



**KEOUGH
MOODY**

February 2026
Newsletter



February 11, 2026
12:30 p.m.

A Good Election Starts with Good Rules



Dawn Moody

Gabriella Comstock

Keough & Moody Webinar

**Wednesday, February 11, 2026
at 12:30 p.m.**

A Good Election Starts with Good Rules

*2 hours of continuing education credit will be provided**

Elections are one of the most important events in every community association. Deciding who will manage the community is a very important decision. Who is elected can greatly impact the

community. Further, how an election proceeds can set the tone for the upcoming year. An election that is conducted without any issues makes everyone feel comfortable and confident with their community. Whereas an election that is full of errors and chaos leaves the community asking, “What is going on?” Even though most people recognize the importance of an election, most people still act surprised when it comes time to plan for the annual meeting. Most still “recycle” the documents used for the last election. Most still ignore the advice that planning for the next year’s election should begin immediately after this year’s election. And most still only look at the rules related to elections every 5 years (or even longer)! Dawn and Gabby say, “Not anymore!”

Start 2026 by looking at elections differently and join Dawn and Gabby as they work to change your mindset on tackling your association’s election, with the first step of changing your association’s rules and regulations related to elections. In this webinar, Dawn and Gabby will discuss what should be in every community association’s rules and regulations related to the election of board members. They will also discuss what may be included. In addition, they will provide examples of “good” and “bad” rules, while explaining why these rules work and why they fail a community. Be ready, though, as Dawn and Gabby’s goal with this webinar is to have every attendee walking away with a need to review their association’s rules related to elections from a different and fresh perspective!

Join Dawn and Gabby in this 2-hour webinar by registering to attend.

[REGISTER HERE](#)

***“A Good Election Starts with Good Rules” qualifies for 2 hours of credit toward your CMCA renewal and IDFPR continuing education requirements for a community association manager license. Continuing education credit is contingent upon the attendee remaining in attendance at the webinar as required by the IDFPR and/or CAMICB ***

LEARNING ABOUT WHAT IS HAPPENING AROUND THE COUNTRY RELATED TO COMMUNITY ASSOCIATIONS IS NOT JUST FOR MANAGERS AND BOARD MEMBERS, BUT FOR ATTORNEYS TOO

This past January, Chuck, Dawn, and Gabby attended the 2026 Community Association Law Seminar in San Diego, California. The three always look forward to attending this event. Obviously, it gets them away from the cold and typically takes them to a warm and sunny venue. In addition, it provides a great time for them to not only reconnect with one another, but also with many other community association attorneys from across the country, including other attorneys from Illinois. They also looked forward to this year’s seminar as it was Gabby’s first time co-chairing the event.

Another highlight of this year’s seminar was Gabby’s presentation with Brian Butler, President of FirstService Residential Illinois. The two presented on “Throuples Counseling: Ethically Balancing the Evolving Attorney-Client-Agent Relationship.” In this program, Gabby and Brian discussed the importance of legal counsel working with its client and its managing agent, as such collaboration is typically in the best interest of the association. Other programs provided lessons, reminders, and good takeaways, not only for attorneys, but also for managers and board members. Here is a summary of a couple of these programs.

“ICE at the Gates and Beyond: Law Enforcement Compliance Risks for Community Associations¹” This program did not address any political issues related to the topic. Instead, it focused on how community associations should respond to requests from law enforcement and the potential liability to the association when it fails to handle a situation properly. The speakers addressed an association’s obligation to provide records, surveillance footage, and employee/contractor information to local enforcement.

The speakers reviewed the need for associations that have security cameras to adopt a policy related to the retention of this footage and the chain of custody. That is, associations and management should have a policy in place regarding the maintenance of footage and access thereto BEFORE a request for that footage is submitted. The policy should specifically address law enforcement requests. The policy should balance the needs of law enforcement and the governance of the association, while also protecting the privacy of the association’s residents.

The presentation reviewed the obligations of an employer to verify the legal status of its employees and contractors. As you likely expect, the obligation to confirm the legal status of the association’s employees imposes a greater obligation on the association and its community association manager. The Immigration Reform and Control Act of 1986 (“IRCA”) makes it illegal for an employer to knowingly hire a person without engaging in an employment verification process. Employers must review documentation to confirm that employment is authorized, and that the person’s identity has been verified by reviewing several documents, including a passport, green card, social security card and/or driver’s license. The person who decides to hire the person must be able to attest under oath that a verification process was followed. Hence, it is important for a board of directors to understand the process that is being followed, either by its fellow board members or, if professionally managed, by its management company. It is also important for all involved to follow the requirements of the law, without focusing on any political or personal beliefs. After all, failure to follow the proper process could lead to a claim of discrimination.

Finally, the speakers addressed what board of directors and management can and should do when law enforcement seeks information from the association or access into the property. In those instances, it is important to ensure that the board, management, and association personnel are educated to know when access or information must be provided versus when it should not. Community associations are encouraged to contact their attorney when faced with a request for access or documentation, as providing either too much information or not enough may subject the association to liability. Finally, all parties were reminded not to take matters into their own hands.

“Abuse, Threats & Harm: Handling Extreme Rules Violators”² This session provided great reminders for attorneys to bring back to their daily practice. The program focused on the serious nature of many rule violations that we are seeing today. While it is certainly unfortunate that these types of extreme violations are occurring nationwide, it was helpful to see that this is not an issue unique to Illinois. The program focused on violations that involve criminal acts, violence, drug issues, hazardous conduct, serious safety hazards, and health code violations. When these violations occur, the speakers highlighted the need to decide what should be done on a case-by-case basis. That is, with extreme rule violations, enforcement cannot be a one-size-fits-all. With each violation, the following questions should be asked: What is the conduct? Is it extreme? How and can it be stopped? Is it repeatedly happening? Is it creating a safety issue for the occupants or the association? If the answers to any of these questions are yes, the association *has* to act so as to avoid liability to both the association and the board of directors. What should be done is the million-dollar question.

The speakers reiterated that the board can always decide to impose a fine. It can also decide to seek court intervention by requesting an injunction (so as to stop the conduct) and/or to seek the removal of the person from the property (some associations may also be able to seek to terminate the ownership rights of an owner). The speakers highlighted the history and importance of one’s property rights. This is a right that dates back hundreds and hundreds of years. The U.S. Declaration of Independence identifies inalienable rights as fundamental rights which are inherent and cannot be taken away. Historically, the right to property has been grouped with the natural rights of life and liberty, which are regarded as rights that the government must protect.

The speakers looked at different cases across the country, including cases in Illinois, where associations sought to limit an owner's right to possession or to terminate an owner's ownership rights. The Illinois case of *Oak Terrace Condominiums v. Durr* was reviewed. In this case, the association initiated a lawsuit against a unit owner based on his alleged misconduct, which led to his incarceration. The association sought to force the sale of the owner's unit. While the owner was personally served with the complaint, he failed to appear in the lawsuit. The trial court entered a default judgment against him, and eventually it entered an order terminating the owner's interest in the unit. The court order also authorized the judicial sale of his unit. Thereafter, the judicial sale occurred, and the association was the successful bidder. That same day, the owner was released from incarceration and resumed occupancy of his unit. The association's case moved ahead as it filed the appropriate motion to confirm the judicial sale. The trial court then entered the appropriate orders so that a deed for the unit was delivered to the association. (On a side note, *two years later*, without the assistance of an attorney, the owner tried to vacate the default order entered against him as he argued the court did not have jurisdiction over him. The owner admitted he was served with the complaint and summons, but he argued the court lacked personal jurisdiction over him as the association did not arrange for him to appear in court via video or to transport him to court for any hearings that occurred while he was incarcerated. Needless to say, the appellate court rejected this argument.)

With extreme violations, court intervention can be sought to seek a remedy other than just terminating an owner's ownership interest in the property. In *Brownstones at Copley Square v. Collins*, the association filed a lawsuit seeking a cease and desist order to stop specific conduct. In this case, dozens of "visitors" were going to the unit on a daily basis. In addition, multiple drug arrests occurred, and there were issues with people sleeping in the common area hallways. While the association had imposed thousands of dollars in fines, the mortgage holder for the owner simply paid the fines. For this reason, the association filed a lawsuit and was able to obtain a cease and desist order. Unfortunately, immediately after this order was entered, the owner violated again. Hence, the association went back to court asking that the owner be held in contempt. This led to the court enjoining the owner from his unit and requiring that he pay a \$26,000 fine.

The speakers also reviewed cases where courts were less inclined to rule in favor of the association. The speakers looked at two different cases in Massachusetts. In one, the court held that seeking to remove an owner from the unit was inappropriate. Yet, in the other, the court enjoined the owner from the unit, but only after the owner was found to be in contempt of a previous order. In another case, a unit owner attacked a person with a crowbar and was arrested. Relying on language within the association's documents that stated the association may take whatever means are necessary to enforce the rules, the association issued the owner a notice that he was prohibited from being on the association's property, including his unit, and he was being fined daily because of his violation. The owner sued the association, and the court ruled in his favor, stating that the provision allowing the association to use whatever means are necessary was too vague to be enforceable.

In conclusion, the program reminded them of the need to look at each extreme rule violation on its own and, based on the facts and circumstances, a board should decide what steps should be taken. The program also reminded us that every judge is different—even when from the same county or state. Boards and management should seek advice early on with extreme violators so they can work with legal to develop a plan to address that specific situation.

There were also programs related to the importance of the words used in drafting community association documents and the use of artificial intelligence. In addition, there were helpful programs about not taking things related to the practice and the industry so personally, and the steps to take to address the mental health toll of serving associations. You can expect to hear and learn more about these lessons in upcoming K&M Webinars!

[1] Presented by Leslie S. Brown, Sandra L. Gottlieb, and Daniel Heaton

[2] Presented by Norman Orban and Gregory Vinogradsky

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