

The Chronicles of FYLER

BY MARVIN J. NODIFF | ILLUSTRATION BY STUART BRIERS

Drone drama, gun woes, hacking concerns and more await community association attorney Joshua Fyler in *The Condo Kerfuffle*, a novel. The circumstances he faces might sound all too familiar to board members, managers and attorneys.

Kim, I just received a late notice. NO WAY!!! I have auto-debit. Reviewing my bank account online, I found the account was in fact charged with the proper amount on the first day of the month. The late notice was unsigned and is obviously generated by your ignorant computer. I paid, period. THIS IS YOUR PROBLEM!!!

Kimberly Kelly stared at her monitor, wondering what this email was all about. She had arrived early for work and unlocked the front door to the offices of Premier Site Management Company—PSM—in West County. Her first stop was the kitchen where she found her mug and poured coffee. She liked her coffee strong and black.

Settling into her workstation, Kim was shocked to find three dozen emails from owners at the same condominium association. She opened another message:

Kim, see late notice below from your bank. Let me tell you, I paid this charge already. If you can't keep simple records, you suck and should find another job.

Kim thought, *you suck, too, buddy.* She reviewed the next ten emails and found basically the same message, the same outrage. *If I'd paid but got a delinquency notice, I'd be pissed, too.*

This was Kim's second week with PSM. The community management industry was highly volatile with constant movement, managers scooting through revolving doors from one company to the next. Some managers lost favor with key clients while others bailed out completely when overwhelmed by the daily stress, too many night meetings, and no time for a personal life. Some were caught on the wrong side when a *coup d'état* occurred and were unceremoniously fired.

At 24 years old, Kim was a novice in the

community association work. Kim was struggling with on-the-job training. Yet, she was smart enough to smell a crisis.

Other staff had filtered into the PSM compound and Kim found CEO Shelby McDaniel at her office in the back. When she stuck her head in the door and saw Shelby was on the phone, Kim returned to the kitchen for another cup of coffee.

Shelby ended her call, and Kim briefed her on the problem.

Huddled over Kim's computer monitor and scrolling through the emails, Shelby explained, "It's the National Shoe Condominium Association. We just call it the 'Shoe Condo.' It's an old building downtown where they originally manufactured shoes, and was converted into 150 loft condo units. The owners are mostly millennials—young professionals—although their emails aren't very professional."

As Shelby entered the password to access the Shoe Condo's ledger in the bank's system, she asked, "Any other clients affected?"

"Not that we know of," Kim replied. "I asked the other managers."

"Take a look at this ledger," Shelby said, "and you can see which owners pay by auto-debit. The demographics of the Shoe Condo explain why we have such a high rate of auto-debits. More than 75 percent pay electronically.

"It's great for the client because we receive the payments in real time without waiting for snail mail, and it's good for us because we don't touch the money. Payments go directly to the bank in California where we keep our clients' accounts.

"The ledger shows the auto-debit payments are entered automatically. Some owners still mail a check to the bank, and

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industry. Every day presented a new challenge, which she appreciated, but her prior job as an apartment leasing agent couldn't come within a mile of preparing her for

those are scanned and entered. After the tenth of the month, the bank posts this ledger for us so we can see who paid and who didn't. The bank automatically sends an

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email late notice to the delinquent owners.”

Kim studied the ledger. “All the payments by check were recorded. But, none of the payments by auto-debit was entered. This shows them all delinquent.”

“That’s what it looks like,” Shelby agreed. “Three-fourths of expected revenue is missing. Either the bank has screwed up or ...”

“Or we have a big problem in our system, but at least the Shoe Condo is the only client with this screw-up.”

“Or we’ve been hacked?”

Shelby said, “First, we’ve got to get the problem solved. We’ll call the bank and pray there’s a little gremlin in their system they can take care of easily. Last resort, we’ll contact the board president.”

Her call to the bank went to voicemail, and she left a message reporting the problem. She turned to Kim. “They’re not open yet; it’s too early in California.”

Next, Shelby called PSM’s systems consultant, who could look into the problem using his remote access to PSM’s computers. She ended the call. “Not good; he said it

could take days to sort it out, maybe a week.”

“So, are we at the last resort?” asked Kim.

Shelby grimaced and massaged her temples.

Sitting at the monitor, Shelby called up the year-to-date financial statement. “Fourteen thousand dollars doesn’t sound like a lot, but the amount is three-fourths of their monthly revenue and the condo is struggling. This could become a crisis if it occurs again at the start of next month.”

“Okay, I’ll send an email to the board.”

Shelby looked warily at Kim. “Bad news should always be delivered by the most personal means available. Either set up a meeting or call the president.”

Kim checked the association’s contact information. “The board president is Courtney Olsen. She works in human resources at a large law firm downtown.”

Mentally composing the phone conversation she would have with Olsen, Kim walked slowly to the kitchen and refilled her coffee. Again.

Returning to her workstation, Kim took

Caught in the Crossfire

The era of drones, guns and cybercrime has created new and dangerous disputes in community associations. Condo lawyer Joshua Fyler prefers to be a peacemaker for his clients, but quickly finds himself in the crossfire.

A pastoral community with a vineyard instead of a golf course is known for its peacefulness. *Until now*. Grapes and guns ferment into disputes and violence.

Condo owners in an upscale high-rise are enjoying life. *Until now*. They become pawns in a complex chess game that threatens to alter their comfortable lifestyle.

Little does Joshua know how his innocent public comment about guns will turn his life into a combat zone. Nor does he realize how an unstable relationship is destroying his self-confidence.

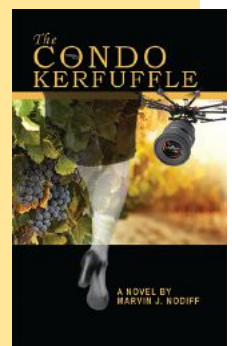
But, Joshua refuses to back down from a brawl whether in a court of law or on a basketball court. While dodging danger from uncooperative boards and disgruntled homeowners, Joshua reconnects in Italy with an enigmatic fraud investigator.

He returns with a strategy to fight back using a team of unlikely folks with unique talents. Along the way, he discovers love hiding in plain sight.

Marvin J. Nodiff takes another unique, futuristic view of community associations in his fourth novel. *The Condo Kerfuffle* and his first three novels—*Special Assessment*, *No Spitting on the Floor* and *The Dark Condos*—are available from CAI Press.

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-The Condo Kerfuffle-

a few deep breaths and entered the phone number. “Courtney? This is Kim Kelly at PSM, the management company for your condo association. Did I catch you at a good time?”

Courtney was wary. “Yeah, sure, I have a few minutes. What’s up?”

“Well, I just met with our CEO, Shelby McDaniel. She says hello, by the way. We wanted to give you the heads-up on a potential problem.”

“Oh?”

“As you know, most of your owners use auto-debit. It appears the payments were made, but the bank reports that none of the payments was actually received.”

Courtney tried to digest the information. “What? Where’d the money go?”

“We believe the money’s there, but it’s not showing up where it should be. Most likely, it’s a systems problem, and we have our own consultants as well as the bank’s IT staff looking into this. We should know more within a week or so.”

Courtney paused to compose herself.

“How much are we missing?”

“Roughly 75 percent of the owners use auto-debit. The amount that was due on the first day of the month, ten days ago, is about fourteen thousand.”

“I’m sure it’s not personally your fault, Kim. But, you’re the third manager from PSM we’ve had in the last year.”

Kim said, “Courtney, there’s no need to panic. We’re on it.”

“We don’t have any reserves to absorb a loss like this, even for a few weeks.”

“It’s just a glitch in the computer system that the technicians can correct.”

“That’s not very comforting. Frankly, it sounds like you’ve been hacked.”

“Oh, that’s unlikely. All our systems have double-encrypted code.”

“Do you have our attorney’s number handy? I need to give him a call.”

Kim sighed, perhaps too loudly. “Of course you’re welcome to call your attorney. It’s Joshua Fyler.” **CG**

Marvin J. Nodiff is author of the novel *The Condo Kerfuffle*. He is a fellow in CAI’s College of Community Association Lawyers and practices law in St. Louis.



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