

DEALING WITH PROBLEM OWNERS AT BOARD OF DIRECTOR MEETINGS

By: Sara E. Barry, CMCA, PCAM
Director of Operation – Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP

If all of the tips in the *Harassment of Board and the Manager* article on the web-site don't work, it is possible that you need to get your attorney involved after the normal enforcement procedures have been followed. Most documents have a nuisance provision and a member acting up at a Board Meeting where normal parliamentary Procedures resolutions don't work is certainly a nuisance. If, however, you think the person can be dangerous, the health and welfare provisions kick in and action NEEDS to be taken to ensure the safety of all residents, including the members of the board.

Having your Security contractor (even though I hate using the word Security in conjunction with an HOA, I have to use it here), in attendance can work in most cases. In one particular case, however, the officer stood at the door and attendees acted civil until they walked out the door and then two people had it out in the parking lot and the police had to be called.

Directors can cause some of these problems by debating owners during the open forum. The Board needs to listen and consider the comments during the meeting, but they do NOT need to comment, debate or defend their positions during the open forum part of the meeting. If need be, put the word LISTEN at the beginning of this section on the agenda. Board members showing anger just buys into the actions that the hostile owner is looking to achieve in trying to manipulate the situation and the Board.

If your attorney is not well versed in this industry, contacting the attorney and taking their advice may fuel the fire as well. A seasoned attorney will know the ramifications of taking certain actions and will only accelerate the hostilities vs. reduce the flames. Ask your attorney what they have found works in the past, even though individual act differently to certain threats or actions. Working with an experienced attorney won't force you to reinvent the wheel on what may work and may not work.

In a lot of cases, the situation is definitely not about what is being dealt with regarding an owner. The free County mediation services could help early on to find out what is really going on with the owner. In Reno, the service is called Neighborhood Mediation Center and in Las Vegas it is called Neighborhood Justice Center. The mediators are trained to get to the heart of the matter and work our resolutions before issues escalate. In Las Vegas, you can ask for an experienced mediator in the HOA industry, they will try to accommodate your request.