

COMMISSION ON COMMON OWNERSHIP COMMUNITIES

Minutes of the Monthly Meeting February 1, 2017 (Approved)

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:05 pm by Chairperson Rand H. Fishbein.

Present: Commissioners Branda, Burrows, Ethier, Fine, Fishbein, Fonoroff, Gelfound, Majerle, Oxendine, Viney, Winegar, Zajic (12).

Absent: Commissioners Gardner, Radcliff (1 position is vacant).

Also attending: Associate County Attorney Walter Wilson; DHCA staff Peter Drymalski; Mr. Larry Dorney, Mr. Asadur Ozkanian, Mr. Tim Reynolds, Mr. Anthony Dwyer; Mr. Dallas Valley.

1. MINUTES. The minutes of the January, 2017 meeting were approved as amended to show that the Interviewing Committee will consist of Mark Fine and John Radcliff. (Gelfound abstained.)

2. COMMUNITY FORUM: Mr. Ozkanian addressed the CCOC's handling of his dispute against his condominium, stating that he should have the right to make the repairs, not the association, and that he was entitled to greater financial relief than the CCOC gave him. Mr. Wilson replied that he had had the right to present his arguments to the hearing panel and to the Circuit Court, and that the Circuit Court had upheld the CCOC decision; the CCOC lacks the authority to modify its decision.

3. NEW CASES PRESENTED FOR REVIEW:

The CCOC unanimously rejected jurisdiction of #75-16, Reynolds v. Parkside Plaza, on the grounds that the association's action was protected by the business judgment rule. (Mr. Fine abstained.) The CCOC voted unanimously to table consideration of #79-16, Reynolds v. Parkside Plaza, until March 1, 2017. The CCOC wanted clear confirmation from the association that the disputed policy was repealed and, to the extent required by law, a new policy was proposed that met the standards of the Condominium Act and the governing documents.

The CCOC voted unanimously to accept jurisdiction of #76-14, Greencastle Lakes v. Adam Bailey III, and to refer it to a hearing panel for further action.

The staff asked the CCOC to appoint a hearing panel for 3 more Greencastle Lakes cases which it had previously accepted jurisdiction of but had not appointed a

panel for. The Commission appointed Ms. Ethier, Ms. Viney and Ms. Winegar to the panel that will hear #76-14, #40-14 (GLCA v. Abedin), #42-44 (GLCA v. Bokro), #54-14 (GLCA v. Gunn).

4. OFFICERS' REPORTS:

Mr. Fine circulated a draft of the 2017 CCOC survey which will be sent out in the near future by the DHCA office of licensing and registration. As currently drafted, it will be the same as the 2016 report. He said the CCOC will ask for direct access to the data gathered, and will also insist that it be consulted in the drafting of all future surveys.

Mr. Fishbein stated that the IT Committee will meet with DHCA's IT staff during the week of the 13th to discuss the status of the creation of a CCOC case management program; the CCOC will ask that the data from the surveys be integrated into that program. The CCOC's budget committee will meet with DHCA budget staff during the week of the 9th to discuss the DHCA's plans for CCOC's budget.

The CCOC unanimously approved a motion by Mr. Fine for "Full Transparency and Accountability Over the CCOC Budget as Well as CCOC Consultation and Prior Authorization Before the Expenditure of Non-Staff Funds," which is attached to and part of these minutes.

Mr. Fine stated that DHCA was not registering all associations that were legally required to register, and therefore not collecting all the revenues due to the County for the CCOC. The Commission unanimously approved a "Motion to Brief the County Council" offered by Mr. Zajic, which is attached to and part of these minutes.

Mr. Majerle proposed a motion to require the staff to submit all new complaints to the CCOC for jurisdictional review as soon as possible after they are received, and prior to requiring an answer from the responding party and prior to the opportunity to mediate the dispute. Ms. Ethier stated that her Policy and Procedures Committee had discussed such a proposal in its own report and rejected it, however she herself supported the proposal. Mr. Wilson stated that the proposal conflicted with Chapter 10B, which required answers from respondents and the opportunity to mediate disputes before they were referred to the CCOC as unresolved. Ms. Winegar then amended her motion to state that the CCOC referred the issue to its Legislative Committee to consider as an amendment to Chapter 10B, and this motion passed unanimously.

Mr. Fishbein reported on a "delightful" presentation by ProLaw on its case management system. It's possible that the system could be purchased for \$70,000, but the program offered different levels of services and costs, so the likely cost was not clear at this time. Ms. Ethier said DHCA was not sympathetic to the ProLaw system and wanted its own, which would be compatible with other DHCA data gathering programs. She stated that the CCOC did not need the kinds of links that DHCA offered, and that DHCA's anticipated charge of \$70,000 was only for case management and not for other kinds of services.

The Commission also unanimously approved a motion by Mr. Fine “To Authorize IT Committee to Open Discussions with DHCA and, if Unsatisfactory, to Raise its Concerns with the County Council”, which is attached to and part of these minutes.

5. DECISIONS AND ORDERS ISSUED; OTHER LITIGATION:

None.

6. COUNTY ATTORNEY'S REPORT:

None.

7. STAFF REPORTS:

Mr. Drymalski reported that DHCA had made an offer to a highly qualified applicant for the new Investigator position, and had completed its interviews of candidates for the Office Services Manager position. He also stated that DHCA had hired a temporary office support person to assist the CCOC until the permanent person could be hired and brought on board.

Mr. Drymalski also reported that DHCA placed a high priority on eliminating the backlog of the oldest CCOC cases; and that the number of pending cases was now 51, which is significantly lower than the 75 cases pending at the same time a year ago, in spite of the fact that the number of cases received during 2016 was markedly higher than the total for 2015.

8. COMMUNITY OUTREACH

Mr. Fine reported that he had been able to assist several associations by helping them to revive their corporate charters and to re-register with the CCOC, and by meeting with a board president to assist her in applying proper management procedures with her board.

9. OLD BUSINESS:

None.

10. NEW BUSINESS:

The Commission thanked Mr. Zajic for organizing this evening’s seminar on the Business Judgment Rule and Open Meetings.

11. NEXT MEETING: The next meeting will be Wednesday, March 1, and the following meeting will be Wednesday, April 5, 2016.

The Commission adjourned at 10:20pm.