

COMMISSION ON COMMON OWNERSHIP COMMUNITIES

Minutes of the Monthly Meeting
Via Zoom Audio-Visual Conference
Wednesday February 2, 2022

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:02 pm by Commission Chair Cheryl Walker.

Commissioners present: [12] ANDERSON, BENNETT, HERRON, HOLMES, MOORE, MURTHY, MYO KHIN, NERLINGER, SEEBOLD, SMITH, STEINBACH, AND WALKER.

Commissioners absent: None (Three (3) Vacancies) They include the following:

Staff present WALTER WILSON, ESQ. ASSOCIATE COUNTY ATTORNEY; Staff: IFE FABAYO, INVESTIGATOR, OCOC, FRANK DEMARAIS, DEPUTY DIRECTOR, DHCA, MARK ANDERS, ESQ. INVESTIGATOR, OCOC (in attendee section).

Guests:

Shirlie Lake Esq., Lyudmila Lyakh, Frank Luncheon, David Polinsky, Dorothy Legette, Ephraim Harel, C. Siunn, Tesh, Jacquie Roberts, JO BILANIN, Marek Kotelba, Chuanming Gao, Kristin Czarick, Jim Cagley Esq., Tom McDowell, Wanda Boveja, Izabela Zielinska

1. **Proof of Quorum:** There being 11 Commissioners Present (Commissioner Holmes arrived a few minutes late as State Legislature was in session), the meeting was called to order.
2. **Welcome and Introductions:** The Chair welcomed all in attendance and had the Commission introduce themselves.
3. **Approval of Agenda:** Commissioner Smith moved to approve the February Agenda. Commissioner Anderson seconding. There was a brief discussion. All voted in favor and the motion carried.
4. **Approval of Minutes:** Commissioner Smith moved to approve the minutes of January 2022 monthly meeting with corrections to section 3 B and 3 C. Commissioner Anderson seconded. All voted in favor and the motion carried. Corrected copy was sent to the Chair for review.
5. **Community Forum:** There were no questions from the audience during the open forum.
6. **Submission of disputes for Commission consideration: Jurisdiction – Default cases:**
 - a) #2022-016, Longmead Crossing CSA v. Dejen – Commissioner Herron moved **Accept Jurisdiction of the case** and Commissioner Smith seconded the motion. **The motion was**

- carried by the Commission, by unanimous consent.
- b) #2022-026, Longmead Crossing CSA v. Hilaire- Commissioner Anderson moved to Accept Jurisdiction of the case, and Commissioner Smith seconded the motion. The motion was carried by the Commission, by unanimous consent.
 - c) #2022-040, Lyakh v. CUO of Fallsgrove Condominium – Commissioner Smith moved Accept Jurisdiction of the case and Commissioner Anderson seconded the motion. the motion was carried by the Commission, by a vote of 13/0/1, with the Commissioner Steinbach Recusing*.
 - d) #2022-042, Kim v. Wintergate at Longmead Condominiums – Commissioner Herron moved to pull the case from the docket and table vote until a later time and Commissioner Anderson seconded the motion. The motion was carried by the Commission, by unanimous consent.
 - e) #2022-049, Patterson v. Layhill View Townhouse Association – Commissioner Anderson moved Accept Jurisdiction of the case and Commissioner Murthy seconded the motion. The motion was carried by the Commission, by unanimous consent.
 - f) #2022-053, Herger v. Manor Spring Homeowners Association – Commissioner Smith moved Accept Jurisdiction of the case and Commissioner Anderson seconded the motion. The motion was carried by the Commission, by unanimous consent.

Note: During the discussion of the cases, there were questions with regards to service of documents to parties, staff verified that proper service had taken place in each case. In addition, there were questions with regards to weather some of the above cases should be in fact a default or contested case as well as procedural questions on acceptance of the case and mediation. The Office of the County Attorney gave the Code citation for mandatory mediation and the Chair stated she would keep an open dialogue with the Commissioners regarding cases.

7. Jurisdiction - Contested cases:

- a) #2022-039, Campbell v. The Roanoke Condominiums, LLC- Commissioner Smith moved Accept Jurisdiction of the case and Commissioner Murthy seconded the motion. After Discussion, the motion was carried by the Commission, by unanimous consent.
- b) #2021-096, Triantis v. Americana Centre Condominium, Inc. - Commissioner Anderson moved Accept Jurisdiction of the case and Commissioner Holmes seconded the motion. After Discussion, the motion was carried by the Commission, with Commissioner Steinbach Recusing* and well as Commissioner Bennett** recusing.
- c) 2022-006, Legette v. Summer Ridge Condominium - Commissioner Murthy moved Deny Jurisdiction of the case and Commissioner Holmes seconded the motion. After Discussion, the motion was carried by the Commission, with Commissioner Steinbach Recusing*.
- d) #2022-038, Gao v. Preserve at Rock Creek Community Association - Commissioner Herron moved Deny Jurisdiction of the case and Commissioner Bennett seconded the motion. After Discussion, the motion was carried by the Commission.

(note= * recusal due to being mediator, **recuse due to conflict of interest (management co.))

8. Decisions and orders issued- In packet

- a) #2021-034, Bilanin v. Tanterra HOA

b) #2021-088, Longmead Crossing CSA v. Flores, et al.

c) #2021-090, Longmead Crossing CSA v. Ortiz, et al.

9. Decisions and Orders on Appeal (in Circuit Court for Montgomery, MD) in packet

a) #2021-033, Errichetti v. Glen Way Gardens Condominium

b) #2021-042, King Farm Citizens Assembly v. Siguel

10. County Attorney's report none

11. DHCA status report:

The statistical report was discussed at the meeting and will be circulated quarterly.

12. Committee reports:

a. Education Committee none

b. Executive Committee none

c. Gaithersburg Task Force none

d. Other Committees none

13. Old Business: none

14. New Business:

a. **Communication Committee-** Galia Steinbach was announced as the Chair of the communications committee, she reported that her 1st goal was working on updating the website.

15. **Adjournment: Commissioner Smith** moved to **adjourn the meeting**; **Commissioner Holmes** seconded the motion. All in favor. Meeting adjourned at 8:24 pm.

THE NEXT MONTHLY MEETING WILL BE ON MARCH 2, 2022

Zoom invitations have been sent