

# Illinois law allows owners to videotape board meetings

**By Mark Pearlstein**

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Q. Is there any reason why a board member or a homeowner is unable to videotape an open condo board meeting? This was common practice at my former association, but I am now being challenged at the new association where I live. If a member wanted to offer the video of the open meeting to other members of the association on a DVD, would there be any legal issues on that matter?

A. Condo unit owners may videotape or record board meetings. Section 18(a)(9) of the Illinois Condominium Property Act grants this privilege to unit owners. The board of directors may set rules for the taping of meetings so that this activity does not disrupt the proceedings.

I am not aware of any reason that the cinematographer/owner cannot offer the videotape to other members of the association, unless the individual receives monetary compensation for the product. I would imagine that viewing the tape could be a cure for insomnia.

Keep in mind, however, that the video or audio tape is simply the product of a right given to the owner; it is not an official record of the board meeting. Written minutes are the official record of the board meeting. The minutes record the actions taken by the board. Minutes are not a record of every statement made by a director at the meeting.

Q. I live in a condominium where at every election, the incumbent board members come in with proxy votes from owners and reelect themselves. This practice makes it virtually impossible for new owners to serve on the board.

Is this legal? When I asked the building manager, he advised me that the proxy voting is authorized by the bylaws and it would take 75 percent of the owners to change this practice.

A. Proxy voting is authorized by the Condominium Act and the bylaws appear to be consistent with the law. Owners can amend the bylaws by the

required percentage to eliminate proxy voting and adopt an absentee ballot system.

The board of directors may also adopt absentee ballot voting as a change to the rules and regulations of the association. In your association, the directors are not likely to adopt proxy voting unless convinced that the overwhelming majority of the owners favor this practice.

Assuming that proxy voting remains in place, if owners continue to surrender their voting rights to the incumbents, the board elections will produce the same results. The incumbents will remain in office until such time as owners are dissatisfied with association operations and either issue their proxies to other unit owners or vote in person at the election.

Q. I live in a newly renovated vintage brick building. Within a year after the association was turned over to the unit owners, and while the developer was still working on punchlist items, the association was cited by the City of Chicago for violations relating to our porch. The developer did some work on the porches, but then left us to deal with the city to obtain a permit and finish the work.

The developer claims he has no responsibility to bring the porches up to code, because he sold the building "as is."

Do we have any legal recourse?

A. If your developer renovated the building, he did not sell the property "as is."

The scope of the renovation work performed by the developer will determine his liability. Assuming that your building has more than six units, review the property report and determine whether the developer promised to renovate the porches as part of the conversion process. Also, review the condition of the porches that were represented in the engineering report, which is a part of the property report.

It appears that the developer was obligated to renovate the porches as required by the city code. If the board has to finish this process to avoid a building code violation, the association may recover the cost of this work from the developer.

Q. Can the board of directors of a townhouse association bar a resident from board meetings because of his belligerent and threatening behavior?

This resident is a former member of the board who was relieved of his position because of his conduct. His behavior is preventing the board from conducting orderly meetings and owners are reluctant to attend out of concern for their safety.

A. The directors may bar an owner from attending a board meeting if the individual disrupts the proceedings. The directors may carry out this step by a vote at a meeting, which is authorized by Robert's Rules of Order. After conducting a vote to remove the individual, if he does not follow the directions of the board, call the police.

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Mark Pearlstein is a Chicago lawyer who specializes in condominium law. Write to him c/o Condominiums, Real Estate Section, 4th Floor, Chicago Tribune, 435 N. Michigan Ave., Chicago, IL 60611. You may e-mail questions to [realestate@tribune.com](mailto:realestate@tribune.com). Sorry, he can't make personal replies.