

MANAGERS AND
BOARD MEMBERS
CAN EXPECT
HOSTILITY AND
THREATS AS THEY
SERVE THEIR
COMMUNITIES,
BUT THEY CAN
TAKE STEPS TO LIMIT
THE VIOLENCE AND VITRIOL TOO.

IN HARM'S WAY

BY MIKE RAMSEY

DIANA WEECK was no stranger to potential workplace violence when she and her husband ran a grocery store for nearly 30 years in a rough district of San Francisco.

Yet nothing prepared her for some of the confrontations she's experienced as a community association manager.

Over the past decade, a woman threatened to kill her over complaints about the family's dog. Another time, an irate owner stormed her office and threw an object at her. He had been ordered to take down a fence.

"He was just a hothead, and he came in here screaming and yelling at me. I had to call the police," says Weeck, who oversees operations at Florin Estates, a 250-lot mobile home community in Sacramento, Calif. "I just can't believe how irate people get just by trying to enforce the CC&Rs.

The worst part of it is that 99 percent of the people in this community are absolutely wonderful. It's just 1 percent."

For the 1 percent of people who are not wonderful, she keeps pepper spray at her desk—just in case.

“IN THIS DAY AND AGE, OF COURSE YOU SEE ON THE NEWS ALL THE TIME ABOUT SHOOTINGS. BUT IN OUR LINE OF WORK, PEOPLE DO TAKE THEIR HOMES VERY SERIOUSLY. YOU TAKE THOSE THREATS MORE SERIOUSLY THAN BEFORE.”

IN HONOLULU, Suzanne Alawa managed a large homeowners association where tempers also were known to flare. Fortunately, she had in-house security and didn't have to go it alone. If she suspected trouble might materialize as she went about her duties, she posted an officer nearby. Alawa left the position

unscathed—not counting vandalism to her car.

“I listened to the hairs on the back of my neck. It was always better to be prepared for the worst and hope for the best,” says Alawa, CMCA, LSM, PCAM.

Managers and volunteer board members have always faced the mental stress that comes with trying to sort out conflicts and disputes with owners in common-interest developments. Unfortunately for some, the tension can take more serious and tangible forms, according to a CAI survey conducted this past fall.

Twenty-eight percent of 1,300 respondents—managers, staff and board members—say they have been verbally threatened “several times” by a resident, while 23 percent say they've been threatened at least once. Forty-nine percent say they've never been threatened.

Tellingly, most of the respondents say they have at least *felt* threatened by residents, even if words were not spoken. Nearly 5 percent say they feel threatened “frequently,” while 29 percent say they feel threatened “occasionally.” On the other side of the spectrum, 35 percent indicate they “rarely” feel threatened, while 31 percent say they never feel threatened.

Portfolio manager Judy Moncovich, CMCA, AMS, PCAM, of Community Group Inc. in Virginia Beach, Va., has seen the other side of the coin: a board member threatening a resident. She recalls how a new association board president became livid during a covenants hearing when an owner stood his ground during a debate.

“The board president started screaming and literally lunged over the table at the owner,” recalls Moncovich. “He calmed down. We finished up the hearing. I turned to him and said, ‘You will never do that again. If you do, I will walk out of here as your manager.’”



Actual physical attacks on board members and managers are relatively rare, but they have happened to some, the CAI survey indicates. Nearly 10 percent of respondents say they've been physically assaulted (grabbed, slapped, punched, kicked, pushed or spat upon) by an angry resident, while another 3 percent say they were assaulted “several times.”

The overwhelming majority of respondents, 87 percent, say they've never been attacked. But 20 percent say they know of a board member or former manager who has been physically attacked by a resident.

Among the most likely triggers to set off emotions are issues involving parking, assessments, fines and delinquencies, according to the survey. Among the least likely factors: elections, pets, rules governing yard signs, landscaping and other restrictions.

“I think it's still rare,” Denver area attorney Loura Sanchez, a member of CAI's College of Community Association Lawyers (CCAL), says of threats and violence directed at leaders and professionals. “But if associations are seeing more of it, it's reflective of violence in our society. They're not immune to it.”

LOUISVILLE TRAGEDY

Indeed not. The CAI survey results come in the wake of the fatal Sept. 6 shootings of two association board members in Louisville, Ky., by a disgruntled resident.

Mahmoud Yousef Hindi allegedly shot David Merritt, 73, and Marvin Fisher, 69—Spring Creek Homeowners Association board members—after he became involved in a drawn-out dispute over a fence and driveway on the property of his adult children. The former physician opened fire during a board meeting that was being held at a local church. Audience members managed to subdue Hindi, who later offered detailed statements to police about why he felt compelled to shoot.

“I was hoping that I could reason with them,” Hindi was quoted by *The Courier-Journal* as saying in a videotaped interview with detectives. “But I said to myself, if they are not going to resolve peace with me, honestly, I had to kill them. So I took my gun.”

The death-row defendant has a history of mental illness, but published reports suggest there were no clear warning signs Hindi would erupt in such a violent way. A homeowner who declined to be interviewed said the association is managed by volunteers; other members and the association's attorney could not be reached for comment to discuss the case.

The deaths, which have sent ripples of shock through the industry, have altered the professional landscape in Louisville, two CAI members there say.

"It definitely makes you stop and think a little bit more," says Ben Adams, CMCA, site manager for Kentucky Realty Corp. "In this day and age, of course you see on the news all the time about shootings. But in our line of work, people do take their homes very seriously. You take those threats more seriously than before."

His company has noticed a reluctance by churches to rent space to community associations following the shootings. If they are willing, the religious organizations are not scheduling church activities during the same blocks of time.

Another Louisville management professional, Jeanette Pollett, CMCA, AMS, of Paragon Management Group, says a bank that previously rented space to one of her associations for \$210 in 2012 quoted a price of \$890 for the same number of meetings for 2013.

"I think they don't want the meetings anymore," says Pollett. She adds: "You can't blame them. I've got one fire department in a suburban location that I've used. They said from now on they're going to screen who they let in and who they don't. They will pick and choose. Some associations will not be allowed to meet there, because they've met there before and they've gotten loud."

CONCEALED-CARRY: SOLUTION OR ANOTHER PROBLEM?

AS IF the discussion about keeping managers and board members safe at community associations isn't perplexing enough, along comes the issue of "concealed-carry" laws.

Most states allow licensed gun owners the opportunity to carry a firearm in a concealed fashion. A handful of states allow "open carry," meaning a licensed person can wear a firearm visibly. Civilians typically cannot wear guns in certain public settings, such as churches, schools and government buildings.

Concealed-carry laws also may grant community associations the power to create gun-free zones in their private facilities, such as clubhouses, gyms and offices, by posting signs. Such is the case in Missouri. So far, however, St. Louis attorney Marvin Nodiff says, his association clients have not moved to impose restrictions in common areas.

"It's been a quiet issue, but all it takes is one incident like the one that happened in Louisville where somebody takes a gun into a meeting," says Nodiff, a member of CAI's College of Community Association Lawyers (CCAL), referring to the fatal shootings of two association board members in Kentucky. "The bottom line is, if the association considers this to be important, then it's worth doing."

There are potential headaches. Both Nodiff and



Houston attorney Marc Markel, whose state also has concealed-carry statutes, say creating a rule brings an obligation for an association to enforce it. And Markel, a CCAL member, suggests an owner who is attacked in a gun-free zone could try to hold an association liable for making him or her vulnerable.

Meanwhile, concealed-carry statutes theoretically give board members and managers the ability to carry concealed guns if they feel it's necessary for their safety. Nodiff and Markel say they aren't aware of any controversies at the associations they represent.

Says Markel: "Most people who carry (guns) don't advertise the fact that they do."—M.R.

Although by no means justifiable or explainable, the recent deaths in Louisville underscore the frequent disconnect between associations and owners and the volatility that can result, professionals say.

“Unfortunately, our industry puts us at odds with homeowners who are in violation of an association’s rules,” says Adams.



Of course, armed officers won’t be around all the time at most associations. Experts say when an individual is identified as a potential safety threat, community associations should create a paper trail that can be used in future legal proceedings, if necessary.

Sanchez, the Denver area attorney, has helped associations secure restrain-

FINDING SOLUTIONS

So, what can be done to stop flashpoints from occurring? There are no failsafe solutions, professionals agree, but they say being inclusive and giving residents a forum will go a long way in helping defuse many potential conflicts.

“Have more meetings, not fewer, of the members,” advises St. Louis attorney Marvin Nodiff, a CCAL member. “It doesn’t have to be business meetings, it can be social activities. People will have more of a sense of belonging in the community. That’s something that is low-tech, low-cost that can have a calming effect in the community and deter people from acting out.”

Unfortunately, managers and attorneys say, there may be no placating the most disturbed individuals who harbor grudges. There will always be the risk that a deranged or mentally ill person may try to find a way to exact his or her idea of revenge against association representatives.

Some boards have long employed armed, uniformed off-duty police officers for meetings where controversy is expected.

Not surprisingly, the use of officers has become more common in Louisville. Pollett says she recently hired an armed cop as members of a community association gathered to discuss and vote on a hotly debated amendment to ban rentals.

“My instructions to the officer were to stand in the back of the room. If anyone starts getting loud or comes to their feet, walk up and stand next to (that person),” Pollett says. “I don’t want anybody to be intimidated in either direction. That’s my goal: Everybody gets to vote the way they want. And the policeman was there to make sure nobody got harassed or bullied.”

ing orders against owners whose behavior has gone beyond the pale. That’s no cure-all either, given that both parties could legitimately run into each other, she says.

“When you’re talking about managers, they still have to do their jobs,” Sanchez says. “But oftentimes what they do is they make the owner—who is making the threats—at least a little more aware that it’s escalated to a different level.”

Documenting alarming behavior can include sending correspondence to the association’s attorney and—if the behavior is egregious enough—filing a report with police. Authorities, however, may not be willing to do much if no physical contact has been made, professionals concede.

Alawa, the property manager in Hawaii, has employed a “Note to File” system in which she keeps written records of interactions with owners. Sometimes, she has e-mailed the board president and head of security if she felt someone crossed the line.

“Over time, people find out that you mean what you say. But then again, you just never know,” Alawa says.

Her conflicts are fewer these days now that she manages an investment hotel in Honolulu for absentee owners.

Things have slowed down, too, for Weeck, the mobile-home property manager in Sacramento.

She says her years of experience have taught her how to de-escalate confrontations and be thick-skinned about insults. If all goes well, she’ll retire in a few years.

“I really do enjoy the people, who are great. And they depend on me a lot,” she says. “Right now, it’s quiet. It’s been very quiet.” **CG**

Mike Ramsey is a freelance writer in Chicago.

EXPERTS SAY WHEN AN INDIVIDUAL IS IDENTIFIED AS A POTENTIAL SAFETY THREAT, COMMUNITY ASSOCIATIONS SHOULD CREATE A PAPER TRAIL THAT CAN BE USED IN FUTURE LEGAL PROCEEDINGS, IF NECESSARY.

AT RISK

The Sept. 6 shooting of two community association board members in Louisville, Ky., wasn't the first time resident aggression turned deadly. Rita Hohmeier, the board secretary at Willows Condominiums in Franklin Park, Ill., was shot and killed in July 2004 by Zdzislaw Kuchlewski after he was evicted for owing more than \$4,000 in overdue assessments and fees.

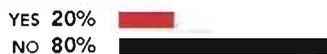
A few years earlier, on April 19, 2000, Richard Glassel interrupted the Ventana Lakes Property Owners Association board meeting in Peoria, Ariz., and shot and killed two members. Glassel, who frequently battled with the association over landscaping, died in prison from apparent natural causes in January.

While these deadly incidents are rare, a CAI survey this past fall showed association representatives are at risk and have been victims of physical and verbal assaults. As the results illustrate, a majority of the 1,300 board members, managers and association staff who responded have at least felt threatened, even if there was no overt threat.

Have you ever been physically assaulted (e.g., grabbed, slapped, punched, kicked, pushed, spat upon) by an angry resident?



Are you aware of a board member or former manager in your community who was physically assaulted in the past by a resident?



Have you ever been verbally threatened with physical violence by a resident?



How often do you feel threatened by residents, even if there is no overt threat?



Manager and board member survey respondents also shared some personal comments and opinions on the issue of violence related to the governance and management of community associations.

TRULY FRIGHTENING

It is truly frightening to look into the eyes of someone who is so very angry that he or she wants to do you physical harm. Thank goodness it has only happened a few times in my 30+ year career. Getting yelled at and being called names happens all too often.

—KATHRYN C. DANELLA, CMCA, LSM, PCAM, Boca Pointe Community Association, Boca Raton, Fla., CAI President 2012

RESPECT KEY

While the threat of violence is always present, I refuse to be intimidated by anyone. The key is to communicate openly and honestly while being diplomatic and treating everyone—no matter how much they push your buttons—

with the same respect and dignity with which I expect to be treated. —TONYA D. ENTZI-MARTIN, CMCA, AMS, Classic Property Management, Arlington, Texas

INCREASING ANIMOSITY

We already have a difficult time finding volunteer leaders to serve on the board. I fear that increasing animosity toward leaders will leave our association either ungoverned, inadequately governed or governed by people with less than honorable intentions. —PAULLA WEINBERG, Regency Park Homeowners Association, Merrillville, Ind.

BULLIED BY MEMBERS

As a former police officer and federal special agent, I have the training and

background to deal with workplace violence. However, many of our volunteers do not. They are bullied and threatened by members who do not get their way. —JOHN MOORE, Clearwood Community Association, Yelm, Wash.

UNDERCOVER OFFICER

Over a period of 25 years, I have had an undercover officer attend board meetings three times for protection against angry owners. I interviewed for a general manager position in Arizona some years ago and did not take the job. Several years later, an angry owner killed several members of that board. —GEORGE J. EINFELDT, LSM, PCAM, East Highlands Ranch Homeowners Association, Highland, Calif.