

COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board (Board) met on March 10, 2016, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 3, Richmond, Virginia 23233.

The following members were present:

Lucia Anna Trigiani, Chair
Kristie Helmick Proctor
Mary Elizabeth Johnson
Kimberly Kacani, Vice-Chair
Thomas Mazzei
Paul Orlando
John Rhodes
Scott Sterling
Katherine Waddell
David Watts

Board member Lori Overholt was not in attendance.

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

Jay W. DeBoer, Director
Nick Christner, Deputy Director
Mark N. Courtney, Senior Director for Regulatory and Public Affairs
Trisha L. Henshaw, Executive Director
Kristin M. Clay, Board Administrator
Heather Gillespie, Ombudsman
Tanya M. Pettus, Administrative Assistant

Joshua E. Laws, Assistant Attorney General with the Office of the Attorney General, was present.

Ms. Trigiani, Chair, called the meeting to order at 9:43 a.m.

Call to Order

Ms. Trigiani advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Orlando moved to approve the agenda as presented. Mr. Mazzei seconded the motion which was unanimously approved by: Helmick Proctor, Johnson, Kacani, Mazzei, Orlando, Rhodes, Sterling, Trigiani,

Approval of Agenda

Waddell, and Watts.

Mr. Orlando moved to approve the minutes of the December 10, 2015, Board meeting. Ms. Kacani seconded the motion. After discussing an amendment to the minutes, Mr. Orlando amended the motion and moved to approve the minutes as amended. The amended motion was accepted and seconded by Ms. Kacani. The motion was unanimously approved by: Helmick Proctor, Johnson, Kacani, Mazzei, Orlando, Rhodes, Sterling, Trigiani, Waddell, and Watts.

Approval of Minutes

Ms. Trigiani introduced newly-appointed Board member John Rhodes who will serve as a common interest community manager representative on the Board. Ms. Trigiani also advised the Board of newly-appointed Board member Lori Overholt who will serve as the time-share developer representative. Ms. Overholt was not present at the meeting.

Introduction of New Board Members

There were no members of the public present for comment.

Public Comment Period

In the matter of **File Number 2015-03107, Hillpoint Farms Owners Association, Inc.**, the Board members reviewed the Consent Order, which imposed a monetary penalty of \$1,500.00 and Board costs in the amount of \$150.00. In addition Hillpoint Farms Owners Association, Inc. is to provide evidence of a complaint procedure in place within 60 days, with \$500.00 of the monetary penalty to be waived if such evidence of a complaint procedure is provided within that timeframe. Ms. Waddell moved to accept the terms of the Consent Order as presented. Mr. Orlando seconded the motion.

File Number 2015-03107, Hillpoint Farms Owners Association, Inc.

Discussion was held on the process of determining monetary penalties appropriate for violation of statutes and regulations. Mr. Christner addressed the Board to explain the sanction and consent order process.

After discussion, the motion to accept the Consent Order as presented was unanimously approved by: Helmick Proctor, Johnson, Kacani, Mazzei, Orlando, Rhodes, Sterling, Trigiani, Waddell, and Watts.

Mr. Mazzei recused himself and exited the meeting for the remaining case files on the agenda.

Recusal of Board Member

In the matter of **File Number 2015-02684, KPA Management**, the Board members reviewed the Consent Order, which imposed Board costs in the amount of \$150.00. Ms. Kacani moved to accept the terms of the Consent Order as presented. Ms. Helmick Proctor seconded the motion. After discussion, the motion was approved by: Helmick

File Number 2015-02684, KPA Management

Proctor, Johnson, Kacani, Orlando, Rhodes, Sterling, Trigiani, and Watts. Ms. Waddell voted in opposition to the motion. The motion was passed by majority vote.

In the matter of **File Number 2016-00994, Heatherlea of Arlington, a Condominium**, the Board members reviewed the Consent Order, which imposed Board costs in the amount of \$150.00. Mr. Sterling moved to accept the terms of the Consent Order as presented. Ms. Johnson seconded the motion. After discussion, the motion was approved by: Helmick Proctor, Johnson, Kacani, Orlando, Rhodes, Sterling, Trigiani, and Watts. Ms. Waddell voted in opposition to the motion. The motion was passed by majority vote.

File Number 2016-00994, Heatherlea of Arlington, a Condominium

Mr. Mazzei returned to the meeting.

Return of Board Member

Ms. Henshaw provided an update on the current status of the regulatory review processes for the Board's regulatory packages:

Update on Regulatory Review Process

Amended Common Interest Community Management Information Fund Regulations became effective March 1, 2016.

Amended Time-Share Regulations became effective March 1, 2016.

The public comment period on the Notice of Intended Regulatory Action (NOIRA) to amend the Common Interest Community Manager Regulations' training program provision ends on April 6, 2016.

The public comment period on the NOIRA to amend the Ombudsman Regulations to revise the timeframe for establishing a complaint process ended on December 30, 2015.

Ms. Henshaw advised the Board that one public comment was received during the public comment period held on the NOIRA to amend the Ombudsman Regulations. Ms. Henshaw presented the public comment received, and the draft response prepared by staff.

Consider Public Comment on Regulatory Review

Ms. Trigiani excused herself from the meeting at 10:05 a.m. and Ms. Kacani, Vice-Chair, assumed the chair of the Board.

Departure of Board Member

Discussion was held on the public comment received on the NOIRA to amend the Ombudsman Regulations, and the draft response to the public comment. After discussion, Mr. Mazzei moved to adopt the draft response to the public comment as written. Ms. Waddell seconded the motion which was approved by: Helmick Proctor, Johnson, Kacani,

Consider Public Comment on Regulatory Review

Mazzei, Orlando, Rhodes, Sterling, Waddell, and Watts.

Ms. Henshaw presented the draft proposed text to amend the Ombudsman Regulations and advised that the Board will need to adopt proposed text which will then be filed for executive branch review. Mr. Mazzei motioned to adopt the text as presented. Ms. Helmick Proctor seconded the motion. After discussion, Mr. Mazzei amended the motion, and moved to adopt the text for Ombudsman Regulations as amended. Ms. Helmick Proctor accepted and seconded the amended motion, which was approved by: Helmick Proctor, Johnson, Kacani, Mazzei, Orlando, Rhodes, Sterling, Waddell, and Watts.

**Consider Proposed
Text for
Ombudsman
Regulations**

Ms. Henshaw reminded the Board of discussion at the December 2015 Board meeting regarding utilizing former Board members on occasion to serve as presiding officers at informal fact-finding conferences. Former Board members that agree to serve in that capacity will be presented to the Board for approval and, if approved, the selected individual will be asked to sign a contract with the Department.

**Discuss Former
Board Members
Serving as Presiding
Officers**

Ms. Henshaw asked the Board to consider the resume submitted by Douglas Kleine, who requested the opportunity to serve as a presiding officer for the Board. Ms. Henshaw also advised that Mr. Kleine was among the initial appointees to the Board and recommended Mr. Kleine to serve as a presiding officer at informal fact-finding conferences. After discussion, Mr. Watts made a motion to recommend Douglas Klein to serve as a Presiding Officer at informal fact-finding conferences for the Board. Mr. Sterling seconded the motion which was approved by: Helmick Proctor, Johnson, Kacani, Mazzei, Orlando, Rhodes, Sterling, Waddell, and Watts.

Board members considered the following resolution for former Board member Christiaan P. Melson:

**Consideration of
Resolution for
Service**

Christiaan P. Melson

WHEREAS, Christiaan Melson, did faithfully and diligently serve as a member of the Common Interest Community Board from 2010 to 2015;

WHEREAS, Christiaan Melson, did devote generously of his time, talent and leadership to the Board;

WHEREAS, Christiaan Melson, did endeavor at all times to render decisions with fairness and good judgment 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 tenth day of March 2016, that Christian M. Elson 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.

Mr. Orlando moved to adopt the resolution as presented. Mr. Mazzei seconded the motion which was approved by: Helmick Proctor, Johnson, Kacani, Mazzei, Orlando, Rhodes, Sterling, Waddell, and Watts.

Ms. Trigiani returned to the meeting at 10:56 a.m.

Return of Board Member

Ms. Gillespie provided the Board with complaint and filing statistics of Office of the Common Interest Community Ombudsman through March 4, 2016. Ms. Gillespie also provided the Board with information on Notices of Final Adverse Decision. Ms. Gillespie advised the Board that she will be looking to hire a staff member to assist the Ombudsman's office with increasing workload.

Ombudsman's Report

Mr. Watts complimented Ms. Gillespie and the Ombudsman's office on the work being done on behalf of the Agency.

Ms. Henshaw provided a copy of the most recent financial statements and advised the Board that there have been no claims from the Recovery Fund.

Board Financial Statements

Ms. Henshaw provided a schedule of upcoming events to be attended by Board staff and the Ombudsman.

Staff Event Calendar

Ms. Henshaw introduced Kristin Clay to the Board, and advised that Ms. Clay will be assisting with Board staff duties until vacant positions are filled.

Ms. Henshaw provided the Board with an update of legislation affecting the Board and/or common interest communities, including active legislation, legislation that did not pass, and legislation that was

Legislative Update

continued to 2017.

There being no further business, the meeting was adjourned at 11:32 **Adjourn**
a.m.

Lucia Anna Trigiani, Chair

Jay W. DeBoer, Secretary

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