

# Legal Connections

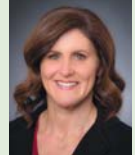


LEGAL EXPERTISE FOR THE BUSINESS COMMUNITY

JANUARY 24, 2020

"Find your real estate attorney at the Columbus Bar Association: [directory.cbalaw.org](http://directory.cbalaw.org)"

**Jill Snitcher  
McQuain, Esq.**  
Executive Director  
[jill@cbalaw.org](mailto:jill@cbalaw.org)



## AVOIDING CONDOMINIUM PURCHASE NIGHTMARES

**D**ick and Jane entered into a contract in January 2019 to purchase an existing condominium unit in an upscale Columbus suburb. Oblivious to the unique perils of condominium ownership, they closed on their purchase in February without first obtaining and reviewing information and documents regarding the condominium and its owners' association.



**WILLIAM D. FERGUS, JR.**  
Northwest Title Family of  
Companies, Inc.

Trouble came quickly. In March, the owners' association notified the couple that they would have to find a new home for Ruckus, their six-year-old Labrador Retriever. Apparently, the association had adopted a rule limiting the size of pets to 30 pounds or less. In April, more bad news arrived: The roofs of several buildings in the complex had deteriorated more quickly than anticipated. Because the association hadn't budgeted for the repair, each unit would be assessed \$8,000 to fund repairs. Then in July, they began experiencing serious problems with

their drains. They called a plumber, who informed them that repairs would cost approximately \$11,000. He said the good news was that the problem was in a feeder line located outside the unit walls, and was therefore a unit owner association responsibility. Unfortunately, the association refused to take responsibility, taking the position that repairing the feeder line was the unit owners' responsibility.

position that repairing the feeder line was the unit owners' responsibility.

A nightmare scenario indeed (and clearly no fun for Dick and Jane), though I've had clients who encountered each of these issues at some point in my career. Fortunately, this is a nightmare that can be avoided by obtaining available documents and information, and having the results reviewed by an attorney familiar with residential real property law. In this scenario, a review of the condominium rules and regulations, available to the seller through the unit owner's association, would have put Dick

and Jane on notice that purchasing the unit may cost them their beloved family pet. Likewise, a review of the association's financial records, and minutes of the meetings of its board of directors and unit owners (also available to the seller), would have put them on notice regarding any planned special assessments, and would also have given them a good understanding of the association's long-term financial health. Finally, a review of the Declaration of Condominium and condominium drawings, typically available online through the County recorder's office, would have provided Dick and Jane with the division of maintenance responsibilities between unit owners and the association.

An attorney well versed in Ohio real estate law will want to review additional documents and information. A more complete list of relevant documents and information is available to Realtors® through the Columbus Realtors® website, and to attorneys through the Columbus Bar Association's website. ■

### EDUCATION & EVENTS

#### January 1973: The Month That Changed America (Video Replay)

Tuesday, Jan. 28 • 1:30 – 4:45 p.m.  
3.0 CLE Hours (1.0 Prof. Credit)

#### Medical Marijuana and Employers

Wednesday, Jan. 29 • 12 – 1:30 p.m.  
1.5 CLE Hours

#### Immigrating to the USA: Family/

Employment (Video Replay)  
Tuesday, Feb. 4 • 1:30 – 4:45 p.m.  
3.0 CLE Hours

#### Real Property Law Institute

Thursday, Feb. 6 – Friday, Feb. 7  
10.25 CLE Hours (1.0 Prof. Conduct)

All classes listed are offered at the Columbus Bar Associations offices, 175 S. Third St. Ste. 1100. To register, call 614-221-4112 or enroll online at [www.cbalaw.org](http://www.cbalaw.org).

LOOKING FOR A LABOR AND EMPLOYMENT ATTORNEY? CHECK OUT OUR COMPREHENSIVE DIRECTORY AND FIND THE PERFECT LAWYER TO HANDLE YOUR CASE: [DIRECTORY.CBALAW.ORG](http://DIRECTORY.CBALAW.ORG)

## WHAT EMPLOYERS NEED TO KNOW ABOUT MARIJUANA

**T**raditionally, if an employee tested positive for marijuana use, whether in a random drug test or a drug test based upon specific observations of impairment, the employee could be terminated without worry of legal repercussion to the employer.

But times are changing. Eleven states have legalized recreational marijuana and 33 states have legalized marijuana for medicinal use. The 2020 elections are sure to bring additional legalization.



**JOHN SAUTER**  
Doll, Jansen & Ford

Recent changes in federal law have increased the availability of CBD products, which can now be easily purchased online or in retail stores. As a result, more people than ever are using marijuana or marijuana-derived products for medical or non-medical needs. A significant percentage of these people use marijuana to treat a disabling condition.

Ohio's new medical marijuana law, passed in 2016, contains a number of

protections for employers who do not tolerate employees' marijuana use. Many other states that have legalized marijuana for medicinal use have similar laws.

Across the country, a number of individuals who were terminated from employment after using marijuana to treat debilitating medical conditions are challenging laws similar to Ohio's law on the basis that lawful, off-duty use of marijuana represents a reasonable accommodation that the employer must recognize, either under the ADA or a similar state disability statute.

Unionized employees have long asserted, with some success, that a positive test for marijuana use, unaccompanied by specific signs of on-the-job impairment, does not give an employer just-cause to terminate a person's employment.

With rapidly changing public perception of lawful and unlawful marijuana use, this much is certain - employment law will continue to evolve to catch up to public approval of marijuana use. ■



## Let us host *your* next event

Located in the heart of downtown Columbus, the **Conference Center on the Commons** at the Columbus Bar Association offers an all-inclusive approach to planning and executing your event—whether it's a brief meeting or an all-day training session. Contact us for information!

Space for 4-110 Need food? No problem. User-friendly tech



175 S. 3rd St.  
11th Floor  
Columbus, OH 43215  
[www.cbalaw.org](http://www.cbalaw.org)  
(614) 221-4112