



**Legal Option Provided by Luke Tollett**

**Question: Would you please advise Waterside Estates HOA Board on Video Recording of Meetings?**

I don't recommend doing this, because I do not recommend recording Association meetings, and streams can be recorded. Here are my top reasons why meetings should not be recorded:

1. Most importantly, with technology an owner can take a recording and easily manipulate it and misrepresent things that were said or discussed, an owner can also take things out of context and misrepresent what was said.
2. A recording can be placed online, given to media (who will 100% misrepresent what you say), and otherwise distributed to the public. This is a problem, because the Association is not a public entity, it is a private nonprofit corporation, and its business is no one else's except the members of the corporation; it is not to be shared with non-members.
3. Any professionals (such as the attorney) that attend the meeting, will likely not speak or will leave if an owner is recording, for reason no. 1 above, but also because oftentimes the context in which advice is given and questions answered go beyond what is discussed at a meeting. I would not speak or stay at a meeting that was being recorded.
4. The Association is only required by law to make record of actions taken by the board, not discussion; that is why meeting minutes, explaining actions taken and expenditures approved, are all that is required as far as meeting record-keeping. Recordings could tend to muddy the waters as far as what was approved. Recordings are rarely perfect and it is highly likely that not everyone that speaks will be heard, which misrepresents what was decided or discussed; recordings are thus an inaccurate representation of the meeting.
5. Recordings do, and will, curtail honest discussion amongst the board and members, people are not likely to speak their mind, be open, have honest discussion and make informed and responsible decisions while they are being recorded.

6. There is simply no good reason for doing so. The only reason an owner would want to record a meeting is to try to do something to hurt the board or the Association. The board has a duty to act in and protect the best interests of the Association. Allowing owners to record meetings runs contrary to that duty in my opinion.

These are board meetings, not member meetings (although those should not be recorded either), and the record of actions taken should be done solely through written meeting minutes. I know some public governmental entities stream meetings, but the Association is not a public or governmental entity, it is a private corporation.

If the board still wants to do this, it can; however, I do not know much about streaming. The law requires that notice of meetings be given, and you would need to place on the notice the method and any access code required to access the stream. I'm sure you are already properly noticing board meetings, and nothing would change about the mechanics of doing that. Meetings would still have to be open to members in person as well. Overall, it is not something I recommend.

**Luke P. Tollett**

**Attorney at Law**