

COMMISSION ON COMMON OWNERSHIP COMMUNITIES

Minutes of the Monthly Meeting

Via Zoom Audio-Visual Conference

Wednesday September 1, 2021

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:02 pm by Commission Chair Mark Fine.

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

Commissioners absent: None (one Vacancy)

Staff present WALTER WILSON, ESQ. ASSOCIATE COUNTY ATTORNEY; Staff: IFE FABAYO, INVESTIGATOR, OCOC, FRANK DEMARAIS, DEPUTY DIRECTOR, DHCA, NICOLETTE FAHS, OFFICE SERVICES COORDINATOR, OCOC.

Guests: Panel Chairs, Jeffrey Hamberger, Esq., Rene Sandler, Esq., Shuaa Tajammul, Esq. EX-OFFICIO RAND FISHBEIN, PhD, Jacquie Roberts, Waterford Place HOA, Frank Luncheon, Aurora HOA, AJ Campbell, Roanoke Condo, Ronald Ely, Dufief HOA, Jim Cagley, Esq., Tanterra HOA, Barry Jackson, King Farm CA, Donnie Simpson, King Farm CA, Tesh Diriba GPIV, Christine Tetrault, Mutual 19A, LW, Jack Rich, Mutual 11, LW

1. Prior to getting into the business of the meeting, Chairman Fine spoke briefly, thanking all who sent cards and wished over the tragic loss in his wives family.
2. **Approval of Minutes:** Commissioner Anderson moved to approve the minutes of the August 2021 monthly meeting. Commissioner Bennett seconding. Commissioner Smith Called for discussion. (Tape 19:04:02-19:14:04) The Discussion included Commissioners Smith, Seebold, Gelfound, (mainly) involving two (2) issues, the first (1) was the issue regarding Ms. Seebold being marked **absent for votes in the July meeting**. With regards to the **August meeting**, there was discussion involving a proposed amendment to 10-B. Commissioner Anderson and Commissioner Bennett both agreed to amend their motion to approve the minutes with the understanding that the July and August tapes would be reviewed and any corrections based on that review would be reflected in the September minutes. All Commissioners agreed to the Motion with the exception of Commissioner Nerlinger who voted "Nay", Chairman Fine voted "Yea" for the motion but also stipulated he could not vote for the approval of the minutes as he was not present at the August meeting. A review of the July Tape reflects the following: Although, Ms. Gelfound was reflected as "absent" in the minutes for July, The votes for jurisdiction did not indicate she was absent, when the phrase "unanimous consent" was used. In addition, in the 1st case, 2021-064, Ms. Nerlinger was recorded as Abstaining, her vote should have been recorded as "not voting" as she did not respond on tape to the vote. Regarding case 2021-058, which was in dispute, Ms. Seebold was in fact recorded correctly as "Nay" in the motion to deny jurisdiction, All Commissioners votes were recorded correctly, but as there were only 14 Commissioners present, the final tally should have reflected 9/1/2/2 not 9/1/3/2. Ms. Seebold as previously stated voted nay, Commissioners Holmes and Steinbach abstained, and Commissioners Anderson and Fine recused, as they were in the mediation. No votes reflected Ms. Seebold as absent. A review of the August Tape reflects that the recording "starts" with Vice Chair Gelfound stating "Were there any other changes other than those two (2) I noted?, hearing none, was there a motion to approve with the amendments, Commissioner Anderson Approved, Commissioner Smith made the Second, All voted in favor, with no "Nay".

3. **Community Forum:** There were several questions from the audience, one involved the Roanoke Condominium. The resident was encouraged to have someone file a formal complaint with the Commission so that the OCOC (Office of Common Ownership Communities) could proceed. There was also a discussion involving Mutual 19A, (Case 2021-077) and the Chair advised that we would be “pulling the case from the docket” momentarily, due to procedural errors.
4. **Submission of disputes for Commission consideration: Jurisdiction – Default cases:**
 - a. **#2021-077, Zaker v. Mutual 19A of Leisure World Condominium, Inc.– Commissioner Gelfound** moved to **remove the case from the docket and send it back to staff, due to improper service** and **Commissioner Smith** seconded the motion. In addition to thirty (30) day clock would be reset to start effective 9/1/2021, **the motion to Accept was carried by the Commission**, by unanimous consent.
 - b. **# 2021-090, Longmead Crossing CSA v. Oritiz.– Commissioner Bennett** moved to **Accept** jurisdiction and **Commissioner Myo Khin** seconded the motion. After no discussion, **the motion to Accept was carried by the Commission**, by unanimous consent.
5. **Jurisdiction - Contested cases:**
 - a. **#2021-080, Simpson v. King Farm Assembly – Commissioner Smith** moved to **Accept** jurisdiction and **Commissioner Murthy** seconded the motion. After discussion, **the motion to Accept was carried by the Commission**, for “failing to Properly Notice a Meeting”, The Motion to Accept Jurisdiction was **carried by the Commission**, with **Commissioners Bennett, Myo Khin and Gelfound** voting against the motion, and **Commission Fine** recusing. **10/3/1**
 - b. The Chair discussed the following cases:
 - **#2021-064, Longmead Crossing CSA v Angelique Brady #2021-070, Longmead Crossing CSA v. Trejo, et al.**
 - **#2021-074, Longmead Crossing CSA v. Phillpotts**
 - **#2021-092, Longmead Crossing CSA v. Soto, et al.**

These cases were previously accepted by the Commission as Default Cases but have since been closed based on the information contained in each case summary.
6. **Decisions & Orders Issued:**
 - a. **#2021-055 Williams v Greens II of Leisure World**
7. **Decisions & Orders on Appeal:**

#2021-004, O’Neill v. 8101 Connecticut Avenue Condominium – Decision & Order Pending
8. **County Attorney’s report** **No Report**
9. **DHCA status report:** The financial report case statistics for August will be circulated by staff,
10. **Chairman’s Report:** In the package
11. **Committee reports:**
 - a. **Education Outreach Committee** – Commissioner Gelfound commented that she and the Chair would be reaching out to the Commissioners on assignments.
 - b. **Executive Committee** – None
12. **Old Business:** None
13. **New Business:** None

14. **Adjournment:** Meeting adjourned at 8:30 pm.

Next meeting: Wednesday, October 6, 2021 at 7:00pm via zoom