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Security officer stop wins court support

Ruling holds that private associations may enforce their local rules

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SPRINGFIELD — The Illinois Supreme Court today ruled that property owner associations may use private security officers to enforce traffic rules on their roads.

In a unanimous 21-page opinion, the high court rejected an association member's claim that security personnel couldn't pull him over and fine him for speeding.

"We can discern no logic in allowing a private homeowners association to construct and maintain private roadways, but not allowing the association to implement and enforce traffic laws on those roadways," Justice Robert R. Thomas wrote for the court.

The case stems from an incident involving Kenneth E. Poris, owner of Kenneth E. Poris P.C. in Somonauk and a member of the Lake Holiday Property Owners Association, a 1,500-acre private community in LaSalle County.

In 2008, a private security officer employed by the association saw Poris driving 9 mph above the speed limit on one of the

community's private roads.

The officer pulled Poris over, told Poris to get back in his car after he attempted to exit it and asked for his driver's license and association membership card. About five minutes later, the officer issued Poris a citation for speeding.

Poris filed a suit in LaSalle County Circuit Court, claiming the security department unlawfully stopped and fined him for a traffic violation. He also alleged the officer falsely imprisoned him by preventing him from leaving the scene after he pulled over.

Once a court ruled against him, Poris appealed to the 3rd District Appellate Court, which ruled that the officer couldn't stop drivers for violating association rules.

The court viewed the security guard as a private citizen who can't lawfully detain someone for violating a local ordinance. It also determined Poris justified his false imprisonment claim and directed a trial court to determine damages.

The high court, though, reversed those rulings, noting Lake Holiday's security officers only cite association members for violating association rules on private association property.

The Supreme Court, Thomas wrote, consistently recognizes the right for churches, labor unions and other groups to develop internal policies and penalize members for violations.

"The association was not unlawfully exercising police



Robert R. Thomas



Bruce W. Lyon

powers that it did not possess," the opinion says, "but rather was acting within its authority as a voluntary association to adopt and enforce its own rules and regulations."

The court also rejected the false imprisonment claim, since the officer found reasonable grounds to believe Poris violated the law.

Poris — who worked with John H. Brechin, owner of Law Offices of John H. Brechin in Addison on his high court appeal — said he still believes the security guards acted as a private police force.

"Obviously, I disagree with what they concluded," he said. "But it is what it is."

Bruce W. Lyon, a partner at LaBarge, Campbell & Lyon LLC who represented the association,

said the decision resolves debate over whether homeowners groups can enforce local policies.

"This gives them the opportunity to keep their community safe," Lyon said. "There was a real concern they weren't going to be able to police their own area and have people follow speed rules."

Karen Kies DeGrand, a partner at Donohue, Brown, Mathewson & Smyth LLC submitted a friend-of-the-court brief on behalf of the Illinois Association of Lake Communities.

The group urged the court to support the defendants and allow private property owners associations to enforce local regulations. DeGrand could not be reached.

The case is *Kenneth Poris v. Lake Holiday Property Owners Association et al.*, No. 113907.