

COMMISSION ON COMMON OWNERSHIP
COMMUNITIES

Wednesday January 4, 2023

Minutes

Via Zoom Audio-
Visual Conference

The January 4, 2023, Commission on Common Ownership Communities meeting was called to order at 7:03 pm by the Chairwoman, Cheryl Walker

14 Commissioners present:

Walker, Chair; Smith, Vice Chair; Anderson; Herron, Holmes; Moore; Murthy; Steinbach; Seebold; Nerlinger; Freeman; Hayes; Mezey; Zmuda & *(One “Professional” Vacancy)

Commissioners absent:

None

Staff present

Ife Fabayo, COC Investigator; Mark Anders, Esq., COC Investigator; Nicolette Fahs, Office Services Coordinator, Nicolle Katrivanos, Acting Director of DHCA
Walter Wilson, Esq. Associate County Attorney

Guests:

Pir Ahmad, Elisa Elfasi, Yen-Den Chan, James Lattanzio, Ronald Ely, Frank Luncheon, David Gardner, Esq., Mekedes Melese, Nocole Williams, Esq, Jo Ellen Bilanin, Farah Vezvae, Jim Caglee, Esq., Yonathan Ambaye.

-
1. **Proof of Quorum:** All Fourteen (14) Commissioners Present, Ten (10) current and Four (4) new Commissioners.
 2. **Welcome and Introductions:** The Chairwoman welcomed all in attendance and had all current and new Commissioners and staff introduce themselves.
 3. **APPROVAL OF THE AGENDA:** V. Chair motioned to amend the agenda switching items 5 and 6; Commissioner Nerlinger 2nd the notion; the motion carried unanimously
 4. **Approval of Minutes:** Commissioner Anderson moved to approve the November 2022

CCOC MEETING MINUTES FOR JANUARY 4, 2023

Minutes; Commissioner Holmes' 2nd the motion; the motion passed unanimously

5. **Election-** Both Chairwoman and Vice Chair were reelected by acclamation. Commissioner Moore moved; Commissioner Holmes 2nd the motion; the approval by acclamation carried unanimously** **New Commissioners were advised by Attorney Wilson in accordance with 10-B they would not be allowed to assist with taking actions until they completed all necessary requirements. *****
6. **Community Forum:** No questions were submitted by constituency.
7. **Report of the Chair:** Chairwoman provided an overview of the 2022 Commission success and thanked all the Commissioners for their contributions
8. **OFFICE REPORT:** Ms. Katrivanos, COC Interim Manager would like to adopt a new procedure that would involve: 1) requiring investigators to present each case; 2) the investigators would then propose a date for the hearing; and 3) they would like the Commissioners to volunteer to serve on that hearing panel as each case is accepted. This is an effort to speed up the process of Panel selection. This is the process COLTA uses successfully (The Commission on Landlord Tenant Affairs). New Commissioners are being requested to observe upcoming hearings to get acclimated with the procedure, and protocols for participation the future hearings and other cases coming before the Commission.
 - After discussion on start times for hearings, The Chair suggested an ad-hoc committee to further explore this process. She asked that the committee conclude the discussions by January 25th. The special Ad Hoc committee will only look at the process, and hours for hearings. The OCA advised we could not set a max. time for hearings but could set time limits on the particular date and then if not concluded, an additional date could be added if the hearing was not concluded in one day. The Chair asked Commissioner Seebold to chair the special Ad Hoc committee which has a specific duty to make improvement recommendations to the Commission.
9. **Submission of disputes for Commission consideration: Jurisdiction –**

DISMISSALS

#2023-024, O'Neill v. Falls Farm Homes Corporation, Inc.

Commissioner Anderson moved to dismiss and not accept jurisdiction of the case; Commissioner Smith 2nd the motion; the motion to dismiss was carried unanimously

#2023-022, Hidden Creek HOA v. Shepard

Commissioner Holmes moved to dismiss and not accept jurisdiction of the case; Commissioner Murthy 2nd the motion; the motion to dismiss was carried by the Commission

unanimously, with Commissioner Anderson abstaining.

#2023-023, Hidden Creek HOA v. Brill

Commissioner Moore moved to dismiss and not accept jurisdiction; Commissioner Holmes 2nd the motion; the motion to dismiss was carried unanimously, with Commissioner Anderson abstaining.

#2023-017, Webber v. Carolyn Condominium Association

Commissioner Anderson moved to dismiss and not accept jurisdiction; Commissioner Smith 2nd the motion; a roll call vote was called; the motion to dismiss was carried by 10 Commissioners, with Commissioners Moore and Nerlinger voting nay.

DEFAULT CASES

#2022-025, Longmead Crossing CSA v. Evans

Commissioner Anderson moved to accept jurisdiction of the case; Commissioner Holmes 2nd the motion; the motion carried unanimously

#2023-001, Longmead Crossing CSA v. Amores

The office removed this case due to administrative issues.

#2023-020, Nega v. Pineway Towers Condominium

Case removed per the office due to mediation attempt.

CONTESTED CASES

#2022-058, Timberlawn South Tuckerman Walk v. Hartz

Commissioner Anderson moved to accept Jurisdiction of the case, as it falls within the Commissions jurisdiction. and Commissioner Moore seconded the motion. The Chair called for discussion and there was a brief discussion of the “Doctrine of Laches”, Mr. Wilson explained that the Doctrine of laches is based on “the delay in asserting a claim”, the motion to accept was carried by the Commission, by unanimous consent.

#2022-010, Kifle v. Pineway Towers Condominium

Commissioner Smith moved to accept Jurisdiction of the case, as it falls within the Commissions jurisdiction. and Commissioner Anderson 2nd the motion carried with 11 yay and 1 abstention Commissioner Steinbach Abstaining, as she was the mediator.

#2023-012, Zukerberg v. Promenade Towers Mutual Housing

Commissioner Anderson moved to accept Jurisdiction of the case, Commissioner Holmes 2nd the motion the motion carried by unanimously

#2023-014, Chaney v. Key West Condominium

Commissioner Anderson moved to deny jurisdiction of the case, Commissioner Holmes 2nd the motion; The motion to dismiss was carried unanimously.

#2023-026, Ahmad v. Oak Springs Townhome Assoc.

Commissioner Anderson Motioned to deny jurisdiction; Commissioner Holmes 2nd the motion, the motion carried unanimously.

DECISIONS AND ORDERS ISSUED

None to be addressed

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

Information on these cases are provided to Commissioners in advance of the meeting

#2021-013, Kotelba v. King Farm Citizens

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

10. County Attorney's Report –

Attorney Wilson discuss automatic removal for absenteeism as per Section 2-148 of the Code. Commissioners will be automatically removed upon three consecutive absences. To be reinstated permission must be proved by the County Executive.

11. Vice Chair & Committee Reports – The Vice Chair thanked all the Committees for their hard work and requested new Commissioners to join a Standing Committee.

- | | |
|---|------------------------|
| • Gaithersburg Task Force - | No Report |
| • Education – | Report Attached |
| • Nominating Committee - | No Report |
| • Legislative/Policies and Procedures - | No Report |
| • Communications Committee - | No Report |

12. DHCA Staff Report

- No report

13. UNFINISHED BUSINESS

- No Unfinished Business

14. NEW BUSINESS

- No New Business

15. GOOD OF THE ORDER

16. ADJOURNMENT: Commissioner Anderson, Motioned and Commissioner Holmes 2nd all were in Favor of Adjournment at 9:57 pm.

**THE NEXT MONTHLY MEETING WILL BE ON
February 1, 2023**

**Zoom invitations have been sent and are the same for
the remainder of the year.**