

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
 Minutes of the Monthly Meeting
Via Zoom Audio-Visual Conference
Wednesday June 2, 2021

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:01 pm by Chairman Mark Fine.

Commissioners present: [14] ANDERSON, BENNETT, FINE, GARDNER, GELFOUND, HERRON, MOORE, MURTHY, MYO KHIN, NERLINGER, SEEBOLD, SMITH, STEINBACH, WALKER,

Commissioners absent: (1 vacancy)

Staff present WALTER WILSON, ESQ. ASSOCIATE COUNTY ATTORNEY; Staff: Mark Anders, Investigator Ife Fabio, Investigator, and Frank Demarais, Deputy Director

Guests: Marvin Holmes (COMMISSIONER IN WAITING), Panel Chairs, Jeffrey Hamberger, Esq., Rene Sandler, Esq., EX-OFFICIO RAND FISHBEIN, PhD, Matthew Wilkerson, Tesh Diriba GROSV. PARK, Fadi Ashy, Ghusai Gubrael , ANDREW SPENCER, Candace Otto, Phillip Pradier , Nikoleta Ilic, Magally Popovic Kenwood Place Condominium, Hamid Sichani, Ephraim Harel, The Forum Condominium, Peggy Dugan, Robin Bogin, Helen Davies, Kenwood Forest Condominium, Rob Gittins, Daniel Hodges, Eccleston & Wolf, KORTUE SAMMY, GREENCASTLE, Jodie Fine, Michelle Jolles, Beth Schlenoff, Deborah Cohen Parkside Condominiums, Jeffrey Kahntroff, Skipper Law, LLC, Raymond Burke, Baker Donelson, SCOTT SILVERMAN, THOMAS SCHILD LAW GROUP, LLC, Elizabeth Lostracco, WINTERGATE AT LONGMEAD, Ulani Prater Gulstone Esq., Law Office of Ulani P. Gulstone, LLC, Jim Cagley, ESQ., JO ELLEN BILANIN, GINGER NAGLEE, Tanterra HOA

-
1. **Approval of Minutes:** After discussion, Commissioner Anderson moved to approve the minutes of the May 2021 monthly meeting. Commissioner Murthy seconding. The motion was approved by unanimous consent.
 2. **Community Forum:** There was a continuation of last months discussion on the need to improve staff assistance in helping homeowners find and navigate the CCOC website for documents to prepare for hearings. Commission Chair Fine asked Mr. Wilson, Esq. of the Office of the County Attorney (OCA) is so long as the staff of the Office of Common Ownership (OCOC) did not discuss the merits of the case with the caller (if a pending case), could the staff assist them with navigating where to find resources on the website or answer generic questions they had. Mr. Wilson said as long as the subject matter was not about the “case”, that would be fine.

3. **Submission of disputes for Commission consideration: Jurisdiction – Default cases:**

NONE

4. **Jurisdiction - Contested cases:**

- a. **#2021-024, Lostracco v. Wintergate at Longmead Condominium**– Commissioner Gelfound moved to **DENY** jurisdiction and **Commissioner SMITH** seconded the motion. After discussion, **the motion to deny was carried by the Commission**, by unanimous decision.
 - b. **#2021-052, Greencastle Lakes CSA v Kortue, et ux.** – **Commissioner Gardner** moved to **ACCEPT** jurisdiction and **Commissioner Anderson** seconded the motion. After a lengthy discussion between commissioners with regards to rescheduling mediation, the question was called. **The motion was carried by the Commission. Commission Nerlinger voting to deny jurisdiction, Chairman Fine recused.**
 - c. **#2021-053, Otto v Kenwood Place Condominium**- **Commissioner Anderson** moved to **Accept** jurisdiction and **Commissioner Smith** seconded the motion. After discussion over mediation and referral to OZAH, **the motion was carried by the Commission. Commission Chair Fine recused as he was involved in the prior case. Chairman Fine then asked Vice Chair to make the motion in his stead to permit the panel to refer the case to OZAH. Commissioner Anderson seconded. All in favor with Commission Chair Fine recused.**
 - d. **2021-058, Dugan v. Kenwood Forest Condominium**– **Commissioner Gelfound** moved to **DENY** jurisdiction based on the **Business Judgement Rule** and **Commissioner Bennett** seconded the motion. After discussion, **the motion was carried by the Commission. Commissioners Fine and Anderson recused as they were involved in the mediation, Commissioners Gardner, Murthy and Walker voted to accept. The motion to Deny passed 9/3/2**
 - e. **2021-048, Deborah Cohen v. Parkside Condominium**–**Commissioner Gardner** moved to **Accept** jurisdiction and **Commissioner Myo Khin** seconded. After discussion, **the motion was carried by the Commission. Commissioners Fine and Steinbach recused as they were involved in the mediation, Commissioners Gelfound and Walker voted to deny. The motion to Accept passed 10/2/2**
 - f.
5. **Decisions & Orders Issued:**
- a. **#2020-050 Carl Brown v. Americana Finnmark Condominium.** Enclosed in packet
6. **Decisions & Orders on Appeal:**
- #2019-038, Kenny v. Council of Unit Owners of Cherington Condominium** – assigned to Administrative Appeal, Judge Lease. Distributed later that evening by email. **No update**
- #2021-004, O'Neill v. 8101 Connecticut Avenue Condominium** (Oral Hearing on June 9, 2021) **No update**
7. **County Attorney's report:** Advised Commission that amended 10-B was being circulated to the Commission for comment.
8. **DHCA status report:** The financial report case statistics for April 2021 was attached and discussed. There was also a discussion of resuming in person meetings and hearings in the near future as COVID-19 rules relax.
9. **Chairman's Report:**

The report is attached to this package. The Chair officially welcomed Jennifer Bennett as a Commissioner with her partial term of 1/22, she is then eligible to serve 2 full terms after that. Erik Herron and Susan Nerlinger were ratified on 5/1 and are serving their 1st full term which ends on 1/31/24. Christine Seabold who was ratified on 5/25, also is serving her 1st full term which ends on 1/31/24. Hon. Marvin Holmes Jr. will be ratified on June 15.

The new Commissioners will be doing the new Commissioner training with Walter Wilson, Esq. You will get that info. in the morning.

There was a discussion regarding the City of Gaithersburg and advising that the Council voted on 5/17/2021 5-0 to opt into the CCOC no later than 7/1/2022. Any Association may join earlier than that date but must join by 7/1/2022.

The Chair read the 30th anniversary proclamation that was to be given on 6/22/2021 to those in attendance.

The Chair asked all commissioners to review the changes to 10-B, to see if we have anything we have missed in the amendments.

There was a discussion regarding the handling of Hearings, Mediations etc. via Zoom, and if we want to continue with status quo, hybrid, etc. in the future. There was a discussion of the commissioner bio's being posted to the website, and the recent "attacks" against the Commissioners and Panel Chairs. The discussion ensued as to removing the bio, but listing the category of the Commissioner and dates of terms. Commissioner Gelfound moved, that we edit the bio's on the Website to only show the Start Date, End Date, if they are Professional and Residential, and if they serve as committee chair or vice chair. The motion carried, with Commissioners Gardner and Seabold voting nay, and Commissioner Walker not available to vote.

The Chair and Vice Chair are asking for volunteers to assist with the CAI booth at the expo.

Vice Chair Gelfound thanked Commissioner Smith for organizing the Reserve webinar on the 22nd.

Committee reports:

- **Education Outreach Committee** – None
- **Executive Committee** –
 - The committee met just prior to the Commission meeting to discuss the City of Gaithersburg proposal. We will be coming back to the full Commission with details shortly.
 - Discussed townhall and CAI Expo. As well as the proclamation.
 - Please send your comments or questions on 10-B to Staci and Mark.
 - There was a discussion regarding staying in zoom thru the end of summer and transitioning to hybrid at the end of the summer. (September) **Commissioner Gelfound** moved to continue to hold hearings, mediations, and meetings by zoom thru the end of summer and transitioning to hybrid at the end of the summer. (September) and **Commissioner Smith** seconded. After discussion, **the motion was carried by the Commission, with a vote of 12-2 in favor. Commissioners Gardner and Seabold opposing.**

10. Old Business

- none

11. New Business-

- none

12. **Adjournment:** Meeting adjourned at 9:02 pm.

Next meeting: Wednesday, July 7, 2021 at 7:00pm via zoom