

# COMMISSION ON COMMON OWNERSHIP COMMUNITIES

## Minutes of the Monthly Meeting Via Zoom Audio-Visual Conference **Wednesday August 3, 2022**

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:02 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)

**Guests:**

Frank Luncheon, Jim Cagley, Esq, Ruby Tang, Marek Kotelba, Jo Ellen Bilanin, Tesh Diriba, Joe Davie, Jerry Sachs, Jacqueline Roberts, Marek Kotelba, and Kathryn Reback,  
Facilitator John Smith, Terry Anderson

1. **Proof of Quorum:** There being 10 Commissioners Present the meeting was called to order, by a motion of Chairwoman Walker.
2. **Welcome and Introductions:** The Chair welcomed all in attendance, and had all Commissioners and staff introduce themselves.
3. **Approval of Agenda** Commissioner Anderson moved to accept the agenda, with Commissioner Moore seconding the motion. All voted in favor and the motion carried.
4. **Approval of Minutes:** Commissioner Smith moved to approve the minutes of June 1, 2022 monthly meeting. Commissioner Anderson seconded. All voted in favor and the motion carried.
5. **Community Forum:** Marek Kotelba from King Farm, had a question regarding the Decision and Order database. He wanted to know when the data base for D/O will be updated. The Commission is in the process of updating the data base. The Chairwoman deferred to Ms. Steinbach. Ms. Steinbach is working to correct the data base, but the search of the cases is on the website. These was a misstatement by community members, if you go “search index” on the law page .



## Law Library

All boards of directors should be familiar with their community's governing documents, i.e. their Articles of Incorporation, Declaration, Covenants & Restrictions, Bylaws, and Rules. They should not rely on these documents alone, however, because some sections may have been superseded by amendments to County and State law. Boards of directors should consider the totality of laws regulating their actions. This library offers links to the most frequently referenced material.

### Commission on Common Ownership Communities

1. Staff's Guide to the Procedures and Decisions of the CCOC **NEW**
2. Decisions & Orders of the Commission
  - From 2006 until 2014
  - Searchable Index
3. Default Judgment Procedures
4. Policy on Exhaustion of Remedies
5. Procedures for Motions to Lift an Automatic Stay

6.

7. **Report of the Chair:** The deferred her report to Commissioner Herron. Commissioner Herron discussed case 022-041 which was accepted by the Commission earlier in the year. The Complainant passed away before the case was heard, the property sold, therefore the case is moot. Staff will notify parties.

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

**#2022-078, Scappini v Churchill Village South HOA –Commissioner Smith** moved **Accept Jurisdiction of the case** and **Commissioner Murthy** seconded the motion. Commissioner Herron raised a question as to if the Commission had jurisdiction. Mr. Wilson advised that the Commission has jurisdiction as all remedies with the Association have been exhausted.  
**The motion was carried by the Commission, by unanimous consent.**

**#2022-079, Legler v Park Overlook HOA– Commissioner Anderson** moved **NOT ACCEPT Jurisdiction of the case** and **Commissioner Holmes** seconded the motion All Agreed agreed.  
**The motion was carried by the Commission, by unanimous consent.**

### DECISIONS AND ORDERS ISSUED

No updates

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

No Updates

**7. County Attorney's Report – No Report** The Chairwoman asked if the Commission had any questions for the County Attorney, there were none.

### **8. DHCA Staff Report**

The report was in the Commission packet for review.

**9. Vice Chair & Committee Reports** The Vice Chair thanked the staff for getting the report out on time.

A. Communications Committee –**No Report**

B. Education – The Committee Chair presented her report orally, she mentioned the EV Solar seminar. The Committee is getting people prepared to serve as trainers to conduct Director Training. They are also working on review of the Budget Reserve seminar. The Chairwoman asked that the Budget seminar review be shared with Commissioners Herron and Holmes. The Chairwoman would like to schedule a large in person training.

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 gave an update on the status of interviews

**10. UNFINISHED BUSINESS** None

**11. NEW BUSINESS** None

**12. GOOD OF THE ORDER** Commissioner Smith thanked Commissioner Anderson for facilitating the meeting tonight. All Commissioners were encouraged to assist in the facilitation

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

. All in favor. Meeting adjourned at 7:59 pm.

**THE NEXT MONTHLY MEETING WILL BE ON September 7,  
2022**

**Zoom invitations have been sent**