

## COMMON INTEREST COMMUNITY BOARD

### MINUTES OF MEETING

The Common Interest Community Board met on Tuesday, March 2, 2010 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, Richmond, Virginia 23233.

The following members were present:

F. James Ahlberg  
Pamela Coerse  
Ronda S. DeSplinter  
Kimberly B. Kacani, Vice Chair  
Douglas Kleine  
Milton W. Matthews  
R. Lee Merritt  
Scott Sterling  
Miyun Sung  
Lucia Anna Trigiani, Chair  
Katherine Waddell (arrived at 10:58 a.m.)

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

Jay W. DeBoer, Director  
Mark N. Courtney, Deputy Director of LRD  
Trisha L. Henshaw, Executive Director  
Thomas K. Perry, Property Registration Administrator  
Betty C. Jones, Administrative Assistant

Steven Jack from the Office of the Attorney General was present.

Finding a quorum of the Board present, Ms. Trigiani, Chair, called the meeting to order at 9:44 a.m. **Call to Order**

Ms. Trigiani introduced the newest Board member, Miyun Sung, who was appointed to serve as a citizen member. **Introduction of New Board Member**

Ms. Coerse moved to approve the agenda as revised. Mr. Kleine seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Sterling, Sung, and Trigiani. **Approval of Agenda**

Ms. Kacani moved that the Board approve the minutes of the December 10, 2009, meeting. Mr. Merritt seconded the motion which was **Approval of Minutes**

unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Sterling, Sung, and Trigiani.

Ms. DeSplinter moved that the Board approve the minutes of the January 14, 2010, Manager Regulatory Review Committee meeting. Ms. Kacani seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Sterling, Sung, and Trigiani.

Ms. DeSplinter moved that the Board approve the minutes of the February 25, 2010, Manager Regulatory Review Committee meeting. Ms. Kacani seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Sterling, Sung, and Trigiani.

Ms. Trigiani opened the floor for public comment. No members of the public present requested to speak.

**Public Comment  
Period**

Ms. Henshaw gave an update on the regulatory review process.

**Update on  
Regulatory Review  
Processes**

- Final Manager Regulations, that will replace the emergency Manager Regulations, were published in the Virginia Register on February 1, 2010, and become effective April 1, 2010. These regulations provide for approval of common interest community manager training programs.
- The Common Interest Community Ombudsman Regulations are undergoing review by the new Secretary of Commerce and Trade and then the Governor's office.
- The Common Interest Community Manager (Employee Certification Regulations) are currently in the Notice of Intended Regulatory Action stage. These regulations are being developed by Committee. Once adopted by the Board, they will be filed as proposed regulations.

To aid in advising interested parties of the new training program requirements, staff has placed an article in the newsletter of the Virginia Real Estate Board, *VREB Speaking*, entitled "New Requirements for Common Interest Community Manager Training Programs."

Ms. DeSplinter updated the Board on the progress of the Regulatory Review Committee's work to draft common interest community manager employee certification regulations. Ms. Trigiani requested any additional comments or changes Board members may have regarding

**Update from  
Regulatory Review  
Committee for CIC  
Manager (Employee**

the draft regulations be sent to Ms. Henshaw before the March 29<sup>th</sup> Committee meeting. Ms. Henshaw noted that the draft text includes requirements related to completion of fair housing training as offered by the Fair Housing and Real Estate Boards. This provision was included as a result of comment received during the Notice of Intended Regulatory Action public comment period.

**Certification)**  
**Regulations**

Ms. Henshaw advised the Board that a Code citation in the regulations needed to be amended as a result of a change in statute from the 2009 General Assembly session. Because the amendment to the regulations was necessitated by a statutory change, Ms. Henshaw indicated the change could be accomplished through an exempt action in accordance with regulatory review guidelines. After review, Ms. DeSplinter moved to authorize staff to proceed with filing an exempt action to amend the Common Interest Community Manager Regulations as indicated in the draft document. Mr. Kleine seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Sterling, Sung, and Trigiani.

**Authorize Exempt**  
**Action for Common**  
**Interest Community**  
**Manager**  
**Regulations**

As requested at the December 10, 2009, Board meeting, the Board was provided with the draft Guidance Document 1 for Bonds/Insurance Policy for Common Interest Community Manager Applicants prepared by staff. Mr. Kleine made a motion to approve the form as revised. Ms. Coerse seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Sterling, Sung, and Trigiani.

**Review of Guidance**  
**Document for**  
**Bonds/Insurance**  
**Policy for CIC**  
**Manager**

As requested at the December 10, 2009, Board meeting, the Board reviewed a draft Guidance Document 2 for Bonds/Letters of Credit for Condominiums prepared by staff. Previously, draft Guidance Document 2 included the provisions for bonds/letters of credit for both condominiums and time-share registrations. Since that meeting, draft Guidance Document 2 was amended to include only those provisions that apply to condominium registrations. Draft Guidance Document 3 was developed to include those provisions applicable to time-share registrations. The Board discussed several items for amendment and further research to the document. Ms. Henshaw indicated that staff would revise Guidance Document 2 for bonds/letters of credit for condominiums in accordance with the Board's comments. The revised document would be presented for consideration at the next Board meeting.

**Review of Guidance**  
**Document for**  
**Bonds/Letters of**  
**Credit for**  
**Condominium**  
**Registrations**

Ms. Trigiani advised that staff develop a separate guidance document for letters of credit to secure deposits (in lieu of escrowing deposits) and bonds to ensure completion of improvements for condominiums.

Ms. Trigiani suggested staff develop a system for tracking letters of credit and bonds for condominiums to include when they are returned or cancelled.

Ms. Trigiani requested any additional comments or changes Board members may have be sent to Ms. Henshaw before the next Board meeting. The Board deferred further discussion until its next meeting.

Ms. Waddell arrived at 10:58 a.m.

**Arrival of Board Member**

The Board recessed at 11:04 a.m. and reconvened at 11:29 a.m.

**Break**

The Board reviewed a draft Guidance Document 3 for Bonds/Letters of Credit for Time-Shares prepared by staff. The Board discussed several items for amendment and further research to the document. Ms. Henshaw indicated that staff would revise Guidance Document 3 for bonds/letters of credit for time-shares in accordance with the Board's comments. The revised document would be presented for consideration at the next Board meeting.

**Review of Guidance Document for Bonds/Letters of Credit for Time-Share Registrations**

Ms. Coerse addressed the Board with several concerns: out-of-state time-share registration requirements and regulation of time-share resale companies. It was acknowledged that some of these areas would require a legislative change.

At the December 10, 2009, Board meeting, the Board requested that an outreach plan be developed. Ms. Henshaw discussed a draft outreach plan that was developed to increase awareness of both the common interest community manager license requirements and the common interest community registration requirements.

**Discussion Regarding Outreach Plan**

The Board recessed for lunch from 12:04 p.m. to 12:40 p.m.

**Lunch**

The Board continued its review of the draft outreach plan. The Board made a number of suggestions and revisions to the document. Ms. Henshaw indicated that staff would revise the outreach plan in accordance with the Board's comments. The revised document would be presented for consideration at the next Board meeting.

**Discussion Regarding Outreach Plan**

Ms. Trigiani suggested Ms. Gillespie develop a similar outreach plan for the Ombudsman's office for presentation to the Board.

Ms. Trigiani provided an overview of legislation that was considered

**Legislative Update**

during the 2010 Virginia General Assembly session as it pertains to common interest communities.

Ms. Henshaw provided a revised copy of the statistical information on common interest community applications and licenses, including the number of new applications filed, percentage of applications received, current regulations, and the regulant population for January 2010. A new section has been added pertaining to the number of telephone calls and e-mail messages received in the Board office.

**Licensing/  
Registration  
Statistics**

Ms. Henshaw presented to the Board the most recent financial statement for informational purposes.

**Board Financial  
Statements**

The Board previously requested that staff compile a calendar of the common interest community-related events and dates that staff and the Ombudsman's office attends. The requested information was provided to the Board with the agenda package for information purposes only.

**Staff Event  
Calendar**

The Board members were reminded to complete their conflict of interest forms and travel vouchers.

**Conflict of Interest  
and Travel Voucher  
Forms**

There being no further business, the meeting was adjourned at 2:06 p.m.

**Adjourn**

  
\_\_\_\_\_  
Lucia Anna Trigiani, Chair

  
\_\_\_\_\_  
Gordon Dixon, Secretary

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

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

1. Name: F. James Ahlberg  
2. Title: Board Member  
3. Agency: Common Interest Community Board  
4. Meeting/IFF Date: Board Meeting March 2, 2010

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.

F. J. Ahlberg  
Signature

3/2/2010  
Date

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

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

1. Name: Pamela Coerse  
2. Title: Board Member  
3. Agency: Common Interest Community Board  
4. Meeting/IFF Date: Board Meeting March 2, 2010

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.

Pamela Coerse  
Signature

3/2/10  
Date

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

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

1. Name: Ronda S. DeSplinter  
2. Title: Board Member  
3. Agency: Common Interest Community Board  
4. Meeting/IFF Date: Board Meeting March 2, 2010

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.

Ronda DeSplinter  
Signature

3-2-10  
Date



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

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

1. Name: Kimberly B. Kacani  
2. Title: Board Member  
3. Agency: Common Interest Community Board  
4. Meeting/IFF Date: Board Meeting March 2, 2010

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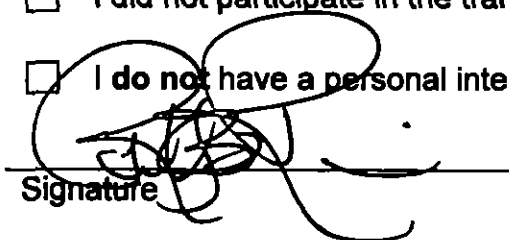
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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

Signature



Date

3-2-2010

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

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

1. Name: Douglas M. Kleine  
2. Title: Board Member  
3. Agency: Common Interest Community Board  
4. Meeting/IFF Date: Board Meeting March 2, 2010

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.

\_\_\_\_\_  
Signature

3/2/2010  
Date

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

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

1. Name: Milton W. Matthews  
2. Title: Board Member  
3. Agency: Common Interest Community Board  
4. Meeting/IFF Date: Board Meeting March 2, 2010

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

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\_\_\_\_\_

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:

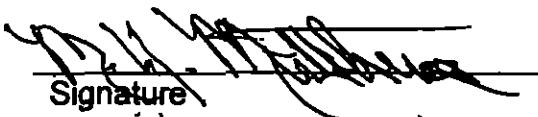
\_\_\_\_\_

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

  
Date

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

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

1. Name: R. Lee Merritt  
2. Title: Board Member  
3. Agency: Common Interest Community Board  
4. Meeting/IFF Date: Board Meeting March 2, 2010

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:

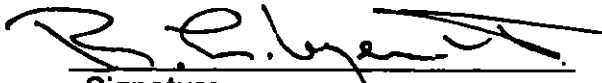
\_\_\_\_\_

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.

  
Signature

3/2/10  
Date

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

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

1. Name: Scott E. Sterling  
2. Title: Board Member  
3. Agency: Common Interest Community Board  
4. Meeting/IFF Date: Board Meeting March 2, 2010

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.

Scott E. Sterling  
Signature

2 March 2010.  
Date

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

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

1. Name: Miyun Sung  
2. Title: Board Member  
3. Agency: Common Interest Community Board  
4. Meeting/IFF Date: Board Meeting March 2, 2010

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

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\_\_\_\_\_

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:

\_\_\_\_\_

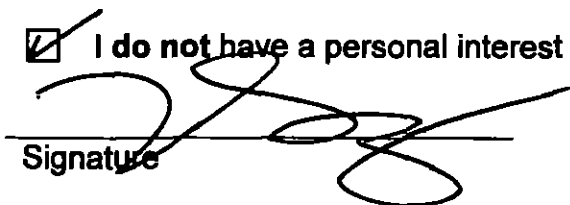
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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

Signature



Date

3/2/2010

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

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

1. Name: Lucia Anna Trigiani  
2. Title: Board Member  
3. Agency: Common Interest Community Board  
4. Meeting/IFF Date: Board Meeting March 2, 2010

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.

Lucia Anna Trigiani  
Signature

3/2/2010  
Date

**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 March 2, 2010

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

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\_\_\_\_\_

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

Date

*Katherine E. Waddell*

*3/2/10*