

CMCA Standards of Professional Conduct

Revised September 2019

A Certified Manager of Community Associations® (CMCA) shall:

1. Be knowledgeable, act, and encourage clients to act in accordance with any and all federal, state, and local laws applicable to community association management and operations.
2. Be knowledgeable, comply and encourage clients to comply with the applicable governing documents, policies and procedures of the Client Association(s) to the extent permitted by that Client.
3. Not knowingly misrepresent material facts, make inaccurate statements or act in any fraudulent manner while representing Client Association(s) or acting as a CMCA.
4. Not provide legal advice to Client Association(s) or any of its members, or otherwise engage in the unlicensed practice of law.
5. Promptly disclose to Client Association(s) any actual or potential conflicts of interest that may involve the manager.
6. Refuse to accept any form of gratuity or other remuneration from individuals or companies that could be viewed as an improper inducement to influence the manager.
7. Participate in continuing professional education and satisfy all requirements to maintain the CMCA.
8. Not breach his/her fiduciary duty.
9. Conduct themselves in a professional manner at all times when acting in the scope of their employment in accordance with local, state and federal laws.
10. Recognize the original records, files and books held by the manager are the property of the Client Associations to be returned to the Client at the end of the manager's engagement and maintain the duty of confidentiality to all current and former clients.

A violation of any of these Standards of Professional Conduct may be grounds for administrative action and possible revocation of the CMCA credential by the Community Association Managers International Certification Board (CAMICB).

For additional information to interpret the CMCA Standards of Professional Conduct, please visit camicb.org or contact the CAMICB office for the CMCA Standards of Professional Conduct Code Clarification document.

These standards are enforced through a process outlined in the CMCA Standards of Professional Conduct Enforcement Procedures. Visit camicb.org or contact the CAMICB office for a copy of the document.

CLARIFICATION OF THE CMCA STANDARDS OF PROFESSIONAL CONDUCT

Updated July 2019

- A. **AUTHORITY:** The Standards derive authority from the Community Association Managers International Certification Board (CAMICB). CAMICB has established these Standards of Professional Conduct for those individuals who hold the Certified Manager of Community Associations (CMCA) certification.
- B. **DEFINITIONS:** The Standards shall apply in any manager-client relationship where the manager receives compensation for professional services offered or provided to the client.

1. **Manager:** a singular term which shall apply to all the following persons providing or offering some form of property or financial or administrative or consulting services to one or more clients:
 - i. A single practitioner functioning as a client employee, or
 - ii. A single practitioner employed by a firm contracted by one or more clients, or
 - iii. A principal or supervisory staff member for a firm contracted by one or more clients.

An individual who agrees to abide by the Standards shall also be responsible for seeing that any person under their supervision shall comply with the Standards.

2. **Client:** a singular term that shall apply to one or more community association properties (condominium, homeowner association, cooperative, PUDs, PRDs, etc.) and their governing boards. The client may employ the manager directly or be under an independent contract with a firm that employs the manager.
- C. **AMPLIFICATION:** The following information and examples are provided by CAMICB to explain further some of the tenets of the Standards of Professional Conduct.
1. To be knowledgeable, act, and encourage clients to act in accordance with state and federal laws that relate to community associations. A manager must be knowledgeable of the laws and govern their actions following those laws.
 2. To be knowledgeable, comply, and encourage clients to comply with the governing documents means to implement policies and procedures in accordance with the documents. An example would be if the governing documents prohibit fines for owners violating the documents, the manager should not recommend fining as a method to the Client's Board.

3. Always be truthful.
4. Any legal advice should be provided to the association by the association's attorney. This includes drafting amendments to the documents and the interpretation of the legal language that affects board actions.
5. Disclosure of any possible conflict of interest is the key factor. For example, a manager (individually or through a company) may have a financial interest or contractual arrangement with a service contractor, supplier, or professional firm which is being considered by that manager's client. The disclosure must be in writing before the selection process to allow the client to consider the possible conflict fully and any alternatives. The fact that the client may still choose the manager's related entity is not a violation of the Standards, provided ample disclosure was given.
6. CAMICB recommends that managers provide written disclosure to the client of any compensation, gratuity, or other forms of remuneration from individuals or companies who act or may act on behalf of the client. The written disclosure shall be made to the client by the Manager, confirming receipt of all commissions, rebates, discounts, payments, or other benefits received more than \$200.00 annually by the Manager from any vendor or vendor-related client.
7. Continuing professional education requirements shall be consistent with that manager's professional designation, if any, and the CAMICB recertification requirements. The manager must adhere to the CMCA Standards of Professional Conduct and be truthful on all certification-related applications.
8. A fiduciary duty is a legal or ethical relationship of confidence or trust between two or more parties.
9. The breach must be an egregious and material lack of due diligence rather than a misunderstanding, difference of opinion, personality conflict, or human error.
10. Regardless of the details surrounding the separation of the manager and the client, the CMCA must return original records, files, and books within a reasonable time to the client.

Original records, files, and books are those items given to the manager at the beginning of their engagement or were developed by the manager and/or the client during the period of the manager's engagement. This definition may be further expanded by the management agreement and/or applicable state statutes.

Unless provided in such an agreement or otherwise, the manager has no obligation to provide the client with client-related computerized data unless the client owns the computer and

software, and such data can be separate from the data and software, which are property of the manager.

For example, if the manager is a company that maintains homeowner information on its central computer, the manager shall provide a printout of the homeowner information for the client but need not provide that data via disk or tape. Those items that the manager brought to and used during the engagement, such as operation or procedure manuals, remain the manager's property.

While the manager must return or forward all records, files, and books, he or she may retain photocopies of these key materials necessary for the manager in dealing with post-engagement client-related matters. The manager shall maintain a duty of confidentiality beyond the termination of representation.

- D. FUTURE: CAMICB may expand the application of these Standards, and CAMICB reserves the right to update or amend both the CMCA Standards of Professional Conduct and this Clarification Document. Any such revision, updating, or amendment shall be promptly promulgated to those who achieve a CMCA and, after due notice, will apply to all CMCA's subject to the Standards.
- E. DISCIPLINARY ACTION: After an internal investigation and hearing as provided in the CMCA Standards of Professional Conduct Enforcement Procedures Policy, a manager found to be in violation of the standards shall face a sanction under the Enforcement Procedures adopted by CAMICB. The extent of such sanction shall be commensurate with the nature, severity, and intent of the violation.