

COMMISSION ON COMMON OWNERSHIP COMMUNITIES

Minutes of the Monthly Meeting

Via Zoom Audio-Visual Conference

Wednesday July 7, 2021

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:02 pm by Chairman Mark Fine. The Chair took the opportunity to have the Commissioners, Panel Chairs, DHCA and Ex-Officio's introduce themselves to the audience.

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

Commissioners absent: GELFOUND, (sent notice)

Staff present WALTER WILSON, ESQ. ASSOCIATE COUNTY ATTORNEY; Staff: IFE FABAYO, Investigator, and FRANK DEMARAIS, Deputy Director

Guests: Panel Chairs, Jeffrey Hamberger, Esq., Rene Sandler, Esq., EX-OFFICIO RAND FISHBEIN, PhD, Helen Davies, Kenwood Forest Condominium, Tesh Diriba, GPIV, Joseph Moeller, Eccleston & Wolf, P.C., John Hansman, New Mark Commons Homes Assn, Tammy Growth, Home owner, Joaquin Trejo, Longmead Crossing CSA, Jack Rich, Leisure World of Maryland Mutual Eleven, Raymond Burke, Baker Donelson, Angelique Brady, Greencastle Lakes CSA, Ephraim Harel, The Forum Condominium, Jo Bilanin, Tanterra HOA homeowner, Jennifer Errichetti, Owner Glen Way Gardens

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1. **Approval of Minutes:** After discussion, Commissioner Smith moved to approve the minutes of the June 2021 monthly meeting. Commissioner Bennett seconding. The motion was approved by unanimous consent.
 2. **Community Forum:** No one in the audience had questions, therefore
 3. **Submission of disputes for Commission consideration: Jurisdiction – Default cases:**
 - a. **#2021-064, Greencastle Lakes vs. Brady.– Commissioner Anderson** moved to **Accept** jurisdiction and **Commissioner Walker** seconded the motion. After discussion, **the motion to Accept was carried by the Commission**, with **Commissioner Nerlinger** Abstaining.
 - b. **#2021-070, Longmead Crossing CSA vs. Trejo, et al.– Commissioner Bennett** moved to **Accept** jurisdiction and **Commissioner Anderson** seconded the motion. After discussion, **the motion to Accept was carried by the Commission**, by unanimous consent.
 - c. **#2021-071, Longmead Crossing CSA vs. Sands.– Commissioner Myo Khin** moved to **Accept** jurisdiction and **Commissioner Bennett** seconded the motion. After discussion, **the motion to Accept was carried by the Commission**, by unanimous consent.

- d. **#2021-072, Longmead Crossing CSA vs. Arjukese.**— Commissioner Anderson moved to Accept jurisdiction and Commissioner Walker seconded the motion. After discussion, **the motion to Accept was carried by the Commission**, by unanimous consent.
- e. **#2021-074, Longmead Crossing CSA vs. Phillpotts.**— Commissioner Walker moved to Accept jurisdiction and Commissioner Myo Khin seconded the motion. After discussion, **the motion to Accept was carried by the Commission**, by unanimous consent.
- f. **#2021-075, New Mark Commons HOA vs. Curry.**— Commissioner Bennett moved to Accept jurisdiction and Commissioner Smith seconded the motion. After discussion, **the motion to Accept was carried by the Commission**, by unanimous consent.
- g. **#xxxx-xxx, Fox Chapel North Homes Association, Inc. vs. Baldomar.**— Pulled from docket

4. **Jurisdiction - Contested cases:**

- a. **#2021-025, Blackmon vs. Park Sutton Condominium.**— Commissioner Gardner moved to Accept jurisdiction and Commissioner Herron seconded the motion. After discussion, **the motion to Accept was carried by the Commission**, with Commissioner's Fine, Anderson recusing (at mediation), Commissioner Bennett abstaining due to prior involvement with the community and Commissioner Walker abstaining.
- b. **#2021-033, Errichetti vs. Glen Waye Gardens Condominium.**— Pulled from Docket due to missing documents in packet.
- c. **#2021-068, Ugel vs. The Forum Condominium** - Commissioner Gardner moved to Accept jurisdiction and Commissioner Smith seconded the motion. After discussion over the merits of the case **the motion was carried by the Commission**. Commission Chair Fine and Commissioner Steinbach recused as they were involved in the mediation.
- d. **2021-058, Dugan v. Kenwood Forest Condominium**— **MOTION FOR RECONSIDERATION** Commissioner Walker moved to **DENY** the **MOTION FOR RECONSIDERATION** and Commissioner Smith seconded the motion. After discussion, **the Commission voted**. Commissioners Fine and Anderson recused as they were involved in the mediation, and Commissioner Holmes Abstained, (Commissioner Seebold was not present for the vote). The motion to Deny passed 9/1/3

5. **Decisions & Orders Issued:**

- a. **One under review (to be mentioned in County Attorney Report.)**

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: Kings Farm Citizens Assembly V Siegel is currently under review.** Advised Commission that amended 10-B was being circulated to the Commission for comment. Chair advised should be ready for presentation to everyone by August meeting.
- 8. **DHCA status report:** The financial report case statistics for June 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 Honorable Marvin Holmes, Jr. as a Commissioner, his 1st full term which ends on 1/31/24. With the exception of Commissioner Holmes, all Commissioners have completed their new Commissioner training with Walter Wilson, Esq. Commissioner Holmes will set his up with Mr. Wilson.

The Chair will ensure all commissioners can access the CMS system and will set up training on how to enter the system and maneuver it. The Chair will also schedule a training session on hearing exhibits and logging the documents into the system.

The Chair discussed the Reserve Bill HB-567 webinar which took place on 6/22. There were approx. 550 attending the webinar at one point or another with approx. 450 on the call at one time.

There was a discussion regarding the City of Gaithersburg and a tutorial being prepared for registration and how to maneuver our website.

There was a discussion of developing new webinars including one on HO-6 insurance as well as ensuring everyone was educated on the reserve bill.

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

10. **Committee reports:**

- **Education Outreach Committee** – None
- **Executive Committee** – None

11. **Old Business**

- none

12. **New Business-**

- none

13. **Adjournment:** Meeting adjourned at 8:42 pm.

Next meeting: Wednesday, August 4, 2021 at 7:00pm via zoom