financial conflicts of interests.
- To do my best to ensure that the Association's finances are well managed.
- To uniformly enforce the covenants and other governing documents.
- To place the best interests of the Association above my personal interests; the interests of a particular homeowner; or the interests of a faction of homeowners.
- To resign from the Board if I find I can no longer maintain this agreement to serve.

Dated:_____ Signed_____

Code of Conduct – Board of Directors (Sample)

- No individual shall use their position as a Board member for private or personal gain inclusive of and not limited to the following actions:
- No Board member shall solicit or accept, directly or indirectly, any gifts, gratuity favor, entertainment, loan or anything of monetary value from, a person who is seeking to obtain contractual or other business or financial relations with the Association, unless full disclosure is made to the Board of Directors and the membership of the Association.
- No Board Member may provide any bid specifications including but not limited to costs, labor, materials and or components to any contractor or vendor prior to said contractor or vendor receiving a Request For Proposal [RFP] from the Association.
- No Board member shall accept any gift or favor made with intent of influencing decisions or action on any official matter.
- No Board member shall enter into a contractual agreement with any vendor, contractor or sub-contractor currently under contract with the Association.
- No Board member shall receive any compensation from the Association for acting as a Board member, other than normal reimbursement of expenses on behalf of the Association.
- The Association will make no contributions to any political parties or political candidates.
- No Board member shall engage in any writing, publishing, or speech making that defames any other member of the Association Board or resident of SAMPLE Community Association.
- No Board member shall willingly misrepresent facts to the residents of the community for any reason, including but not limited to advancing a personal cause or influencing the community to place pressure on the Board to advance a Board member's personal cause.
- Members of the Board will conduct themselves in a respectful manner to other members of the Board, Management Company personnel and homeowners. Board Members will not publicly or privately ridicule anyone. The President or his/her appointed designee is the only individual authorized to speak on behalf of the Association.
- No Board member, except for the President, will assume or is vested with any authority to direct a member, contractor, agent or employee of the Association. The authority of Board members is limited to the vote upon policies of the Association and participation in the meetings of the Board.
- No Board member shall interfere with the system of management established by the Board of Directors of the Association.
- No Board member shall interfere with duties of any *staff* member of SAMPLE Community Association and its Management Company.
- Confidentiality of other Board member's personal lives, all resident's personal lives as well as employee's personal lives will be protected by the Board officers.

- Any Board member under investigation for a felony will be given a leave of absence from the Board of Directors during the **investigation** and trial period.
- Being convicted of a felony will be deemed immediate resignation as a member of the Board of Directors or as an officer of the Association.
- A Board member will always subsequent to a vote, support the decisions of the majority of the Board regardless of the position that Board member has taken at the time of the vote.
- Discussions and deliberations of the Board shall be free of any political affiliations.
- A Board member will at all times uphold his/her fiduciary duty to the Association in addition to upholding a duty of care, a duty of loyalty and a duty of confidentiality.
- A Board member who misses three (3) regular Association meetings beginning from the Annual meeting to the subsequent Annual meeting shall be subject to removal by the majority vote of the other members of the Board of Directors.
- I understand that I have various duties to the Association and that I will be in breach of such duties if I divulge confidential information to persons who are not on the Board of Directors. I further understand that these duties extend into the future so that I will be bound by this confidentiality requirement even after I no longer serve on the Board of Directors.

Code of Conduct (Sample)

DIRECTORS' CODE OF ETHICS

I, have consented to act as a Director of the Corporation and I agree to comply with the following Directors' Code of Ethics throughout my terms as a Director:

Honesty and Good Faith – I will act honestly and in good faith. I will do nothing to violate the trust of the unit owners I serve.

Care, Diligence and Skill – I will exercise the degree of care, diligence and skill of a responsibly prudent person in comparable circumstances. I will make a concerted effort to attend all Board and owners' meetings. I will act responsibly and with due diligence to become familiar with the affairs of the Corporation and to uphold its Declaration, Description Plans, By-Laws, Rules, Resolutions, Policies, Agreements and Requirements of the Condominium Act and other legislation.

Conflict of Interest – I am not currently aware of any actual or potential conflict of interest with respect to any contract, transaction, holding deficiency claim, warranty claim, legal action, proceedings or any matter detrimental to the Corporation. If I become aware of any conflict, I will immediately disclose it to the Board. I will not promote my own interests or those of any owner, resident, family member, friend or contractor to the detriment of the Corporation. I will not seek any special benefits or privileges as a Director or Officer or accept any compensation either personally or on behalf of any other person except as permitted by a By-law. I will act only in the best interests of the Condominium Corporation as a whole and I will not favor the interests of any individual or group of owners or residents.

Confidentiality – I will not disclose to any person (including my spouse) information decided by the Board to be confidential or privileged or which reasonably ought to be deemed confidential. When in doubt, I will request determination by a resolution of the Board.

Good Conduct – At all times, I will conduct myself in a professional and businesslike manner at meetings of Directors or Owners. I will approach all Board issues with an open mind, preparing to make the best decisions on behalf of the Corporation. I will act ethically with integrity and in accordance with legal criteria. I will comply with rules of good conduct and will deal with others in a respectful manner. I will comply with principles of good governance and procedural rules of order.

Support – I will abide by decisions of the majority of the Directors even though I may disagree, but I reserve the right to express my own views to owners upon nonconfidential issues.

Defamation – I will not make erroneous or defamatory statements about the Corporation or any owner, resident, director, officer, manager, staff or contractor of the Corporation.

Minimize Conflict – I will attempt to prevent or minimize conflict and disruption and will promote good relations amongst persons involved in our Condominium Community. I will promote a first class image for our Corporation, its units, owners and residents.

Education – recognizing that governance of a Condominium Corporation involves complex and changing requirements, I will continue to educate myself by reading relevant magazines (such as CCI's News & Views, CM Magazine or Condominium Business Magazine). I will support attendance by one or more Board members at any condominium seminars presented by the Canadian Condominium Institute (CCI), including CCI's Basic Directors' Course and CCI Advanced Directors' Courses at the costs of the Corporation.

Agreement – I hereby agree to comply with the provisions set out in this Directors' Code of Ethics.



Should Our HOA Implement a Social Media Policy?

Benefits of social media in the community association context are numerous, not the least of which are speed and reach. Various online platforms enable communities to instantly deliver information to potentially hundreds or thousands of their residents who are regularly glued to their screens. As a result, however, many communities approach the use of social media as a no-brainer – using Facebook, Twitter, and other social media platforms without much thought, without an understanding of the risks involved, and without any plan to limit those risks.

“Handle them carefully, for words have more power than atom bombs.”

~ Pearl Strachan Hurd

Potential issues that may arise from association social media use include:

- Claims of defamation, discrimination, harassment, and invasion of privacy – even posts by an individual board member on their personal accounts may be attributed to the association;
- Posts by individual board members contradicting Board actions or positions, thereby diminishing the credibility of the Board;
- Posts compromising association litigation or collection cases;
- Social media fights between neighbors spilling out into the larger community, damaging the community’s reputation;
- Social media platforms turning into de facto board meetings in violation of Florida Statutes and a community’s governing documents; and
- Claims of copyright or trademark infringement – using content or images without permission or proper attribution can subject an association to potentially significant monetary penalties.

Because of these potential issues it is often best for associations to not affirmatively administer or host a social media platform. The primary purpose of most community associations is to protect the community’s property values. In light of this purpose, a board must weigh carefully the benefits of social media use with the potential liabilities involved and make a business decision as to whether such use is in the best interests of the association or whether other communication tools may provide a more effective means of providing information to residents. If a Board does decide to utilize social media, it should do so only after developing a written social media policy that includes provisions intended to limit potential legal liabilities, including by addressing:

- Oversight – Associations cannot ‘set it and forget it’ – every social media platform utilized by an association should be actively monitored, either by a designated director, manager or a committee of persons, to ensure that association-posted content is accurate and current and that no content is harmful – particularly if the association elects to permit comments to be posted by members. Such active monitoring can be a significant administrative burden for some smaller associations. Understand, however, that liabilities discussed above can arise from both affirmative posts made by an association, and a failure by an association to take action in response to information posted on a forum by others.
- Controlled Access – Administrative access to any platform, including authority to post, review and remove content, should be limited to designated association representatives, who have proper training on each utilized platform. Associations should also consider limiting information that is accessible on the platform to association members and residents.
- Controlled Content – A social media policy should address the ‘dos and don’ts of content, including that association-posted content should be limited to accurate and factual information (i.e., information about upcoming association meetings or events), must not be personal in nature, offer personal commentary, disclose potentially private information, (i.e., accommodation requests under the Fair Housing Acts), nor identify owners that are delinquent in assessments. Generally, associations should not address pending or threatened litigation in social media and if so, only after consultation and review by legal counsel. An association should never allow the posting of unrestricted content, including via comments. In the event an association wishes to allow posts or comments by members, its policy should outline clearly what types of comments are objectionable, authorizing the association to remove posts that violate the policy.
- Restricting Inadvertent Association Attribution. Associations may also consider including restrictions on directors’ and officers’ use of their personal social media accounts, prohibiting such persons from posting information or making comments that could be reasonably construed as being made in such person’s capacity as an association representative.

While social media can be a powerful tool, it also has the potential to cause significant harm. The use by associations of social media should therefore be deliberate and professional. Work with your qualified association legal counsel in developing or reviewing any social media policy and take measures to regularly review and update the policy as technology changes and new issues arise. Associations would also be wise to consult with their insurance professionals to ensure that adequate insurance coverage is in place for potential claims resulting from such use

Article prepared by:

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Tip for Responsible Social Networking

Facebook, Twitter, LinkedIn

Chances are you are a member of one or more of these social networks.

Chances are you have posted something about work (positive and/or negative).

Chances are you have friends/followers/connections that are co-workers or your supervisor.

You have the right to remain silent . . .

Anything you post may be used against you, so be careful.

Consider that what you post online to social networks is a body of evidence. If a manager sees negative things being posted about work, it may trigger a meeting.

Be mindful of what you post regarding your company. Do not post anything sensitive about your employer online.

- Attackers use social networking sites to gather information about you and your company and use it against you.

Interview over

Potential and current employers can research your posts and pictures and make a decision on whether or not you get the job, or get a promotion.

If you post pictures of you doing illegal things, or acting overly irresponsible, it could hurt you and your career.

Be mindful of posting strongly opinionated views. This could cause coworkers to feel uncomfortable around you if they do not feel the same way.

- Think carefully about what you are posting and who can see it. It could come back to bite you.

Use what you are given

Most of the social networking sites allow you to only show specific groups of people specific information.

Use this feature. Make as little as possible 'public.' Consider separating work relationships from personal ones online.

Be careful what you post online. It could come back to hurt you, or the company you work for. It is perfectly fine to make use of social networking, just make sure to be responsible about it. For more tips and information visit *KnowBe4.com*

Written by: Knowbe4.com

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TIPS FOR BOARD MEMBERS

Adopting a Code of Ethics

Each Board should consider adopting a “Code of Ethics” aka “Code of Conduct”. This will provide the Board Directors and members of the Association a guideline and behavioral expectation which helps promote professionalism when conducting the business of the Association. The Code of Ethics provides a collection of “rules for behavior”.

CAI National has a model code of ethics available on their website which is restated below for your convenience. Please note that the model code of ethics below is not meant to address every potential ethical dilemma encountered by a community association board member but is offered as basic framework that can be modified and adopted by any common-interest community. Look it over and see how your Board can individualize guidelines for your Association.

To access the CAI National website for more information please sign in to: www.caionline.org.

Model Code of Ethics for Community Association Board Members

Board members should:

- n Strive at all times to serve the best interests of the association regardless of their personal interests.
- n Use sound judgment to make the best possible business decisions for the association, taking into consideration all available information, circumstances and resources.
- n Act within the boundaries of their authority as defined by law and the governing documents of the association.
- n Provide opportunities for residents to comment on decisions facing the association.
- n Perform their duties without bias for or against any individual or group of owners or non-owner residents.
- n Disclose personal or professional relationships with any company or individual who has or is seeking a business relationship with the association.
- n Conduct open, fair and well-publicized elections.
- n Always speak with one voice, supporting all duly adopted board decisions even if the board member was in the minority regarding actions that may not have obtained unanimous consent.

Board members should not:

- n Reveal confidential information provided by contractors or share information with those bidding for association contracts unless specifically authorized by the board.
- n Make unauthorized promises to a contractor or bidder.
- n Advocate or support any action or activity that violates a law or regulatory requirement.
- n Use their positions or decision-making authority for personal gain or to seek advantage over another owner or non-owner resident.
- n Spend unauthorized association funds for their own personal use or benefit.
- n Accept any gifts—directly or indirectly—from owners, residents, contractors or suppliers.
- n Misrepresent known facts in any issue involving association business.
- n Divulge personal information about any association owner, resident or employee that was obtained in the performance of board duties.
- n Make personal attacks on colleagues, staff or residents.
- n Harass, threaten or attempt through any means to control or instill fear in any board member, owner, resident, employee or contractor.
- n Reveal to any owner, resident or other third party the discussions, decisions and comments made at any meeting of the board properly closed or held in executive session.

From: *The Beacon* issue Winter/Spring 2020

Written by:

B.K. Swartwood, CMCA®, AMS®, PCAM®