

COMMISSION ON COMMON OWNERSHIP COMMUNITIES

Minutes of the Monthly Meeting Via Zoom Audio-Video Conference **Wednesday, May 3, 2023**

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

Commissioners present: [12] Anderson, Freeman, Hall, Hayes, Holmes, Mezey, Moore, Seebold, Smith, Steinbach, Walker and Zmuda.

Commissioners absent: Nerlinger (excused due to technical difficulties)

Staff present: Walter Wilson, Esquire, County Attorney; Ramon Espin, Manager; Mark Anders, Investigator; Peter Atta, Investigator; Ife Fabayo, Investigator

Other panelists: Mark Fine, panel chair; Rand Fishbein, ex-officio commissioner

Guests: Dorothy Legette, Barry Jackson, Bhisham Ashani, David Chang, Frank Luncheon, Jacquie Roberts, Jim Cagley, Ulani Prater Gulstone Esq., Sheila Jenkins-Diaz.

1. **Proof of Quorum and Welcome:** There being 12 Commissioners present, the meeting was called to order. The Chair welcomed all in attendance.
2. **Approval of Agenda:** Commissioner Steinbach suggested adding the Communications Committee report to the Committee Reports. Commissioner Anderson moved to approve the May 3, 2023, agenda as amended, and Commissioner Mezey seconded. With no objections, the agenda was approved.
3. **Approval of Minutes:** Commissioner Anderson moved to approve the April 12, 2023 minutes, and Commissioner Mezey seconded. There were no objections, so the minutes were approved.
4. **Community Forum:** There were no questions from the audience during the open forum.
5. **Chairwoman's Report:** Commissioner Walker thanked Mr. Atta for the April meeting minutes and Commissioner Freeman for taking on Secretary duties. A certificate of recognition for Commissioner Murthy will be sent to his family. Mr. Espin's meeting with City of Gaithersburg officials was productive and positive.
6. **Submission of disputes for Commission consideration:** Jurisdiction – Mr. Anders presented the following cases to the Commission:

2023-039, Longmead Crossing CSA v. Young Doo Hyon – Commissioner Smith moved to **accept jurisdiction** of the case and Commissioner Anderson seconded the motion. The **motion was carried by the Commission**, by unanimous consent.

#2023-013, Nwosu v. Leesborough Homeowners Association, Inc. – Commissioner Mezey moved to **deny jurisdiction** of the case and **Commissioner Smith** seconded the motion. The **motion was carried by the Commission**, by unanimous consent. Commissioner Steinbach recused.

#2023-037, Chang v. Hunting Woods HOA – Commissioner Zmuda moved to **deny jurisdiction** of the case and **Commissioner Moore** seconded the motion. The **motion was carried by the Commission**,

by unanimous consent.

#2023-026, Asnani v. Lakeforest Glen HOA – Commissioner Anderson moved to accept jurisdiction of the case, and Commissioner Freeman seconded the motion. The motion was carried by the Commission, by unanimous consent.

7. Decisions and Orders Issued – There were no decisions and orders issued.

8. County Attorney's Report – Mr. Wilson reported that there were two or three pending decisions and orders to review.

9. DHCA Staff Report –

- a.) Manager stated a statistical report will be generated in June and may be available for the July meeting.
- b.) Manager stated that staff has seen a number of Lift Stay reports in the past month, citing three in the Agenda that had been decided.
- c.) Manager stated the Maryland appellate court remanded Case #2019-038 Heather Kenney v. Council of Unit Owners of Cherington Condominium back to the Commission; the Commission needs to establish a hearing panel to review documentation so a revised decision can be submitted. Mr. Wilson stated that, ideally, the previous panelists would be seated to make the revised decision, and Commissioner Walker suggested commissioners email Mr. Espin with any questions.
- d.) Staff and Commissioners discussed improving the efficiency of the hearing panel assignment process. Commissioner Walker moved that **Commissioners be selected as panelists during Commission meetings after indicating their availability for upcoming hearing dates.** The motion carried, with Commissioners Moore, Freeman, Smith, Steinbach, Holmes, Hall, Zmuda, Mezey, Hayes and Walker in favor, and Commissioners Seebold and Anderson opposed.

10. Committee Reports

- a.) Education – Commissioner Walker referred commissioners to the Education Committee report contained in the meeting packet
- b.) Communications – Commissioner Steinbach reported that IT had replaced and updated web pages, including information about condominium insurance, deductibles, and duty to repair.

11. Unfinished Business – Commissioner Walker reported that the statistical report will be on the July meeting agenda.

12. New Business – Commissioner Holmes said that beginning July 1, the DHCD website will contain information about current legislation relevant to Common Ownership Communities.

13. Adjournment – With no objections, the meeting was adjourned at 8:55 p.m. by Commission Chair Walker

THE NEXT MONTHLY MEETING WILL BE ON JUNE 7, 2023.