

COMMISSION ON COMMON OWNERSHIP COMMUNITIES

Minutes of the Monthly Meeting

July 5, 2017

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:10 pm by Chairperson, Rand H. Fishbein.

Present: Commissioners Branda, Ethier, Fine, Fishbein, Radcliff, Winegar, Valley, Viney

Absent: Commissioner Burrows, Fonoroff, Gardener, Gelfound, Majerle, Oxendine.

Also attending: Walter Wilson, Associate County Attorney; Larry Dorney

1. **MINUTES.** The Commission voted to accept the minutes of the meetings from June, 2017 with Commissioner Ethier abstaining.

2. **COMMUNITY FORUM.** No responses

3. **SUBMISSION OF DISPUTES FOR COMMISSION CONSIDERATION.**

- a. **48-15-Chris Andreno v. Clarksburg HOA (Breach of Settlement).**

Mr. Anders presented that under the terms of the mediation agreement entered into on May 26, 2016, Complainant would install new landscaping on his front lot, planting azaleas to replace a cherry tree. The matter was resolved with the signing of the mediation agreement. Complainant refused to install the landscaping as agreed due to allergies to mold and pollen. Staff recommended the Commission accept jurisdiction of the dispute and refer the dispute to a hearing panel for further proceeding.

Mr. Wilson agreed that this matter was under the subject matter jurisdiction of the Commission. He went on to say that he concurred with the Staff on recommendations to accept jurisdiction.

A discussion took place regarding the fact that settlement agreements should not reference the Commission and are not a part of the Commission's work product, having been commenced prior to the Commission's involvement.

The Commission voted to accept jurisdiction in this matter with Commissioner Winegar abstaining.

- b. **53-16-Lawrence Dorney v. Grosvenor Park IV Condominium and**
 - c. **67-16-Lawrence Dorney v. Grosvenor Park IV Condominium**

Mr. Anders presented to the Commission that in case 53-15, Complainant alleged that Respondent had him ejected from and prohibited from using the facilities. Since Respondent holds its meeting at the facility, the effect was to bar the

Complainant from attending association meetings and must only contact Association Attorney Justin Cameron, Esq.

The Commission took jurisdiction of 53-15 and stayed it, pending the results of current Court action against the Complainant. The Staff recommendation was that the Commission dismiss #53-15 with prejudice because the Circuit Court has ruled on the core issues in this matter.

Mr. Anders presented to the Commission that in case 67-16, Complainant alleged that the Respondent violated its own rules by compelling its members to allow respondent to paint the inside of the door frames.

The parties attempted mediation but the result was inconclusive but the result was inconclusive. Staff contacted the parties twice for information and a statement on how to proceed but the parties did not respond. Staff recommended that the Commission dismiss #67-16 without prejudice for lack of prosecution.

The County Attorney stated that involvement in mediation was a Staff function and beyond the scope of duties for Commission members. With respect to case #53-15, the County Attorney stated the matter was in the Court and with 67-16, he stated there was no remedy available and recommended the Commission deny jurisdiction of both cases.

The Commission voted unanimously to deny jurisdiction in 53-15.

The Commission voted unanimously to deny jurisdiction in 67-16

Following the vote on 67-16, the Complainant was removed by Police.

4. Requests of the Commission.

The overview of duties performed by an HOA was requested by Tobeytown was given by Peter Drymalski. It was agreed that the speech given by Mr. Drymalski was not to be in place of the training required nor was it representative of the CCOC.

5. Decision and Orders Issued.

#30-16, Greencastle Lakes CA v. Kim has not been approved by the County Attorney yet and is being edited and is not ripe for reporting.

#04-17, Mutual 11 v. Dubuque has not been approved by the County Attorney yet and is being edited and is not ripe for reporting. Whether both cases have been sent to the parties are under investigation and will be reported on.

6. Decision and Orders on Appeal.

73-12, Potowmack Preserve v. Ball remains in the Court of Special Appeals; Proceedings stayed to allow settlement.

7. County Attorney's Report.

Mr. Wilson reported on the disruptive behavior statute under Section 32-19C of the County Code.

A person must not act in a manner that a reasonable person would find disrupts the normal function being carried on at that public facility or engaged in conduct that is specifically prohibited by a notice posted at that public facility and a person must not refuse after engaging in conduct prohibited at a public facility to ID himself or herself when asked to by an enforcement agent. If a person engages in conduct prohibited by subsection (b), an enforcement agent may issue and personally deliver to that person a written order that denies access to that person to that public facility for a period not to exceed 90 days and imposes any other reasonable condition that ensures that reasonable program functions carried on at that facility are not reasonably disrupted. Enforcement Officer means Department Director, Police Officer, Deputy Sheriff or County Security Officer. Please see the section stated.

8. DHCA Staff Reports

No information was available regarding the statistical report for June.

With no quorum available, a discussion took place regarding establishing an earlier start time for monthly meeting.

A discussion also took place regarding a legislative request report, Bill 22-17, concerning road way reimbursement.

9. Committee Reports

a. Education

1. Videos to be corrected and placed

10. NEW BUSINESS

- a. Letter restriction Commission member's access to DHCA Office was discussed.

11. Adjournment