



Mulcahy Memo – July, 2017

Published for clients and friends of the Mulcahy Law Firm, P.C.

by Beth Mulcahy, Esq.



Dear Clients and Friends,

I hope you are having a fantastic summer and staying cool at the same time!

This month's memo discusses the strategies that a board can use to effectively deal with a bully in your community association. Scroll to the bottom of this email for the full memo.

As you may know, the changes to the Arizona laws pertaining to community associations will become effective on Wednesday, August 9, 2017. Set forth below is a link to our new Legislative Update Cheat Sheet.

[2017 Legislative Update](#)

On a different note, the summertime is a great time for your Association to consider doing amendments to its documents (especially if they haven't been amended in the past 5-10 years and are very outdated). To assist you with this process, please view our Cheat Sheet on Amending Association Documents, A Five Step Plan [here](#). If your Association would like help with this process please contact me at bmulcahy@mulcahylaw.net. I can review your documents free of charge and come up with a strategy for preparing proposed amendments before the end of the summer.

Finally, do you have an owner who isn't paying assessments and your Board doesn't know what to do about it? Please feel free to contact me via email or phone for a free consultation and credit evaluation of the owner(s) to determine if the owners are collectible and the best means to get the delinquent owner to pay.

Reminder: Don't forget to check out our Virtual Summer Seminar Series! Over the summer, Mulcahy Law Firm, P.C. will be conducting many seminars on hot topics pertaining to Arizona

community association law. The videos will be posted to our Facebook page every Wednesday throughout the summer. Board members and managers will be able to watch the videos when they go live at noon every Wednesday or at their leisure.

[Follow us on Facebook!](#) Our law firm has a very active page with free topics and legislative updates for board members, managers and owners that is updated weekly. Please consider "liking" us on Facebook so you don't miss any of our important updates on Arizona community association law.

Please stay tuned for an upcoming announcement of our fall class series schedule.

Thank you!



Sincerely,
Beth Mulcahy, Founder and Senior Partner
Mulcahy Law Firm, P.C.

How to Effectively Deal with a Bully in a Community Association

Most Members in an Association understand that rules and social decorum dictate how they are to interact with Board members, Association employees, and other members. However, there are a small percentage of people that do not abide by rules and social decorum and they are always looking for a fight. These people need to be dealt with differently than usual bullies because they are simply looking to create an altercation and they will not respond to a positive approach to their "problem."

- The bullies discussed in this handout are more difficult than bullies who are periodic "gadflies." These bullies are people who always respond negatively, even when a board member or manager interacts with them positively and politely.
- Board members and managers need to respond to these bullies with strength. These kinds of bullies will not respond to common reasoning.
- When a bully creates an issue, the situation needs to be addressed as soon as possible. The bully needs to be informed, expressly or impliedly, that their behavior will not be tolerated and they will not be rewarded for making the Board's/manager's life difficult.
- Try to be clear and concise when defusing a situation with a bully. Clarity will give you more confidence in your/the Board's position and it will make it harder for the bully to prolong the confrontation.
- One way to deal with a bully is to call them out on their behavior. Tell them that you know they are purposefully trying to escalate a situation. They may be shocked that you have actually called their bluff.
- Make sure that you and the Board enforce reasonable boundaries. Bullies love to push and invade boundaries so make sure that you clearly inform the bully of the boundaries established and make sure that they are strictly enforced. *Example: Announce rules for meeting etiquette at the beginning of an annual or board meeting so the bully can't claim ignorance of the rules.*
- Be as calm as possible while still being forceful. A bully is looking to get a dramatic reaction when they create confrontation. Take a breath and try to remain level-headed; this will give you the upper hand in the exchange.
- Try to make sure that you always interact with the bully around other people. Being around others may force the bully to tone down their behavior.
- Remember that if you feel that the bully may get physical or is placing you in a dangerous situation you need to remove yourself and others from the situation and call the police if necessary.
- If you feel that the bully is going to continue to present a physical threat avoid any conversations in person and have a security guard or police officer present at future meetings.
- Remember that it is okay to adjourn a meeting if the bully is taking over the meeting and won't let the Board proceed with other business.
- Stay positive! Usually an Association only has one bully. Don't let that bully dampen your outlook on serving the Association. The homeowners appreciate what the Board and managers do for them!

If your association has questions regarding this topic, please contact Mulcahy Law Firm, P.C. at 602.241.1093 to have an attorney assist you.