

MONTGOMERY COUNTY, MARYLAND  
COMMISSION ON COMMON OWNERSHIP COMMUNITIES

In the matter of:

Steven Corbin  
8005 13<sup>th</sup> Street #411  
Silver Spring, Maryland 20910,  
Complainant,

v.

Case #12-15  
January 12, 2016

The Orion Condominium  
c/o Richard Schimel, Esq.  
7315 Wisconsin Ave. #800 West  
Bethesda, Maryland 20814

Decision and Order

(Before Winegar, Fine and Fishbein)

This matter came before the Commission pursuant to Sections 10B-8, 9, 12, and 13 of the Code of Montgomery County, Maryland.

The Complainant, Steven Corbin (hereafter referred to as "Complainant") filed this complaint with the Commission on May 1, 2015. In it, he alleged that he had complained to the Orion Condominium (hereafter "Respondent") of excessive noise caused by his neighbor but Respondent failed to take effective action to abate the noise. He alleged also that Respondent demanded that he give them a key to his unit although it did not demand keys from other unit owners. He alleged further that agents of Respondent injected a chemical into his unit without his knowledge or permission which caused him to lose consciousness, and that while he was unconscious Respondent implanted devices in his body that allowed it to learn of all his actions and of everything he saw. He alleged that Respondent had colluded with his bank to arrange that all of his payments to Respondent were received late so that Respondent could penalize him.

Respondent denied that it had entered his unit without permission and that it had implanted any devices upon him, and stated further that the County police officers had forcibly entered the unit in response to a missing person complaint. Respondent conceded that Complainant had made complaints about excessive noise, that Respondent did address them and initiated its own investigation which failed to find that there was excessive noise, and also that the adjoining unit was vacant during part of the time Complainant had complained about noise. Finally, Respondent claimed that the key policy was part of its bylaws and denied any discriminatory treatment against Complainant regarding copies of keys.

Complainant subsequently expanded his complaint to allege that he was being charged higher assessments than those formally approved by Respondent, which claim Respondent also denied.

Complainant rejected mediation and the matter was brought up to the Commission for a vote on jurisdiction on August 5, 2015. The Commission voted to accept jurisdiction of the claims about invasion of privacy, intentionally mis-crediting his payments, failure to enforce the rules against excessive noise, and inconsistent enforcement of the key rule.

The Commission's staff sent both parties a Summons, Statement of Charges and Notice of Hearing on August 7, 2015, which ordered the parties to attend an administrative hearing on September 30, 2015. By letter dated September 21, 2015, the parties were notified of a change in the hearing date to October 22, 2015. Previously, on September 3, 2015, the Commission staff sent a letter to Complainant attaching a copy of Commission Exhibit 1. (Usually, Commission Exhibit 1 is posted online, but there is no email address in the record for Complainant.)

The Summons was mailed by regular and certified mail to both parties. The regular mail copy was returned to the Commission as "Not deliverable as addressed—Unable to Forward" although the address is identical to the one Complainant wrote in his complaint. The certified mail copy has not been returned and there is no signed delivery receipt. However, the September 3 letter transmitting Commission Exhibit 1 included a copy of the Summons and hearing date, and the letter of September 21 stated the revised hearing date and these letters were not returned.

On the appointed hearing date of October 22, 2015, counsel for Respondent appeared but Complainant did not. The panel chair offered Commission Exhibit 1 into evidence without objection, after which Respondent moved to dismiss the complaint for lack of evidence.

#### **Findings of Fact**

1. Complainant is the owner of Unit # 411 at the Onion Condominium.
2. Respondent is a condominium association as defined by the Maryland Condominium Act.
3. Complainant has been served with notice of the hearing date in this matter.
4. The panel is unable to give any credence to Complainant's allegations. As to the allegations of invasion of privacy and collusion to incorrectly credit his payments, he was either not conscious when the events happened or he was not present. He offered no corroborating evidence beyond his own conclusions.
5. The panel also finds that Respondent responded to Complainant's complaints about excessive noise and that it had good reason to conclude that the noise was either not excessive or could not be verified.

6. The panel finds further that there is no evidence to support the claim of inconsistent enforcement of the rule requiring that all residents provide copies of the keys to their units to Respondent.
7. Finally, the panel finds that there is no evidence to show a practice of overcharging Complainant for assessments.
8. Complainant did not contact the Commission to request a different hearing date or to state that he would not be able to attend.

#### Conclusions of Law

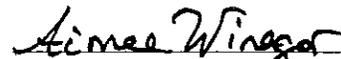
1. The panel concludes that the evidence offered by Complainant fails to support his claims, and that this case should be dismissed with prejudice.
2. The panel further finds that the complaint is frivolous, because there is no factual support for it.

#### Order

1. The complaint is DISMISSED WITH PREJUDICE.
2. Complainant must reimburse the County to cover the costs to the Commission of acquiring verbatim recording and transcription services for the hearing in this matter within 30 days after the Commission staff sends to Complainant a copy of the court reporter's invoice.

Commissioners Fine and Fishbein concur.

Any party aggrieved by this Decision and Order may appeal it by filing a notice of appeal with the Circuit Court of Montgomery County, Maryland, within 30 days after the date of this order, pursuant to the Rules of Court for Appeals from the Decisions of Administrative Agencies.

  
Aimee Winegar, Panel Chair