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House Bill 2584's broad definition of unclassified information will be very helpful to unit owners where the board of directors ignores or rejects requests for association records, a common occurrence. I have also written a wish list of association records that I would like specifically mentioned.

e-mails
Specifically say that e-mails are association records because board members are so resistant to sharing them.

- Would unit owners be entitled to be copied in on board or committee e-mail discussions as they happen?
- How would unit owners prove that improper private e-mail communications had occurred?
- What specifically is the penalty for withholding or deleting association e-mails?

owners list
The association-maintained owners list is another contentious record request. Without access to the owners list, there isn't a level playing field for the democracy that associations supposedly have. In my experience, board members claim that the owners list is confidential, it is "Files of individual owners". An update is needed for **what information should the owners list include?**

1. owner name
2. property address
3. owner mailing address (frequently different from the property address)
4. telephone number (?)
5. e-mail address (?)

Board members use all of the above contact information to promote their points of view. The definition of **proper purpose** needs to be more specific where HB 2584 says *"that makes the request in good faith for a **proper purpose**."* Proper purposes should include the creation of newsletters, forums, petitions, advocacy and campaigning for association issues and candidates.

audio and video recording of board meetings
In keeping with the theme that *An association may not to make information confidential or exempt from disclosure to owners*, HB 2584 should specifically address the desire of boards to ban audio and video recording of board meetings. These recordings fit the description of records of an association in HB 2584:
"(c) Documenting communications to or from a member of the board, or to or from a member of a committee, concerning policies or practices of the association."
In May 2011, House Bill 3317, first draft, attempted to add to ORS 94 and ORS 100 that boards could prohibit the recording of board meetings, and the recordings could not be used as evidence in court. That recording prohibition was rejected by the House and was removed from the bill

before the remainder of HB 3317 passed unanimously. However, there is still no Oregon law one way or the other about prohibiting recording. I have been fined $400 for audio recording a board meeting so I would like to see a specific law that protects the right to record board and committee meetings and share the recordings within the association. Board members might say audio or video recordings are harassment to the board, but I feel that recordings protect the unit owners from false board meeting minutes, inconsistencies and other bad behavior.

The case for unfettered access to organized information

The notion of a minder or gate keeper for association records is obsolete now that read-only Internet access to information is so common. Having to request documents and then wait 10 days gives the board time ponder a unit owner's motives and gives a board member time to fabricate a document requested if the real document would reveal improprieties. How would a unit owner even know what association records exist if the records are not already organized somehow to browse? Advances in information technology have made the cost of hosting information online so cheap that the expense is a trivial objection to making all the documents readily available on an encrypted password-protected website. But some boards continue making information access as slow, expensive and inefficient as possible to discourage requests. For example, an association record might be deliberately mix classified and unclassified information, print it out on paper even though it was originally a computer file, then store it in some difficult to access archive or at least say that's where it's stored. The association will then say the record will have to be "dug up" and redacted. Then the unit owner will then have to travel to the management company's office to look at the document while a management company rep gets paid to oversee, all of this aggressively billed to the unit owner. Then the unit owner will not necessarily be able to keep a copy. However if a board member wants that same information, it is just a few keystrokes away. **There should not be a double standard!** The definition of **reasonably** in HB 2584 should be more specific where it says *"records of the association **reasonably available** for examination"*.

There was a similar editorial in The Oregonian, December 20, 2014, about deliberate efforts to discourage to access to public records:
http://www.oregonlive.com/opinion/index.ssf/2014/12/mariota_madness_power-use_sham.html
*"**Public Acce$$, Portland $tyle:** Earlier this week, guest columnist Robert McCullough, an economist who serves as president of neighborhood group Southeast Uplift, took a shot at the city of Portland for charging $2,720 to release calculations behind the proposed street fee. Squeezing members of the public for access to public documents is a favorite tactic of government agencies that don't like taxpayers looking too closely at what's being done for (and to) them. Just days ago, in response to a records request by The Oregonian editorial board, the city of Portland produced a how-dare-you-ask cost estimate for producing three weeks' worth of texts and emails to and from Commissioner Steve Novick regarding the proposed street fee. How much does the city want for coughing up roughly 350 electronic records? Two hundred and sixty nine dollars and 42 cents. Why so much? Because a city attorney – naturally – must read everything, and attorneys don't work cheaply. Like Southeast Uplift, we'll pay."*

Be very specific

I realize some of what I want is already in the law if one interprets the words correctly, but it is

important that the words in ORS 94 and ORS 100 be as specific as possible. Any ambiguity lets the board choose a self-serving interpretation and makes a legal challenge uncertain. The board relies on the fact that the only way a unit owner can enforce the law is to sue the homeowner association, a complicated and expensive process that gives the board, their lawyer and their management company, an opportunity to demonize the homeowner. The unit owner must pay his own legal expenses while the board spends the association's money, a disadvantage to the unit owner.