

## **KEOUGH & MOODY WEBINAR**

### **COMMUNICATIONS 101- A THREE-PART SERIES**

#### **Part 2: Proper Communication In-Person and in Emails/Writing**

**May 8, 2024**

**12:00 p.m. - 1:30 p.m.**

*2 hours of continuing education credit will be provided*

*"...But the human tongue is a beast that few can master. It strains constantly to break out of its cage, and if it is not tamed, it will run wild and cause you grief."*

*-Unknown*

Communication is important in every relationship. As leaders of our community associations, we all can use reminders and tips on how to communicate effectively. In last month's webinar, Dawn and Gabby addressed how we communicate with the members of our community associations with the documents we send—including those we are legally required to send. We communicate through emails and letters. We also communicate in meetings. We communicate through the use of words, our facial expressions, our body movements, and even when we are saying nothing, but listening. When we get it right, communication can help develop trust and credibility. Yet, when we get it wrong, communication can create problems and obstacles that seem too great to solve.

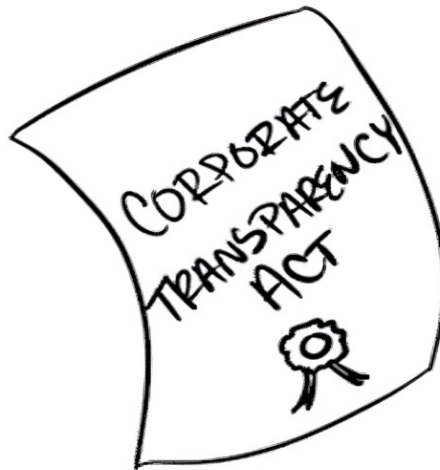
Join Dawn and Gabby in Part Two of this Three-Part Series on Communication, when they will address in-person communication and that in writing. In a time when so much of the communication in our industry can be negative, Gabby and Dawn will highlight the importance of staying positive and not falling into a negativity trap. They, too, will highlight the positive results when we effectively communicate in person and in email.

Register in advance for this webinar [here](#).

**“Communications 101-A Three-Part Series Part 2: Proper Communication In-Person and in Emails/Writing” is approved by Community Association Managers International Certification Board (CAMICB) to fulfill continuing education requirements for the CMCA® certification.**

**DATE CHANGE: Communications 101-A Three-Part Series Part 3 has been rescheduled to Wednesday, June 19, 2024 from 12:00 p.m. to 1:30 p.m. due to a conflict with the CAI-Illinois Golf Outing.**

Register Here



## **CORPORATE TRANSPARENCY ACT UPDATE**

As outlined in our [February 2024 Newsletter](#), Congress has adopted The Corporate Transparency Act (CTA), which, at this time, requires that domestic reporting companies, including incorporated condominium and common interest community associations, submit information to the federal government regarding the beneficial owner of the corporate entity (i.e., the person who has substantial control or at least 25% ownership interest in the corporate entity) by January 1, 2025. While guidelines associated with the CTA appear to be somewhat of a moving target, at this time, it **does** appear that associations will need to take action to file necessary reports disclosing beneficial ownership information by the end of 2024. Additional information will be forthcoming from our office on this particular issue in the next month. In the meantime, we continue to urge our readers to contact Congress to express concerns regarding the CTA and encourage an extension of the deadline, so that additional items can be clarified. Please see the following link provided by Community Association Institute (CAI) to levy those concerns. [ActionCenter\(votervoicenet\)](https://www.actioncenterforvoicenet.org/)



### **THERE IS NO "I" IN BOARD.**

Condominium and common interest community associations are governed by their duly elected board of directors. The board of directors is normally made up of three to seven owners within the association. From those individuals, the board members elect officers, such as president, treasurer and secretary. Those most coveted of those officer roles seems to be the role of president of the association.

Being the president of the association is an important role. The president serves as the primary liaison between the board and its professional team, including management and legal, sets the agenda for meetings of the board, and leads the meetings of the association and board. However, being president of an association board of directors is *not* akin to being President of the United States or president of a for-profit corporation.

A board of directors operates at all times by a majority vote of its quorum. This means that the directive of the association is based upon a vote of the majority, which could or could not include the president as part of that majority (note: unless expressly specified in the governing documents, the president *always* votes on matters – not just when a tie results). The determination of the board is not determined by the president alone (unless, of course, a majority of the board has elected to delegate authority to the president to act alone). Similarly, if the president does not like the direction of the majority, he/she does not have the authority to veto or overrule action approved by a majority vote of the board.

All that said, the president is an important part of the board – but he/she is just *one* member of a team that must function as a whole. Similarly, every officer of the board (and every member of the board) is just one member of the board. Too often, we see officers forget that he/she is just one member of a board. We see the officers who attempt to direct the association unilaterally or the officer who believes that it is he/she alone that is doing things for the association. In summary, he/she forgets that there is no “I” in board.

Forgetting that there is no “I” in board often causes the following issues:

(1) **Placing a target on the officer’s back.** This is true both in the context of liability and owner grievances. When there needs to be someone to blame for an association decision, it is easy to blame the president of the association or another officer of the board, especially when the president/officer takes credit for all actions of the board. When he/she discusses what he/she did, who else should we point the finger at when the decision is unpopular or results in a lawsuit or claim against the association? This often results in the officer being subject to personal attacks by the members—at meetings, in emails, or on social media. In addition, if it is the officer who is representing that a decision was his/hers, in the event of a claim or lawsuit, he/she could find himself or herself personally named as a defendant in such claim or a lawsuit. This makes an often thankless job even more difficult and stressful.

(2) **Creating an erroneous belief that other board members do not have responsibility or liability.** In those associations where an officer acts alone, either because he/she believes he/she has the authority or the other board members have conceded the authority, there is often an erroneous belief that if other board members did not “make that decision,” they have no liability. There is nothing further from the truth! As noted above, the board acts by a majority vote of its quorum. For the other board members, it is not a defense to a lawsuit or other cause of action that it was the “other board member” who made a decision. **All** board members have an equal vote and equal say, and the law requires that boards act in accordance with that premise.

(3) **Making it difficult to establish a team environment.** A successful board is an engaged and active board. Having an engaged and active board requires that all board members attend meetings and are ready, willing, and able to conduct business on behalf of the association. When the leader of the association does not respect that he/she is a member of a team and looks to act on his/her own or bully his/her fellow board members into a course of action, you end up with disengaged board members, who either stop engaging or participating. This results in little forward movement for the association. Such an environment angers owners, who often do not understand the purpose of the association to begin with, and dries up the pool of potential volunteers who would be willing to serve as board members and be good ones at that.

### **So what should the officers or board members do?**

The board member should realize that he/she is part of a team. It is the president’s job to lead that team to take action in the best interests of the association. Yet, this does not mean you act alone. All members of the board should work with their fellow board members to establish goals and a plan to achieve those goals—what work needs to be done, what administrative processes need to be adjusted, etc. From there, the board, primarily through the president, should work with the association’s professional team to help the board reach those goals.

All members of the board, but especially the board president, should lead by example. He/she should be respectful towards others, even when he/she is being attacked by others. The board members set the tone for meetings. The President should ensure that he/she is prepared for board meetings and run a tight agenda so that business can be conducted. This will allow the board to establish credibility with the owners.

Finally, all board members should be inclusive as to the actions taken by the association. It is great to see a board member very passionate about a topic/project. The passion should be used to bring all together. Again, it is the board that governs the association and not any one member of the board. When projects are accomplished and annual reports given outlining the past year of the association, be sure to indicate that it is the **board** that accomplished those projects (with the assistance of management and any other professionals).

Again, there is no “I” in board.

If you have any questions or we can be of assistance, please do not hesitate to contact us.  
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