

HB0273 – Favorable ONLY with The Following Amendments

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The management agent or the management agent services provider should not be the authority on the governing documents of the community. To have the full authority of the governing documents fall on 1 individual who knows nothing about statute interpretation or contractual interpretation is putting the community at a real disadvantage. This creates a dictatorship situation. The community has no recourse except to fire the agent/service provider, and sometimes that is difficult to do.

I'm already experiencing this where the management agent misinterprets the bylaws AND the statutes by adding his own words and deleting words from the terms and conditions when ever the situation benefits him. I believe he is getting kickbacks from the contractors and corruption is part of what drives his actions and interpretations.

We cannot allow this kind of situation to occur and continue to occur. This establishes bad business practices and removes some of the checks and balances that exist today to prevent corruption in financial transacting entities.

The community should be able to pick and choose which services the provider contracts with the community. Just because they provide all the listed services, and the community has a contract with the provider doesn't mean the community has to use a service through that provider.

In fact I contend it is a conflict of interest to even allow the management service provider to also provide the legal services for other than debt collection.

Therefore I recommend the following amendments to HB0273:

1. (H)(3) should be deleted completely.
2. (H) should broaden the definition to state "Provide Management Services means to include, but not limited to, the following:"
3. (H)(1) should indicate that if the legal service is provided by the management service provider that the legal service **shall** be provided by a

MSBA licensed ATTORNEY (not lawyer) ONLY for the purpose of collection of assessments.

I support some of this bill only with the above amendments.

Thank you.

Nelda Fink