

Responsibilities and Ethics for Condominium Association Board Members

~~ *Responsibility Accountability Integrity* ~~

A board member's primary responsibility is to maintain and enhance the value of the condominium community. Fiduciary duty equals the highest position of trust. It means putting the interest of those you're representing above all else, and operating in an ethical manner. Operating a condominium association consists of the same duties and responsibilities as overseeing any other business. Directors must act in good faith, follow the law, and ethically transact business for others.

Board members should:

1. Strive at all times to serve the best interests of the association as a whole regardless of their personal interests.
2. Use sound judgment to make the best possible business decisions for the association, taking into consideration all available information, circumstances and resources. However decisions are not your own; decisions are made by the board, and each board member is accountable for the actions of the board as a whole.
3. Educate themselves on the applicable laws governing condominiums and the governing documents of the association, and act within the boundaries of their authority as defined under law and governing documents.
4. Allow owners to view the official association records. Florida is an open access state. Owners have a right to view and/or make copies of the books and most any association record, with a few exceptions, within 5 days of a request. Florida law requires that 7 years of association records are retained and accessible for viewing to any owner.
5. Perform their duties without bias for or against any individual or group of owners or non-owner residents.
6. Conduct open, fair and well-publicized elections as outlined in Florida Statute 718.112. There is no more basic and important right than the owners' right to fair and lawful elections. All ballots, envelopes, intent to run forms, candidate information sheets are to be retained for 7 years following an election, and must be readily available for viewing by any member of the association to check for election fraud. These documents and material are *not* confidential.
7. Treat all members of the association and fellow directors with courtesy, dignity and respect. Provide opportunities for residents to comment on decisions facing the association, and listen to them.
8. Maintain strict confidentiality of information not open to association members, such as owner medical letters.
9. Communicate and cooperate with the team of directors and the owners. Be easily accessible and readily available to your fellow directors and unit owners. You do not need to like your fellow directors or residents but you should treat all with courteous respect.
10. Make a commitment to involvement on the board. Be willing to devote time year round to actively working on board duties and activities. The property maintenance and board duties cannot be neglected in the summer; long-distance directors can attend meetings via speakerphones at meetings open to the owners.
11. Provide members of the association with contact information, and inform condo owners who to contact should the need arise. Inform your fellow directors when you are away and ensure you have supplied contact information so you can be reached quickly. The board should ensure that owners always have at least one board member they can reach reliably.
12. All contribute equally to the board; the work should not fall disproportionately on any one person. Directors should attend and participate at meetings, and be willing to do substantial work between meetings. A board is a team, and tasks should be equally distributed between all board members. Board membership is not an honorary position.
13. Get it in writing. Ask owners to put maintenance requests, intent to run forms etc. in writing *and provide a written receipt with a board member's signature*. Many problems in associations could be avoided with this simple step.

Board members should not:

1. Break the law. The least that you owe the members of the association is to act in an ethical manner. Ignorance of the laws is no excuse.
2. Meet in undisclosed behind-closed-door meetings. When a quorum of directors meets to discuss association business it is a board meeting and must be handled accordingly, in terms of posting advance notice, taking minutes, and holding the meeting open to all association members. Committee meetings authorized by the board are also open to all owners. Transparency and accountability are paramount. Owners have a right to be well-informed.
3. Take unauthorized actions such as making unauthorized promises to a contractor or bidder. A board member should never vote on any issue in which they have a personal stake, such as hiring a contractor they know, or resolving a board/resident squabble involving a friend.
4. Advocate or support any action or activity that violates a law or regulatory requirement.
5. Use their positions or decision-making authority for personal gain or to seek advantage over another owner or non-owner resident.
6. Spend unauthorized association funds for their own personal use or benefit.
7. Accept any gifts—directly or indirectly—from owners, residents, contractors or suppliers.
8. Misrepresent known facts in any issue involving association business.
9. Divulge personal information about any owner or resident that was obtained in the performance of board duties.
10. Engage in rumor, malicious gossip, slander, or make personal attacks on colleagues, residents, or visitors. Condominium communities can be hotbeds of malicious gossip. As an ethical director you are now restricted from engaging in this type of behavior, and indeed can be held legally liable if you slander other directors or owners. Insurance will not cover liability for director conduct that stems from deliberate malfeasance.
11. Harass, threaten or attempt through any means to control or instill fear in any board member, owner, resident, or contractor.
12. Reveal to any owner, resident or other third party the discussions, decisions and comments made at any closed meeting of the board (e.g. meeting with the association lawyer to discuss litigation; medical letters.)
13. Keep maintenance fees artificially low: you are not doing your building any favor to under-fund it, keeping maintenance fees too low to adequately maintain the property. If it means the building cannot be maintained properly, in the end everyone loses as property values deteriorate. Unexpected property emergencies inevitably happen, and must be budgeted for.