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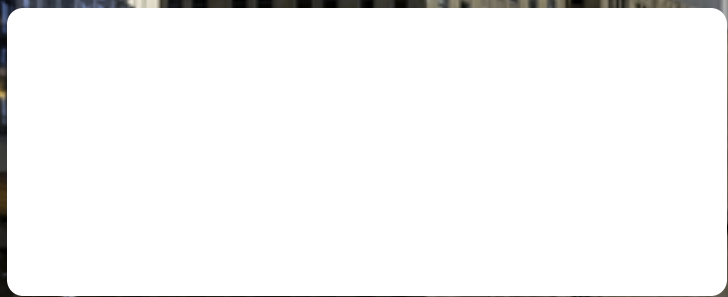
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table of contents

COVER STORY

03 Tips and Tactics for Dealing with Difficult People in an Association

by Karen Beverly and Jonathan Wassell

LEGAL UPDATE

09 Associations and Mortgage Foreclosures – What is There to Know?

By: Mariana Jacobo

ENGINEERING INSPIRATIONS

12 Understanding Corrosion in Steel & Concrete

By Trey Waldman

BOARD BASICS

15 Condo Neighborhood Security Strategies

By Russ Riendeau, PhD

20 From the Editor

21 Directory Advertisements

28 Industry Happenings

Compiled by Michael C. Davids

SPECIAL FEATURE

31 Leveraging Technology for Legal Compliance in Condominium Associations

By Nicholas Bartzan

LEGAL UPDATE

32 New Accessible Parking Requirements for Illinois Condominium Associations

by Adam Kahn, Esq. and Howard Dakoff, Esq.

MAINTENANCE MEMOS

36 Winterization Techniques....

Don't let Old Man Winter Put Your Association in a Deep Freeze

By Salvatore Sciacca

EVENT HIGHLIGHTS

37 MCD Media 35th Anniversary Celebration

LEGAL UPDATE

39 UNDERSTANDING THE CORPORATE TRANSPARENCY ACT: Safeguarding Your Board from

Fraud and Bad Actors

By Omar Malik

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by Karen Beverly and Jonathan Wassell - Keough & Moody, P.C.

Tips and Tactics for Dealing with Difficult People in an Association

Almost a decade ago, Gabriella R. Comstock of Keough & Moody, P.C. answered the question “How Do I Deal With These People?” Yet, in the ensuing years, we continued to hear board members and owners ask —what is going on with my association?

With the pandemic and associated stresses, the political climate increasing conflict and tensions, and other recent changes in how we deal with each other, the problems caused by difficult people continue. The challenging person may still be an owner or a fellow board member. It can still be someone new to community association living or one who has lived there for over 25 years. While the specific nature of the problems may have changed, it continues to happen to EVERY association. The purpose of this article is to provide board members and management with updated practical tips to address the evolving challenges caused by difficult people.

Who are the Most Challenging People in Associations Today?

In 2015, Gabriella Comstock talked about dealing with the delinquent owner, the owner who does not perform maintenance and denies the association access to perform it, the compulsive complainer, the owner who wants all of the exceptions, and the owner who plays a lawyer on TV. While these types of challenging people have not disappeared, a whole new group of difficult individuals has emerged. The profiles we most hear about in our practice today are: (1) the undermining board member, (2) the monopolizing owner, (3) the instigator, (4) the chronic nuisance, (5) the director who plays a lawyer on TV, and (6) the nasty owner.

1. The Undermining Board Member

One trend that we have seen more and more in recent years, both among the ownership at large and among members of a board, is a person's need to be right. When this occurs with a board member, it typically means that she will not take it lightly if her position is outvoted. Instead of accepting that she was outvoted, this director will try to prolong debate, argue, or even try to get owners on her side by making all sorts of claims regardless of whether they are true or not. The first thing the rest of the Board should do is refuse to take the bait. Often, if the Undermining Board Member's actions are not met with a fight, she will lose steam. The worst thing the Board can do is fight back. If the Undermining Board Member persists in any way, by trying to start fights during board meetings, or by not accepting the vote when it is taken, the rest of the Board should continue with proper board procedures. That means allowing discussion on



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all matters on the agenda – including allowing the Undermining Board Member to have her say. However, when each person has said her piece, the discussion is closed. Once the vote has been taken, the Board should move onto the next item. The Undermining Board Member should not be allowed to derail the meeting. If the Undermining Board Member takes it a step further, trying to elicit owner support for her position, the rest of the Board may need to meet in executive session to discuss ways to limit inappropriate communications by the Undermining Board Member – this may include, in consultation with legal counsel, finding ways to limiting Undermining Board Member’s ability to disseminate confidential Board information to owners.

2. The Monopolizing Owner

This owner may try to take over board meetings, either by interjecting during the meeting or taking up a lot of time during open owner forum. This owner may also send extensive, repeated emails or portal requests to management. The best way to deal with a Monopolizing Owner is to set clear guidelines for owner communications, and to stick with

those guidelines. When it comes to meetings, owners should understand that it is a board meeting, and that owners can only contribute during the designated part for owner comment. Regarding calls, emails, and online requests, it is fair to implement a one-communication-per-issue approach. This does not mean that management should block a Monopolizing Owner; rather, it means that expectations about what communications will receive a response should be made clear. If an owner understands that every message that she sends may not receive an immediate response, she will likely dial back the frequency. Finally, boards and management should be mindful that just because a Monopolizing Owner asks for something, does not mean she will get it. It is okay to say “no” when appropriate, or – in the case of a matter of general association concern, to let the Monopolizing Owner know that the matter will be addressed by the Board at a meeting, rather than one-on-one via email. It is important to remember that not every e-mail requires a response. For those who simply like to “hear themselves talk”, sometimes not responding has the effect of neutralizing the constant comments and questions of Association deci-

sions, especially when they have already been addressed. It sometimes occurs that the monopolizing owner is also a director; the tactics described above – not engaging when not necessary, defining the terms of communication, etc. – will work in that case, too.

3. The Instigator

The number of owners who fall into this category seem to have been on the rise in recent years. It seems that the conflict inherent in political discussions has bled into community association living. There are two ways the Instigator will ply her trade – by pushing against the Board, or by creating unnecessary conflict with other owners. When the Instigator’s target is the Board, the tactics used to discuss the Monopolizing Owner can often be used. When the Instigator’s target is an owner, the Board may need to enforce provisions in its declaration, bylaws, and rules related to nuisances and annoyances, and related to harassment. Often, Instigators will utilize signage (political or otherwise) to get a rise out of others. The Board should review its community instruments regarding signage, and should enforce those as appropriate as to all

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owners, which may help limit the impact of the Instigators. One word of caution when dealing with Instigators is that the Board must be mindful to not cross the line from enforcing the community instruments, into participating in an owner-to-owner dispute. Sometimes directors will become instigators, as well. If director is instigating conflict with another director making it difficult to conduct board business, the Board should address conduct of board meetings in executive session. If a director is instigating conflict with a non-director owner, they should be treated as any other owner would be, except that they should be recused from discussion of the matter.

4. The Chronic Nuisance


This owner places her comfort and desires above those of her neighbors. This could include having parties every weekend, playing loud music at all hours of the night, or not taking any precautions to prevent her smoke from annoying others. Once in a while, everyone may irritate another person accidentally. It is willful disregard for others that sets the Chronic Nuisance apart. It



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may be tempting for the Board to take quick action and to impose hefty fines against the Chronic Nuisance. While this may be warranted, in some cases, when dealing with a Chronic Nuisance, it is imperative that rule violation procedures be followed. Not only is this required by law, but it will ensure success if the Board is forced to take legal action against the Chronic Nuisance. As a reminder, proper rule violation procedures include only taking action upon a written complaint, sending a notice of violation, and giving the Chronic Nuisance an opportunity to be heard by the Board.

5. The Director Who Plays a Lawyer on TV

More and more, we are seeing directors trying to play lawyer. Sometimes the Director Who Plays a Lawyer on TV will argue that obtaining legal advice is not necessary, and that the Board should not incur the expense – the Board can read the contract/community instruments/statute and address it themselves. Other times, when legal counsel is asked to offer advice, and The Director Who Plays a Lawyer on TV disagrees with the advice given, she will try to argue against that advice. The Director Who Plays a Lawyer on TV may even put her

challenges to the legal advice in writing, or improperly discuss them in an open meeting. This places the Board and the association in legal peril. As discussed above, each director has only one vote. Just because one director disfavors utilizing legal counsel or disagrees with a legal opinion does not mean that the entire board needs to agree. In deciding whether to utilize legal counsel, the Board must always remember that it will be protected from liability by following legal advice of its attorney – the same protection will not apply for following “legal” advice of a director (even if the director is an attorney). Then, once the Board has decided to obtain legal advice from association counsel, The Director Who Plays a Lawyer on TV should be reminded that they are just one vote, and that the majority has decided in favor of legal advice. If The Director Who Plays a Lawyer on TV argues against legal advice publicly, in writing or in an open meeting, more direct steps may need to be taken by the rest of the Board, such as meeting in executive session (with legal counsel) to discuss the issue, implement rules about directors’ access to and use of confidential and privileged communications, and addressing any misstatements made to owners. Such steps are

necessary to ensure that the rest of the Board is meeting its fiduciary obligations.

6. The Nasty Owner

Unfortunately, more and more we are seeing owners – both directors and non-directors – act in a mean, disrespectful, or downright nasty way toward others. This might include public accusations, rude social media posts, or name calling. Unless the conduct of The Nasty Owner constitutes a threat, or actionable harassment or discrimination, the best – and hardest – advice to follow is what we learned as children – “sticks and stones...” The Nasty Owner, more often than not, is looking for attention, or to get a rise out of their target. If they are not getting a response to what they are stating, they will usually lose interest and move on. If the conduct of The Nasty Owner also constitutes instigating, or undermining, monopolizing, or becoming a nuisance, the tactics discussed above should be implemented. No matter what, owners including directors should not respond to any nasty statements or behavior in writing. Responding in writing will escalate the conduct, and creates a paper trail of bad conduct on both sides.

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by Mariana Jacobo, Costello Sury & Rooney

Associations and Mortgage Foreclosures... What is There to Know?

Associations need to stay informed about various aspects of property management, including mortgage foreclosures. Mortgage foreclosure occurs when a lender takes possession of a property after a borrower has failed to make mortgage payments. This is important for associations to be aware of because it can impact the community's overall financial health and stability.

Safeguarding Lien Rights

The homeowners' association maintains a lien on each property in the association. This means that if a homeowner defaults on their dues, the association has a legal claim on the property. However, if the lender initiates a mortgage foreclosure suit, the association's lien can be removed. To safeguard its lien rights, the association should diligently monitor for any

ongoing foreclosure suits involving its members, especially ones who are delinquent on their common expenses. Typically, when a property is going through foreclosure, the association will be named a defendant in the foreclosure lawsuit. The association's registered agent will be served with a copy of the complaint and will have thirty days to respond by filing an appearance and answer to join the lawsuit.

It is important to note that if the registered agent is not an attorney, the association should promptly notify their legal counsel for guidance on the appropriate course of action. This will ensure the association's interests are adequately protected throughout the foreclosure process.

Collect Outstanding Balance Prior to Foreclosure

If a property owner has outstanding balances on their association account, the association needs to try to collect as much of the owed balance as possible before the property goes into foreclosure. If the property forecloses before the association can collect the balances owed, there is a risk that the association may not



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be able to collect those amounts at all. Therefore, filing an appearance and answer in the foreclosure suit is crucial. Participating in the foreclosure suit allows the association to pursue any surplus funds available after the property's sale. Also, keeping track of the foreclosure suit's progress enables the association to have the chance to try to collect any amounts owed through a collection suit. The association can only make an informed decision about pursuing the collection of owed amounts by knowing at what point the foreclosure suit is nearing a foreclosure sale. The association should always consult its attorneys when deciding whether to pursue the owner in a collection suit if the owner has an ongoing foreclosure suit.

Additionally, the association should always consult with its attorney to determine if an appearance and answer is necessary. Knowledge is power; in this case, knowledge is staying ahead of the foreclosure suit. Even when the owner is not delinquent on their account, the association should still monitor any foreclosure suits it is aware of.

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Not all homeowners involved in a foreclosure lawsuit have outstanding balances in their accounts; some are up to date with their assessments. However, it is crucial to stay informed about the progress of the foreclosure suit. This allows the association to be aware of the property's new owner, stay updated on who will be responsible for future assessments, and know where to send communications regarding the association. Additionally, the current property owner could default on their account at any point during the foreclosure lawsuit. Being informed about the stage of the foreclosure process will enable the association to take action regarding any delinquent accounts before it is too late.

What if HOA is Not Named in Foreclosure Suit?

Sometimes, the homeowners' association may not be named in the foreclosure lawsuit. In such cases, the association may not receive notice of the foreclosure, making it unable to respond to the lawsuit, and the association's lien could be removed. In such situations, the associ-

ation needs to consult with its attorney and review its governing documents. The association's governing documents might outline what happens to the association's lien if the property undergoes foreclosure, irrespective of whether the association is named as a defendant in the lawsuit. It is important to note that the association's lien may not be permanently extinguished, and it may still have the right to collect any outstanding amounts.

Even if the homeowners' association fails to respond to the lawsuit within the allotted deadline, it may still retain the right to pursue payment from the new property owner in the event of a foreclosure sale. However, the association's ability to collect outstanding dues from the new owner hinges on several factors, such as whether legal action was taken against the previous owner and the new owner's identity. The association's ability to collect any overdue fees may differ if the new owner is the lender instead of a third-party purchaser.

Not All Foreclosure Suits Result in Foreclosure Sale


It is important to note that being served with a foreclosure lawsuit only sometimes results in a foreclosure sale. Sometimes, the property owner may resolve the issue with the lender, leading to dismissing the foreclosure suit. If the case is dismissed, the association could initiate its own collection lawsuit against the defaulting owner. Staying proactive in the foreclosure process can also help ensure the association does not lose surplus funds to other lien holders. Since multiple parties may hold liens on the property, staying informed can make a difference in whether the association can collect unpaid amounts from the owners or has to waive those debts if the foreclosure sale proceeds. It is crucial to stay informed and seek guidance from your attorney when dealing with mortgage foreclosures.

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Understanding Corrosion in Steel & Concrete

Corrosion in structural materials, particularly steel and concrete, poses a significant threat to the safety and longevity of buildings. Understanding the causes, signs, and effects of corrosion is essential for proper maintenance and prevention.

The two topics covered in this white paper include: the corrosion of steel reinforcement in concrete structures and the corrosion of concrete itself. We will discuss the underlying causes, methods of detection, and the consequences corrosion can have on structural integrity. Additionally, we will highlight real-world examples to underscore the importance of timely intervention and maintenance in preventing catastrophic failures.

Causes of Steel Corrosion

Steel reinforcement in concrete structures is susceptible to corrosion, especially when exposed to moisture, salts, and

atmospheric oxygen. Common causes of steel corrosion include:

- **Moisture Exposure:** Water from rain, snow, or high humidity can lead to rust formation.
- **Salt Exposure:** In coastal areas or places where de-icing salts are used, chloride ions can accelerate the corrosion process.
- **Oxygen:** Exposure to oxygen can further accelerate rust formation on steel surfaces.

Visible Signs of Steel Corrosion

Detecting steel corrosion often involves looking for indirect signs on the concrete surface:

- **Rust Stains:** Rust can seep through the concrete, appearing as reddish-brown

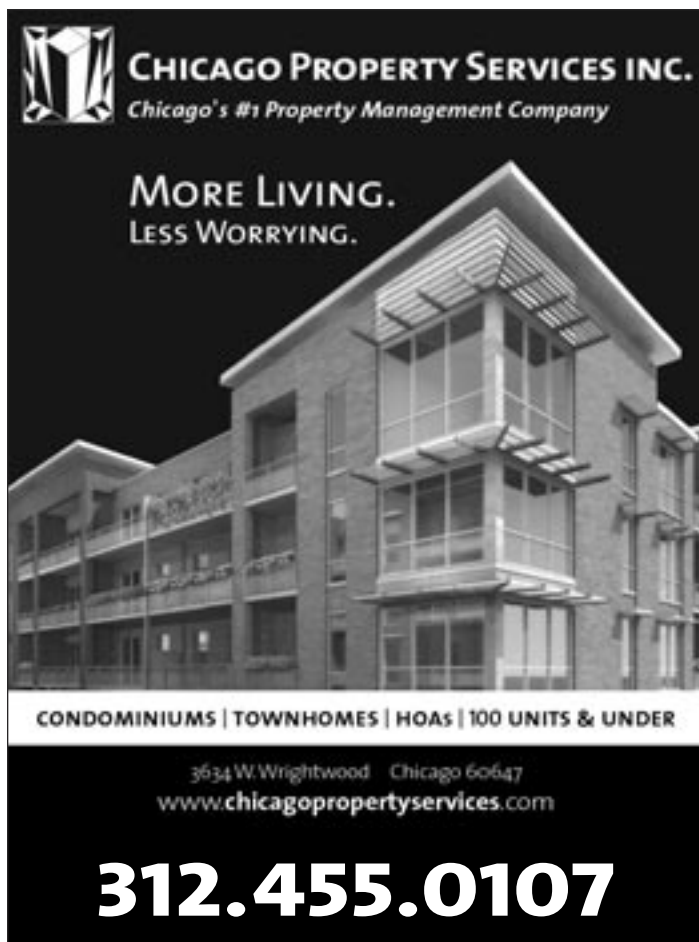
stains on the surface.

- **Spalling:** Flaking or chipping of the concrete around steel reinforcements indicates internal rusting.
- **Cracking and Bulging:** Cracks and bulges in the concrete may result from the expansion of rusted steel.

Impact on Structural Integrity

Corrosion of steel reinforcement can severely impact the structural integrity of concrete elements. Key effects include:

- **Weakened Support:** The load-bearing capacity of the structure can be significantly reduced.
- **Increased Cracking:** Rust-induced expansion causes additional cracking and spalling.
- **Potential Structural Failure:** In extreme cases, the compromised steel may lead to structural failure.



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Example: The Collapse of the Morandi Bridge

One of the most notable examples of a structural collapse caused by steel corrosion is the Morandi Bridge in Genoa, Italy. In 2018, a section of this reinforced concrete bridge tragically collapsed, killing 43 people. Investigations revealed that corrosion of the steel cables embedded within the concrete pylons played a significant role in weakening the structure. Decades of exposure to moisture, combined with insufficient maintenance, led to the deterioration of these critical steel components. The rusted steel expanded, causing the surrounding concrete to crack and weaken, ultimately leading to the bridge's catastrophic failure.

This event underscores the importance of regular inspections and maintenance, particularly for structures in environments prone to high humidity or salt exposure. Corrosion can often remain hidden within structural elements, only becoming visible when the damage is already severe.

Mitigation and Prevention

To address and prevent steel corrosion:

- **Regular Inspections:** Regular assessments can identify early signs of corrosion.
- **Protective Coatings:** Applying coatings and corrosion inhibitors can help protect the steel.
- **Proper Maintenance:** Ensuring that drainage and ventilation are adequate helps minimize moisture exposure.

Understanding steel corrosion and its impacts is essential for maintaining the safety and longevity of buildings. By taking preventive measures and addressing corrosion early, building owners and maintenance professionals can ensure the continued strength and reliability of their structures.

Concrete Corrosion – Causes, Detection, Mitigation & Prevention

Corrosion in concrete structures is a critical issue that can significantly impact the safety and longevity of buildings. This post explores the causes of concrete corrosion, its visible signs, and the potential impacts on structural integrity.

Causes of Concrete Corrosion

Concrete corrosion typically occurs when concrete is exposed to harmful environmental conditions or when it is improperly mixed.

High moisture content, de-icing salts, and other chemicals can penetrate the concrete, leading to internal deterioration. Two common types of concrete corrosion include:

- **Carbonation:** This process involves the reaction of carbon dioxide from the atmosphere with calcium hydroxide in the concrete, reducing its alkalinity and allowing rusting of embedded steel.
- **Chloride Attack:** Chlorides, often from de-icing salts or marine environments, can

penetrate the concrete and react with the steel reinforcement, causing rust and expansion.

Visible Signs of Concrete Corrosion

Corrosion in concrete is not always immediately visible, but several signs can indicate underlying issues:

- **Surface Cracking:** Cracks on the surface of the concrete may suggest internal corrosion or deterioration.

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- **Efflorescence:** A white, powdery residue on the concrete surface can indicate moisture-related issues and potential corrosion.
- **Water Staining and Pitting:** Discoloration and small holes in the concrete surface can be signs of internal corrosion.

Impact on Structural Integrity

Corrosion can significantly affect the structural integrity of concrete elements. When corrosion occurs, it weakens the bond

between the concrete and steel reinforcement. This can lead to:

- **Reduced Strength:** The overall load-bearing capacity of the structure decreases.
- **Further Cracking:** Existing cracks may widen, and new cracks may develop.
- **Potential Collapse:** In severe cases, the structural integrity may be compromised, leading to safety risks.

Mitigation and Prevention

Preventing concrete corrosion involves:

- **Regular Inspections:** Routine checks can help detect early signs of corrosion.
- **Protective Coatings:** Applying sealants and coatings can protect the concrete from moisture and chemicals.
- **Proper Drainage:** Ensuring good drainage helps minimize water exposure.

Famous Examples of Building Deterioration Due to Concrete Corrosion

Concrete corrosion has led to the deterioration of many notable structures, some of which have experienced catastrophic failures or required extensive repairs. A particularly tragic example is the Sampoong Department Store in Seoul, South Korea.

Sampoong Department Store, Seoul, South Korea

The Sampoong Department Store collapse in 1995 is a significant incident where concrete deterioration played a critical role. Although the primary cause was structural overloading and poor construction practices, concrete corrosion contributed to the weakening of vital structural elements. Over time, the building's concrete columns developed cracks, and the steel reinforcement within them corroded due to water infiltration. Unfortunately, these issues were overlooked during maintenance checks. On June 29, 1995, the building tragically collapsed, resulting in the loss of 502 lives. This disaster starkly highlights the importance of addressing concrete corrosion and maintaining rigorous safety standards in building maintenance.

Conclusion

As demonstrated by tragic incidents like the Morandi Bridge collapse and the Sampoong Department Store disaster, neglecting to address corrosion can lead to catastrophic consequences. Early detection through regular inspections, combined with preventive measures such as protective coatings and proper drainage, can significantly reduce the risks posed by corrosion. By staying vigilant and employing proper maintenance techniques, building owners and engineers can extend the life of structures, ensuring safety and durability for years to come.

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by Russ Riendeau, PhD

Condo Neighborhood Security Strategies

Proper planning and funding capital projects for condo association communities is crucial for maintaining property value and ensuring an enjoyable community living experience for the homeowners. Here are some of the best practices and approaches:

Did you know...?

- Over 40% of home break-ins are through a locked front door.
- Less than 16% of homes have security systems.
- Over 43% of residential home break-ins occur between 6am-6pm.
- Many residential robberies are spontaneous and opportunistic.

To better safeguard your home, it is necessary to create a compelling "Illusions of Home Occupancy," to avoid becoming an easy target. Designing a layered approach to home and neighborhood security deters opportunistic criminals from breaking into your home and builds a safer neighborhood reputation.

Condo Boards can only do so much to improve and enhance security and a watchful eye in their associations. And so often is the case that many condo owners are not proactive when it comes to being aware of the common areas and risk factors, maintenance aspects that are not covered by the management company. This reality means owners need to be on a drip

reminder system to keep them alert to safety in the community, as well as monitoring how their dwellings appear from the street.

We all need to continue to be proactive; to keep our neighborhood reputation of being a Neighborhood Watch Community; to keep our property values rising; to ensure that realtors, friends, bankers and the like associate our condo communities with a positive, safe family element.

Enhancing our home and neighborhood safety awareness, there are a number of ways we all can improve our well-being and security in our condo communities. Remember: when seconds count, the police are just minutes away.

Research on home and neighborhood safety tactics with organizations like Crime Stoppers, Neighborhood Watch Program, Illinois Sheriffs Association, Lake County Sheriff, Protect America alarm systems, the USCCA, NRA, FBI, and ICE Black Box (a crime reporting app with video sharing options), here are some action steps you can take now, to remind your residents to reduce the risk of opportunistic criminals looking to burglarize your home.

- 1. Front yard and home lighting**—You may not see as many stars in the sky while sitting on your porch, but you will not be missing as many diamond rings, laptops, or valuable stuff either. Bad guys hate light and love the dark. Force them to go someplace else that is dark.
- 2. Suspend telling the internet world your home is vacant and all thieves are welcome by sending pictures of all your events.** Facebook posts, Instagram, Tweets, Snapchats, and texts to family and friends from your vacation beach home, the local restaurant, ski resort or sending a picture of the new stereo you bought are not secure and cyber experts will take advantage! Every time an image is sent gives another chance for the bad guys to know you are not at home and they have time to load up their truck with your nice stuff! Or someone over hears/over sees your text or message and relays that info to other bad guys. Brag when you get home!



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3. Vary your routine when leaving your home. If you are pulling out of the drive and a strange car is on the street, take a picture of the license plate, make eye contact so they know you saw them. Or you can consider waving to the fake person in your living room window to suggest your home is occupied. Do not pull out of your driveway at rush hour, with your station wagon stacked with all your camping stuff like a Griswold vacation, to announce you are leaving for a week. Be discrete when departing for vacation.

4. Keep your cars in the garage and toss the clutter out. Criminals steal garage door openers, keys, and other valuable information and you will never know it. If you lock your car and still leave your wallet inside the car, the wallet may still be there in the morning, but every one of your credit cards and

personal information is/was compromised, a duplicate key was made of your back door, your car, your parent's house, your motorcycle, your shed, your office door, your boat, etc. And you will never know until it is too late.

5. Put mirrored film on your garage windows to hide valuables and that there may be no cars inside. Put a car in the drive from time to time to alter your routine, just in-case someone may be scoping your home or neighborhood.

6. Garbage Day: Break down boxes, cut them up and tape into stacks with the product names facing inside to hide the expensive stuff you just bought: TVs, Appliances, printers, computers, lamps, leather chairs, keyboards, crystal ware, etc. If you do not, it's like putting birdseed out for the deer to

come and feast on at your house! "FREE 52" NEW flat screen. Pick up between 10-3am."

7. Out with the old, in with the new. If you toss your old TV to the curb, that may signal a new one should be arriving soon! Same goes for a new microwave, porch furniture, leather chair, bicycle, etc. Don't put trash out too soon to advertise you have new stuff inside!

8. Install a wireless alarm system with window sensors, motion detectors, monthly monitoring, outdoor signage and a loud alarm. Less than 25% of homes have alarm systems in America and are 30 times less likely to be targeted for a break in. (You also get a break in home insurance cost, too!)

9. Noise repels bad guys. Keep a portable panic button to the alarm system at your bedside or kitchen drawer to set off a loud alarm should someone break in or be seen in your yard that is suspicious.

10. Leave a TV on in the kitchen or living room or a radio when you are gone. It does not cost that much in electricity. Investing in a realistic male size decoy mannequin (\$100-400) to place sitting on your couch in your front room window is also very effective.

11. Now's the time to buy a safe shredder and keep your data safe.

12. Trim your bushes and trees to be able to see in and out of your home's windows and doors. If you cannot see in the windows from the street, criminals will love the cover to break a window and get in with no risk of being scene. A neat appearance shows attention to detail and forethought.

13. Add warning signs/decals to your front yard/front door and patio door windows, showing your home has an alarm is a great risk reminder. Layers of protection works to reduce spontaneous crime.

14. An American flag on your light pole can even stop a criminal from targeting your home. Flags create movement, distractions, noise and suggest that someone may be home.

15. Dogs are a great deterrent to criminals.

16. Light timers, motion sensors in and outside your home are excellent, inexpensive, and easy to install. First and second floors.

17. Dummy or real cameras at your door entrances with a blinking lite to take temptation away from impulsive criminals have proven to be effective.

18. Lock Your Door. Over 34% of break-ins are through the front door. Lock it, use 3-inch screws in striker plate and a bar or brace on the inside. Lock the storm door, too. All the time.

19. Do not unlock or open the door to strangers. Talk through the glass. Look first, then ask them what they want. Then call 911 if the person says they have an emergency. This is the #1 ploy to distract you and enter your home, for example, with a woman crying at your door, holding a crying baby or she's bleeding. Do not open the door!

20. Lock Windows. Open windows/patio doors/doggie doors—all make it easy to get in your home. Lock them.

21. Mail/Papers During Vacation. Arrange for mail, papers, and flyers to be picked-up when you are gone.

22. Do not hide the key by the front door.

23. Put a big dog's water bowl at the back door. Bad guys will see it, think twice... or trip over it.

24. Clean windows and houselights around your home to make it look lived-in and shows you pay attention to details, signaling you are probably more prepared.



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- 25. Use a Safe.** Keep your valuable papers, computers, etc. in a locked file or safe.
- 26. Do not Make it Easy.** Don't keep ladders or other materials lying around your property that would help get in your home easier.
- 27. Neighborhood Watch.** Watch your neighbor's home and they for you. Get to know whose car goes with what house.
- 28. Daytime Danger.** Over 40% of break-ins occur between 6am and 6pm—when you are not home. Pay attention to strange cars, vans and people on your street during the day. Make it tough to get in your home and make it look like someone just might be home to the casual drive by. Set the alarm when you leave.
- 29. Personal Protection Options.** Firearms, weapons, pepper spray, knives, etc., are all very personal protection options and devices that require significant training, investment and instruction. We will not cover this topic, as this article is about preventative, proactive crime determent for your home and neighborhood. The use of weapons and self-defense is the next phase in your personal safety and protection plan, should your home be breached.
- 30. Don't Tip them Off.** Note that placing inflammatory or threatening window stickers/decals on your front door (NRA, Second Amendment-related, windows or bumper stickers on your car or yard signs such as: Trespassers Will Be Shot; Survivors will be shot again . . . Don't Tread on Me, can advertise that weapons are being stored in your home, thus encouraging criminals to steal your guns while you are at work. Tactfulness goes a long way to staying off the radar and keeping your family safe. Please note: this is not criticism towards the NRA, but the decal can be an easy clue to a desperate criminal.)
- 31. Share Knowledge.** Share this information with your neighbors and homeowner association to gain the attention and buy-in of the community. You may be able to connect the community to companies that will offer discounts to a neighborhood that contracts with that vendor.
- 32. Work with Authorities.** Let your local police, sheriff, and fire departments know what you are doing to thwart crime in your neighborhood.
- 33. Get the Word Out.** Call the newspaper and ask them to feature your community in a story; further reinforcing the notion to criminals that your neighborhood has a high risk of getting caught.
- 34. Criminals Are Not Always Clever.** And don't worry about criminals reading this article to know all the tips and tactics we are sharing. Criminals are not very clever; they typically don't take time to read and are opportunistic. They look fast, act fast and leave fast. If you're home/neighborhood looks too risky, they will move on. We are playing the odds. And the odds are in our favor.

While many of these action steps may seem silly, redundant or overkill, remember that you are a responsible, honest person. You are not a criminal. You are not so desperate to commit a crime in need of cash, food, drugs, valuables to sell, transportation, warmth, rest, clothing, medicine or even a hot shower. You are not homeless or a drug addict hiding from the law, out of a job and in dire straits to secure something to sell to get money. You would do whatever you had to do to survive. You would make calculated, but poor decisions. You would take risks based on what you see in front of you and how desperate you are at the time.

When you add up all these ways to make your home safer and more difficult to break in; when your property appears less-

inviting and occupied to impulsive criminals, you reduce your risk and likelihood of being victimized. And you also help build a reputation for your entire neighborhood as a watchful community that suggests the bad guys go someplace else. The small amount of money and time you invest in fortifying your home and making it safer, will be less than the cost of your \$500-2000 deductible on your homeowner insurance policy. Or the costs of the attorney to reclaim your identity that was stolen.

Home and neighborhood safety and security plans require vigilance and a layered approach to thwart opportunistic criminals. Creating the "illusion of occupancy" when we are not actually at home is all part of layers of home protection along

with neighborhood signage. Consistent situational awareness about safety and personal protection does work.

Lastly, remember: If you see something, say something. Call 911.

Russ Riendeau, PhD, is a former homebuilder, author of 14 books, TEDx Talks presenter and writes on psychology-related topics on business, home improvements and peak performance. He lives in St. Charles, IL.

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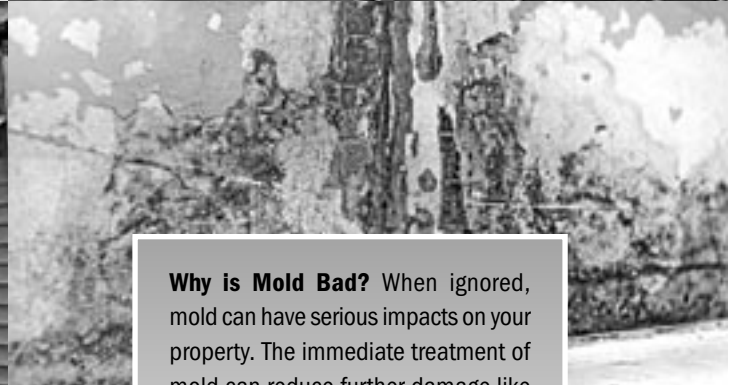
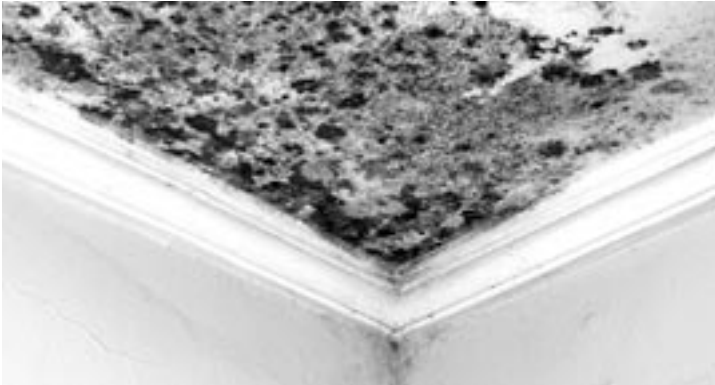
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Condo Lifestyles attempts to provide its readership with a wide range of information on community associations, and when appropriate, differing opinions on community association issues.

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From the Editor

Difficult people have been around since the beginning of time. Living in close quarters with extra rules and regulations such as what exists in most community associations, the presence of difficult people is more pronounced. Our cover story article examines some of the various types of difficult people and provides board members and community managers with practical tips and tactics to address the evolving challenges caused by difficult people.

Many people claim autumn as their favorite season. Typically, the fall season offers beautifully colored landscapes, mild temperatures, bountiful harvests, and a time to pause and give thanks for all that we have. This time of the year is also a good opportunity to do a security review so we have included an article that offers advice, strategies, and areas of concerns regarding security issues at your community.

Fall is also a great time to make sure you are prepared for Winter. As such, we have an article on winterization techniques as well as an article on understanding what causes corrosion to occur on steel and concrete elements of your property.

There are several legal issues covered in this edition including what association boards need to know about mortgage foreclosures, new accessible parking requirements in Illinois, and safeguarding your association from bad actors that are using the Corporate Transparency Act in their fraud schemes.

A special feature on how new technology can be used to ensure compliance for a number of legal issues for condominium associations is offered in this edition. Our regular Industry Happenings column can also be found in this issue.

STATE OF THE INDUSTRY PROGRAM ON NOVEMBER 21

Taking time to review important issues and identify those that will require significant attention in the coming year is the main purpose of our annual Condo Lifestyles State of the Industry program. Most of the topics we have covered in this and recent editions along with other legislation & legal updates will dominate our presentations, discussions and resources that are made available on November 21st at the Chicago Cultural Center. We will also discuss the topics of social media use, property taxes, hazards of e-bike and e-scooter batteries as well as capital projects of all types including mechanical and plumbing pipe replacement and fan coil replacements. We also recognize members of our magazine advisory boards at this program.

We encourage you to make your association and your community all it can be. If you have an idea that would benefit other Community Associations, a story to share, or some advice on how to avoid a problem or overcome a challenge, please call our office at 630-932-5551 or send us an e-mail (mdavids@condolifestyles.net). ■■

Warm Regards,
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INDUSTRY HAPPENINGS

Wintrust Community Advantage

Wintrust Community Advantage today announced the appointment of **Frankie Sorrentino** as Senior Vice President of Lending. Sorrentino will lead the Community Advantage lending teams covering the Midwest, Mid-Atlantic, and Southern states.

Sorrentino brings more than 15 years of banking experience in commercial, consumer, and portfolio management. He has been working directly with community associations and property management companies for more than nine years. In his previous roles, he was responsible for treasury management services, HOA lending solutions, and cash management products while managing relationships at several large corporate banks. He is a Certified Manager of Community Associations® (CMCA) and currently serves on the Digital Marketing Committee for the Community Associations Institute (CAI) Illinois Chapter.

“Frankie brings vast experience and knowledge in association banking, technology, and property management,” said **Peter Santangelo**, president of Wintrust Community Advantage. “Frankie is a great addition to the Wintrust Community Advantage team, and we look forward to his contributions to our continued success.”

About Wintrust Community Advantage

Wintrust Community Advantage is a leading provider of financial services to condominium, townhome, and homeowner associations in the Midwest and Mid-Atlantic United States. Its team of experts has more than 125 combined years of experience and is dedicated to meeting the unique needs of each of our association partners. It is a part of Wintrust, a financial services company and family of community banks, and a division of Barrington Bank & Trust Company, N.A., a Wintrust Community Bank.

The Habitat Company

The Habitat Company recently announced that **Tricia Conway** has joined the company as Senior Regional Manager for Habitat's Condominium Division. With over 25 years of professional experience in property and condominium management, Tricia has honed her expertise in team management, continuous improvement, and facility planning. Her extensive background includes leadership roles where she has excelled in strategic planning, quality performance, and customer service excellence.



➤ *Tricia Conway of the Habitat Company.*

Before joining Habitat, Tricia held positions at other leading Chicago property management companies, and she is currently on the Community Associations Institute (CAI) Education Committee. She holds a Bachelor of Science degree from the University of Illinois and a Master's in Education from National Louis University. The announcement was made by Shruti Kumar, Vice President of Condominium Management at the Habitat Company.

Condo Lifestyles State of the Industry

The 29th annual Condo Lifestyles State of the Industry program is planned for Thursday November 21st, 2024 at the Chicago Cultural Center. The event features a luncheon, educational seminar and information tables. A legal update presentation will be provided by **Gabriella Comstock** of Keough & Moody and a panel discussion with a Q & A session as well as information tables featuring industry experts will also be provided. Topics to be

discussed may include Social Media Issues, Hazards of Ebikes & Scooters, Fan Coil Replacement Projects, Mechanical Systems & Pipe Replacement Projects, Corporate Transparency Act, Chicago Ordinance Updates, EV Charging Stations, Managing, Funding & Financing Capital Projects, Dealing with Difficult Residents/Boards, Property Tax Appeals, Property Values & Assessments, & Trends in Technology (artificial intelligence, drones, etc) and Communication. For more information, call 630-932-5551.

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FirstService Residential

FirstService Residential donated the proceeds from its 12th annual "IGC - In Good Company" Vendor Expo to Ann & Robert H. Lurie Children's Hospital of Chicago. The expo, held on July 25th, 2024 at Drury Lane in Oak Brook Terrace, brought over 300 community association managers from FirstService Residential together with trusted service providers and experts from the property management industry. The event also included several educational seminars for attendees and provided a great opportunity for FirstService Residential community association managers of condominium, townhome, and homeowner associations the opportunity to discuss their properties needs for their upcoming budgets, property maintenance, and capital projects.



➤ *Shown here is Emily Ashner from Lurie Children's Hospital (3rd from left) with representatives from FirstService Residential (from L to R) Jen Yang, Bob Meyer, Brian Butler, John Santoro, and Lida Evans presenting a check for \$ 60,000 to Lurie Children's Hospital at the event.*

FirstService Residential Illinois presented a check for \$ 60,000 to Lurie Children's Hospital at the event. "The proceeds of our Vendor Expo are donated each year to an organization whose values closely align with our own, such as being genuinely helpful, doing what is right and building great relationships. These are just a few of the tenets at the heart of everything we do," said **Brian Butler**, President of FirstService Residential Illinois. "We are honored to support Lurie Children's Hospital, an organization that has had a significant impact on the well-being of children and families in Chicago for over 130 years."

"Support for Lurie Children's mission by companies like FirstService Residential propels advances in research and care, trains new generations of specialists and allows us to advocate for the most vulnerable members of our community," remarked Grant Stirling, PhD, Executive Vice President and Chief Development Officer of Lurie Children's Foundation. "We thank FirstService Residential for your partnership in creating a healthier future for children."

NS MANAGEMENT

NS Management (NSM) recently announced it has acquired select assets of the condominium, co-op and townhome management division of Skokie-based Heil, Heil, Smart, and Golee (HHSG). Together, the combined entity - operating under the banner of NS Management (NSM) - will represent nearly 170 condominium, co-op, and townhome associations in Chicago's north shore and northwest suburbs.

"While looking to the future of our organization, we determined that we would best serve the community as an insurance agency under our sister company, Heil & Heil Insurance Agency, and exit the management business," said **Bob Landers**, President/CEO of HHSG. "After considerable thought and searching, NS Management is clearly the right company for us to entrust our clients and our management team members."

NSM has a stellar record of excellent service and strong growth, being named to the Inc. 5000 fastest growing companies in the USA for both 2023 and 2024. Founded in 1986, it is a 38-year-old company with 100 percent local ownership and a strong commitment to serving the Chicagoland market.

"For our new clients from HHSG, we expect the transition to NS Management will be smooth. Most of them will continue to be served by the same dedicated property managers that already have been serving them," said Ken Bertolucci, President of NS Management.

"I have incredible respect for HHSG and its long record of service to the community. And I am really proud of our team at NS Management and how we have grown our company on a foundation of establishing trust, adding value, and providing a quick response," Bertolucci added. "Together, the new NS Management will be singularly focused on becoming the most-trusted community association management company in our market." The transaction closed on July 31, 2024.

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Leveraging Technology for Legal Compliance in Condominium Associations

Condominium associations, facing a growing number of legal obligations, are increasingly turning to technology to manage these tasks. From maintaining accurate records to ensuring proper communication with residents, technology is playing a crucial role.

The Illinois legislature and Federal government's adoption of new laws dictating condominium association compliance, including deadlines and timeframes with stiff penalties for non-compliance, further underscores the importance of technology. It is clear that a change is needed. Community managers are prohibited from offering legal advice, leading management companies to (understandably) back away from offering certain services necessary to keep their communities compliant with the law. Some associations have the money to outsource compliance to attorneys and accountants. However, even those associations, with the increasing complexity of these requirements, should consider exploring technology to help make compliance simple and cost-effective. The economics are simple. A growing industry (with estimates of 82% of new homes constructed being part of an HOA), operated by boards under substantial pressure to reduce or maintain costs, and (more and more) money required for insurance premiums, reserve studies, and capital repairs leaves less money available for legal fees. To that end, there should be technological methods for providing certain legal compliance services to the community association market to reduce the amount of money communities spend on attorneys.

Many of the technologies are not new. Community association managers are already using technology to streamline operations, enhance owner services, and facilitate communication. Some methods that boards and managers are already using (or should explore using) are below:

1. Online Voting and Meeting Hosting Platforms -

The recent pandemic forced most condo owners to learn how to attend and participate in online meetings, as Zoom has become the default for many meetings. However, certain technology platforms are offering more. For example, CondoVoter (a Toronto-based platform) not only hosts and runs meetings but also provides declaration and by-law amendment voting services. Getting 75% of owners to vote on anything takes an enormous amount of effort. Online voting platforms can increase participation so that the board receives proper responses to amendments (and can see amendments pass or fail based on owner opinion rather than lack of participation).

2. Information Retrieval and Owner Requests -

Owners often have recurring questions about association guidelines, amenity usage, parking rules, etc. Management companies and some self-management software platforms can be programmed to provide answers without human intervention.

3. Amenity Bookings - If a community has shared amenities like a party room, recreational facility, or pool, technology can be a great tool to streamline the booking procedures, allowing an online calendar to reduce "double-booking" and require payments or waivers at the time of sign-up.

4. Assessment Payment Reminders - This is "low-hanging fruit." Technology can easily remind owners of upcoming payment due dates and nudge them along if payment is not received.

5. Legal Compliance Services - Perhaps most compelling is the proliferation of certain legal compliance and document services available to managers and boards. Similar to online voting and election services, companies now offer software platforms that "close the gap" between guessing answers to legal issues and hiring an expensive attorney to perform simple, non-legal tasks such as state and federal filings, meeting notice preparation, and sending simple notices of violation. Even those associations with the cash available to spend on lawyers would do well to consider reducing their legal spending by considering certain alternatives that are both safe and effective.

Technology is not just a convenience for condominium associations - it should be considered an essential component of legal compliance. At one point, email was considered a "convenience;" now, email is an essential component of association management and governance. Boards and managers should explore the digital tools available to reduce the risk of non-compliance, lessen their own burden of managing communities, and reduce costs for owners.




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by Adam Kahn, Esq. and Howard Dakoff, Esq. of Levenfeld Pearlstein, LLC

New Accessible Parking Requirements for Illinois Condominium Associations

Illinois condominium associations will face new accessible parking requirements starting in 2025.

A recent amendment to the Illinois Condominium Property Act (“ICPA”), which was signed into law on August 9, 2024, implements new obligations on existing condominium boards and developers for new condominium associations related to parking for “a unit owner who is a person with a disability who requires accessible parking.” This new law takes effect on January 1, 2025. The obligations under new Section 18.12 of the ICPA regarding accessible parking are summarized below.

Note: The new law supplements existing federal and state law on reasonable accommodations generally, which may include providing accessible parking to a unit owner who requires, and is entitled under the law to, accessible parking.

Requirements for Boards of Existing Condominium Associations

The new law imposes two requirements on condominium boards. The first requirement is to a policy to reasonably accommodate unit owners who require accessible parking. The policy must include procedures for unit owners to submit an accessible parking request as well as the time for the board to review such request, which must be within a reasonable time and not more than forty-five (45) days from submission. After completing the review, the board must make a decision on the request for accessible parking within a reasonable amount of time.

For condominium associations in existence as of the date the new law takes effect (January 1, 2025), the policy must be adopted

within ninety (90) days of such effective date (i.e., by April 1, 2025). For “new” condominium associations (i.e., new construction or conversions) coming into existence after the effective date of the amendment, the policy must be adopted within ninety (90) days of election of the initial condominium board.

The second requirement under the new law is for boards to “make reasonable efforts to facilitate a resolution between unit owners to provide accessible parking” in situations where the association does not “own or otherwise control parking that meets the accessible parking needs of a unit owner who is a person with a disability who requires accessible parking.” The above two new requirements apply to all condominium associations with parking, regardless of whether the parking comprises parking units, limited common element parking spaces, or common elements.

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- **Photo 1:** On January 25, 2023, a fire began in a residential unit and raced up 10 floors on the exterior, killing one resident and injuring 8 others and a Chicago firefighter.
- **Photo 2:** One year later, more than 200 residents from 140+ units are still displaced with no end in sight for them moving back in.
- **Photo 3:** At 15 months, windows are nearly replaced, however, reconstruction inside the units is ongoing and residents remain displaced.

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Notably, the proposed amendment to the ICPA does not expressly include accessible parking requirements for non-unit owner residents, define what constitutes “reasonable efforts” to facilitate a resolution between unit owners for accessible parking, or require (or even empower) a condominium board to mandate a resolution between unit owners for accessible parking.

Requirements for Developers – New Condominium Associations

Condominium developers will also see new accessible parking requirements for new construction or conversion condominiums coming into existence after January 1, 2025. In particular, for new condominium associations, all accessible parking spaces “must remain part of the common elements” and cannot be made into parking units or limited common elements; however, a unit owner who requires accessible parking “may request use of a common element accessible parking space in exchange for permitting the association” to use that unit owner’s parking unit or limited common

element parking space. The developer or declarant of the new condominium association is responsible for complying with these requirements for new condominium associations.

The new law also empowers boards of new condominium associations to adopt rules for the use of such common element accessible parking spaces, including renting out such spaces, so long as (a) unit owners who require accessible parking have priority over unit owners who do not have a disability; and (b) unit owners who do not have a disability “must immediately stop using” an accessible parking space once a request by a unit owner who has a disability for accessible parking is approved by the board.

Recommendations

Obtaining accessible parking can pose a challenge for persons with disabilities. This change to the ICPA seeks to address the issue for condominium unit owners who require accessible parking by imposing a process to handle such requests as well as accessible parking requirements for new condominium associations.

In light of this change in the law, it is recommended that condominium association boards take the following steps:

- (a) Work with their management (if professionally managed) and legal counsel to adopt a policy for accessible parking requests in advance of the deadline, which is April 1, 2025 for existing condominium associations;
- (b) Once the new law takes effect, promptly review requests for accessible parking, being mindful of the 45-day time limit for reviewing any such request under the new law, and make a decision within a reasonable time; and
- (c) Once the new law takes effect, make reasonable efforts to facilitate a resolution between owners if accessible parking is owned or controlled by unit owners and not the association.

Following the above recommendations will help ensure compliance with the law while also accommodating unit owners who require, and are entitled under the law to, accessible parking.



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WINTERIZATION TECHNIQUES...

Don't let Old Man Winter Put Your Association in a Deep Freeze

Old Man Winter is around the corner. Is your association winterized and ready for another unpredictable Chicago winter season? Now is the time to work with your management team to help you prepare your association, so you are ready for whatever comes your way during this upcoming Winter season.

1. Snow Removal Vendor/Plan

Do you have a vendor in place to remove the snow? Do you have a signed agreement? Is your agreement a seasonal agreement or is it a per push agreement? Will your vendor come only after a 2" snow fall, or will your vendor come any time there is freezing rain or snow fall incident?

2. Salt Buckets and Scoops in the foyers

Do you have entrance foyers in your association? Do you have buckets of salt with scoops installed in the foyers yet? What happens if you have a freezing rain incident, and your vendor does not come out because there was under a 2" snow fall incident? What if there are icy sidewalks? Who is going to salt the sidewalks and parking lot?

3. Heating System Fall Maintenance

Have you had your common area heating system checked? Does your building have a steam heating system or a hot water heating system? Have the unit owner's radiators been checked yet for operation and for leaks?

4. Avoid Frozen and Burst Pipes

Have you informed the homeowners of the best practices on avoiding frozen and/or burst pipes? Has your association dealt with frozen or burst pipes in the past? Make sure all homeowners ALWAYS leave the heat on inside their units. In addition, on extremely cold days, the owners should open their bathroom vanity doors and kitchen sink bottom doors to help prevent frozen or burst pipes.

5. Prevent Ice Damming Emergencies

Has your association experienced ice damming issues in the past? What damage has resulted from the ice damming? Do you have a vendor on standby to help address ice damming issues? Have you considered installing a deicing cable system to help minimize ice damming?

Summary

The best way to prevent Winter emergencies is to plan. Make sure you inform all the homeowners about these winterization best practices so that you can minimize or perhaps even avoid all types of headaches and emergencies that Old Man Winter may otherwise bring to you and your association.

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Over 200 guests gathered on August 29th at the MCD Media 35th Anniversary event held at the private event center of Rivers Casino in Des Plaines, IL. Many original advertisers and representatives from companies that are original Advisory Board members of MCD publications were joined by current clients and friends of MCD Media. Guests enjoyed lunch and various entertainment including music by FiddleRock, Gaming Lessons from Rivers Casino Dealer Instructors and a game of "Condo Trivia."

Publisher and Editor Michael Davids addressed the group and expressed his appreciation for the special role that many in attendance have played in the history and current success of MCD Media. MCD started as an ad agency in the late 1980's, incorporated in 1989 and published our first magazine in 1990. MCD Media currently publishes Condo Lifestyles and Buildings & Environments magazines. Several tables of MCD Memorabilia were displayed for guests to view including the premier issue of each publication title along with photos and promotional items from early years. Photos of the event can be viewed at Facebook/MCD Media.



Shown here is the MCD Media 35th Anniversary event committee.



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by Omar Malik - KSN

UNDERSTANDING THE CORPORATE TRANSPARENCY ACT:

Safeguarding Your Board from Fraud and Bad Actors

The Corporate Transparency Act (CTA) went into effect January 1, 2024 with a compliance deadline set for January 1, 2025.

This new law mandates that certain businesses disclose ownership information to the U.S. Department of the Treasury's Financial Crimes Enforcement Network (FinCEN). The primary goals of the CTA are to increase business transparency and accountability in an effort to prevent illegal financial activities such as fraud, money laundering, and tax evasion.

What Does the CTA Mean for Community Association Board Members?

Under the CTA, certain condominium, homeowner (HOA) and townhome community associations will be required to report detailed information about their board members to the Financial Crimes Enforcement Network (FinCEN). Current board members of these associations are considered "beneficial owners" under the CTA.

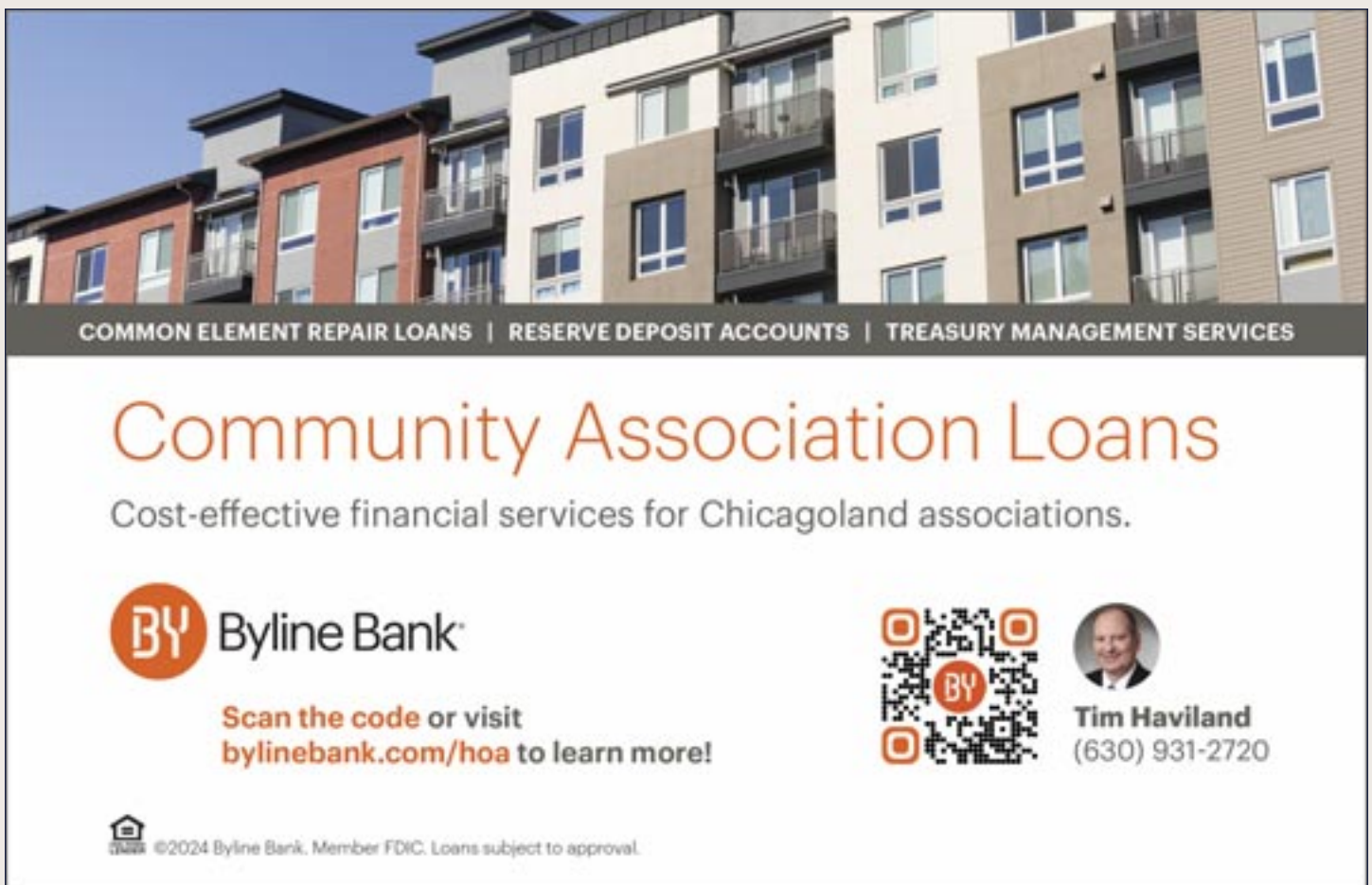
Consequently, board members must provide FinCEN with detailed personal information,

including their legal name, date of birth, residential address, and a copy of a valid, unexpired government-issued identification.

While this effort aims to increase transparency, it also introduces a new set of challenges. One of the most increasing concerns is the potential for fraud, particularly as bad actors may seek to exploit board members who are unfamiliar with the CTA's requirements and penalties for noncompliance.

As specified in the Corporate Transparency Act:

- "...a person who willfully violates the BOI reporting requirements may be subject to civil penalties of up to \$500 for each day that the violation continues.



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- A person who willfully violates the BOI reporting requirements may also be subject to criminal penalties of up to two years imprisonment and a fine of up to \$10,000.
- Potential violations include willfully failing to file a beneficial ownership information report, willfully filing false beneficial ownership information, or willfully failing to correct or update previously reported beneficial ownership information.”

Beware of Fraud: Protecting Your Board from Bad Actors

As community association board members strive to comply with the CTA, they must remain vigilant against potential fraud. Scammers may pose as legitimate entities or government officials, seeking to obtain Personally Identifiable Information (PII) under the guise of assisting with CTA compliance.

The consequences of falling victim to such fraud can be severe, including identity theft, financial loss, and legal repercussions for board members who do not comply with the CTA.

Best Practices and Safeguards for Board Members

To protect your board and association from fraud and bad actors, consider implementing the following best practices:

- **Educate Your Board:** Ensure that all board members understand the CTA, requirements associated with compliance, and how to recognize potential scams.
- **Verify Communication Sources:** Before sharing any PII or sensitive information, verify the identity of the requester and be wary of unsolicited requests from unknown third parties.
- **Consult with the Association’s Attorney:** Work with your community association’s legal counsel to ensure that compliance aligns with this new law’s requirements and that you have appropriate safeguards in place when it comes to collecting information/documentation.

Conclusion

The Corporate Transparency Act introduces new responsibilities for community association board members. However, by staying informed and adopting best practices, you can protect your association from fraud and ensure compliance with confidence.



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