

# Many association directors get no respect from owners

Here is a job description for you. Do you think you will get many applicants? Wanted: A caring, level headed person who is willing to work long



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hours at no pay and will then be hated, harassed and slandered by your neighbors for the great job you will be doing.

Believe it or not, this is the job that many unknowing owners take and experience when they volunteer to serve on their condominium or homeowners association board of directors.

As directors, these people owe a legal fiduciary duty to the members and unit owners they serve. That means that the directors usually have to act in a paternalistic manner to make sure that the association assessments are collected on time, that the property is well maintained and that community rules and regulation violations are enforced.

Well, what inevitably happens is that when the directors have to then levy special assessments or increase annual assessments to maintain the property and then send out assessment collection letters and covenant violation letters, some members on the receiving end of these violation and collection letters no longer see their directors as highly respected volunteers who care for the community, but now see the directors as vile scum of the earth who dare to question how they live and when they decide to pay their bills.

Many of these slovenly deadbeat owners will then attempt retaliation against the director "enforcers" by questioning their authority, disparaging their good names, attack association procedure or go on fishing expeditions of the association records to try to come up with any real or imaginary dirt they can about the directors. They may then send nasty letters and e-mails to other owners in an attempt to discredit the directors. Many times what they say in these mean spirited letters and e-mails is legally libelous and slanderous as what they say is not based in fact and is sent solely for the purpose of defaming the directors. Sometimes, these type owners find out that they should have watched what they said when they are then facing a very costly process of defending a lawsuit for libel or slander.

I believe most of us were taught when we were young that it's nice to be nice and if you have noth-

ing good to say about another, don't say anything at all. Some of these folks must have forgotten these words of wisdom.

When these complainers are asked to join a committee or help the board, most inevitably decline as they would rather enjoy taking pot shots from the side and continue the sport of armchair quarterbacking.

This is not to say that now and then there are one or two bad directors or officers who are not doing the right thing or are abusing their power, but in reality, such cases are the extreme exception rather than the norm.

For-profit corporate board members are paid to take abuse from their shareholders if they do not perform. However, non-profit condominium and homeowners association directors typically get paid nothing for the continual abuse some must take for carrying out their fiduciary duty to the owners. The saving grace for these directors is that even if nasty owners decide to sue the directors, the directors reasonable actions are protected by statute as the association, by statute, indemnifies the directors for legal claims brought against them for their reasonable actions, and most associations carry directors and officer liability insurance to cover negligence claims against the directors for their reasonable actions.

Not all associations have one or more owners who abuse their directors, but even in those associations where such shenanigans do not go on, it is always appreciated by sitting directors if, at least now and then, owners say good things about what a good job the directors are doing. It's the same old saying that you never hear anything when someone thinks you are doing a good job, but you sure hear a lot of negative comments if they think you aren't doing such a great job. So, when you have a chance, tell your association directors or officers, that you appreciate the volunteer job they are doing for you.

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