



Exactly WHO Can Attend Board Meetings? New Guidance From The Courts

A longstanding issue of ambiguity and occasional dispute arises when a common interest development member tries to designate someone to attend a board meeting for them. The Davis-Stirling Act, at Civil Code 1363.05 ("Open Meeting Act") says that only "any member of the association may attend meetings of the board of directors of the association."



What if a homeowner brings an attorney with them, or has an attorney attend a board meeting in their place? If the member is an entity (LLC, or Trust, for example), who can attend and represent the entity/member? If the member executes a "power of attorney," what would that need to include in order for someone to attend in place of the member?

These questions were finally answered in the case of *SB Liberty LLC v. Isla Verde Association*, in an opinion released for publication June 18, 2013. As a "published" opinion, it can be used for precedential value to guide associations in the future.

Isla Verde is an association of 87 homes in Solana Beach, into which Gregg and Janet Short bought a residence in 2006. They put ownership of the property first in a family trust, and later in an LLC called "SB Liberty LLC." For reasons unexplained in the appellate decision, the Shorts sought to have their attorney attend a board meeting on

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Announcements

Kelly Richardson and Matt Ober to Speak at CAI Legal Forum

Kelly G. Richardson and Matt D. Ober will speak at the 2013 Community Association Institute's (CAI) Legal Forum: California Communities to be held on October 18 in Irvine, CA.

Mr. Richardson will

their behalf. The association's attorney told the Short's attorney that he would not be permitted to attend. The Short's attorney attempted to attend the meeting anyway and then refused to leave the meeting, which was adjourned to a director's residence.

[Read full article.](#)

Kelly Richardson Discusses Legal and Liability Issues of Joining a HOA



Managing Partner **Kelly Richardson** was interviewed by [HSH.com](#), the nation's largest publisher of mortgage and consumer loan information, for the article "5 Tips for Mastering a Homeowners Association." The article discusses the legal and liability issues of joining a homeowners association (HOA).

"Oftentimes, homebuyers don't ask enough questions in advance and find themselves surprised by restrictions on what they can do," says Mr. Richardson.

When it comes to understanding your HOA's bylaws, Mr. Richardson notes, "Homeowners need to become better educated on their rights and responsibilities before joining a HOA. The bylaws are the biggest issue facing homeowners when they are considering joining a HOA. Before they become an association member, they need to have a complete understanding of exactly what they are signing up for." For example, the CC&Rs may limit the number of pets, or the colors of the homes, or whether one can conduct a business in their residence.

He advises homeowners to read the governing documents of the HOA before close of escrow in order to avoid any confusion.

[Read full article.](#)

Who Fixes The Pipes?

serve on the panel, "Ask the Attorneys," where attendees are offered the opportunity to have their questions about community legal issues answered by association attorneys.

Mr. Ober will present on how to navigate the complex laws covering discrimination claims and reasonable accommodations. The presentation will also include a discussion of "believe it or not" cases designed to help community managers, association board members and other homeowners handle various situations and avoid liability.

The CAI Legal Forum focuses on providing essential information on key legal developments in the community association industry. The CAI Legal Forum is hosted by CAI's eight California chapters and CAI's California Legislative Action Committee.

[Click here to register.](#)

In a recent [HOA Homefront](#) column, Kelly Richardson addresses the question, "Who is responsible for repairing water supply lines inside building walls between units of the same stack?" Mr. Richardson ascertains that the responsibility for plumbing or other building components is a common legal task which should be handled by the HOA's legal counsel.



Plumbing pipes in condominiums in which the owner typically owns a block of airspace called a "unit" are normally found in the "common area" (the shared "everything else" other than the units).

Unfortunately, developer-drafted CC&Rs, even the best ones, rarely provide adequate guidance to distinguish HOA responsibilities from individual homeowner duties. The Department of Real Estate and its regulations do not require this from developers, so associations often later turn to their legal counsel to amend their documents and add clarity on maintenance and repair issues.

Read full answer.



The above Q&A was featured in "[HOA Homefront](#)," a syndicated weekly column written by Managing Partner [Kelly Richardson](#), CCAL which appears in several newspapers across Southern California.

For more articles and Q&A on common interest development issues, visit HOAHomefront.com.

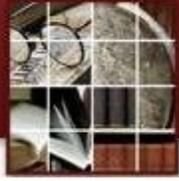
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RHO to Sponsor Second Annual Laguna Woods Village Anniversary Golf Tournament

Richardson Harman Ober will serve as a sponsor for the Second Annual Laguna Woods Village Anniversary Golf Tournament held on Thursday, September 12, 2013 at the Laguna Woods Gold Course. The event benefits the [Historical Society of Laguna Woods](#) and will raise money for the Laguna Woods Village 50th Anniversary Celebration.

Laguna Woods Village was conceived and built to serve the needs, desires, and interests of active mature adults.

Read more firm news.



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