

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
Minutes of the Monthly Meeting
Via Zoom Audio-Visual Conference
Wednesday, December 2, 2020

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

Commissioners present: [11] ANDERSON, FINE, GARDNER, GELFOUND, GRUBER, MOORE, MURTHY, MYO KHIN, PERPER, SMITH, , VINEY.

Commissioners absent: STEINBACH (3 vacancies)

Staff present: Tim Goetzinger, DHCA Director of Finance; Walter Wilson, Associate County Attorney; Staff: Ife Fabayo, Mark Anders.

Guests: Shuaa Tajammul, Panel Chair, Jennifer Poyt, Incoming Commissioner, Jo Ellen Bilanin, Ginger Naglee, Jim Cagley Tanterra HOA

1. **Approval of Minutes:** After discussion, Commissioner Smith moved to defer the approval of the minutes of the November 2020 monthly meeting, until January. This would give the Commissioners an opportunity to review them. Commissioner Myo Khin seconding. The motion was approved by unanimous consent.
2. **Community Forum:** There was a question regarding minutes and agendas being posted to our website and how to locate them. Mr. Fine showed those in attendance where to find the minutes and agendas and stated he would make sure that he would see the minutes and agendas were up to date if they were not. There was also a question regarding committees and their minutes, budgets etc. Ms. Gelfound explained that generally all committees should take minutes of all meetings as they too fall under the open meetings rules. All minutes should be turned over and reported to the BOD for safekeeping. Regarding expenditures, all expenses should be approved in an open meeting for transparency. The BOD should approve, unless they have given specific authority to the committee and even then, the BOD is to be kept informed.
3. **Submission of disputes for Commission consideration:**

Jurisdiction – Default cases:

#2021-015, **Charles Kaiser III v. Condominium of Rossmoor – Mutual 14**– Commissioner Gardiner moved to deny jurisdiction and Commissioner Gelfound seconded the motion. This was based on the fact that it appeared the case was brought prematurely, as the Association had not taken action against the complainant by enforcing any fines. After discussion, **the motion carried by the Commission with Commissioner Viney recusing.**

#2021-021, **Foziyeh Mohammadian v. Westlake Terrace** – Commissioner Gelfound moved to deny jurisdiction and Commissioner Gardner seconded the motion. This was based on the fact that it appeared that there were no reasonable grounds for the complaint After discussion, **the motion carried by the Commission.**

#2021-022, **Greencastle Lakes Community Association v. Maksha Sy** – Commissioner Murthy moved to accept jurisdiction and Commissioner Viney seconded the motion. This was based on the fact that it appeared that there were no reasonable grounds for the complaint After discussion, where Commissioner Gelfound wanted to ensure that the respondent received proper notice, as there were

two (2) addresses in the file, one of which was in Florida. Ms. Fabio ensured her she would verify again that proper notification was attempted. **With that being said the motion carried by the Commission.**

4. Jurisdiction - Contested cases:

#2021-016, Joseph Boland, et ux. v. Montgomery Mutual, Inc. – Commissioner Gardiner moved to deny jurisdiction and Commissioner Smith seconded the motion, due to no violation of the law had occurred. **With that being said the motion carried by the Commission.**

5. Decisions & Orders Issued:

#2021-004, O'Neill v. 8101 Connecticut Avenue Condominium

#2018-037, Hypolite v. Longmead Crossing (CSA Decision)

Both Orders were included in Commission Packets

6. Decisions & Orders on Appeal:

#2019-038, Kenny v. Council of Unit Owners of Cherington Condominium – assigned to Administrative Appeal, Judge Lease.

#2021-004, O'Neill v. 8101 Connecticut Avenue Condominium

7. **County Attorney's report:** Decision & Order(s) under review by Mr. Wilson – Two (2) cases involving Churchill Village HOA. Mr Wilson also gave an overview to his review of the proposed Commission changes to MCC 10-B. The Commission Chair will get with Tim Goetzinger, DHCA Director of Finance regarding our next steps.
8. **DHCA status report:** Mr. Goetzinger presented the November 2020 report.

9. Chairman's Report:

- Update on the presentation to the City of Gaithersburg. We discussed the CCOC Case statistics, from 1995 to present 55 cases appealed 5 overturned, 3 were from same case.
- Discussion of the 30th anniversary of the Commission and how are we going to publicize that on the website etc.
- Elections are coming in January for Chair and Vice Chair, if interested, please email the Chair within 10 days.
- Discussion of the Reserve Bill status and where it was within the Delegation.

10. Committee reports:

- Legislation & Process and Procedures Committee

[Members: Commissioners Fine & **Gardner [Chair]**, Gelfound, Moore, & Viney] Commissioner Gardner discussed consolidation of cases and where in the law it states if we could or could not do that as our literature was confusing. Mr. Wilson did not believe we could not combine cases and would get with the Committee Chair. We would then need to update the Resource Guide.

- Education Outreach Committee

[Members: Commissioners Fine & Anderson, Gelfound, Moore, Perper, Smith, Steinbach, & vacancy] --- No report.

- Information Technology & Budget Committee

[Members: Commissioners Fine & **Myo Khin [Chair]**, Murthy, & vacancy] Commission Vice Chair Myo Khin submitted the report of the committee (attached to December packet).

11. **Adjournment:** Meeting adjourned at 8:29 pm.

Next meeting: Wednesday, January 6, 2021 at 7:00pm