Below is a “Communication”, posted on a North Carolina Homeowner Association (HOA) website, from the HOA President. It was presumably placed there by the HOA Property Management Company who maintains the Website for the HOA. It was posted without any explanation or communique to Owners, but simply put on the Website along with Minutes of the previous Month’s CLOSED Board Meeting. Holding CLOSED Meetings to conduct HOA Business has been the practice of this HOA for months, apparently with the endorsement of the HOA Attorney, who sometimes attends the Board Meetings. Information is often posted on the HOA Website without any notification to Owners that something has been posted. There is no “regular” communication from the Board and no “Communications Committee”, as there used to be to send updates, including a Newsletter, to the Community. This “President’s Report on Communication” and the “Policy” it claims to implement was apparently discussed at the previous month’s CLOSED Board Meeting. However, there is no evidence that any of it was voted on by the Board to become an Official Resolution of the Board - nor does it appear that there was any substantive input from Owners who attended any Meeting of the HOA prior to or during it being considered by the Board. It appears from all that is known to Owners is that this action was taken unilaterally by the President and posted without explanation, without signature and without any evidence that it was ever “approved” by the Board. The “Report” claims that it “was approved and confirmed by our HOA Attorney”, according to the posting itself (see last sentence) … maybe to cover the “tracks” of this Board President, acting alone ?? We wonder!!

The Posting got a response from someone in the Community - with access to the website content - who put a tussely worded “comment” on the link to the “Report” (see image below). It was done over the weekend after the “Report” was posting on Friday … so it would be visible to Owners - at least until the Management Company found it and removed it Monday morning.

What should be a CONCERN for NC Homeowners … as this posting was brought to the attention of HOA Advocates across the Country … is that North Carolina Law allows for CLOSED Board Meetings, for no reason (ie to protect Confidential or Sensitive Personal Information), as long as the Board provides opportunities for Owners to attend meetings and be able to express their concerns and ask questions “at regular intervals”. So this Board is FULLY in compliance with NC Law, apparently having CLOSED Board Meeting to conduct ALL business of the HOA for at least the past three months AND scheduling separate OPEN Meetings for Owners to attend. ALL business of the HOA appears to be conducted in the CLOSED Meetings and Owners have no knowledge of the Agenda or ANY of the actions taken in the “Executive” Meetings until a Month LATER, when Minutes of the previous CLOSED Board (“Executive”) Meeting are approved and posted. On occasion the Board, “at its discretion” has released selected information by “Communique / email Blast” through the Property Manager to Owners for something they want to communicate. No surprise, Owners in this HOA are kept “in the dark”. The “President’s Report” on what he calls “Communication” makes it very clear: what the Board decides, “at their discretion” is what happens … with Owner inputs ONLY through the Property Management Company and ONLY responded to as the Board chooses and reported on only as the Board decides. Inputs / Questions / Comments / Requests made to the HOA through the Website (to the Property Manager, not to the Board … as direct Communication with the Board is dissallowed) are NOT shared with anyone but the Board. There is NO “Log” of what Owners are asking and nobody knows what is being asked … nobody but the Board and Property Manager and what they choose to share. By the way, with this (previously unwritten but followed) “policy” in place for much of the year, few Owners bother to attend Meetings. Out of 450+ Owners, ONLY two attended the last “recorded” OPEN Board Meeting. A Board Meeting has been held since, but it was CLOSED and no Report has been made. Stay tuned to next month … and see what your Board is up to now!

Ask your HOA and its Attorney if this is what they see as “open” and “proper” for your HOA. It IS Legal under NC Law, according to all we can determine from online searches of the Law, but then we are NOT allowed to give a “legal opinion”, but this site does:

REF: www.lawfirmrbs.com/FAQs-About-NC-HOA-Condo-Associations-Parl-L.cfm Consult this site and your own Attorney for a legal interpretation of NC HOA Law. The above Link to to the Blog of a prominent North Carolina HOA Attorney and Past President of CAI’s council of HOA Attorneys.
You be the Judge ... and ask your HOA what they think and how they view this kind of CLOSED approach to Community Management

Here is the Posting on HOA Website, apparently “doctored” by someone who has access to the website content. Comment was apparently posted over the weekend and left there till Monday morning when it was removed.

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**President’s Report on Communications & Board Operating Procedure**

This information was created by the czar of the HOA - a pompous asshole who has no idea how to deal effectively with an HOA. He will need to be removed from office in 2016

To download the Adobe Acrobat reader, [click here.](#)

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**PRESIDENT’S REPORT ON COMMUNICATIONS & BOARD OPERATING PROCEDURE**

1. **THE COMMUNITY CALLS, EMAILS OR USES THE OFFICIAL WEBSITE TO CONTACT HP. HP RESPONDS IN 24-48 HOURS (HP CONTACTS BOARD IF NECESSARY FOR ANY DECISIONS). ALL COMMUNICATION WILL BE BETWEEN THE COMMUNITY AND HP. THE BOARD WILL DECIDE AT THEIR DISCRETION WHETHER IT IS APPROPRIATE TO HAVE DIRECT COMMUNICATION WITH THE COMMUNITY ON A PARTICULAR ISSUE ON A CASE BY CASE BASIS. THIS PROCEDURE IS IN PLACE SO THE BOARD WILL HAVE DOCUMENTATION RECORDS OF ANY COMMUNITY CONTACT, WHAT ACTION OR INACTION THERE WAS, AND THE CHRONOLOGY OF THE EVENTS. HP HAS A FULL TIME STAFF IN PLACE AVAILABLE TO PERFORM THESE FUNCTIONS AS PART OF THE CONTRACT. THIS INFORMATION IS VITAL, SO THE BOARD CAN MAKE THE BEST DECISIONS IN RESOLVING THE ISSUES THAT ARISE. IT ENABLES THE BOARD TO IDENTIFY THE PROBLEM AND TAKE THE NECESSARY ACTIONS TO RECTIFY THE SITUATION. THE BOARD CAN NOW HOLD ACCOUNTABLE ANY PARTIES THAT HAVE NOT PROPERLY PERFORMED TO THE STANDARDS THE HOA HAS REQUIRED. IN ADDITION, HP NOW HAS DOCUMENTED FILES OF ALL INTERACTION WITH THE COMMUNITY THAT THE BOARD CAN REFER TO WHEN NEEDED.**

2. **THE BOARD IS RESPONSIBLE TO THE COMMUNITY TO OVERSEE THE DAY TO DAY AFFAIRS OF THE COMMUNITY. IT IS AN EXECUTIVE BOARD MAKING ALL EXECUTIVE DECISIONS. IT DELEGATES THE OPERATING RESPONSIBILITIES TO ITS MANAGING AGENT, HENDERSON PROPERTIES, TO RUN THE DAY TO DAY OPERATIONS OF THE HOA. HENDERSON PROPERTIES COMPLIES WITH THE DECISIONS OF THE BOARD. BOARD MEMBERS ARE NOT TO OPERATE UNILATERALLY, NO MATTER HOW WELL INTENDED, TO RESOLVE COMMUNITY PROBLEMS. THIS PRACTICE HAS CAUSED RECURRING PROBLEMS, IN SOME CASES CAUSING THE COMMUNITY TO LOSE MONEY, BECAUSE THERE ARE NO RECORDS SUBSTANTIATING THEIR ACTIONS, OR ERRORS WERE MADE IN DEALING WITH THE ISSUE HANDLED UNILATERALLY BY A BOARD MEMBER. NO ONE BOARD MEMBER, NO MATTER WHAT THEIR POSITION OR TITLE, IS AUTHORIZED TO MAKE DECISIONS FOR THE COMMUNITY. ALL DECISIONS ARE MADE BY MAJORITY VOTE OF THE BOARD. THIS HAS NOT ALWAYS HAPPENED IN THE PAST.**

3. **THE BOARD APPOINTS COMMITTEES TO PERFORM SPECIFIC TASKS TO HELP THE BOARD IN THEIR RESPONSIBILITIES TO THE COMMUNITY. OUR GOVERNING DOCUMENTS REQUIRE AN ACC COMMITTEE AND TOWNHOME COMMITTEE. ALL OTHER COMMITTEES ARE APPOINTED BY THE BOARD TO PERFORM SPECIFIC TASKS THE BOARD DECIDES WILL BE MOST BENEFICIAL TO THE RUNNING OF THE HOA. THESE COMMITTEES WILL BE APPOINTED AND DISBANDED AT THE DISCRETION OF THE BOARD WHENEVER THE BOARD CHOOSES. ALL THESE COMMITTEES REPORT DIRECTLY TO THE BOARD AND ONLY HAVE THE AUTHORITY THE BOARD GIVES THEM. THE PURPOSE OF THESE COMMITTEES WILL BE DEFINED BY THE BOARD, AND COMMITTEE MEMBERS ARE APPOINTED TO SERVE THE BOARD. THE MAIN PURPOSE OF THESE COMMITTEES IS TO PROVIDE NEEDED INFORMATION, TO MAKE SUGGESTIONS ON SPECIFIC TOPICS AFFECTING THE COMMUNITY AND PARTICIPATE IN SPECIFIC ACTIVITIES REQUESTED BY THE BOARD. ALL DECISIONS ARE MADE BY THE BOARD.**

4. **THE BOARD HAS ASSIGNED A LIAISON BOARD MEMBER TO EVERY COMMITTEE TO OVERSEE EACH COMMITTEE. THIS WILL INSURE GOOD COMMUNICATION BETWEEN THE BOARD AND THE COMMITTEE, AND WILL GIVE THE COMMITTEE BETTER DIRECTION FROM THE BOARD.**
Owners are asking the HOA Attorney in this case, Zac Moritz, for his OFFICIAL and DOCUMENTED statement that he in fact has endorsed this HOA’s process and policies as to CLOSED MEETINGS and the establishment of a Communications Policy that seems overly restrictive and designed to thwart and deny Owner participation. Mr Moritz is even on record with the HOA and an Owner - in writing - officially recommending that this Owner (and former Board Member) be denied appointment to any position in the HOA, even though he is “in good standing” with the HOA, solely because that Owner brought the HOA to Court four years ago when a previous Board forced Foreclose Proceedings on this Owner’s home  ... for fines imposed on him for planting flowers!

What do you think?  Ask your HOA Board and HOA Attorney what they think.
(Remember that the HOA Attorney does NOT represent Owners !)

Send comments to:  info@hoaowners.org