

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
Minutes of the Monthly Meeting
1401 Rockville Pike, 4th Floor, Rockville, MD 20850
February 7, 2018

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:05pm by Chairman Mark Fine.

Commissioners present: Branda, Burrows, Fine, Fishbein, Gardner, Gelfound, Koonin, Majerle, Viney, & Valley.

Commissioners absent: Ethier, Fonoroff, Oxendine, Winegar

Also attending: Walter Wilson, Assoc. County Attorney, and Ife Fabayo, CCOC staff

Guests: Larry Dorney [Grosvenor], Sheryl Katzman [Leisure World], Lawrence Dillin [Willoughby], Jack Hawkins

1. Approval of Minutes: Commissioner Burrows moved to approve the minutes of the January 3, 2018 monthly meeting. The motion was approved by unanimous vote. Commissioner Gardner moved to approve Commissioner Viney as the Recording Secretary through the end of 2018. The motion was approved by unanimous vote.
2. Open Forum: Ms Katzman asked if the monthly meeting agenda and a meeting calendar could be placed on the CCOC website, and when would the next CCOC newsletter be issued; Mr. Hawkins remarked that he could not get a response from staff by phone or by email, and the list of CCOC decisions is not up to date and impossible to reference; Mr. Dillin remarked that he expected faster turn-around from time of filing his complaint to receiving documents, and apparently did not receive the link to his online file.
3. Submission of disputes for consideration of jurisdiction:

#49-17 Greencastle Lakes v. Martha Rivera

#50-17 Greencastle Lakes v. Jude Eodoro

#59-17 Mizan Rahman c. Layhill Square HOA

#60-17 John Yourshaw v. Waring Station HOA

#2018-029 Greencastle Lakes v. Cesar Claros

#2018-030 Greencastle Lakes v. Kyung Sik & Youn Sook Min

#2018-031 Greencastle Lakes v. Young Man Kwon

#2018-032 Greencastle Lakes v. Haimer & Sarbjit Kaur

#2018-033 Greencastle Lakes v. Juliana Ofori Bamfo

All default cases – respondents did not reply to complaint: After discussion, Commissioner Gelfound moved that **jurisdiction be accepted** on all default cases by this single motion. The motion was approved by unanimous vote. Default hearings will be scheduled in tandem with other cases because they require very little time.

#56-17 Barnes-Pretlow v. Mutual 6A:

Election dispute. Commissioner Gelfound moved that case be dismissed based on business judgment rule. Discussion followed. Commissioners Koonin, Gelfound, & Valley voted to dismiss, motion failed. Respondent refused mediation which should preclude them from defending their position at hearing. After discussion Commissioner Gelfound moved that staff's first cover letter to parties include consequences of refusing mediation. Motion was approved by unanimous vote.

Commissioner Gardner moved to **table decision on jurisdiction** until Respondent could be advised of the consequences of refusing mediation. Motion passed by unanimous vote.

#61-17 Jarboe v. Takoma Condominium:

Failure to conduct meetings, enforce rules. Commission **accepted jurisdiction by unanimous vote and will refer case to a hearing panel**. Commissioner Gardner recused.

#31-17 Joong Kim v. Montgomery Chase:

Authority to require payment of an assessment. After discussion, Commission **accepted jurisdiction by unanimous vote and will refer case to a hearing panel**.

#40-17 Jones et al v. Georgian Colonies:

Election dispute, authority to spend funds. After discussion, Commission **accepted jurisdiction by unanimous vote and will refer case to a hearing panel**.

#54-17 Williamsburg Square v. Jose Villegas:

Architectural dispute. Conflict Resolution Center 'unable to contact' Respondent for mediation. Discussion followed re how many times did CRC try, and could CRC provide details of their attempts. Commissioner Gardner moved to **table decision on jurisdiction** until Respondent could be advised of consequences of refusing mediation with CRC.

#57-17 Cevallos v. Edson Park:

Failure to exercise good judgment re enforcement of governing documents. Commissioner Gelfound moved to dismiss based on business judgment rule; motion failed. Commissioner Gardner moved to **accept jurisdiction and refer case to a hearing panel**. Motion passed by unanimous vote.

#2018-037 Hypolite v. Longmead Crossing:

Authority of the governing body to require an action.

Commissioner Gelfound moved to dismiss based on business judgment rule, Commissioners Gelfound & Valley voted to dismiss, motion failed. Commissioner Viney moved to **accept jurisdiction and refer case to a hearing panel**. Motion passed by majority vote.

Commissioners discussed the availability of mediators. Is the CRC the best mediator for complicated cases? Consensus was 'no' because they are unfamiliar with COC law and issues. Should the Commission consider putting out an RFP for a mediator who would only work for CCOC? No consensus, issue tabled.

Chairman Mark Fine asks all Commissioners to let him know what dates they are available, or not available, in March [Mon-Fri] so he can set hearing dates and panels.

4. Decisions & Orders issued: #18-17 Viney v. Mutual 14 included in meeting packet. No discussion.
5. County Attorney's report: Decisions under review: Crockett Lane and DaCosta. Walter Wilson advised that the Chair should attempt at all times to name Panel Chairs who are independent of the Commission, and to **use sitting Commissioners as Panel Chairs only as a last resort in extenuating circumstances**. Commissioner Fine remarked that Commissioners have been used as Panel Chairs in the past few months only because our 'outside' Panel Chairs have been un-available due family and health issues. That circumstance is now easing.
6. Staff report: Ife Fabayo went through the monthly statistics report, but, after questioning, it was found that some confusion with the information was caused by using both fiscal and calendar year data. The Chair will get clarification from Jay Greene. Commissioner Majerele moved that the report **be excluded from the minutes until further notice** as the data is unreliable. The motion was approved by unanimous vote.

7. Chair's report: Commissioners Burrows, Majerle, & Fine attended an annual CAI meeting in Prince Georges County. Discussion included an update on bills in Annapolis put forward by PG County, especially one that bars new developments from installing master meters.
8. Committee reports:
 - Education Committee** [Kathy Viney, Chair] –
 - DEP/CCOC Open House set for Feb. 25, 2018, 6:30-8:30pm, at the Silver Spring Civic Center. CCOC will have three tables for flyers and brochures, as well as 30-minute presentations offering a synopsis of our Board Training program. We need volunteers to man the tables & talk to people.
Separate from these activities, from 4:00-6:00pm we will present a dry run of the Board Training program.
 - The annual CAI Expo open house will be held on March 10, 2018 at the Walter Washington Conference Center. The CCOC once again has a table reserved for flyers and brochures, meeting & greeting. Commissioners who are interested in attending and helping out should contact Mark Fine about getting a pass.
 - Two revised documents were presented to Commissioners after months of comment, correction, and editing: **"Complaint Form & Instructions"** and **"FAQ: Meetings, Hearing, Motions, & Minutes"**. Commissioner Gardner moved that the new Complaint Form be adopted. The motion was approved by unanimous vote. Commissioner Gelfound asked for one correction to the FAQ. Upon agreement to the correction, Commissioner Gelfound moved to adopt the FAQ as amended. The motion was approved by unanimous vote. Both documents will be put on the CCOC website.
 - Legislative Committee** [Ilana Branda, Chair]:
 - Commissioner Branda initiated a conversation on a proposed bill [SB216] re super-priority liens for COCs' to collect delinquent fees for water use. Commissioners were not in favor; if an association puts a lien on a property for delinquent fees, water is usually already included.
 - IT Committee** [Mike Burrows, Chair]:
 - Commissioner Burrows said he sees improvements being made to the case management system toward CE1s being uploaded, archived, searched, etc.
9. Adjournment: the meeting was adjourned at 9:53pm.

Minutes submitted by
Kathy Viney, Commissioner
& Recording Secretary

**The next monthly meeting of the Commission will be Wednesday,
March 7, 2018 at 7:00pm at 1401 Rockville Pike, 4th Floor.**