

December 4, 2013

VIA EMAIL

Mr. Kevin Flannery, General Manager
Leisure World Community Corporation
3701 Rossmoor Boulevard
Silver Spring, Maryland 20906

**Re: Leisure World Community Corporation
Governance - Recording Board Meetings**

Dear Kevin:

You have asked that I advise regarding the right of individual owners in the Leisure World community to record audio or video of Board meetings of the Leisure World Community Corporation (LWCC).

Although the Maryland Open Meetings Act (Maryland Code, State Government Article, Section 10-501, *et seq.*) allows members of the public to record meetings of public agencies, subject to the reasonable rules of the governmental agency, such as County and town boards and committees, there is no similar provision in the Maryland Homeowners Association Act (Maryland Code, Real Property Article, Section 11B-101, *et seq.*, the "HOA Act").

Section 11B-111(1) of the HOA Act provides that, except for permissible closed meetings, "all meetings of the homeowners association, including meetings of the board of directors or other governing body of the homeowners association or a committee of the homeowners association, shall be open to all members of the homeowners association or their agents." In sum, the HOA Act provides the right of a member of the association to attend Board meetings, but does not provide the right to record meetings.

Additionally, neither the general corporate law nor the LWCC governing documents provide a right to record Board meetings.

Absent an express statutory or contractual right to record open meetings, we conclude that meetings may not be recorded without the permission of the Board.

Docket 57(a)(ix)
OZAH Referral No: HR 23-01

THOMAS SCHILD LAW GROUP, LLC

Mr. Kevin Flannery

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Should you have any further questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom", with a long horizontal stroke extending to the right.

Thomas C. Schild