

COMMISSION ON LANDLORD-TENANT AFFAIRS
MINUTES – Sept 6, 2022

IN ATTENDANCE:

COMMISSIONERS: Laura Murray, Charles Marschke, Mike Rosenzweig, Amit Sharma, Stefanie Milovic, Clover Baker-Brown, Don Weinstein, Dave Goldberg and Lawrence Cullen

COUNTY ATTORNEY: Walter Wilson

STAFF: Jane Blackwell, Adriana Parreira Cora, Lorie Seals, Beatrice Sulureh, and Valerie Whitby

OTHER: Nicolle Katrivanos and Rosie McCray Moody

There was a regular (virtual – Zoom) meeting of the Montgomery County Commission on Landlord-Tenant Affairs on Tuesday, September 6, 2022. Commissioner Amit Sharma called the meeting to order at 6:39 p.m.

Approval of Commission Meeting Minutes

The Commission unanimously approved the minutes of the August 2, 2022.

Submission of Landlord-Tenant Cases/Scheduling of Cases:

Five new cases were submitted as follows:

Case No. 41016. *Gaynor et al., v Waldrop/Waldrop.* The Commission voted to accept jurisdiction in this case and scheduled the hearing for Wednesday, November 2, 2022

Panel: Laura Murray, Stephanie Milovic, and Charley Marschke - Chair

Case No. 41034, *Deckert v Traville Apts.* The Commission voted to accept jurisdiction in this case and scheduled the hearing for Wednesday, December 7, 2022.

Panel:, Clover Baker-Brown, Don Weinstein, and Dave Goldberg -Chair

Case No. 41461, *McCutchen/Powell v Clark.* The Commission voted to accept jurisdiction in this case and scheduled the hearing for Tuesday, November 15, 2022.

Panel: Charley Marschke, Dave Goldberg and Don Weinstein - Chair

Case No. 41705, *Hernandez/Luperdi v Memarpour.* Commission voted to accept jurisdiction in this case and hearing date TBD 2023.

Panel: TBD - Chair

Case No. 44081, *Hu v Dillin Family Trust*. Commission voted to accept jurisdiction in this case and hearing date TBD 2023.

Panel: TBD Chair

Appeals to Circuit Court:

COLTA Case No. 40810, *Jones v Stephens*. Respondent Kerwin Stephens appealed the Commission's Decision on January 4, 2022 (**Case C-15-CV-22-000001**) but failed to post an appeal bond. A citation was issued on January 21, 2022. The Appeal packet was forwarded to the Court by OLTA on April 12, 2022. On August 1, 2022, the court issued a Show Cause order to Mr. Stephens for failure to file a required brief in this case. On August 26, Petitioner replied to show cause order.

COLTA Case No. 41290, *Casteneda Nassi v Tofigh*. Respondent Seyed Tofigh appealed the Commission's Decision on August 26, 2021 (**Case No. 486935-V**) but failed to post the required bond. A citation was issued on March 30, 2022, and no court date has been set in this case based on Mr. Tofigh's failure to properly serve the Complainant.

License Revocations:

None.

Subcommittee Reports:

None.

Staff Report:

A Tenant Category COLTA position will be posted next week to replace Julie Powers. Link will be disseminated widely. The 2 Landlord, 2 PAL and 1 Tenant referrals are still being processed.

Old Business:

None.

New Business:

Commissioner Julie Powers reported that she has purchased a home in Michigan and will be leaving effective August 31, 2022. Everyone expressed sadness to see her go but wished her well.

Other:

Walter presented the County Attorney's position on a question from the panel. A summary of presentation can be emailed upon request. In summary:

1. Complaining party has the burden of proof to demonstrate that opposing party violated the law.
Ex: If the T disputes that the LL did not send itemized SED letter within 45 days, it's the T's responsibility to provide evidence and persuade the panel.
2. Statement of Uncontested Facts/List of Comprehensive Stipulated Facts: If the parties have a list of uncontested facts and it is listed in the case summary, then the Commission should not inquire re: those facts and the Investigator should not include those stipulated terms under question of facts.

Setting of Next Commission Meeting:

The next meeting is scheduled for Tuesday, October 4, 2022 – Mr. Lawrence Cullen will be Chair.

FYI – Laura Murray will not be present at the December 6, 2022 or March 7, 2023 COLTA meeting. Donald Weinstein will not be present at the October 4, 2022.

Adjournment:

The meeting adjourned at 7:55 p.m.