

COMMISSION ON COMMON OWNERSHIP COMMUNITIES

Minutes of the Monthly Meeting

100 Maryland Avenue, Room 225, Rockville, MD

September 6, 2017

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:06 p.m. by Chairman Rand H. Fishbein.

Commissioners Present: Branda, Burrows, Ethier, Fine, Fishbein, Fonoroff, Gardner, Majerle, Oxendine, Radcliffe, Winegar, Valley, Viney

Commissioners Absent: Gelfound, Koonin

Also attending: Walter Wilson (Associate County Attorney), Mark Anders (CCOC staff), & Jay Greene (DHCA).

Visitors: Carole L. Portis (Leisure World), Sheryl Katzman (Leisure World), Sue Gray (Leisure World), Scott Silverman (Thomas Schild Law Group), Calvin Auklund (Franklin Prokopic), Farouk & Nicole Youssef (Cloverleaf Center Condos).

1. Minutes: After offering amendments that: a) corrected various typographical errors, & b) noted that the vote to dismiss #67-16 was not unanimous, Branda & Winegar voting against - the Commission voted to accept the minutes of the July 2017 meeting as amended, with a majority in favor, none opposed, Commissioners Burrows, Fonoroff, Garner, Majerle, and Oxendine abstaining.

It should be noted that the August meeting was cancelled due to a delay in the preparation and distribution of that month's packet.

2. Chair's Comments:
 - a. Commissioners who cannot attend a meeting should contact the chair as soon as possible.
 - b. After discussion initiated by the Chair, the Commission unanimously agreed that staff should provide Commissioners with their monthly meeting packets not less than 10 days prior to an upcoming meeting and ensure that these same documents are uploaded to the Case Management system at the same time.
3. Community Forum: The Chairman stated that we would dispense with the forum due to the full agenda.
4. Submission of disputes for Commission consideration: **The Commission expressed concern about several incomplete and/or inaccurate case summary presentations.**
 - a) #13-17 Williamsburg Square v. Villegas [Commission accepted jurisdiction & granted motion for default judgment hearing]
 - b) #33-17 Roberts v. Stoneybrook HOA [Commission accepted jurisdiction & referred the matter to a hearing]
 - c) #05-17 Youssef v. Cloverleaf [Commission took no action, referring the matter back to Complainant for clarification of complaint. Complainant must respond by Sept 27 to be included on the October agenda or case will be dismissed with prejudice.]

- d) #36-17 Portis v. Mutual 22 “The Pines” [Commission took no action, referring the matter back to Complainant for clarification of complaint. Complainant must respond by Sept 27 to be included on the October agenda or case will be dismissed with prejudice.]
 - e) #25-17 Naparsteck & Farragher v. Stoneybrook HOA [Commission rejected jurisdiction on the grounds that the complaint is moot]
 - f) #27-17 Parker v. Fair Hill Condo Assoc. [Commission accepted jurisdiction & referred the matter to a hearing; Commissioners Majerle & Gardner recused from discussion & vote.]
 - g) #10-17 Robinson & Pedeira v. Farmingdale Condo Assoc. [Commission accepted jurisdiction & referred the matter to a hearing panel]
 - h) #16-17 Cobb v. Fairland Acres HOA [Commission accepted jurisdiction & referred the matter to a hearing; Commissioner Winegar recused from discussion & vote]
 - i) #18-17 Viney v. Mutual 14 [Commission accepted jurisdiction & referred the matter to a hearing; Commissioners Viney & Radcliffe recused from discussion & vote]
 - j) #18-16 Longmead v. Perez [Commission agreed to deny the Motion for Default & to refer the matter back to a hearing panel to address the original violation, which does not include the color of the door]
5. Hearing calendar:
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|---------|---------------------------------------------------------------------------|
| Oct. 19 | Radcliffe & Fine; #27-17 Parker v. Fair Hill Condo Assoc. |
| Oct. 26 | Majerle & Viney; #16-17 Cobb v. Fairland Acres HOA |
| Nov. 2 | Gardner & Fine, #18-17 Viney v. Mutual 14 |
| Nov. 8 | Burrows & Winegar; #33-17 Roberts v. Stoneybrook HOA |
| Nov. 9 | Ethier & Oxendine; #10-17 Robinson & Pedeira v. Farmingdale Condo Assoc. |
| Nov. 15 | Gardner & Viney, #37-17 Andreno v. Clarksburg HOA (formerly #48-15) |
| TBD | Burrows & Radcliffe [Fine assisting] w/Birchman; #18-16 Longmead v. Perez |
6. Decisions and Orders Issued (summaries included in Staff Report):
- #73-16 Creitz v. Meadow Ridge Villas Condo Assoc.: Commissioners waived reading of the full decision & order.
 - #30-16 Greencastle Lakes Community Assoc. v. Kim
 - #04-17 Maryland Mutual 11 v. Dubuque
7. Decisions and Orders on Appeal:
- #72-13 Potomac Preserve v. Ball remains in the Court of Special Appeal
8. County Attorney’s Report: No report.
9. DHCA Staff Report: No report.
10. Chair’s Reports:
- a. Dr. Fishbein reported that he and Commissioner Winegar met with Director Snuggs (DHCA) on August 15th to discuss DHCA’s lack of response to CCOC requests for action on issues of concern to the Commission dating back to February 2017. Director Snuggs promised answers to many of the concerns set forth in a 6-page memorandum but, as of this date (September 6th), no response has been forthcoming. Commissioners recommended that Chair and Vice-Chair continue to raise the CCOC’s concerns to ever-higher levels of the Executive and the Council until satisfactory answers are provided.

- b. The Commission thanked Ms Viney for producing a response to Bessel letter re Board Training in Leisure World News.

11. Committee Reports:

- a. Education (Mark Fine, Chair):
 - i. Commissioner Ethier is proceeding with procurement of services for educational seminars;
 - ii. IT department is putting Board Training into Power-Point segments for editing that eventually will go out to Commissioners for input.
 - iii. Next committee meeting will be held on September 12 at 3pm at 100 Maryland Ave.
- b. Legislation (Ilana Branda, Chair):
 - i. Proposed changes to 10B will be emailed to Commissioners before being sent to DHCA.
 - ii. Commissioners authorized Commissioner Branda to write a letter on the Commission's behalf opposing legislation MC2217.
- c. Process & Procedures (Marietta Ethier, Chair): No report
- d. IT (Mike Burrows, Chair):
 - i. Commission approved the new case numbers introduced with the Case Management system.
- e. Budget & Policy (Rand Fishbein, Chair):
 - i. Noted that the Executive was engaged in the preparation of the FY2019 budget and that the Commission will need to begin preparing its recommendations to DHCA for funding in the coming year.

12. Old Business: No old business [Longmead v. Perez having been dealt with under Submission of disputes, and Andreno V. Clarksburg under Hearing calendar]

13. New Business:

- a. The Commission expressed support for Commissioner Winegar's suggestion that the Commission should reach out to Maryland National Capital Parks & Planning (MNCPP) to discuss housing issues of mutual concern, including the integrity of the CCOC's database of associations and the MNCPP's approval of unsustainably small associations. Commissioners Branda, Gardner, Fishbein, Ethier, and Fine offered to assist.
- b. Commissioner Branda suggested that a revised Complaint Form should eliminate the question about attending mediation as it is a requirement. Commissioner Viney said she would do the revision.

14. Adjournment: The meeting was adjourned at 10:00 pm

THE NEXT MONTHLY MEETING WILL BE OCTOBER 4, 2017.