

## COMMON INTEREST COMMUNITY BOARD

### MINUTES OF MEETING

The Common Interest Community Board (Board) met on December 8, 2022, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 3, Richmond, Virginia 23233.

The following members were present:

Maureen A. Baker  
Matt Durham  
Jim Foley  
Lori Overholt  
Anne M. Sheehan  
Katherine E. Waddell

Board members Eileen Greenberg, Thomas Mazzei, David Mercer, Scott Sterling, and Margaret Tunstall were not in attendance at the meeting.

DPOR staff present for all or part of the meeting included:

Demetrios J. Melis, Director  
R. Thomas Payne, Deputy Director for Compliance and Investigations  
Trisha L. Lindsey, Executive Director  
Heather Gillespie, Ombudsman  
Joseph C. Haughwout, Jr., Board and Regulatory Administrator  
Raven C. Custer, Administrative Coordinator

Elizabeth Peay, Assistant Attorney General with the Office of the Attorney General, was present.

Finding a quorum of the Board present, Ms. Baker called the meeting to Call to Order order at 9:34 a.m.

Ms. Baker advised the Board of the emergency evacuation procedures. Emergency Evacuation Procedures

Mr. Durham moved to approve the agenda as amended. Ms. Sheehan seconded the motion which was unanimously approved by: Baker, Durham, Foley, Overholt, Sheehan, and Waddell. Approval of Agenda

Ms. Lindsey opened the floor for annual nominations of the Board Chair. Mr. Foley moved to nominate Mr. Durham as Board Chair. Ms. Sheehan seconded the motion. Mr. Durham accepted the nomination. Election of Officers

Mr. Foley moved to close the nominations for Chair of the Board. Ms. Waddell seconded the motion which was unanimously approved by: Baker, Durham, Foley, Overholt, Sheehan, and Waddell. By acclamation, Mr. Durham was named Chair of the Board

Mr. Durham opened the floor for annual nominations of the Board Vice Chair. Ms. Sheehan moved to nominate Mr. Mercer as Board Vice Chair. Ms. Overholt seconded the motion. Ms. Waddell moved to close the nominations for Vice Chair of the Board. Ms. Baker seconded the motion which was unanimously approved by: Baker, Durham, Foley, Overholt, Sheehan, and Waddell. By acclamation, Mr. Mercer was named Vice Chair of the Board

Ms. Baker moved to approve the minutes of the September 22, 2022, SB 693 Committee meeting and the September 22, 2022, Board meeting as presented. Ms. Sheehan seconded the motion which was unanimously approved by: Baker, Durham, Foley, Overholt, Sheehan, and Waddell .

**Approval of Minutes**

Ms. Lindsey informed the Board of the appointments of Thomas Mazzei, who has been appointed to the Board as a Common Interest Community Manager, and Margaret Tunstall who has been appointed to the Board as a Common Interest Community Developer.

**Appointment of New Board Members**

No members of the public present came forward to address the Board.

**Public Comment Period**

Mr. Haughwout advised the Board that the Training Program Review Committee reviewed for approval the training program application from Whiteford, Taylor & Preston, L.L.P titled *Virginia Common Interest Community Law and Regulation Updates*.

**Review Training Program**

After reviewing the training program application and the recommendation from the Committee, Mr. Foley moved to approve the training program. Ms. Baker seconded the motion which was unanimously approved by: Baker, Durham, Foley, Overholt, Sheehan, and Waddell.

Mr. Haughwout asked the Board to consider issuance of a temporary cease and desist order against the condominium project registration of Briarwood Condominium, for failure of the declarant, Pegasus Development, LLC, to submit an annual report as required by § 55.1-1979 of the Code of Virginia, and Board Regulation 18 VAC 48-30-540. After discussion, Ms. Waddell moved to authorize staff to issue a temporary cease and desist order against the project registration of

**Consider Temporary Cease & Desist Orders Regarding Condominium Registrations**

Briarwood Condominium, and require Pegasus Development, LLC, to submit an annual report to the Board within thirty (30) days of the effective date of the order, as failure to file an annual report would cause irreparable harm to the public interest, and violate § 55.1-1979 of the Code of Virginia. Mr. Foley seconded the motion which was unanimously approved by: Baker, Durham, Foley, Overholt, Sheehan, and Waddell.

Mr. Haughwout asked the Board to consider issuance of a temporary cease and desist order against the condominium project registration of 1220 Main Street Condominium, for failure of the declarant, Rise Up Properties, LLC, to submit an annual report as required by § 55.1-1979 of the Code of Virginia, and Board Regulation 18 VAC 48-30-540. After discussion, Ms. Overholt moved to authorize staff to issue a temporary cease and desist order against the project registration of 1220 Main Street Condominium, and require Rise Up Properties, LLC, to submit an annual report to the Board within thirty (30) days of the effective date of the order, as failure to file an annual report would cause irreparable harm to the public interest, and violate § 55.1-1979 of the Code of Virginia. Ms. Waddell seconded the motion which was unanimously approved by: Baker, Durham, Foley, Overholt, Sheehan, and Waddell.

Mr. Haughwout advised that the CIC Manager Regulatory Review Committee recommendations and draft proposed amendments to the CIC Manager Regulations were approved, with revisions, by the Board at the March 3, 2022 Board meeting. The proposed regulatory text was submitted for Executive Branch review on March 14, 2022.

**Update on  
Regulatory Actions**

Ms. Lindsey advised the Board that the SB 740 Structural Integrity and Reserves Workgroup has had two meetings since the last Board meeting.

**Update on SB 740  
Structural Integrity  
and Reserves  
Workgroup**

Ms. Lindsey provided an overview of the discussions from the Workgroup.

Ms. Sheehan spoke in regards to her participation in the Workgroup.

The next meeting for the Structural Integrity and Reserves Workgroup will be in Newport News on February 7, 2023.

Mr. Haughwout provided an update on the SB 693 Committee and presented the Board with an overview of the final report. The report was

**Update on SB 693**

finalized on October 26, 2022 and is available on Virginia's Legislative Information System website.

Mr. Haughwout presented the Board with a proposal to adjust the maximum allowable fees for preparation and delivery of POA disclosure packets and condominium resale certificates, as required by law every five years to account for inflation. Under the proposal, the current maximum fee levels would remain in place until the inflation data needed to adjust the fees becomes available in January 2023. Once the inflation data becomes available, the adjusted fees will be calculated and published.

**Update to  
Maximum  
Allowable Fees for  
the POA Disclosure  
Packets and  
Condominium  
Resale Certificates**

After discussion, Ms. Baker moved to approve the proposal. Ms. Sheehan seconded the motion which was unanimously approved by: Baker, Durham, Foley, Overholt, Sheehan, and Waddell.

Mr. Haughwout provided the Board with a proposed amended guidance document regarding the maximum allowable fees. Once the inflation data needed to adjust the maximum fees becomes available, the proposed amended guidance document will be submitted for publication and a 30-day public comment.

Ms. Sheehan moved to authorize staff to amend the guidance document when the necessary inflation information becomes available. Mr. Foley seconded the motion which was unanimously approved by: Baker, Durham, Foley, Overholt, Sheehan, and Waddell.

Mr. Haughwout provided the Board with a proposal to conduct a general review of the Common Interest Community (CIC) Ombudsman Regulations.

**Discussion on  
General Review of  
Common Interest  
Community  
Ombudsman  
Regulations**

Mr. Haughwout requested the Board authorize staff to form a regulatory review committee, in coordination with the Board's Chair.

After discussion, Ms. Waddell moved to authorize staff to form a regulatory review committee to review the regulations. Ms. Sheehan seconded the motion which was unanimously approved by: Baker, Durham, Foley, Overholt, Sheehan, and Waddell.

Mr. Haughwout requested the Board authorize staff to file a Notice of Intended Regulatory Action (NOIRA) to initiate the regulatory review action.

After discussion, Mr. Foley moved to authorize staff to file a NOIRA. Ms. Sheehan seconded the motion which was unanimously approved by: Baker, Durham, Foley, Overholt, Sheehan, and Waddell.

Board members considered the following resolutions for Drew Mulhare and Amanda Jonas, whose terms recently ended and were replaced by new appointees of the governor.

**Consider**  
**Resolutions for**  
**Service**

**Drew Mulhare**

WHEREAS, **Drew Mulhare**, did faithfully and diligently serve as a member of the Common Interest Community Board from 2018 to 2022;

WHEREAS, **Drew Mulhare**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Drew Mulhare**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Common Interest Community Board wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Common Interest Community Board this seventh day of December 2022, that **Drew Mulhare** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

**Amanda Jonas**

WHEREAS, **Amanda Jonas**, did faithfully and diligently serve as a member of the Common Interest Community Board from 2018 to 2022;

WHEREAS, **Amanda Jonas**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Amanda Jonas**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Common Interest Community Board wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Common Interest Community Board this seventh day of December 2022, that **Amanda Jonas** be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Ms. Overholt moved to adopt the resolution as written. Ms. Baker seconded the motion which was unanimously approved by: Baker, Durham, Foley, Overholt, Sheehan, and Waddell.

The Board received a report from the Office of the Common Interest Community Ombudsman. The report contains statistics on complaints received by the Ombudsman's office, as well as compliance and enforcement statistics.

**Ombudsman Report**

Ms. Lindsey provided the Board with the most recent financial statements.

**Board Financial Statements**

Ms. Lindsey provided a report from the 2022 Board Member Training Conference that occurred in October and thanked all the Board members that were able to attend.

**2022 Board Member Training Conference**

The Board discussed moving the Training Program Review Committees to the morning of the Board meeting, and to move the Board meeting from 9:30 a.m. to 10:00 a.m.

**Other Board Business**

After discussion, Ms. Waddell moved that the Training Program Review Committee meeting be held at 9:00 a.m. the day of the Board meeting, and Board meetings begin at 10:00 a.m. Mr. Foley seconded the motion

which was unanimously approved by: Baker, Durham, Foley,  
Overholt, Sheehan, and Waddell

Mr. Durham reminded Board members to complete their conflict of  
interest forms.

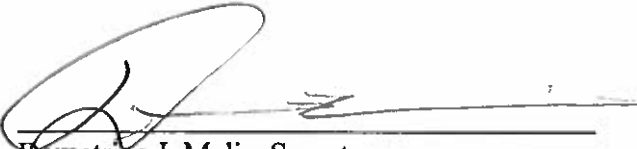
**Complete Conflict  
of Interest Forms  
and Travel  
Vouchers**

There being no further business, the meeting was adjourned at 10: 44  
a.m.

**Adjourn**



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Matt Durham, Chair



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Demetrios J. Melis, Secretary

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Matt Durham  
2. Title: Board Member  
3. Agency: Common Interest Community Board  
4. Meeting/IFF Date: Board Meeting December 8, 2022

5. I have a personal interest in the following transaction:

None

Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Signature

[Handwritten Signature]

Date

12/8/22



**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Katherine E. Waddell
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting December 8, 2022

5. I have a personal interest in the following transaction:

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Nature of Personal Interest Affected by Transaction:

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I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Katherine E. Waddell  
Signature

12/8/2022  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Lori Overholt
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting December 8, 2022

5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction:

N/A

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

N/A

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Lori Overholt

Signature

12/8/2022

Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Jim Foley  
2. Title: Board Member  
3. Agency: Common Interest Community Board  
4. Meeting/IFF Date: Board Meeting December 8, 2022

5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction:

N/A

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

N/A

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Signature

Jim Foley

Date

12/8/22

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Anne Sheehan
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting December 8, 2022

5. I have a personal interest in the following transaction:

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Nature of Personal Interest Affected by Transaction:

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I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Signature

*Anne Sheehan*

Date

*12/8/2022*

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Maureen A. Baker  
2. Title: Board Member  
3. Agency: Common Interest Community Board  
4. Meeting/IFF Date: Board Meeting December 8, 2022

5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Maureen A. Baker  
Signature

12/8/2022  
Date



