



# MAHC Messenger

## An Interesting Look at MAHC Board Member, Dwayne Moore

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The Messenger staff had the honor and privilege of interviewing one of MAHC's newest board members recently. We learned some very interesting things. Dwayne's answers were pretty impressive and above all we found him to be very sincere. He comes from Bloomfield Townhouses Cooperative, in Bloomfield, Michigan. Here is the interview;

**MM:** Dwayne tell us a little bit about yourself?

**DM:** Well, I am a widower, my wife died in 2008, I have one daughter and two grandchildren, ages 6 and 4.

**MM:** Sorry to hear that you are a widower but I bet you adore those grandbabies. Let me ask you; how long you have been on the board at Bloomfield Townhouses?

**DM:** It's been so long I can't even remember? Probably like 18 years or so.

**MM:** Wow! That's pretty impressive! What made you want to be on the board?

**DM:** Well, I came to a board meeting, and since I didn't like a lot of the things that were going on here, I was very verbal and outspoken about my concerns during the meeting. Not long after that a bunch of women appeared at my door and begged me to run for the Board of Directors. The timing was right cause there was an upcoming election basically, they wouldn't let me say "no".

**MM:** Sounds like destiny to me, Dwayne... Tell me what are some positive things that have happened at your Cooperative since you have been there?

**DM:** Well, when I first got elected I didn't like a lot of things that were happening. I didn't like the management company and we had a lazy attorney. We fired both of them, and after a trial and error period we now have an excellent attorney and an excellent management company. We revised the budget, and as a matter of fact we were one of the first properties to pay off HUD, not only that we have remodeled about 80% of our units both inside and out.

**MM:** That is really impressive! What made you want to run for the Board of Directors of MAHC?

**DM:** From the beginning, MAHC was good to me so I wanted to be good to MAHC. MAHC does so much for Cooperatives. When I first got involved with the Board at my Co-Op it was like I had to start at the bottom, so I was taking classes and learning everything I could about how to make things better at Bloomfield that knowledge and experience has played an important role in my position here as Board President.. Now as a MAHC Board Member, I feel like I am starting out at the bottom again. But the MAHC Board of Directors is so full of knowledge and so helpful, they help to make the experience worth it.

**MM:** What you find most appealing about MAHC?

**DM:** I want to be part of the team that helps every Cooperative grow. You can never stop growing and expanding. And everybody can bring something new to the table.

**MM:** Well when it comes to MAHC, could you tell us what advice you would offer a Co-Op that wasn't a member of this organization, regarding membership? Why do you think membership is important?

**DM:** Because you never know what you need to know until you get involved in other things. Being with other MAHC members is like being part of one gigantic family. I think I'd ask them, if they aren't a member. Why? And I'd want to help them understand the need for membership. Some Cooperatives aren't members because they can't afford to be a member. That doesn't mean that we can't help them. I just want to help other cooperatives grow.

**MM:** We're almost out of time here so let me present you with one more question, are you coming on the Cruise?

**DM:** Yes, I sure am.

“Human progress is neither automatic nor inevitable... Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals.”

**Martin Luther King, Jr.**

## Does your Co-Op have a Web Presence?

**Richard Berendson**

Many people research and find their homes and jobs over the Internet. Most people are coming to expect that any professionally run business will have a web site. With a well-designed site your small business becomes a real player both on and off the net. Websites are an essential component to doing business in today's world. What is basic business information? Think of a Yellow Pages ad. What are your hours? What do you do? How can someone contact you? What methods of payment do you take? Where are you located at? Now think of a Yellow Pages ad where you have instant communication. If you could keep your customer informed of every reason why they should do business with you, don't you think you could do more business? (You can on the WWW MAHC is offering a new service to our members to help them get started on web.) We will make a professional looking web site and put it on the web to get you started. If you go to <http://wellesley.mahc.coop/> you can see how it would look. All we would need from you is conformation that you are a paid member of MAHC, about a dozen photos and some general information about your Co-op. We will then input that information in our template we have to make your web site. It's a professional HTML/CSS/JS template for creating websites that is both fast and robust. We are sorry but we must follow the template and cannot change the format, however, we assure you that our powerful technology makes it simple for everyone to go online with a beautiful, professional and functional web presence. This service is free to our members and provides a web presence for your cooperative to help get you up on the web. This is a product of educational funds so generously donated to the organization.

## Nightmare on Board Street

From the blog of Randall Pentiuik

It was a quiet, peaceful community, until residents of a housing cooperative insisted on keeping a pet. Many housing coops do not allow pets in their units, and advised the members that they could not keep their dog, even though the member had a doctor's note diagnosing the pet as a companion animal for psychological reasons.

The management company attempted to take matters into their own hands and filed an eviction against the member, which is illegal as a Condo owner cannot be evicted from their own property. The management company then showed up in court, and attempted to represent themselves as the cooperative's legal counsel instead of working with the coop's attorney. When the judge realized the management company was not a lawyer, he sanctioned them \$500. The case went to trial, and the Board of the cooperative was hit with a judgment of hundreds of thousands of dollars.

(Continued on page 3)

(Continued from page 2)

The Board of Directors subsequently hired competent legal counsel to fix the problem as their previous counsel had no expertise or experience in the Americans with Disabilities Act or the Fair Housing Act. The legal team came in post-judgment, at a time where the cooperative's account was going to be garnished in order to pay the judgment. The lawyers skillfully negotiated a 60% reduction in the judgment, and the cooperative was able to pay the balance of the judgment.

In the end, the member who brought the suit got to keep the dog. The hard lesson the cooperative learned was that it takes experienced, legal counsel to not only solve problems, but protect the Board's interests going forward. Further, it is in the best interests of the Board of Directors and the cooperative to keep the line between management company and legal counsel clear and separate. Competent legal counsel not only defends their clients' interests, but also prevents and protects them through experienced legal advice and guidance.

The cooperative's legal team ultimately drafted a comprehensive animal and companion policy, which was adopted by the cooperative, and also trained all of their managers and board members in the legal implications of pets and companion animals. It is in the board's best interest to establish clear lines of communication and expectations between management companies and attorneys, and avoid the hassle of expensive litigation proceedings.

## MAHC Board of Directors 2014-2015

| <b><u>Position</u></b>        | <b><u>Name</u></b>              | <b><u>State</u></b> |
|-------------------------------|---------------------------------|---------------------|
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| Treasurer                     | <b>David Rudicil</b>            | Riverview, MI       |
| State Vice President-Michigan | <b>Randall Pentiuk</b>          | Wyandotte, MI       |
| State Vice President-KS-MO    | <b>Michael E. Reading</b>       | Lawrence, Kansas    |
| State Vice President-IN-KY    | <b>Karen Mitchell</b>           | Indianapolis, IN    |
| State Vice President—IL       | <b>Thomas Hutch</b>             | North Chicago, IL   |
| Board Member                  | <b>Marlene Dau</b>              | Chicago, IL         |
| Board Member                  | <b>Dwayne Moore</b>             | Pontiac, MI         |
| Board Member                  | <b>Anna Howard</b>              | Park Forest, IL     |
| Board Member                  | <b>Jennifer Rhodes</b>          | Indianapolis, IN    |
| Board Member                  | <b>Mark Kennedy</b>             | Clinton Twp., MI    |
| Board Member                  | <b>Valerie Hall</b>             | Mt. Clemens, MI     |
| Board Member                  | <b>Christine Johnson-Nieves</b> | Chicago, IL         |
| MAHC Office Manager           | <b>Carolyn Jackson</b>          | Romulus, MI         |
| Assistant Manager             | <b>Joanne Day</b>               | Romulus, MI         |

## Did You Know?



Whenever a Membership Committee interviews an applicant for cooperative housing, the committee should require that the whole family be present at the interview. Take a moment to reflect upon some causes of co-op problems, and remember that one is a lack of parental supervision of the children. By requiring a meeting with everyone who will be living in the Co-op dwelling, an opportunity is given to observe attitudes and behavior.

## Dear Co-op Counselor; HELP!

Dear Counselor;

*We have a member that is constantly complaining to HUD. The latest complaint is about an excessively noisy upstairs neighbor that no one else seems to hear? HUD is telling us that we have to address this member's concerns. What should we do?*

*Signed: Weary of the HUD Hugger.*

Dear Weary:

*As a general rule it is important that the Co-op attend to all reasonable complaints that have been made by members. However, at times some members wish to wrongfully utilize management to take personal vendettas against other members with whom they have grievances. It is important that the Co-op collaborate with their legal counsel to ascertain the legitimacy of the complaint (s) and investigate appropriate remedies.*

*It is arguable that HUD should have any type of involvement if management is addressing the complaints made by the member.*

*Signed: Co-op Counselor (CC)*

If you are interested in submitting a question (regarding legal policy and procedure) to the Co-op Counselor, please submit your question via email to MAHCeditor@gmail.com, insert the words "Co-op Counselor" in the subject line. If you would like to mail your question please send it to Penttiuk, Couvreur & Kobiljak, P.C., 2915 Biddle Suite 200, Wyandotte, MI 48192 Attention: "Co-op Counselor". While we will do our best to respond to your question please understand that submission of your question to this forum is no guarantee that you will get a published response.



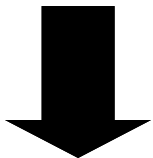
**Disclaimer:** While we hope this information is helpful in answering some of your questions, please be advised that the answers provided here are for "general" informational purposes only. This information should not be construed as "legal advice" either to the individual or the Cooperative that they represent, the use of this forum does not create an attorney-client relationship between the user/reader and Mr. Penttiuk or his law firm, Penttiuk, Couvreur and Kobiljak, P.C.

For specific legal advice and personalized assistance with regard to your particular issue or problem you should contact a professional cooperative attorney.

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For more information and to register online go to: [http://www.mahc.coop/Files/2015\\_Cruise\\_Conference\\_Reg\\_Form.pdf](http://www.mahc.coop/Files/2015_Cruise_Conference_Reg_Form.pdf)

**Deadline is December 5, 2014.**

## **Passport information:**

As of now, a birth certificate and drivers license is acceptable for U.S. Citizens only in lieu of a passport. Please note that the birth certificate must be an original or certified.

We strongly recommend that all guests travel with a passport that is valid for at least six (6) months beyond the end of their cruise. This greatly assists guests who may need to fly out of the United States to meet their ship at the next available port should they miss their scheduled embarkation in a U.S. port (if applicable); guests entering the U.S. at the end of their cruise; and guests needing to fly to the U.S. before their cruise ends, because of medical, family, personal or business emergencies, missing a ship's departure from a port of call, involuntary disembarkation from a ship due to misconduct, or other reasons.

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## Registration

## Deadline is

## December 5, 2014

## Announcements/Awards

**On-Site Training Offered-MAHC**—On-site board training is available. To arrange for a qualified instructor to sponsor a workshop at your location, simply contact Carolyn at the MAHC office (734) 955-9516 for more information or to schedule classes.



*Mark Your  
Calendar*

### New Online Recertification class

**The Midwest Association of Housing Cooperatives continues to work for its members in many ways and one of the most aggressive ways is our ongoing Certification Programs for CCD, CCM, CCMM,**

**The MAHC organization realizes that a Certification Program needs to always have a high degree of credibility in the industry in which it offers that education. The “Continuing Education” program for your certification that will keep you up on new and changes education that will affect the Cooperative Industry. The CCD certifications are valid for two years. You will need to obtain 6 continuing education classes every 2 years to maintain the status you have earned. At MAHC we've reinvented higher education for today's working learner. In fact, we have made significant investments in our technology and services to bring you the best experience possible. Our Online's self-paced courses offer the ultimate in convenience. Delivered totally online, participants can work anytime, anywhere, 24/7, as their schedules permit. The test is multiple-choice format and covers general course knowledge. For the Online classes you will need to contact the MAHC office and give them your name, email address and what class you would like to take. We will send you the link for the class via email. They are easy to maneuver and MAHC and you will be notified that you have passed that on-line class immediately after you have taken the class.**



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# THE COST OF EDUCATION

David Rudicil

I'm sure there are many co-op board members, who from time to time look at the cost of attending a MAHC or other organizational conference and think "Wow! it sure does cost a lot to go to a conference." Then we start thinking of ways to cut corners. Over the years, either as a cooperator, an educator or as a student, I've seen and heard many horror stories from cooperative board members. Some of the statements I've actually heard are:

- \* "My Managing Agent let's our board know when we will have a board meeting".
- \* "That's the way we've always done it".
- \* "I was against it but was pressured into it by the rest of the board".
- \* "I'm new on the board so I just depend on the rest of the board".
- \* "The manager pays the bills, all I do is sign the checks".
- \* "It's not my responsibility".
- \* "I didn't have the experience of the rest of the board".
- \* "I thought it may be wrong, but I didn't want to argue with the other board members".

If any of the aforementioned statements sound familiar, or if you're really not sure before you make a decision, then the *real* question should be "can I afford **not** to be educated"? Think for a moment in terms that is a little closer to home and may be easier to understand. It's April 15th. You have to file your income taxes. Normally you go to H&R Block but your friend convinces you to let them file it for you free online. You agree and receive a return higher than you've ever received before. A couple months later you get a letter from the IRS stating they want to talk to you. It seems your friend made an error and now you have to pay back taxes, fines and penalties. Why? Because remember it was *you* that signed the return.

As a board member you sign documents, budgets, and contracts all the time. Let's not forget that you are part of a board that oversees the running of a multi-million dollar corporation. And remember this; to be a part of a board that makes decisions for this multi-million dollar corporation, all you had to do to get there is be popular. No prior experience necessary.

Hmmm. Think about the board of directors at AT&T, Consumers Power or General Motors being run by a group that had no prior experience in their company, yet their shareholders invested money hoping to make a profit on their investment. Think about that and realize you are in the same situation.

Organizations like MAHC teaches you your roles and responsibility as a board member from every office seated on the board. MAHC and other organizations use professionals like attorneys, managing agents and accountants to keep you educated of current, and future issues involving cooperatives. Attorneys can advise you of the legal ramifications of your decisions as a board member.

But it's not just becoming educated from trainers at the conference. You can hear the issues that other co-ops experience from other directors themselves. Conferences give you the opportunity to interact with others that may very well be experiencing the problems you're going through. In the classrooms you have an opportunity to ask questions regarding an issue that may concern you, or simply hear an issue from someone else that you've never thought of. The bottom line is, when you consider cutting corners to save money, you may want to consider if your decision to save money may in fact *cost* your co-op more money than you think you're saving.

MAHC offers educational classes at various locations during the year and will even come to your co-operative to educate you. In these tough economic times there are many choices you have to really save your co-op money. You can call the MAHC office at [\(734\) 955-9516](tel:7349559516). Or go online at <http://www.mahc.coop/>.

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AUGUST 2014



# ROBERT RULES!

*He rules! Even if we don't have a clue who he is?...*

Can ex-officio members vote, and are they counted in determining whether a quorum is present?

## Answer:

"Ex officio" is a Latin term meaning "by virtue of office or position." Ex-officio members of boards and committees, therefore, are persons who are members by virtue of some other office or position that they hold. For example, if the bylaws of an organization provide for a Committee on Finance consisting of the treasurer and three other members appointed by the president, the treasurer is said to be an ex-officio member of the finance committee, since he or she is automatically a member of that committee by virtue of the fact that he or she holds the office of treasurer.



Without exception, ex-officio members of boards and committees have exactly the same rights and privileges as do all other members, including, of course, the right to vote. There are, however, two instances in which ex-officio members are not counted in determining the number required for a quorum or in determining whether or not a quorum is present. These two instances are:

1. In the case of the president, whenever the bylaws provide that the president shall be an ex-officio member of all committees (or of all committees with certain stated exceptions); and
2. When the ex-officio member of the board or committee is neither an ex-officio *officer* of the board or committee nor a member, employee, or elected or appointed officer of the society (for example, when the governor of a state is made ex officio a member of a private college board).

Again, however, it should be emphasized that in these instances the ex-officio member still has all of the rights and privileges of membership, including the right to vote. [RONR (11th ed.), pp. 483-84; p. 497, ll. 20-29.] <http://www.robertsrules.com/>

## MAHC is Going GREEN!

(at least we're going to try)

But we need **YOUR** help to do this.

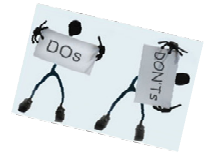
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## Cooperative

## Dos & Don'ts



**Do**— Stay aware of delinquencies because if a Co-op member is not paying, no income is coming in from that unit.

**Don't**—Ignore patterns in delinquent behavior because by tracking them you will be better able to see active non-payment trends and propose solutions.



### MAHC Messenger-

We welcome your article contributions of 500 words or less submitted in MS Word format. Please feel free to forward them to the editor at the address listed below. If you are a Management Company and would like to contribute to the "Cooperative Dos and Don'ts" section of the MAHC Messenger please submit your suggestions to [MAHCeditor@gmail.com](mailto:MAHCeditor@gmail.com).

If you are interested in placing an ad in the MAHC Messenger, please contact the editor at [MAHCeditor@gmail.com](mailto:MAHCeditor@gmail.com)

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**MAHC** (Midwest Association of Housing Cooperatives) #



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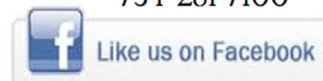
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