



MARCH ON WASHINGTON, D.C.

MAHC2017

FOR BETTER EDUCATION



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Democracy In Action



That phrase is a good way to sum up what Cooperative Housing is all about. Everyone has a voice. Everyone has a choice. Everyone enjoys the benefits of the mutual efforts of all.

This year the Midwest Association of Housing Cooperatives (MAHC) held our Annual Conference in the heart of the world's democracy – Washington, D.C. The actual conference convened on Monday, May 22, 2017 and concluded on Wednesday, May 24, 2017. But those three calendar days don't tell the whole story. Planning for this annual event is literally years in the making.

MAHC Board Members spend countless hours identifying potential locations for the conference, negotiating affordable pricing for accommodations, developing programs, enlisting outside assistance from membership and industry associates, getting advertising materials to the membership, coordinating the shipment of materials and equipment to the location, the list goes on and on.

Our organization is grateful for the continuing support of our vendors who help to offset our costs, as well as the efforts of our instructors who volunteer to write, publish and teach the many workshops that MAHC has to offer over the 3-day conference.

There is also the extra effort of those students (and their instructors) who come to the conference location 2-3 days early to attend MAHC's Certification Courses offered on the weekend before the start of the annual conference.

This year we had great attendance at the Pre-Conference Certification courses and were able to induct a large group into our family of Certified Cooperative Directors (CCD) and Certified Cooperative Managers (CCM). I applaud each and every one of them for all of their hard work to earn those designations. I know you and your cooperatives will benefit from the information conveyed in these advanced learning offerings.

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JUNE 2017

RANDALL PENTIUK,
ESQ.
EDITOR-IN-CHIEF

congratulations

MAHC's 2017 Award Winners!

Bill Magee Spirit Award

Thomas Hutch



Solidarity Award

Concord Consumer Housing Cooperative

Accepted by Karen Harvey



Almeda Ritter Award

Rosemary Collins

Noble Square Cooperative



Marlene Amerine

Blackstone Cooperative



Mor- dent's Gavel

Monte Huston

Grandview Square Cooperative



A.
lev Presi-

Leadership Award

Continued from page 1

Our workshops this year were all well attended. I hope you each completed the evaluations at the conclusion of the workshops you attended. We really do read every one of them and often adjust your learning experiences based on the content of the evaluations we receive.

I want to personally thank all of the 257 individuals who attended this year's conference to network and learn from each other. I also want to thank our vendors for their unwavering support over the years. I want to thank our instructors who volunteer and work so hard to bring timely and interesting topics to our workshops. I want to thank my fellow MAHC Board Members for all of their hard work and support of the organization and each other. Finally, I want to thank each and every one of you for your participation and support in the MAHC organization.

Well, with that being said – it's time to look forward to the 2018 Annual Conference at Green Valley Resort, Henderson, NV. I hope to see you all there!

In the Cooperative Spirit,

Richard Berendson, President

Midwest Association of Housing Cooperatives



Conference Wrap-Up

By Shirley A. Berger
President, North Park
Cooperative

As promised, I am writing a follow-up article after attending my first MAHC Conference in Arlington, Virginia. Representing North Park Cooper-

ative at the MAHC conference was an honor and a privilege. For me and Treasurer T. Regina Talbot, it was a "wealth of information". Since there were so many topics of interest, she and I met just to map out who would attend what workshop. Below are highlights of my training experience:

After leaving the first workshop "Serving on the Board: The Two Worlds of a Housing Cooperative," my expectations were high.

Catch a Thief", "How Not to Live in a Garbage Can" and the workshop on Governance.

The workshops that I recommend all conference attendees participate in are the Legal Updates and Fair Housing blocks of training.

The dialog, feedback and participation from these two workshops were "outstanding". After each of these workshops, I went back to my hotel room to transcript and codify my notes.

Although some attendees were from difference states, it appeared that we were all connected. Both workshops outlined the importance of good management, legal counsel and training. In the Fair Housing workshop, I realized how important it was for maintenance staff and management to be trained on the current State and Local Laws.

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They interact daily with our shareholders; therefore, they must also be trained in order to reduce the liabilities for the Cooperative and to understand what Members are “protected classes”.

Once I returned home, I shared the various handouts with other Board Members that did not attend. In the summer months, we have agreed to schedule some training sessions with the information received at conference. We have also discussed a Saturday retreat for Board Members. North Park Cooperative would love to partner with another Cooperative in the State of Michigan for some collective training.

I contacted several conference facilitators for additional training materials and assistance. All of them were very generous with follow-up questions and documents.

I met the Board of Directors from a

neighboring Cooperative. We discussed some joint projects, in addition to coordinating services, contractors and vendors. We have some of the same concerns and issues.

This MAHC conference also allowed me to meet some extraordinary people such as Sue Jones of Southwood Cooperatives, Indianapolis, IN, Randall Pentiuk and his staff, Melanie Phillips, and Linda Brockway (who kept me laughing).

As I stated in the first article, although this is a volunteer position, I take my fiduciary responsibility as President very seriously. This training enhanced my talents and skills. I highly recommend the MAHC conference to all Cooperative Boards.

In Closing, I look forward to seeing everyone at the MAHC Conference in 2018.

I am a proud member of the MAHC family.



Congratulations to MAHC Members Training Completion

Certified Cooperative Director

Sherif Abdou, Belinda Gilmore, Levia Heffner, Anne Hill, Said Mhaouer, Ester Ohiku, Kathy Pestock, Allen Platt, Kathy Powell, Jerome Rayford, Wendy Sarasin, Doyle Sims, Tania Thomas, Nadine Thomas-Davis, Gwendolyn Warren, Kurt Werden, Barbara Williams, Craig Williams



Cer-

tified

Cooperative Manager

John Bunner, Beverly Dorsey, Pamela Eldridge, Malik Emirel, Sandy Isaac, Tashena Johnson, Latasha Pipkins, Camille Mitchell, Tammie Williams, Tricia West





Update on Michigan's Medical Marihuana Act

Michael A. Karman, Esq.

Michigan's Medical Marihuana Act (MMMA) was amended by the passage of three new bills in December 2016. These new updates have implications for housing cooperatives and its residents.

The Act added the definitions for “marihuana-infused products” and “usable marihuana equivalent” to fall within protected use of medical marihuana, permitting for legal use and possession in accordance with the MMMA.

The MMMA now places legal limitations on the amount of usable marihuana equivalent or marihuana-infused product that a qualifying patient may possess. It defines a “qualifying patient” as someone who has applied for and received a medical marihuana registry identification card from the State of Michigan for medicinal or health reasons.

Now, a qualifying patient can have no more than 2.5 ounces of usable marihuana and usable marihuana equivalents. A qualifying patient and primary caregiver (a person who is approved by the State to cultivate marihuana for the patient) may also possess no more than 12 marihuana plants that are to be kept in an enclosed, locked facility.

Additionally, even though a qualifying patient may possess the types and amounts of marihuana as stated above, he or she is not permitted to operate, navigate, or be in actual physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana.

The MMMA has also restricted a qualifying patient or primary caregiver from transporting or possessing marihuana-infused products inside the passenger compartment of a motor vehicle unless it is in a sealed and labeled container or package carried in the vehicle's trunk—or, if the vehicle does not have a trunk, it must be stowed so as not be readily accessible from the interior passenger compartment of the vehicle. The label on the container or package must state: the weight of the marihuana-infused

product in ounces, the name of the manufacturer, the date of the manufacture, the name of the person from whom the marihuana-infused product was received, and the date of the receipt.

In 2016, in the case of *People v. Carlton*, the Michigan Court of Appeals was presented with the issue of whether the provisions of the MMMA apply to a person who smokes marihuana in his or her own car while that car is parked in the parking lot of a private place or business that is open to the general public—which would surely include a housing cooperative's parking lot. The Defendant was arrested for smoking marihuana inside of his car that was parked in a casino's parking lot. The Defendant argued immunity from prosecution on account of the MMMA, which states that a qualifying patient who has been issued and possesses a registry identification card is generally immune from prosecution for possession and use of medical marihuana.

The Court disagreed, stating that the Act does **not** permit any person to smoke marihuana in any public place—and that any person who smokes marihuana in a public place is not entitled to the immunity provided under the Act, regardless of whether the person has a medical marihuana card.

The Court held that the parking lot, which is open to the general public, is open for the specific purpose of allowing the members of the public to park their vehicles. Furthermore, it ruled that the fact that a person in a vehicle occupies a place that can be characterized as “private” does not alter the fact that the person is at the same time located in a public place. This is an important decision for a cooperative to heed regarding a resident.

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A private property owner may refuse to lease to any person who smokes or cultivates marihuana on the premises, if the prohibition against the smoking or cultivating of marihuana is in the written lease. This provision does not help cooperatives as they do not have leases that renew on a monthly, or even yearly basis.

The MMMA as it currently stands leaves more questions than answers for cooperatives. Does the Occupancy Agreement need revising? Would a member who has a patient or caregiver card sign a revised Occupancy Agreement? How would a cooperative's status be affected by the FHA? The law, as written, makes no mention of ingesting edibles, only smoking or cultivating. What if prospective applicants are refused membership because they are medical marihuana users?

The MMMA provides that a person shall not be subject to arrest, prosecution, or penalty in any manner for the use or cultivation of medical marihuana. However, this directly conflicts with federal law, which prohibits medical marihuana use or possession.

This dichotomy has created problems for those attempting to navigate through the intricate

maze of Michigan's medical marihuana laws. However, housing cooperatives still have legal remedies available to them when taking action against members whose use or possession of medical marihuana creates a disturbance to others.

The best way to avoid the uncertainties of (and traps set by) the MMMA is via the use of nuisance remedies against the offending member. A nuisance is a condition or situation that interferes with one's use or enjoyment of his or her property. Marijuana smoke (or even its mere smell) upon a person's home could be considered an unwanted intrusion. The cooperative could file a civil nuisance action and ask the court to abate/remove the problem—hence, treat it like any other offensive condition created by a member that disturbs others, such as tobacco smoke, excessive noise, and the like.

The Michigan legislature will no doubt continue to make revisions to the MMMA, and cooperatives should not be hesitant to voice their concerns to their legislators.

Michael A. Karman is an attorney in Michigan who specializes in cooperative housing issues

Congratulations

MAHC Members

New Board Member Training

Shirley Berger

Joyce Guyton

Will Howard

Sue Jones

Ian Stephens

William Stavall

T. Regina Talbot

Space is Limited!

MAHC's Certified Cooperative Director Training

**Where: Georgetown Place
24276 Rosewood
Taylor, MI 48180**

When: August 19 and 20, 2017



Contact mahc.coop to register

Did You Know?



Essential Steps to Conflict Resolution

1. Create an effective atmosphere.
2. Clarify perceptions.
3. Focus on individual and shared needs .
4. Build shared positive power.
5. Look to the future, then learn from the past.
6. Generate options.
7. Develop “doables”—stepping-stones to action.
8. Make mutual benefit agreements.

From Weeks, Dudley, Ph.D. “The Eight Essential Steps to Conflict Resolution,” New York: G.P. Putnam’s Sons.

Dear Co-op Counselor; HELP!

Dear Co-op Counselor:

Can the Board remove a fellow Officer or Director?

Please advise.

Signed,
Inquiring Member

Dear Inquiring Member:

Thank you for the inquiry. Let me say that you pose a common question, and it does get confusing. The larger picture that must be kept in mind is that power is specifically delegated in your governing documents to assure the members have ultimate power over their cooperative. With the exception of Board appointments, Members hold the exclusive power to elect and/or remove their Board of Director Members.

Once elected, Board Members vote for specific officer positions. All Officers are Directors, but not all Directors are Officers (some Directors are Directors-at-large without a specific officer position). Accordingly, you can’t be an Officer without being a Director. With these fundamental principals in mind, let us address your specific question.

A Director wears two hats: one as a Director, a position exclusively elected by the vote of the membership, and the second, as an Officer, a position which is granted by vote of the Directors themselves. These are separate and distinct positions. Members can remove a Director, but cannot remove a Director from a specific Officer position—unless the Director is removed from office by the majority of all members, thereby removing them from their Officer status as well.

The Board can reorganize their Officers without the members’ permission. But unless specifically written otherwise in the By Laws, Directors can never usurp the power of the members to elect and/or remove fellow Directors. This conflicts with the very essence of the power structure of a cooperative.

Signed: Creighton D. Gallup, Esq.

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.

JUNE 2017



ROBERT RULES!

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

What exactly does it mean to lose a motion to lay on the table?

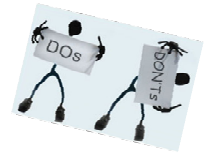
Answer:

If a motion to lay on the table has been made and lost, or if a question laid on the table has been taken from the table, it shows that the assembly wishes to consider the question now, and therefore a motion made the same day to lay that question on the table is out of order until there has been material progress in business or debate, or unless an unforeseen urgent matter requires immediate attention. The assembly cannot be required to vote again the same day on laying the question on the table unless there is such a change in the state of affairs as to make it a new question. Motions relating to adjournment or recess, made and lost, are not business justifying the renewal of the motion to lay on the table, but the renewal of the motion might be justified after a vote on an important amendment, or on the motion to commit. <http://www.robertsrules.com>



Cooperative

Dos & Don'ts



To maintain good fiscal management at your cooperative...

Do— Have accounts controlled by more than one signature.

Don't —accept a financial statement unless all account balances and interest have been verified.



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.

If you are interested in placing an ad in the MAHC Messenger, please contact the editor at MAHCeditor@gmail.com

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Thank you for your help in our endeavor to make the world a little **greener!**



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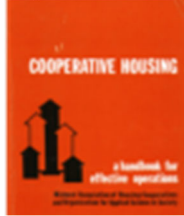


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