

Condo Commando takes on the Dictator

Board Meetings Resemble Real-Life Wrestling Match

FORT MYERS NEWS-PRESS FEBRUARY 16, 2003



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Every once in a while, this column finds a topic that hits a raw nerve.

A couple of weeks ago, in a segment addressing difficult personality types, I identified the Condo Commando, a moniker that I am not clever enough to have coined.

Several of my clients told me they thought I was writing about a particular person in their community. Other association leaders, people I have never met before, remarked how I had so accurately portrayed the grating habits of their community's nemesis.

Other reactions suggested that criticizing people with differing points of view squelched debate, and was downright undemocratic. In fact, one writer of a letter to the editor called the column "juvenile, name-calling" (I will waive any protest that calling a middle-aged man a juvenile might be considered name-calling too).

To set the record straight, the column did not intend to suggest

that disagreement is bad. The message intended to be conveyed is that one can disagree without being disagreeable.

Today, in the interest of fair play, I would like to explore a personality type which is in many ways similar to the Condo Commando, but in many ways different. The Dictator. Usually a board president or on-site manager, the Dictator also sees things one way. Like the Condo Commando, it's his way or the highway.

Contrary to popular belief, the typical Dictator is not a retired CEO. People of that ilk normally ascend by considering opposing points of view, and building consensus. While in some cases financial perks may be the motivating factor, the typical Dictator gets his rush from the ability to control others in their most basic sanctuary, their home.

The Dictator scrupulously avoids any decision being made in the open, and most often acts unilaterally, relying on non-opposition rather than consensus. When push comes to shove, the Dicta-

tor does not hesitate to use the full arsenal of the association's financial and legal resources to get his way.

The Dictator rarely considers the requirements of the community's governing documents, unless it suits his purpose. Lawyers and legal advice are a waste of time and money, unless for defense or legitimizing a decision that has already been made and implemented.

In many communities, the political reality of the election process makes it difficult for the Dictator to get elected, or if elected, to get re-elected. However, in some communities (such as those with a high percentage of absentee owners), there may be no one else who will take the job, and the Dictator is supported largely by apathy, and based upon whether the budget is kept in check.

Every Condo Commando I have met will tell you that their association's board president and/or manager is a Dictator. Every Dictator I have met will label anyone who disagrees with them as a Condo Commando.

Everyone who disagrees with the majority is not a Condo Commando. Everyone who has been entrusted with decision-making authority is not a Dictator. But in some cases, on both ends of the spectrum, the shoe fits and should be worn accordingly.

Now on to reader mail.

QUESTION: Recently we deleted the Question and Answer Sheet (Q&A Sheet) from our association's "operating manual."

We were advised that the Florida Statutes no longer required the Q&A Sheet. Were we wrong?
- B.W. (via e-mail)

ANSWER: Several column readers posted this inquiry after last week's column, and there is apparently still some misunderstanding as to the effect of the 2002 amendments to the Florida condominium statute.

First, an association is still obligated to maintain a Q&A Sheet.

The obligation for this undertaking may be found in Section 718.111(12)14 of the condominium statute.

The main affect of the change in the law is that the Q&A Sheet is no longer a necessary disclosure document in non-developer resale transactions. The Q&A Sheet is still required in initial developer sales and in all cases, must still be maintained as part of the official records of the association. ⚖️

Mr. Adams concentrates his practice on the law of community association law, primarily representing condominium, co-operative, and homeowners' associations and country clubs. Mr. Adams has represented more than 600 community associations and serves as managing shareholder of the Firm's Naples and Ft. Myers offices.

Send questions to Joe Adams by e-mail to jadams@becker-poliakoff.com This column is not a substitute for consultation with legal counsel. Past editions of this column may be viewed at www.becker-poliakoff.com.