



COMMISSION ON COMMON OWNERSHIP COMMUNITIES
COMPLAINT FORM

CASE NO. 2025-076
(Office use only)

Your complaint will not be filed if you do not respond to questions #1 -3:

1. Exhaustion of Remedies:

a) **If the complaining party is an association:**

Does your community's governing documents provide a procedure or remedy for resolving a dispute of the kind raised in this complaint and have you followed that procedure?

(If yes, attach a copy of the procedure and the documents used.)

☐ Yes ☒ No ☐ N/A

Explanation on the complaint Summary page

- b) If your association has no written procedures for the resolution of this type of dispute, has the association done the following: i) given the member or resident written notice of the alleged violation and of the right to a hearing with the board of directors; ii) held a hearing with the board of directors if one was requested; and iii) given written notice of the board's decision on the dispute together with notice of the member or resident's right to appeal the decision to the CCOC?

(If yes, attach a copy of the notices and other correspondence.)

☐ Yes ☒ No ☐ N/A

c) **If the complaining party is a member or resident:**

Does your association have a written procedure for resolving your dispute and, if so, have you used those procedures and given the association at least 60 days to resolve your dispute or reject it?

(If yes, attach a copy of the procedures and correspondence involved.)

☐ Yes ☐ No ☒ N/A

- d) If your association has no written procedures for resolving this type of dispute, have you given written notice of your dispute to the board of directors and a reasonable time to resolve it?

(If yes, attach a copy of the notices and correspondence involved.)

☒ Yes ☐ No ☐ N/A

Dates on which you notified the association of your dispute: attached are notices regarding the issue to

2. Have you provided a complete set of the association's most current governing documents? ☒ Yes ☐ No

What format are you using to provide these documents?

☐ A paper copy is enclosed.

☒ A .pdf has been attached to an email dated: 05/28/2025 sent from: hairmary@gmail.com

☐ They can be found at the following web address: _____

Password, if necessary to retrieve documents: _____

3. Are you mailing a check for the \$50.00 filing fee, made out to "Montgomery County, MD". ☒ Yes ☐ No

Name on Check or Money Order: Haircuts By Mary/ Mary Dolbashian

Check #: 5676

4. **COMPLAINING PARTY** (the party filing the complaint, i.e. "Complainant")

Complaining Party's Name:

Mary Dolbashian

Complaining Party's Address: 5301 Westbard Circle #137
Bethesda, Md. 20816

Address under dispute if different:

Home Phone: (301) 792-6279

Office Phone:

Extension

Email: hairmary@gmail.com

Fax:

5. **Complainant's status** (please check one):

☐

Association

☒

Unit Owner

☐

Lot Owner

☐

Member

☐

Resident/Occupant

6. **FULL LEGAL NAME OF THE ASSOCIATION:**

Kenwood Place Condominium Association

7. **Association's status** (please check one):

☒

Condominium

☐

Cooperative

☐

Homeowners' Association

8. **RESPONDING PARTY** (the party against whom the complaint is being filed, i.e. the "Respondent"):

Responding Party's Name:

Council of Unit Owners Kenwood Place Condominium

Responding Party's Address:

5301 Westbard Circle Unit 100, Bethesda, Maryland 20816

Address under dispute if different:

Home Phone:

Office Phone:

(301) 654-4512

Extension

Email: candace@kenwood-place.com, mark

Fax:

9. **Respondent's status** (please check one):

☒

Association

☐

Unit Owner

☐

Lot Owner

☐

Member

☐

Resident/Occupant

Your responses in sections #10-12 will be used by the Commission when deciding if they have jurisdiction over your complaint. If the dispute goes to a hearing, the Complaint Form and your attachments are the first things the hearing panel will read. Make sure they can understand what your complaint is about, and what you want the other party to do.

10. THIS COMPLAINT INVOLVES: (Check as appropriate)

a) The authority of a governing body, under any law or association document, to:

- ☒ require any person to take any action, or not to take any action, involving a unit or a common element
- ☐ require any person to pay a fee, fine, or assessment
- ☒ spend association funds
- ☐ alter or add to a common area or element

b) The failure of a governing body, when required by law or an association document, to:

- ☒ properly conduct an election
- ☒ give adequate notice of a meeting or other action
- ☒ properly conduct a meeting
- ☐ maintain or audit books and records
- ☐ allow inspection of books and records
- ☐ properly adopt a budget or rule
- ☒ maintain or repair the common element if that results in damage to person or property
- ☒ exercise its discretion in good faith concerning the enforcement of any rule against any person who is subject to that rule

11. SUMMARY OF COMPLAINT:

This complaint involves multiple serious governance failures by the Kenwood Place Condominium Board, including retaliatory removal of a Board President without due process (in violation of §11-129, Maryland Condominium Act), tampering with election proxy ballots (§11-109(c)), improper closed-door decision-making in violation of open meeting laws (§11-109.1), misuse of a manager-authored Code of Ethics to silence dissent, and failure to address prolonged pipe-banging impacting quiet enjoyment. These matters require independent adjudication due to systemic Board misconduct and conflicts of interest.

Are details of the complaint being provided in a separate email attachment or mailing? ☒ Yes ☐ No

12. DESIRED ACTIONS: What do you want the other party to do to resolve your complaint?

See attached formal complaint for detailed relief requested. In summary, I respectfully request the CCOC to:

- Find that the Board and management engaged in retaliation in violation of §11-129 of the Maryland Condominium Act
- Declare that the October 28, 2024, election was compromised due to proxy tampering (§11-109(c))
- Determine that improper Board actions and closed meetings violated §11-109.1 and Montgomery County Code Chapter 10B
- Order immediate cessation of retaliatory conduct and restoration of my Board access and roles
- Require issuance of a public retraction by the Board regarding false statements

13. ACCOMMODATION: (Please be as specific as possible) In order to participate in this process, I am requesting the following accommodation:

If remote participation is available, I request to attend any sessions via Zoom or equivalent platform, 

I understand that I will be expected to participate in mediation sessions, investigative inquiries, and/or hearings, and am prepared to participate fully as requested by staff and the Commission.

I hereby certify that the statements in this form and in any attached documents are true and complete to the best of my knowledge, information and belief.

Signature



Print Name **Mary Dolbashian**

Date **May 28, 2025**

Position on Board of Directors (if applicable) **Director**

If you do not have a digital signature, type your name here in lieu of signing for e-mail submission. This facsimile signature confirms your agreement to the statements above.

If the Complainant is an association, this form must be signed by the president or vice-president of the board of directors. Property managers may not sign a complaint on behalf of the association.

Automatic Stay: Once a dispute is found to exist between an association and its member or resident, the association must notify the member or resident of their right to file the dispute with the Commission and may not take any action to enforce its decision for 14 days after that notification.

Once a member or resident files a complaint with the Commission, a stay of the Association's action is automatically imposed, and the association may not take any action to enforce its decision, other than filing a civil action in court, until the Commission disposes of the case or lifts the stay.

The association may seek to lift the stay by submitting a written request to the Commission. The association must serve a copy of its request on any other party named in the dispute, who has 10 days to oppose the request. The request to lift the stay may only be granted if the Commission panel finds that:

a) enforcing the stay would result in undue harm to the community association, and b) lifting the stay will not result in undue harm to the rights or interests of any opposing party.

Communications: Once the initial complaint is filed, staff will not accept any "confidential" or "private" communications from a party. To avoid the risk of misunderstandings, or legal objections that may invalidate your evidence, all communications must be in writing.

It is the responsibility of each party to ensure that all further communications filed with staff are also copied to the other parties (e.g. complaints and responses, amendments to complaints, documents, or other attachments). All communications should be dated, with proof of delivery.

E-mail, mail by USPS, or otherwise deliver the complaint form, attachments, governing documents, and filing fee to:

Commission on Common Ownership Communities

Department of Housing and Community Affairs

1401 Rockville Pike, 4th Floor

Rockville, MD 20852

Email: ccoc@montgomerycountymd.gov

CCOC October 2023

CLARIFICATION SUPPLEMENT TO AMENDED COMPLAINT

Complainant: Mary Dolbashian

Respondent: Council of Unit Owners of Kenwood Place Condominium

Date: May 31, 2025

This clarification is submitted to accompany and supplement the amended complaint I filed on May 30, 2025. It does not alter the original or amended filings but ensures that the record includes important contextual details and recent governance issues that reflect ongoing patterns of oversight failure.

As described in the amended complaint, the managing agent, Mark Fine, made several statements during the May 29, 2025, Board meeting regarding the complaint I submitted to the CCOC. Specifically, he stated that the CCOC would not accept the complaint due to internal dispute resolution requirements — and that he knew this “because [he] was the Chairman for eight years.”

While Mr. Fine did not explicitly state that the CCOC would reject the complaint for lack of jurisdiction, it was clear from the context that he was implying this outcome. His comments gave the misleading impression that he could predict or direct the CCOC’s acceptance of a case — a serious conflict of interest given his current role as a CCOC panel chair. Even more troubling is that the Board accepted his statements without question, treating his interpretation as definitive. This reflects a profound failure to exercise independent judgment or uphold their fiduciary duty to the Association, particularly when the matter directly implicates the manager’s conduct.

These statements were made after the CCOC had already received and accepted my complaint and payment, which occurred on May 29, 2025, at 9:20 AM, as confirmed by Patricia Garvey. The Association was copied on the complaint submission on May 28, 2025, and I personally confirmed payment and acceptance during the Board meeting the following evening.

This dynamic — in which the Board relies on the manager’s word without question — is symptomatic of a larger pattern of mismanagement and evasion of accountability. For instance:

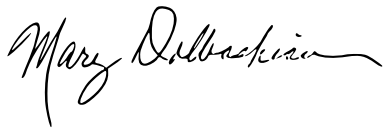
- **The \$75,000 pool fence replacement** was completed without a required permit. The fence is non-compliant with local safety code (only five feet tall rather than the required six), and the manager dismissed concerns by falsely claiming a permit was not needed because it was a “replacement.” That assertion is untrue — the old fence was being replaced precisely because it was out of compliance. Once again, the Board took his word at face value, leading to wasted funds and continued liability exposure.
- **The manager also installed non-conforming windows in his office** without submitting an Architectural Change Request or obtaining Board approval during an open meeting. The windows do not match the make (Gerkin) or composite design that the Board previously approved and are a different color (white), violating the agreed-upon standard. Worse,

the manager is now directing unit owners to purchase the same non-matching windows, threatening to degrade the building's uniform appearance and reduce unit values. No oversight occurred — another example of Board dereliction, with no record of these decisions in open meetings.

These violations — one involving significant capital expenditure and the other involving long-term aesthetic and value implications — point to the same issue: a lack of oversight due to retaliation-fueled exclusion and blind deference to the manager. The Architectural Change process, which requires Board review during open meetings, was bypassed entirely.

This clarification is submitted in good faith to ensure the Commission has a complete and accurate understanding of the inferences made by Mr. Fine, the influence they had on the Board, and the broader governance implications that continue to affect Association property values, compliance obligations, and residents' rights.

Respectfully,



Mary Dolbashian

Certificate of Service

I hereby certify that on May 31, 2025, I served a copy of this Clarification Supplement to the Amended Complaint by email to the Respondent:

Council of Unit Owners of Kenwood Place Condominium
Respondent's Representatives:

Mark Fine, Property Manager
c/o JSI Management
mark@jsimanagement.co

Mark Winston
KPC Legal Counsel
lmwinston0406@gmail.com

Candace Otto
Board President
candace@kenwood-place.com

AMENDMENT TO COMPLAINT FILED ON 5/28//25 PAYMENT RECEIVED 5/29/25

Submitted to: Montgomery County Commission on Common Ownership Communities (CCOC)

Complainant: Mary Dolbashian

Respondent: Council of Unit Owners of Kenwood Place Condominium

Clarification Regarding Legal Basis

The original complaint incorrectly cited Maryland Condominium Act §11-129 as the legal foundation for retaliation protections. That citation was based on an outdated version of the statute, which previously contained anti-retaliation provisions. I respectfully withdraw that citation.

The proper legal basis for jurisdiction lies in Montgomery County Code §10B-8(a)(6), which authorizes the CCOC to hear disputes involving “an action by a governing body or managing agent that has a substantial adverse effect on the complainant and threatens immediate and irreparable harm.” This provision encompasses the procedural misconduct, retaliation, and obstruction of oversight I have experienced as a duly elected Director.

This dispute is not solely with management—it is a systemic governance failure in which the Board has enabled and upheld mismanagement and suppression of oversight, in clear violation of fiduciary duty.

Retaliation Escalates at May 29, 2025 Board Meeting

At the May 29, 2025, open Board meeting, the retaliation against me became overt and targeted. The following statements reflect what I personally heard during the meeting. I did not record the meeting, so this account is based on my recollection, not a verbatim transcript.

- **Board Treasurer Yonald Chery** declared that I was “a disgrace” and claimed that on every board he had served, and he has served on many, someone who had “done what I had done” would have already been removed. No evidence or legitimate charges of misconduct were cited.

- He further stated that any other removed President would have “wished the new President well,” suggesting I was unprofessional for continuing to challenge what I believe were unlawful actions, including my own removal during an improperly noticed closed session shortly after I raised concerns about a hit-and-run incident involving the manager.
- Mr. Chery also falsely inferred that the hit-and-run was not a crime, and rhetorically asked me, “How does it feel to accuse someone of a crime?” — a clear attempt to discredit my accurate reporting to police, who determined the manager was responsible for the vehicle damage.
- After being removed as President and subjected to further retaliation, I lawfully began collecting proxies to remove Board members responsible for these abuses. Mr. Chery criticized this effort, saying a good Board member “represents 100%, not 50%” of owners — dismissing the fact that I was representing a large, concerned portion of the community.
- **Board Secretary Linda Norman** insinuated that the Board could no longer function with me present, suggesting I was acting like a “one-man board.” Again, this was said without citing any rule violations or improper conduct on my part.
- **President Candace Otto** publicly stated during the same meeting that I was removed by a vote of 6–1. This is demonstrably false. **Director Carlos Gatzambide** was present during the closed meeting on April 24, 2025, where the vote occurred, and he did not vote to remove me. During the May 29, 2025, meeting, **Director Linda Edgerton** confirmed that she also did not vote to remove me. The actual vote was 4–3.
- President Otto also listed Board initiatives in her report that I had not been informed of or included in — further proof that I have been deliberately excluded from governance as a duly elected Director.

These statements were not only defamatory — they were issued with the intent to isolate, discredit, and pressure me into resigning, while shielding both the manager and the Board from accountability.

Improper Closed Meetings and Board Exclusion

The May 29, 2025, meeting included two closed sessions — one before and one after the open session — neither of which included notice that my CCOC complaint would be discussed. I was asked to leave the second session and was not invited back, even though unrelated matters were discussed and votes occurred during that session.

The Board claims these meetings were for legal discussion or “disciplinary” purposes, but no due process was provided. My equal role as an elected Director was bypassed entirely.

Manager’s Misuse of Authority and False Statements

The managing agent, **Mark Fine**, appears to have misused his position as a current CCOC Panel Chair and former CCOC Chairman to mislead the Board and obstruct a proper response to this complaint. Specifically:

- During the open meeting, he falsely stated that the complaint I filed with the CCOC was “not a public document” and that I violated privacy by referencing it — which is incorrect. CCOC complaints are public record unless sealed.
- Mr. Fine also stated that I needed a signed document from the CCOC in order to speak about the complaint, which has no legal basis.
- He wrongly claimed no automatic stay was in effect because the CCOC had not yet re-sent the complaint to the Respondent — despite the fact that I emailed it to the Association on May 28, 2025, and personally confirmed during the May 29 meeting that the complaint and payment were received and accepted by Patricia Garvey at 9:20 AM that morning.
- Mr. Fine told the Board the CCOC would not accept my complaint because of internal rules and regulations he rewrote last year, requiring internal dispute resolution first — similar to the Code of Ethics document he authored, which appears intended to suppress oversight and label it “interference with management.”

The Board accepted all of Mr. Fine's statements without verification — a troubling abdication of fiduciary duty and a dangerous overreliance on a conflicted managing agent.

Improper Board-Manager Communications

The Board routinely communicates with the manager outside of properly noticed meetings. According to the CCOC and the Maryland Condominium Act, any gathering of a quorum — including by email or informal in-person discussions — constitutes a meeting and must be noticed.

The manager has asserted that such meetings “do not count” as board meetings because he is present, a claim he also made to me. This is incorrect.

Further, it is inappropriate for Board members to regularly visit the manager's office. When a liaison is designated, they should be the primary point of contact — with the exception of the Treasurer, whose work with the manager should be strictly financial. These visits are being used to bypass formal governance.

Election Tampering

As previously outlined, the October 2024 proxy election shows clear irregularities:

- Units 130 and 412 (same owner) had inconsistent votes.
- Units 3 and 5 (same owner) showed different marks, though they should be identical.
- The proxy for Unit 413 I received from the manager differs from the one the unit owner shared.

These discrepancies should not be dismissed as clerical error. They raise serious concerns about the election's legitimacy — especially given the retaliation I've faced. If the CCOC does not intervene, the election process will remain vulnerable to manipulation for future elections if unchecked.

Pipe Banging and Management Refusal to Act

The loud and disruptive pipe banging — ongoing since 2021 — continues without remediation.

Since Mr. Fine became manager, all pipe-related discussions have occurred informally. He has refused to contact our longtime contractor, Calvert Controls, without a formal proposal. When I explained that a diagnostic visit requires payment on a time-and-material basis to identify the source of the problem, he refused to act. I now have no recourse and may be forced to live indefinitely with this dangerous, unresolved condition, which risks bursting pipes and catastrophic flooding in my unit.

Unauthorized \$75,000 Pool Fence Replacement

The Board approved a \$75,000 pool fence project, but the manager failed to ensure the contractors obtained a required permit. The replacement fence does not meet local code. The manager falsely told the Board no permit was necessary because the old fence was being replaced “in-kind” — despite the fact that the original pool fence had become non-compliant.

This oversight could have been prevented had I not been stripped of access to monitor projects. In Maryland, the President of a condo board functions as the president of a corporation and must have the ability to fulfill those duties — not be falsely accused of “interfering” for raising legitimate concerns.

Request for Relief

I respectfully request that the Commission direct the Association to take the actions listed here, in addition to the relief requested in my original complaint. I apologize for any redundancies.

Specifically, I request that the Commission require the Association to:

1. **Produce the Zoom recordings** from the following meetings:
 - April 24, 2025 – open session

- April 24, 2025 – closed session
 - May 29, 2025 – open session
 - May 29, 2025 – closed session before the open meeting
 - May 29, 2025 – closed session after the open meeting
2. Cease all retaliatory conduct against me as an elected Director.
 3. Enforce whistleblower protections to prevent further misconduct.
 4. Investigate and address tampered proxy ballots from the October 2024 election.
 5. Restore my Director-level access to all Association systems, including administrative oversight.
 6. Require due process before the Board imposes any sanctions, restrictions, or removals of authority from elected Directors.

In addition, I request that the Commission determine how communications concerning this complaint should be handled, given the serious conflict of interest posed by the managing agent's dual role as CCOC Panel Chair. Mr. Fine should not be directing the Board on how to respond to a complaint filed against them. The CCOC or legal counsel should oversee all procedural communications to preserve integrity.

Request for Recusal — Terry Anderson

I also respectfully renew my request that **Terry Anderson** be recused from any involvement in this case. Mr. Fine has publicly stated that she is his business associate. She has attended Kenwood Place Board meetings, and her daughter is employed as his assistant. Her involvement in adjudicating this matter would deeply compromise public confidence in the CCOC's impartiality.

Respectfully submitted,

Mary Dolbashian

Mary Dolbashian

May 30, 2025



Montgomery County Commission on Common Ownership Communities

1401 Rockville Pike, 4th floor, Rockville, Maryland 20852

Filing a Complaint: The Complaint Form and Instructions

Thank you for contacting the Commission on Common Ownership Communities (CCOC). It is very important that you read the information provided here and follow the instructions to completing the form.

The Commission's website at www.montgomerycountymd.gov/ccoc offers a great deal of information on dispute resolution. Please take the time to read and understand the process. Print and read Chapter 10B of the County Code, and Regulation 10B.06 of the Code of Montgomery County Regulations (COMCOR). These are available online through the "Services & Resources" section of the Office of the County Attorney's website, reached through the links below, or through our staff who will mail you a copy upon request.

- <http://www.Montgomerycountymd.gov/cat/services/index.html>
- <http://www.Montgomerycountymd.gov/cat/index.html>

These procedures govern your legal rights and duties if the dispute is set for a public hearing. You should know them. While the Commission's proceedings are informal, they are also quasi-judicial. The Commission must apply state and county laws and all relevant association documents to the facts of the dispute, and their decisions are binding on the parties. All parties have the right to legal representation. Associations may be represented by an attorney or by an officer or authorized member of the board of directors. Members or residents may be represented by an attorney or may represent themselves.

General Information:

The Commission cannot accept complaints involving homes or units located within cities or other towns that have chosen not to participate in the CCOC program. Please contact the CCOC office to see if your association falls within one of these jurisdictions.

Class actions: The Commission cannot accept "class action" complaints. Each person must file his/her own complaint and pay the filing fee, unless they are co-owners or co-residents of a lot or unit, or unless all the complaining parties are represented by the same attorney.

Automatic Stay: Once a dispute is found to exist between an association and its member or resident, the association must notify the member or resident of their right to file the dispute with the Commission and may not take any action to enforce its decision for 14 days after that notification.

When a dispute is filed with the Commission, a community association must not take action to enforce or implement the association's decision, other than filing a civil action in court, until the Commission disposes of the case or lifts the stay.