

COMMISSION ON COMMON OWNERSHIP COMMUNITIES

Minutes of the Monthly Meeting
1401 Rockville Pike, 4th Floor, Rockville, MD 20850
July 11, 2018

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:10pm by Chairman Mark Fine.

Commissioners present: BRANDA, BURROWS, ETHIER, FINE, FISHBEIN, GELFOUND, MAJERLE, VALLEY, VINEY

Commissioners absent: GARDNER, OXENDINE, WINEGAR

Staff present: Mark Anders; Walter Wilson, Assoc. County Attorney, Tim Goetzinger, DHCA Chief of Finance and Administration

Guests: Larry Dorney [Grosvenor Park] and [2] unknown

1. **June Meeting Minutes:** Commissioner Burrows moved to accept the minutes as presented, seconded by Commissioner Fishbein, motion approved by majority vote with Commissioners Gelfound and Valley abstaining.
2. **OPEN FORUM:** Mr. Dorney began discoursing on a potential complaint to be brought to the Commission. The Chair asked him to desist, such discussion being inappropriate. Commissioner Ethier reminded the Chair that guidelines for conduct during Open Forum are supposed to be handed out to guests at all meetings.
3. Submission of disputes for Commission consideration [case summaries in meeting packet]:

Default cases:

2018-067 Longmead v. Rogatus Matamula: Architectural violations
 2018-076 Longmead v. Felton Mitchell: “
 2018-048 Longmead v. Sierra Nguyen: “
 2018-080 Longmead v. Robert Sanchez & Olga Munoz: “
 Commissioner Gelfound moved to **accept jurisdiction on all cases and refer them to a default hearing**, Commissioner Fishbein seconded, motion approved by unanimous vote.

Contested cases:

2018-011 Williams v. Arora Hills: After discussion, Commissioner Gelfound moved to **reject jurisdiction**, motion approved by majority vote with Commissioner Fishbein opposed.
2018-073 [originally 2018-045] Lima v. Carter Hills: Dispute over two-tiered assessments on part of common elements; Commissioner Ethier moved to **accept jurisdiction**, motion accepted by majority vote, Commissioner Fine abstained.
2017-018 Williamsburg Square v. Jose Villegas & Eva Martinez: Architectural violation [mediation agreement should be removed from record]; Commissioner Ethier moved to **accept jurisdiction**, motion approved by unanimous vote.
4. **Decisions & Orders Issued:**
 - Commissioner Gelfound disagreed with the award of attorneys’ fees in the Bian case, asking why a party would be penalized for bringing a frivolous “business judgment” case after the Commission agreed to hear it.
 - Commissioner Viney pointed out that separate panels [Lienhard v. Poplar Run and Tavens v.

Willoughby] came to different determinations on the responsibility of the association for a contractor's errors in conducting an election, and how/if those errors affected the election process.

- Panel Chairs are not including the approved closing language in their orders. The Chair will address this issue with the Panel Chairs again, with a memo to them.
- Commissioner Majerle suggested that no panel's decisions be final without a full Commission review. He has several complaints about the number and conduct of witnesses, and the unnecessary length of hearings. Discussion followed on Panel Chairs' responsibility for reining in rambling and long-winded witnesses and for keeping conversation within the scope of the complaint. He then discussed wanting the Commission to reverse or overturn Parker v. Fairhill. Both the Chair and Mr. Wilson interjected, stating that Mr. Majerle was not the complainant nor the respondent and it was inappropriate for the Commission to discuss the case. Mr. Majerle stated that he felt his company was being treated unfairly.

5. **D&O on Appeal:** Dillin/Nadri v. Willoughby. Commissioner Fishbein moved that the Commission recommend no intervention by the County, motion approved by unanimous vote.

6. **County Attorney's report:** 2018-050 Deer Park v. Sudesh Ranade, Mr. Wilson's Motion to Dismiss was granted.

7. **DHCA Staff report:** Mr. Goetzinger went through the monthly data statistics report.

8. **Chair's report:**

- Decisions & Orders and case summaries of cases going back to the '90s are being converted to .pdf format. The whole file will be *searchable* by name, topic, etc. and will be available on our website in a few weeks.
- *Commissioners who are unable to attend a meeting should contact the Chair, not staff.* Chair will take action with respect non-performing commissioners. New Commissioners are awaiting approval by the County Executive, after which they will be given their manuals, go through training, and attend hearings before taking on their duties. Two new attorneys have been recruited as panel chairs and will also go through training.
- Hard copies of the Government Fundamentals training manual are available upon request. A .pdf version of the manual will be put on our website soon. Commissioners who are interested in being trainers should contact the Chair.

9. **Committee reports:**

- Education Committee report [Commissioner Viney, Chair] – Efforts to recruit panel chairs: 'Help wanted' ad on DHCA home page, letter being sent to COC attorneys, and ad in Montgomery County Bar Journal to run for six months. Committee meeting scheduled for Tuesday, August 14th, 3:00-5:00pm. A representative from Montgomery County Green Bank will make a brief presentation at 4:15. All commissioners are welcome.
- Legislation Committee report [Commissioner Branda, Chair] - Looking at issues we may address in new legislative session.
- Process & Procedures Committee report [Commissioner Ethier, Chair]: Letter being sent out to individual attorneys & law firms identified as qualified to bid on projects; Steve Brown in Procurement will handle choice of candidate; expected expense under \$10,000. Staff training flow chart and training session by Commissioners Ethier and Winegar ready for scheduling.

- 10. Old business: n/a
- 11. New business: n/a
- 12. Adjournment: With unanimous consent, the meeting was adjourned at 9:20pm.
- 13. Next meeting: **August 1, 2018 at 7:00pm**

Submitted by Commissioner Kathy Viney,
Recording Secretary