



Court ruling highlights need for election process

SEAN D'OLIVEIRA SDOLIVEIRA@TRIBUNE.COM

A recent ruling in a Broward County circuit court that invalidated the actions of a rogue condo board president has highlighted the need for unit owners to use due diligence when electing board members.

Condo law experts say taking extra time to meet and learn about the candidates can help prevent bad choices.

In the recent case before the Broward circuit court, five new members had been appointed to serve on the Circle Property Owners Association in Lauderdale Hill in 2007. After three members of the board resigned the following year, one remaining member attempted to

block any elections for new board members.

"He took control of the master association and went in a renegade direction," said Robert Kaye, an attorney and partner at Kaye & Bender P.L., a law firm that represents the community associations that won the judgment for the association. "Information was never provided to anybody."

The self-appointed president began taking unusual steps, such as towing unit owners' vehicles and racking up thousands of dollars in legal fees for the association — all while claiming unit owners weren't paying assessment fees. The president also provided no financial re-

cords for review.

Residents expressed their concerns to the Florida Department of Business and Professional Regulation but were unsuccessful, so they took the self-appointed president to court.

After more than two years, a judge recently ruled that the acting president did not have such authority and invalidated the previous actions made on behalf of the master association. The judge also appointed a receiver to run the master association until elections can take place.

"The judge ruled the board was not ac-

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one board member was making all the decisions and the other board

tually functionally legally in that only

member wasn't included at all," Kaye said. "None of the actions taken by the board since 2008 were with legal authority."

To prevent incidents

like this in the future, Kaye said he hopes residents learn from the ruling so no individual can have too much power over an association. Kaye said residents need

to be aware of what's going on in their community and participate in the election process to ensure boards are operating in a legal fashion.

Meir Benzaken, presi-

dent of the Circle One Association board, said he originally thought the acting president of the master association was a nice person and would act in the communities'

best interests.

"It was frustrating for us to wait close to three years to have this settled," he said. "All owners are paying for the actions of one person."