

COMMISSION ON COMMON OWNERSHIP COMMUNITIES

Minutes of the Monthly Meeting Via Zoom Audio-Visual Conference **Wednesday June 1, 2022**

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:04 pm by Commission Chair Walker.

Commissioners present: [10] ANDERSON, HERRON, HOLMES, MOORE, MURTHY, NERLINGER, SEEBOLD, SMITH, STEINBACH, AND WALKER.

Commissioners absent: None (Five (5) Vacancies)

Staff present Walter Wilson, ESQ. ASSOCIATE COUNTY ATTORNEY; Staff: IFE FABAYO, INVESTIGATOR, OCOC (presenting), Mark Anders, Investigator, Frank Demarais, Deputy Director, DHCA, OCOC,

Guests:

Selamawit Deffar, Frank Luncheon, Frank Luncheon, Jerry Sachs, Ursula Burgess, Esq., Jim Cagley, Esq, Richard Binder, Wanda Boveja, Ruby Tang, Marek Kotelba, JO ELLEN BILANIN, Barry Jackson, Tesh Diriba, and SHARON PARKER

Facilitator M Fine, Panel Chair

1. **Proof of Quorum:** There being 10 Commissioners Present the meeting was called to order, by a motion of Vice Chair John Smith, with Commissioner Kris Murthy seconding the motion.
2. **Welcome and Introductions:** The Chair welcomed all in attendance, and had all Commissioners and staff introduce themselves.
3. **Approval of Agenda:** Vice Chair John Smith, with Commissioner Kris Murthy seconding the motion. All voted in favor and the motion carried.
4. **Approval of Minutes:** Commissioner Holmes moved to approve the minutes of May 4, 2022 monthly meeting. Commissioner Anderson seconded. All voted in favor and the motion carried.
5. **Community Forum:** There were no questions from the audience during the open forum.
6. **Report of the Chair:** The Chairwoman thanked everyone for their support during the 1st six (6) months of her tenure and gave a brief overview of the Commissions progress.

7. **Submission of disputes for Commission consideration: Jurisdiction –**

#2022-025, Longmead Crossing CSA v. Evans, et al. – Immediately after staff concluded with presentation of the case, the County Attorney discussed the “Summary Page” and the fact that the current statement written in “Exhaustion of Association Remedies” does not provide a full and accurate picture to the commission. The County Attorney stated that the statement should say “The Association provides a procedure for dispute resolution and then say that the Association remedies have been in fact exhausted”. He further explained that a party is not to file a case with the CCOC until it has made a good faith effort to

exhaust its remedies. There was discussion as to the remainder of the cases and if the exhaustion of remedies had been met. Mr. Anders stated they had, and Mr. Wilson stated that he would be satisfied and the cases could proceed.

Commissioner Smith moved **Accept Jurisdiction of the case** and **Commissioner Herron** seconded the motion. Commissioner Seebold raised a question if all of the remedies had been exhausted. Commissioner Seebold and Commissioner Herron had a dialogue regarding the exhaustion of remedies. Mr. Wilson referred to Self Help and how it pertains in §10-B, 9 (b), and that it refers to the Associations “formal” resolution Procedures not “self help” remedies”. Commissioner Nerlinger stated that the Documents give the Association the option to remedy the “problem” but does not require it. The Chair asked Commissioner Seebold if she was satisfied with the County Attorneys explanation, the Commissioner was.
The motion was carried by the Commission, by unanimous consent.

#2022-061, Yegher v. North Village Homes Association – Commissioner Anderson moved **Accept Jurisdiction of the case** and **Commissioner Smith** seconded the motion. Commissioner Anderson in discussion raised the question as to why this case did not have mediation scheduled, within the 90 day window. The Chair asked Commissioner Anderson if the question could be addressed after the cases were presented, Commissioner Anderson agreed.
The motion was carried by the Commission, by unanimous consent.

#2022-075, Hallowell Homeowners Association, Inc. v. Parker, et al. – Commissioner Anderson moved **Accept Jurisdiction of the case** and **Commissioner Herron** seconded the motion.
The motion to accept the case was carried by the Commission, by unanimous consent.

#2022-077, Tang v. Somerset House, A Condominium- Prior to calling for the vote, the County Attorney suggested that based on the way the summary was written, the Commission does not have jurisdiction on the matter. He then went on to explain his reasoning. Commissioner Holmes asked what other remedies a person has if the CCOC does not take jurisdiction. Mr. Wilson went on to explain the reasons we can take jurisdiction on cases. Mr. Wilson is based his statement solely based on the summary. Mr. Anders stated Ms. Tang claimed 10 things in her complaint that were violations. He went on to discuss various motions etc. in the file. Commission Anderson raised the question of why mediation was not performed. Commissioner Herron, asked to view page 54 of the complaint. (17 items to be remedied) Mr. Wilson stated that the items referenced on page 54 pointed out by Commissioner Herron, were not available to him, and that tonight, this is the 1st time he has had the opportunity to review them. Based on this information, he withdraws his original statement.

Commissioner Herron moved to **Accept Jurisdiction of the case** and **Commissioner Anderson** seconded the motion. Being no further discussion,
the motion was carried by the Commission.

DECISIONS AND ORDERS ISSUED

#2022-054, Otto v. Kenwood Place Condominium (in packet)

Mr. Anders gave a synopsis of why the 3 cases this evening did not go to mediation with in the 90 day requirement. The Chair asked Mr. Anders to hold his comments momentarily.

DECISIONS AND ORDERS ON APPEAL (in Circuit Court for Montgomery, MD)

Staff gave a brief update on the two cases below.

#2021-033, Errichetti v. Glen Way Gardens Condominium

#2021-013, Kotelba v. King Farm Citizens Assembly (Petition filed on May 18, 2022)

7. County Attorney's Report – The County Attorney stated that he had 3 or 4 Decisions and Orders that he is reviewing.

8. DHCA Staff Report

The Chair reopened the discussion with regards to mediation and the missed 90 day mediation deadlines. She then asked Commissioner Anderson if she wished to follow up on her question after the statement Mr. Anders made. Commissioner Anderson replied that she was surprised and curious why some cases can get to mediation and some the answer was “we simply ran out of time”. Mr. Anders gave a response on behalf of the office. There was a discussion on the guidelines regarding mediation and what should happen in the future.

Report Quarterly – Mr. Demarais presented the report for the quarter. Commissioner Holmes complimented the staff on the detail of the report. Commissioner Anderson asked that the report be presented a month behind so that the Commission can review in detail in plenty of time for the meeting.

9. Vice Chair & Committee Reports The Vice Chair announced that there were 2 possibly 3 reports this evening.

A. Education – The Committee Chair presented her **report orally (attached to the packet.)** There was a discussion to returning to live classroom training.

B. Communications Committee – **Report Provided and read orally The 2 documents presented were recommended to be placed on the website. Commissioner Anderson moved to accept the documents on behalf of the Commission and Commissioner Smith seconded the motion. The motion was carried by the Commission, by unanimous consent.**

C. Gaithersburg Task Force- No Report

D. Legislative/Policies and Procedures – No Report

E. Budget and Information Technology – Ad-hoc No Report

F. Nominating Committee.- Commissioner Holmes reported that interview will be scheduled, there are 4 professionals and 3 residential vacancies. He also stated that there are 25 applicants. The schedule and timeline will be set up asap.

10. UNFINISHED BUSINESS None

11. NEW BUSINESS None

12. GOOD OF THE ORDER The Commission Chair thanked everyone for their continued assistance to the Commission, as well as the Director for their participation. She also recommended that everyone look at the “magic book” a 28 day rewarding gratitude book.

13. ADJOURNMENT: Commissioner Smith moved to **adjourn the meeting; Commissioner Anderson**

seconded the motion. All in favor. Meeting adjourned at 8:43 pm.

THE NEXT MONTHLY MEETING WILL BE ON JULY 6, 2022

Zoom invitations have been sent

