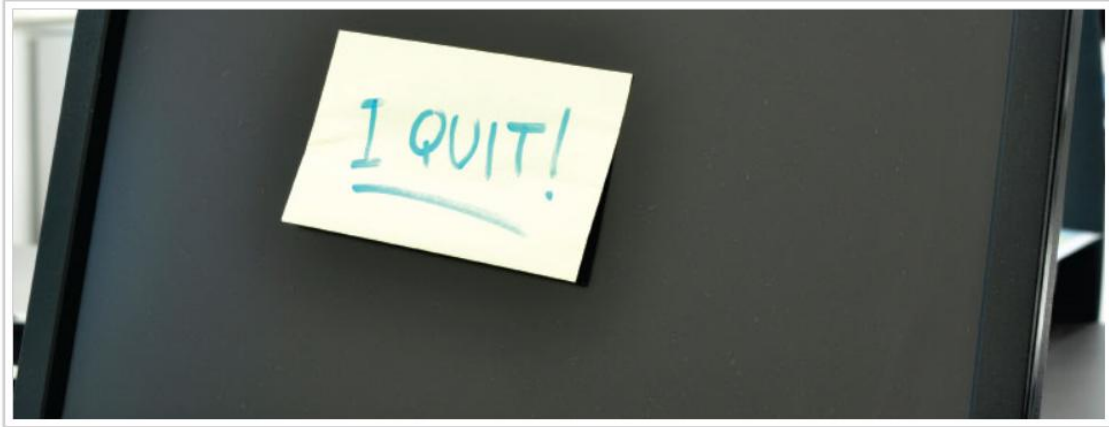


Board President Resigns, Then Reconsiders... What's a Community to Do?

by Donna DiMaggio Berger / Published April 2015



Q Our board president has been fighting with a few members of our board for the last several months. Last week, he sent the board (and copied our manager) an e-mail saying he was resigning due to the lack of respect and the continued conflicts. Two days later, he sent a follow-up e-mail saying that he had reconsidered his decision and would remain on the board. We were all relieved that he resigned and are now concerned that we may have to take him back. Can a director just withdraw a resignation like that?

A Section 617.087 of the Florida Statutes (the Florida Not For Profit Corporation Act) provides that resignations made in writing are effective when delivered unless a delayed effective date for the resignation is specifically mentioned. Since your board president tendered his resignation in writing by sending it via e-mail, and he did not specify a date in the future on which his resignation would become effective, his resignation was tendered and accepted. He cannot now rescind that resignation. His option is to ask your board to allow him to fill the seat he just vacated or to wait until the next election and run for the board again. Your situation is the perfect example of why hasty decisions to resign are not advisable as they are often regretted later.