


Channels of **Communication**

Serving Ventura, Santa Barbara, San Luis Obispo and Kern Counties

THIRD QUARTER 2017

The Official Publication of
CHANNEL ISLANDS CHAPTER
community
ASSOCIATIONS INSTITUTE



Overcoming the Challenges of Difficult People and Situations

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Tips for Dealing With Difficult Board Meetings

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Manager's Memo: Dealing With Difficult People

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president's message



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Hello Fellow CAI Members:

To me, it's unbelievable that we're already in the 3rd quarter of 2017. We've maintained an exciting pace at the Channel Islands Chapter, and there's much more to come!

We hosted our first CAI-CIC Santa Barbara Dinner Program on September 19th, titled "Let's Be Practical & Productive – The Davis-Stirling Act & Meetings". It was a great program and we appreciate the local support. We look forward to continuing to offer outstanding programs to our Santa Barbara members. Stay tuned for the date of the next Santa Barbara Dinner Program.

Here's an outstanding upgrade to our organization! CAI-National is launching a new membership structure for Community Association Board Members. Association Boards of 3-15 board members, can take advantage of being a CAI member for one fee of \$250 plus advocacy fee for an entire year. Email leah@cai-channelislands.org for more information. For existing CAI members, the new membership rates will be applied to your next membership renewal.

For those of you who haven't seen it, over the summer, we released the 2017-2018 (print) Membership Directory. This is an important resource when looking for Business Partners who specialize in the HOA industry. You can also go to cai-channelislands.org for a full online directory of our Business Partner members. Be sure to check out these resources.

Please be sure to mark your calendars and join us for the CAI statewide Legal Forum on Friday, October 20 at The Sheraton Universal in Universal City. The annual Legal Forum features a full day of educational sessions presented by expert panels, including government officials, seasoned management professionals and members of the prestigious College of Community Association Lawyers, a professional organization that represents the very best attorneys in the industry. For more information and to register, visit www.caionline.org

Thank you to all of our wonderful volunteers for continuing to produce amazing, informative and fun programs for our members to attend. I am continually proud to see the incredible success our chapter has achieved. It's a pleasure and a privilege to serve as your Chapter President. I hope to see you at one of our events, soon!

Gordon Miller

Gordon Miller
CAI-Channel Islands Chapter President

Dealing With Diffi

Few new community managers walking in on their first day have the slightest inkling what is in store for them. Those who are seasoned know, in no uncertain terms that some of the people with whom we deal are and will be very difficult. Why is that? Largely because of three things:

- We deal in situations that affect people's living arrangements, making even the smallest of issues seem very, very personal to the resident.
- People find community associations a perfect place to enact personal agendas.

There are no repercussions for bad behavior.



The (90%) Quiet Majority It is very important to keep in mind that the vast majority of residents with whom you will have interaction are pleasant folks who only want or need something taken care of: A tree trimmed, a late charge reviewed, to report a problem or ask a procedural question. You will deal with hundreds or even thousands of these types of people but like all things easy you won't remember much about them. You WILL remember, and be most affected by, the less pleasant encounters. Despite that, never, ever, lose sight of the legion of good people you meet and will talk to on a daily basis because they are what give perspective.

The (10%) Vocal Minority In almost any community you can be assured of dealing with the same people over and over - the 10%. These are the serial complainers, chronic whiners, angry-at-the-world-ers, or the causers-of-their-own-problems. It's a truth, it's undeniable, and to put it bluntly it's our job to deal with them.

The bored and/or lonely. If you manage a retirement community, you soon find that many of them are bored and/or lonely - and don't know how to manage that boredom or loneliness, except to make continual contact with anyone who will listen. Many times, that will be you.

The bored gadfly. Potentially more dangerous and time consuming than the plain old bored, the gadfly likes to stir up trouble just for their own entertainment's sake. Not satisfied with simply complaining about an issue, they embellish upon it and make you jump through hoops for their entertainment.

Angry with a legitimate reason. They may have been wrongly charged a late fee, or the entry gate closed early and hit their car or every street but theirs was snowplowed. Although, yes, they are sputtering mad when you talk with them, you can at least deal with the situation in a relatively clear cut manner.

Angry-in-general. These are the ones you simply cannot please in any fashion, so you may as well expect very little from them except their anger. They will call, email, write, show up at a Board meeting, or lay in wait to spring a "gotcha!" trap at the annual meeting.

The truly disturbed. Just like in real life, you'll have to deal with some people that are truly disturbed. Most of them are harmless, but always be on the lookout for those whom you think may not be so harmless. Let your employer and Board know.

Dealing with Difficult People (or, how to deal with the real heat in the kitchen)

When dealing with a problematic person, you must remain detached from the emotion of the moment by realizing that 1) Though the complainant appears to be upset with you, usually they are not: they are frustrated with the situation, 2) Know that your response can either exacerbate or diffuse the problem, and 3) Know that you can't control the person, you can only control your reaction.

cult People

By Julie Adamen

Adamen Inc.

Listen and take notes. As the individual is detailing his complaint, listen and take notes only. Why? Because you will need those notes for a service order or for the file and it keeps you from multi-tasking (step away from the iPhone!).

Empathize. Intermittently offer reassuring words such as, “I see,” and, “I understand,” to show that you grasp their unhappiness with the situation and are listening.

Focus. Once it is established you are listening, you will be able to focus the conversation from an emotion-laden complaint to a positive course of action by you on their behalf.

Solve the problem. “I’ll be sending Mr. Smith a letter asking him to comply with our rules. If the situation continues, please contact me again and we’ll take the next step.”

More methods for dealing with the polite-challenged
Resist the urge to immediate response. As soon as someone is “in your face,” it’s human nature to want to respond instantly with your knowledge of the situation. Unfortunately, this will almost always come off as defensive; so, take a deep breath and let the person vent. Then, respond.

Guide, don’t teach. “Guiding” someone indicates that person is intelligent about what they are reporting, but maybe not about the process of getting that something resolved. “Teaching” someone indicates they are ignorant. A “teacher” mindset is a sure way to get you crosswise with owners or Board members, as comes across as paternalistic and/or patronizing.

Apologize for the event, or their perception thereof. When dealing with an angry person, it’s okay to apologize for the event. This keeps you personally out of the blame game loop, but allows you to take responsibility for handling the problem.

Don’t expect them to apologize for anything. Get over it right now: They could have been the biggest jerk in the world, but chances are slim they will apologize to you, even if they were dead wrong, or especially if they were dead wrong. Apologizing will be way too embarrassing for your difficult person. Move along with your work day, and own this truth.

Dealing with Difficult People is: For all community managers, the most daunting aspect of the job has nothing to do with the tasks that must be performed; it’s dealing with the people. I address this as a specific issue as I believe in being forewarned and forearmed with the appropriate tools. These tools will not only make your job easier, but will make you more effective in managing your communities and the people therein. [↑](#)

Julie Adamen is the principal of Adamen Inc., a national consulting and employment firm specializing in the community management industry formed in 1997. She is a recognized expert in community management, community management compensation and association and management company operations. She is a prolific author, educator, motivational speaker and trainer for community managers and Boards of Directors and is the author and producer of Community Association Management 101, online classes for new community managers.





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TIPS FOR DEALING WITH DIFFICULT PEOPLE

By David A. Loewenthal, Esq.

Loewenthal, Hillshafer & Carter, LLP



Maybe it is me, maybe it is the world we live in, or maybe it is simply the new reality that general Board meetings are seemingly becoming more combative and hostile.

Most of us have attended a Board meeting where one or more members have disrupted a Board meeting, hijacked the meeting, shouted people down, used profanities, or threatened other members or the Board. It is not easy for a Board to combat this conduct since disruptive members are often threatening. Board members are understandably intimidated by such actions or outbursts.

In order to attempt to deal with this situation, there are several potential

actions that the Board can take prior to, during and after a meeting, which are as follows:

At the outset, the agenda for the general meeting should specify when open forum will be conducted and how long each member has to speak (generally two to three minutes). Conducting the open forum at the beginning of the meeting allows the maximum number of members to participate whereas conducting the open session at the end of the meeting may decrease the number of members speaking since they may not stay until the end. A potential downside with having the open forum at the beginning of the meeting is that if one or more homeowners will not yield the floor after their time allotment or

become hostile and disruptive it may cause the entire meeting to devolve, thus preventing the Board from actually conducting the business of the Association. Conducting the open forum at the end ostensibly allows the Board to end the meeting and walk out if one or more homeowners are still attempting to disrupt the meeting.

If, during the meeting, one or more members is disruptive, combative, threatening, will not yield the floor, etc. then, the Board would be within their power to require that the member leave the meeting. The member should be given ample warning; however, if a member refuses to cease their disruptive conduct, the Board is within their power to have them removed. It is important to note that you should not physically touch the disruptive member to avoid a claim of assault and battery. If the situation is truly getting out of control, then it may be appropriate to call local law enforcement. If a member is told to leave a meeting, as a result of their conduct, such conduct could become the subject of a disciplinary hearing pursuant to Civil Code Section 5855 and corresponding fines pursuant to the Association's published fine policy.

Another option when a member is overly disruptive, is to move the meeting to a member's private

residence. Since it is a private residence, the member has the right to control who may enter their property. The problem with this option is that in a large Association it may be impractical to try to move an entire meeting into a member's private home.

In those instances where one or more members are continuously disruptive, thus preventing the Board from conducting the meetings on an on-going basis, the Association may wish to consider obtaining a restraining order. A restraining order is an order obtained from the Court which protects the person who has obtained the restraining order from being threatened, attacked, harassed, etc. by another person who the restraining order is against. Examples of restraining orders include, but may not be limited to, restraining threatening phone calls, assault, harassment, yelling, etc. Pursuant to Code of Civil Procedure Section 527.8, an Association can seek a protective order for Board members, officers, community association managers as they are deemed to be "employees."

Disruptive members often cite to their right to "free speech" as their basis to say whatever they want, for however long they want and wherever they want. That is simply not the case. Remember the old adage that "you can't yell fire in a crowded movie theater." Members do not have an unfettered right to act or say whatever they want under the guise of free speech.

The difficulty for the Board is balancing the right of the member to make comments, including dissenting opinions, versus when such conduct becomes overly disruptive. On the

(Continued on Page 13)

A Board has a few options in dealing with a disruptive or rogue Board member, as follows:

- A censure letter can be issued by legal counsel to the Director with a copy to the rest of the Board outlining in detail the offensive conduct and explaining why such conduct is inappropriate and unacceptable for any Director on the Board. Such a letter explains what the legal and fiduciary obligations of the Director are including demonstrating undivided loyalty to the corporate entity and to undertake no actions which could potentially expose the Association to risk or claims against it. Censure letters are confidential and should not be made public to the membership at large.
- A censure letter should also discuss potential liability implications to the Association and the individual Director, including the possibility that if claims are asserted against the Director or Association, liability insurance may not cover the claim or provide a defense. Finally, the censure letter will advise the rogue Director of the consequences of not ceasing or correcting such behavior in the future. A censure letter could demand that the Director resign or be subject to public action to address their behavior.
- The Board can make a decision to remove the disruptive/rogue Board member from holding a specific office, such as President, Secretary or Treasurer. It is important to note that this is different than attempting to remove a Board member from the Board. There are very limited circumstances that allow a Board majority to cause a Director's removal from the Board itself, which are usually set forth in the Association's Bylaws and generally limited to being convicted of a crime or being adjudged incompetent.
- Pursuant to Corporations Code Sections 7222 and 7510(e) five (5) percent of the membership, can sign a petition calling for a special meeting of the membership for the purpose of recalling an individual Director from the Board. Associations which utilize cumulative voting must use a complicated formula to determine the requisite percentage necessary to remove a Director from the Board which can often make it difficult. A recall election is conducted in the same formal manner as any other election of Directors, with secret ballots opened at a noticed meeting by appointed election inspectors.
- Finally, though it is rarely used, there is an ability to file a lawsuit to remove a Director pursuant to Corporations Code Section 7223. This generally involves filing a lawsuit to have the Court remove a Director based on conduct including dishonesty, fraudulent or gross abuse of authority or discretion. This option is rarely used because the Association cannot fund the cost of litigation, as the Association must be named as a defendant in such an action, meaning that the individuals must pay to prosecute this action.

Again, dealing with disruptive members and/or Board members is a difficult process; however, if not dealt with early on it can fester and become untenable for the Association as a whole.

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one hand, to the extent that a member is within their open forum time allotment, within limits, the Board does need to allow the owner to express their thoughts, comments, and opinions. Sometimes such comments come close to being defamatory. However, members do not have an unfettered right to make threats, scream obscenities, promote violence, etc. [A member can make statements that the Board is not doing a good job as well as accusing mismanagement by the community manager. (See Damon v. Ocean Hills)]

Interestingly, it is not only members whose conduct may become disruptive or problematic. Often Board members conduct themselves in a manner that brings their actions into question, such as when a Board member is acting in a way that is not necessarily in the best interest of the Association, but rather is in their own personal best interests. As an example, attempting to pressure or influence other directors to enter into contracts, when that Director has a financial interest, thus creating a conflict of interest. Members of the Board are fiduciaries and are required to exercise their powers in accordance with the duties imposed by the Corporations Code. This includes exercising due care and undivided loyalty to the Association. (Francis T. v. Village Green Owners Association).

Similar to individual members, a disruptive Board can negatively impact Board meetings which can prevent the meeting from proceeding forward, shutting down discussions, and possibly other Board members simply throwing up their hands and resigning from the Board. Unfortunately, a combative Board member's goal is often to chase away good Board members. ⬆

David A. Loewenthal, Esq. is a founding partner of Loewenthal, Hillshafer & Carter, LLP which is headquartered in Woodland Hills with offices in Westlake Village, Santa Barbara and San Luis Obispo. David has practiced in the Homeowners Association field for over 27 years. The firm specializes in representing Homeowners Associations in all of their legal needs including, general counseling, construct defect litigation, general litigation, enforcement matters, redrafting of governing documents, contract negotiation, insurance disputes and assessment collection. David is an active member and past board member of the Channel Islands Chapter of CAI.



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Your Pre-Lien Letters Are Defective: Here's How to Fix Them

By Sean D. Allen, Esq.
Roseman & Associates, APC



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Earlier this year the United States Court of Appeals for the Ninth Circuit rendered its decision in the case of *Mashiri v. Epsten Grinnell & Howell* (9th Cir. 2017) 845 F.3d 984. That decision contains subtle, but potentially very damaging effects on the pre-lien letters assessment collection agencies and management companies have been sending out for years.

Pre-lien letters are a requirement pursuant to California Civil Code § 5660 before a lien may be recorded by an Association against a delinquent homeowner's property. Pursuant to that section, a pre-lien letter must be sent to the delinquent homeowner by certified mail at least 30 days before recording a lien upon the homeowner's property. Section 5660 also sets out some specific information that all pre-lien letters must contain.

In *Mashiri*, the plaintiff is the owner of a home in San Diego and is a member of The Westwood Club homeowners' association. When she failed to timely pay her assessments, the Association sent the homeowner a pre-lien letter that stated the Association would record a lien against the homeowner's property if she failed to pay the delinquent assessments within thirty-five days of the date of the pre-lien

letter. The homeowner later sued, arguing: (1) requiring payment within thirty-five days of the date of the pre-lien letter impermissibly violated her rights under the Fair Debt Collection Practices Act ("FDCPA"), which provides her a thirty-day period to dispute the debt upon receipt of the letter; and (2) by threatening to record a lien within thirty-five days irrespective of whether she disputed the debt, the Association violated her right to effectively dispute the debt.

The Court ruled in favor of the homeowner on both arguments. It held that the pre-lien letter demanding payment within thirty-five days of the date of the letter was inconsistent with the right to dispute a debt within thirty days of receipt of the letter. This was problematic because by the time

a delinquent homeowner receives such a letter, there may be fewer than thirty days left before payment is actually due. In this scenario, a delinquent homeowner could likely be led to believe that, even if she disputed the debt, the Association would nonetheless record a lien on the thirty-fifth day after the date of the pre-lien letter, which would be improper.

Unfortunately, many pre-lien letters contain similar deficiencies to the pre-lien letter in *Mashiri*. In fact, they may be even more problematic if, as we frequently see, they provide less time to make payment than in *Mashiri*. We commonly see pre-lien letters which demand payment within thirty days from the date of the letter (instead of thirty-five days in *Mashiri*). Clearly, demanding payment within thirty days of the date of the pre-lien is inconsistent with the homeowner's right to dispute the debt within thirty days of receipt of the pre-lien.

Homeowners who are sent pre-lien letters containing such deficiencies would quite arguably have a valid defense based on the *Mashiri* case. As such, we recommend that our Boards and management companies review any pre-lien letters on active collections cases and, if needed, send new pre-lien letters where possible to resolve these potential issues.

Any such pre-lien letters should not include any language requiring payment from a point in time starting from the date of the letter. Rather, the letter should require payment within a time calculated from the receipt of the letter. In order to further mitigate any concerns that the required FDCPA thirty-day dispute period is being infringed upon, we recommend that the Association actually provide the delinquent homeowner forty-five days from receipt, instead of the minimum thirty days.

The new pre-lien letters should also not include any language that could mislead the homeowner into believing that a lien will be recorded even if the debt is disputed or paid in full. Many pre-lien letters contain language such as “a lien will be recorded” and this language can mislead homeowners into believing that the recording of a lien is an inevitability. Instead, it is recommended that the Association use language in its letters stating that a lien “may” be recorded, along with a statement that if the debt is disputed in a timely manner, collection activities will cease until verification of the debt is mailed to the homeowner.

If you have any questions as to whether your Association’s pre-lien letters might violate the FDCPA or the Court’s ruling in Mashiri, please have your Association’s legal counsel review the letters and provide the Board with an opinion regarding the same. ⬆

Mr. Sean Allen is a senior attorney with the law firm of Roseman & Associates, and is the head of the firm’s HOA department. Having exclusively represented homeowners associations and other common interest developments for several years, Mr. Allen has broad experience with issues and disputes that impact community associations, including CC&R interpretation and enforcement, compliance with Davis-Stirling Act, assessment collection, and community association governance.



Mr. Allen is an active member of CAI in several Southern California chapters, has been a featured speaker at many CAI events and serves on the Channel Islands Chapter’s Legislative Action Committee.

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- Chapter’s 2018 Marketing Plan – Be the first to view and reserve your spots for 2018!
- Manager Panel – Ever wonder what managers / boards look for in a bid? Why boards sometimes go with the other bid? And how you can better showcase your business to board members? Our manager panel will present on these topics and answer your questions!

HOA Liability for Discriminatory Harassment: A Primer

By *Sandra L. Gottlieb, Esq.*
and *Nicholas Marfori, Esq.*
SwedelsonGottlieb

Title VIII of the Civil Rights of 1968, also known as the Fair Housing Act (“FHA”), is a federal law which prohibits discrimination in housing and housing-related services due to race, color, religion, sex, national origin, disability, and familial status. Because the FHA applies to entities that set terms and conditions for housing and provide services and facilities in connection with housing, it applies to HOAs and other community associations. By now, most HOAs across the country are already aware (or should be aware) that, in 2016, the U.S. Department of Housing and Urban Development (“HUD”) amended its federal housing regulations to firmly establish association liability for discriminatory conduct by its Board, directors, employees, and even by residents. Particularly concerning to HOAs are the new regulations regarding discriminatory harassment and third-party liability, which may also be the most difficult sections to understand for Board members and management.

Quid Pro Quo and Hostile Environment Harassment

Suppose that Happy Acres HOA’s on-site manager Mark has openly expressed his fondness for homeowner Helga by whistling and making cat-calls at her when she passes his office on her way to the gym. He has asked her out on dates several times, even after she declined and explained that she was married with three kids. One day, when Helga emailed Mark to request guest passes for her son’s birthday party, he responded by saying, “come see me in my office in your gym clothes and we’ll see what we can ‘work out.’”

Does Helga have a housing discrimination claim against the HOA? Is the HOA liable for its manager’s conduct?

HUD’s new rule adds 24 C.F.R. § 100.600, which formalizes an HOA’s liability for “quid pro quo” harassment and “hostile environment” harassment in the housing context. Quid pro quo (or “this for that”) harassment refers to an unwelcome request or demand to engage in conduct (due to race, color, religion, sex, national origin, disability, or familial status) where submission to the request or demand, either explicitly or implicitly, is made a condition related to the provision of services or facilities. In the HOA context, this often occurs when an HOA manager or employee requests or demands sexual favors from a resident in the community in exchange for his/her use of community facilities or services, as depicted in the example above, where Mark, as an agent for the HOA, requested sexual favors from Helga in exchange for the guest passes she requested.

Hostile environment harassment refers to unwelcome conduct (due to race, color, religion, sex, national origin, disability, or familial status) that is sufficiently severe or pervasive as to unreasonably interfere with the provision or enjoyment of services or facilities. This can occur when, as illustrated in the example above, a resident who is attempting to make use of an association’s services or facilities (e.g., a gym, pool), and is repeatedly subjected to cat-calls, sexual comments or other lewd conduct by an HOA employee or manager. Under the new HUD regulations, an HOA can be held liable for failing to correct the sexually harassing conduct.

Note that the actionable conduct is harassment based on sex, race, religion, and the other protected characteristics under the FHA. For instance, an HOA can be held liable where its security guard utters racial slurs at black and Hispanic residents, or where a Board member requires a Muslim condo owner to leave his backpack outside before attending the annual meeting of the members. But what if the harassing conduct is perpetrated by one resident against another? Can the HOA be held liable for neighbor-to-neighbor harassment? Under the new amendments to the FHA the answer is yes.

Third-Party Harassment Liability: HOA Liability for Harassment by Residents, Guests, and Other Third Parties

Perhaps the most consequential provision in the new regulations is the expansion of HOA liability for the discriminatory conduct of a third party, such as a resident, guest, an outside vendor, etc. Suppose that Helga, from the above example, was also being harassed by her neighbor Nate, who would often yell anti-Semitic comments to Helga and her



family and draw swastikas on Helga's car windows in the middle of the night. Helga complains to management, but the Board refuses to get involved in "neighbor-to-neighbor" disputes. Can the HOA be held liable for failing to take action against Nate?

Under 24 C.F.R § 100.7(iii), an HOA is "directly liable" for "[f]ailing to take prompt action to correct and end a discriminatory housing practice by a third-party, where the person knew or should have known of the discriminatory conduct and had the power to correct it." (Emphasis added.) In other words, an HOA can be held liable for a resident's harassment of another resident when:

- the harassment is based on race, color, religion, sex, national origin, disability and familial status;
- the HOA knew or should have known of the harassment;
- the HOA had the power to correct and end the harassment; and
- the HOA failed to take prompt action to correct and/or end the conduct.

As applied to our example, Nate's harassing conduct was clearly based on Helga and her family's Jewish religion. Helga complained to management, so the HOA knew of Nate's conduct. But does the HOA have the power to correct Nate's conduct? As explained by HUD, "a community association generally has the power to respond to third-party harassment by imposing conditions authorized by the association's CC&Rs or by other legal authority." For instance, if the HOA's CC&Rs prohibit nuisances, the HOA could have imposed violation fines against Nate for causing a nuisance to Helga and her family. By failing to do so (or failing to do anything at all), the HOA will likely be found liable for Nate's discriminatory conduct.

To avoid liability, an HOA Board must take some action to address any alleged discrimination by residents or other people within its authority. If a manager or Board member receives a complaint concerning neighbor-to-neighbor

discrimination, some action must be taken. However, what action is appropriate is a fact specific question. Most neighbor-to-neighbor disputes do not really involve



"discrimination," at least not the kind of discrimination that we usually associate with Fair Housing complaints. But determining what is or is not "discrimination" is not always that easy.

This new law makes it clear that HOAs will likely need to look closely at and take action in what appears to be a neighbor-to-neighbor dispute if it appears that there is some sort of discrimination involved. The failure to do this may lead to the association being named in a lawsuit, and potential liability for monetary damages.

What's an HOA Board to do?

So, you ask, what type of corrective action is required? As stated, that depends on the circumstances. It may include verbal and/or written warnings and demands that the offensive and discriminatory conduct stop, legal action, including harassment restraining orders and/or reporting the offensive conduct to the police. Note that if a Board member is doing the harassing, that Board member must, of course, be kept out of any executive decisions relating to the harassment complaint.

In light of the potential liability and the sensitivity of the situation, if an HOA receives an allegation of discriminatory conduct, it should contact legal counsel for guidance.

Moreover, HUD recommends that HOAs do the following:

- Educate board members, employees and managers about the FHA and the types of discrimination about which they should be aware and on the look out for;
- Develop and publish anti-discrimination policies/rules for the association;
- Act promptly to address complaints from residents;
- Mediate disputes between residents;
- Use enforcement provisions under the CC&Rs to correct and end discriminatory conduct. ⬆



Sandra L. Gottlieb, Esq., CCAL is the managing partner and head of the transactional division of SwedelsonGottlieb, a law firm that exclusively represents homeowners' association's throughout California. Sandra Gottlieb has served as President of the board of directors of three Chapters of the Community Associations Institute (CAI) in Los Angeles, Orange County and Channel Islands. On a national level, she has represented the firm on the CAI National Faculty, the CAI National Attorneys Committee, and is a member of the CAI College of Community Association Lawyers (CCAL).



Nicholas Marfori is an Associate Attorney at SwedelsonGottlieb. Nick focuses his practice on providing corporate counsel and representation to community associations on a wide range of matters, including CC&R interpretation, corporate governance, service contracts, employment matters, and general litigation.



CAI-CHANNEL ISLANDS
DOWN AT THE
Boardwalk
COMMUNITY FAIRE



The Chapter hosted its Down at the Boardwalk themed Community Faire & Educational Programs at the Embassy Suites at Mandalay Beach in Oxnard on Tuesday, August 29, 2017.

With over 250 attendees pre-registered, 51 exhibitors and 11 sponsors, the exhibit hall was buzzing with excitement and energy as Association members exchanged ideas, information and networked with Business Partner Members who specialize in the industry. Thank you to our exhibitors, sponsors, program speakers, Community Faire committee and all of the attendees for participating in a great event! If you have not attended a CAI Community Faire, see below for a member's testimonial on what you gain by attending this chapter event. Hope to see you at our next Community Faire!

What I Learned at the Community Faire by Laurel Sylvanus, CMCA

I always look forward to attending each CAI-Channel Islands Community Faire and "Down At The Boardwalk" was no different.

As a Community Manager, the event began with a poolside Happy Hour with balmy beach breezes. CAI provided a fun space to enjoy each other's company, learn from colleagues, and swap war stories. The happy hour was hosted by the event sponsors and it was very appreciated.

Leaving the gorgeous ocean view behind, it was time to head over to the Exhibit Hall. More than 50 vendors, all with displays, games and prizes and a very festive air and it was fun winding around several rows of vendors, trying to win prizes, and learning about each vendor. CAI attracts some of the best and brightest and there are often a few new vendors I haven't had the pleasure to meet before. We get great leads from these events and forge business relationships that last years. It's an excellent opportunity to get educated on the latest techniques and technologies available. I am always grateful that the vendors give their time and energy to answer questions and provide information that will best serve my clients, and the homeowners in attendance appreciate it, as well.

After the Exhibit Hall, it was dinner and the educational program "Dealing With Difficult People – Riding the Roller Coaster of Personalities"! It began with examples of rogue or challenging Board members, and covered homeowners who become hostile, and what to do when meetings are disrupted. It was clear from the responses in the room that nearly every manager had experienced these situations, and the guidance from the speakers, was humorously presented by the speakers and very informative. I learned that it is most important that a Manager keep their head while others around them may lose their own. Managers need to remember that people are invested in their ownership and can get emotionally heated or over-controlling in their quest to retain their home value. It was a great reminder to go back to the Manager's tool kit that includes the association's governing documents, California civil code, current statutes, and the resources provided by CAI such as board member training and continuing manager education, as well as the Association's legal counsel.

Although I didn't win a gift card or bottle of wine... the education that I took back to my colleagues at Concord Consulting was well worth yet another evening away from my home. Thanks to the CAI Faire Committee and Leah Ross for providing an excellent environment to learn and have a few laughs!

Laurel Sylvanus has been a community manager for 10 years and has earned the CMCA® - Certified Manager of Community Associations® credential. Laurel is with Concord Consulting & Association Services, Inc., a full service community management company in Camarillo, CA. She has served on the Community Faire Committee for the past two years and is a frequent volunteer at chapter events.

Thank you to our Program Speakers

LEGAL Q&A SESSION

Scott Hunter, Esq.
Hunter Law Firm

Cyrus Koochek, Esq.
SwedelsonGottlieb

**BOARD MEMBERS /
HOMEOWNERS DINNER PROGRAM**
Kelton "Lee" Gibson, Esq.

Myers, Widders, Gibson, Jones & Feingold, LLP
Tracy R. Neal, Esq.
Beaumont Gitlin Tashjian

**COMMUNITY MANAGERS' /
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Sean Allen, Esq.
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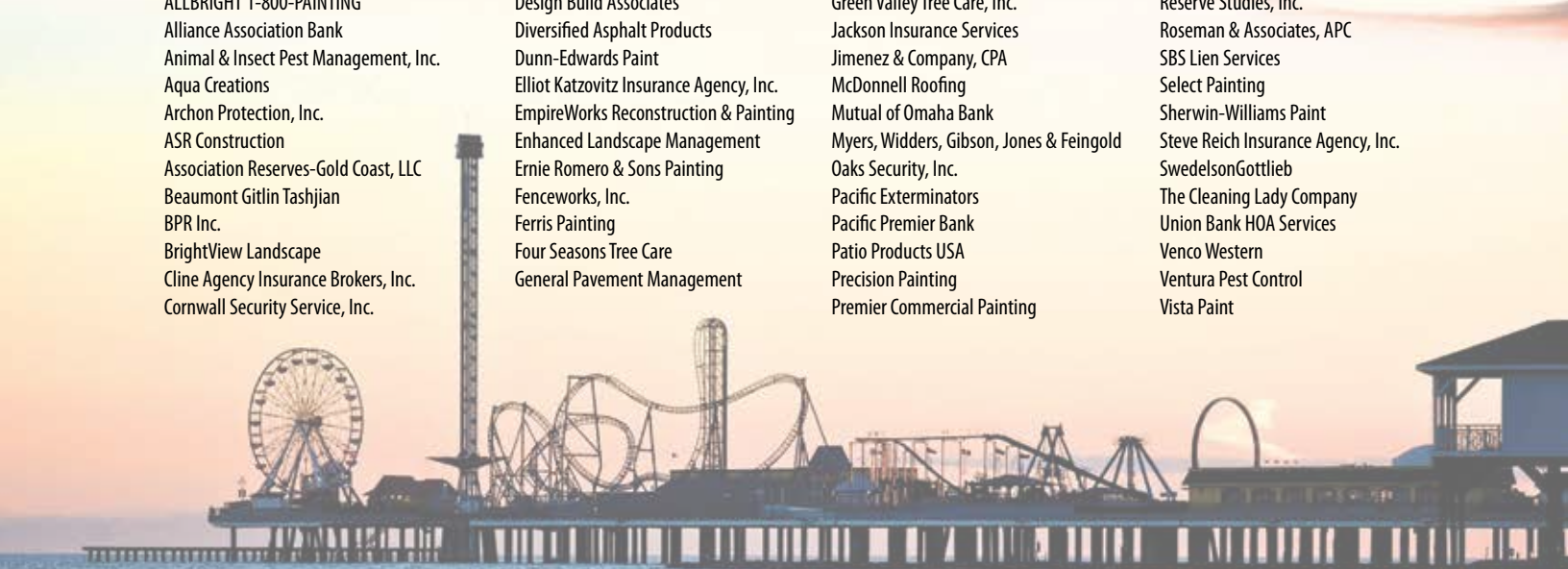
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Event Review: Local Legislative Action Day

By **James Perero, Esq.**, Myers, Widders, Gibson, Jones & Feingold, LLP

CAI-Channel Islands is breaking new ground in political action. On August 10, we held our first annual “CAI Local Legislative Action Day”—a first of its kind in California. Adding to the mythic proportions of our endeavor, we traveled by Pegasus. Pegasus Transit, that is. Our “Leg. Bus” (pronounced “ledge bus”) and team of advocates visited the offices of state legislators in Camarillo, Oxnard, and Ventura to advocate for and against pending legislation in Sacramento that will impact your associations.

Does the word “legislation” make you sleepy? Consider the popular TV show “Law & Order.” It starts with a chilling crime. Then moves to intense detective work. And ultimately, it ends with a gripping court room finale. But the thing that animates the work of police and attorneys is hidden from view: legislation.

Admittedly, laws impacting community associations rarely make for good TV. But the compelling drama of “Law & Order” shares something with well-ordered community associations: both originate from politicians making laws.

Laws don’t just happen. Politicians create, support, or oppose laws (in part) to satisfy voters. The only way Assemblymembers Jacqui Irwin and Monique Limón and Senator

Hannah-Beth Jackson will know what matters to local voters in community associations is if we tell them. Thus, our Local Legislative Action Day. We started at 10:00 am with an orientation at the Courtyard Marriott. Gathered were Steve Roseman, Esq. (CLAC Delegate), Teresa Agnew (Board and CLAC member), Leah Ross (executive director of CAI-Channel Islands), Jasmine Hale, Esq. (CLAC Committee Chair), Sean Allen, Esq. (CLAC member), yours truly (CLAC member), and association board members Robert Bromber (Surfside I), Ted Lansing (Leisure Village), Marilyn Matthews (Harbor Lights), and Suha Ulgen (Southwinds Village).

Rule number 1 for political action: start with coffee and pastries. Following an excellent continental breakfast, Leah outlined our schedule. Then, CAI’s statewide legislative advocate, Louie Brown, Esq., joined us via video teleconference from Sacramento. He educated us on the ins and outs of the four bills we would discuss at action stops during the day, and gave us a chance for Q&A. We were supporting two: AB 1426, which would allow uncontested elections to bypass the standard election process, and AB 1412, which would extend liability protections to board members of mixed-use common interest developments. And we were opposing two: AB 634, which would

allow owners to install solar panels on common area roofs without an association vote, and SB 2, which adds a \$75 fee to most recorded documents, including those relating to delinquent assessments. With our group now smarter and caffeinated, we boarded the Leg. Bus ready for action.

Tough schedules meant we were not able to meet with all three legislators. We were grateful to meet with Chris Munson from Assemblymember Irwin’s office, and Patty Quiroz from Senator Jackson’s office, both of whom were attentive and engaged. Both had limited knowledge of community associations, and our visit provided new perspective.

The highlight was meeting with Assemblymember Limón and her staff members Angelica Cisneros and Stephanie Ramírez Zaráte. Ms. Limón—who lives in a community association in Santa Barbara County—listened well, asked tough questions, and demonstrated sincere interest. She was prepared to provide specific information about where each bill was in the legislative cycle, its prospects for passage, and whether she could impact its course. At the meeting’s end, she tasked Ms. Ramírez to research and send us information



about a specific bill—which she did. Afterward, the Leg. Bus returned us to the Courtyard Marriot, and we said our farewells shortly before 4:00 pm.

Reflecting on our day, Marilyn Matthews noted that “the meeting with Monique Limón was especially interesting.” Marilyn recognized the value of educating legislators about the nuances of community living. “I realized that if the legislators and staffers do not live in CIDs/HOAs as Ms. Limón does, they may not realize the impact, for better or worse, legislation can have on the millions of owners who live in the thousands of community associations in California.”

Ted Lansing agreed. He notes that there are “legislative staffers with little or no understanding of Common Interest Communities, how we operate, or what various pieces of legislation can do to us.” Ted’s takeaway is clear: “It then follows that we must keep in constant contact with the legislators and their staff members throughout the year. We must make our presence known.”

Stay tuned for the Chapter’s 2018 Local Legislative Action Day and how you too can impact the industry! 🏠

James Perero is an attorney at the law firm Myers, Widders, Gibson, Jones & Feingold, LLP and has been practicing law for 8 years. He represents community associations as general and litigation counsel and is an active member of CAI-Channel Islands Chapter and serves on the Chapter’s CLAC Committee.

Congratulations to our California Legislative Action Committee (CLAC) Delegates!



Jeff Beaumont



Steven Roseman



James Perero

Congratulations to Jeff Beaumont, Esq. of Beaumont Gitlin Tashjian, who was recently elected as an at-large delegate for CAI’s California Legislative Action Committee (CLAC).

Mr. Beaumont will continue to serve the Channel Islands Chapter along with CLAC Delegate, Steven Roseman, Esq. of Roseman & Associates, APC and working with them as our new chapter delegate, Mr. James Perero, Esq. of Myers, Widders, Gibson, Jones & Feingold, LLP.

Mr. Perero has been instrumental on the Chapter’s CLAC Committee, meeting with local legislatures, setting up our Local Legislative Action Day and promoting the chapter’s fund-raising goals to meet our annual CLAC contribution.

We look forward to continuing to work with both Mr. Beaumont, Mr. Roseman & Mr. Perero and are grateful for their service to the chapter!

2017

Chapter Calendar of Events

- Oct 3** **Business Partner Appreciation Luncheon**, 11:45 am, Los Robles Greens, Thousand Oaks
- Oct 19** **Legal Forum - Pre-Forum Activities**, Sheraton Universal, Universal City
CID Law Course, 8 am-5 pm
Business Partners Essentials Course, 1-3 pm
CLAC Benefit Dinner, 6-9 pm
- Oct 20** **Statewide Legal Forum**, Sheraton Universal, Universal City
- Oct 24** **Chapter Luncheon**, 11:30 am, Los Robles Greens, Thousand Oaks
Annual Meeting, 11 am
- Nov 2** **Central Coast Dinner Program**, 5:45 pm, Ventana Grill, Pismo Beach
- Nov 14** **Chapter Luncheon**, 11:30 am, Los Robles Greens, Thousand Oaks
Chapter Board Meeting, 10:30 am
- Dec 5** **Chapter Luncheon**, 11:30 am, Los Robles Greens, Thousand Oaks
Chapter Board Meeting, 10:30 am

2018

- Jan 12** **Casino Night & Chapter Awards**, 5:00 pm, The Hyatt Westlake Plaza
- Jan 30** **Chapter Luncheon**, 11:30 am, Los Robles Greens, Thousand Oaks
Chapter Board Meeting, 10:15 am
- Jan 31-Feb 3** **Annual Community Association Law Seminar**, La Quinta
- Feb 8** **Central Coast Dinner Program**, 6 pm, Ventana Grill, Pismo Beach
- Feb 27** **Chapter Luncheon**, 11:30 am, Los Robles Greens, Thousand Oaks
Chapter Board Meeting, 10:15 am
- Mar 27** **Chapter Luncheon**, 11:30 am, Los Robles Greens, Thousand Oaks
Chapter Board Meeting, 10:15 am

Please Note: Event dates, times and locations are subject to change. Please check the chapter website: cai-channelislands.org for the most current information

Member Recognition Hurricane Harvey Restoration Team – ASR Property Restoration

Special recognition to one of our Business Partner members, ASR Property Restoration for their efforts in sending out a team to help the victims and businesses that were impacted by Hurricane Harvey.

ASR sent a crew of 6 men and 4 vehicles from California to Texas to help the DKI (Disaster Kleenup International) franchises. They also wanted to educate themselves on what was needed to prepare themselves for an event of this magnitude if it were to happen on the West coast. "We help people everyday in losses due to Water, Fire, Sewer backups and Mold, it is what we do... but have never seen anything like this first hand" was the comment made after one of their team members witnessed the devastation.



ASR spent time in between jobs, walking flooded and damaged neighborhoods, meeting and helping people that have been affected, giving back free services and providing guidance and assistance.



*If your company or association is doing something significant, we want to recognize you in our next chapter magazine!
Email photos and announcement to
leah@cai-channelislands.org.*

Welcome

to our new members!

Community Association Volunteer Leaders

Casa Del Pueblo Board of Directors • Nancy Greene, Chumash Village Mobile Home Park
Hollywood Beach Seaside Owners Association

Community Managers

Leanna Cutler, K. Hovnanians' Four Seasons at Bakersfield • Dawn McKinley, PMP Management
JoAnne Young, Lordon Management

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to the following members for renewing your membership with CAI!

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Stanley Davis, Village Green Property Owners Association
Michael Foore, Lake Shore Community Association • Forest Godfrey, Mirabella

Community Associations Board of Directors

Beachport Cottages HOA • California Lighthouse Homeowners Association • County Square Villas Homeowners Association
Daybreak Neighborhood Association • Harbor Lights Homeowners Association
Hollow Hills Greens Homeowners Association • Leisure Village Association • Los Arboles Townhome Owners Association
Northwood Community Association • Oaknoll Condominium Association • Orbelo Homeowners Association
Palm Colony Condominiums Homeowners Association • San Luis Bay Estates • Stonegate Ventura Homeowners Association
The Colony at Mandalay Beach • Westshore Condominium Association

Community Managers

Natasha Ashe, Sherwood Valley Association – PMP Management, AAMC • Mikaela Collerd, CMCA, AMS, PMP
Management, AAMC • Mark Corliss, River Road Property Management • Liliana Gomez, Associa, PCM
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Frank Jauregui, CCAM, The Management Trust • Rick Longpre, Latitude, Inc. • Christi Moore, CMCA, AMS, Leisure Village
Karin Shulman, Pine Mountain Club Property Owners Association • Dorothy Sweatt, Association Services of Ventura
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SAVE THE DATE

CAI-CHANNEL ISLANDS CHAPTER LUNCHEON PROGRAM

Tuesday, October 24, 2017, 11:30 am
Los Robles Greens, 299 S. Moorpark Road, Thousand Oaks



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CHAPTER LUNCHEON RECAP
TUESDAY, JUNE 20, 2017



*Thank you to our Host, Gordon Miller,
General Pavement Management*

OUR HOA CELEBRITY EXPERTS

Back Row: Alan Denison, Elements Landscape • Russ Cornwall, Cornwall Security Services • Chad McCloskey, Association Reserves, Inc.

Middle Row: Jasmine Hale, Esq., Adams Stirling, PLC • Ryan Gesell, CIRMS, CMCA, Timothy Cline Insurance Agency, Inc. • Karen Kokowicz, CMCA, AMS, PCAM, Coro Community Management

Front Row: Rich Dietz, Aqua Creations • Mark Avery, Premier Commercial Painting • Paul Townsend, Animal & Insect Pest Management

Contestants: Ruth Cederstrom, CCAM, PCAM, Concord Consulting & Association Services Inc. • JoAnne Young, Lordon Management • Dave Gulbranson, Northshore Owners Association • Chuck Kiskaden, Leisure Village Association

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Schedule of Events

October 3

Business Partner Appreciation Luncheon
Los Robles Greens, Thousand Oaks

October 20

CAI Legal Forum: CA Communities
Sheraton Universal Hotel, Universal City

October 24

**Chapter Luncheon "The Director & Officer's
Claim Has Landed, Now What?"**
Los Robles Greens, Thousand Oaks

For more information or to register,
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