

COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board (Board) met on March 15, 2018, 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
Maureen A. Baker
Mary Elizabeth Johnson
Kimberly Kacani
Paul Orlando
Lori Overholt
Eugenia Lockett Reese
Scott Sterling
Katherine E. Waddell
David Watts

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

Jay W. DeBoer, Director
Trisha L. Henshaw, Executive Director
Heather Gillespie, Ombudsman
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Amy Goobic, Executive Assistant

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

Finding a quorum of the Board present, Ms. Trigiani, Chair, called the **Call to Order** meeting to order at 9:43 a.m.

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

Ms. Trigiani introduced to the Board newly appointed Board member **Introduction of New Board Members** Eugenia Lockett Reese, who will serve as a citizen member.

Board members and staff then each introduced themselves.

Ms. Overholt moved to approve the agenda as presented. Mr. Sterling seconded the motion which was unanimously approved by: Baker, Johnson, Kacani, Orlando, Overholt, Reese, Sterling, Trigiani, Waddell, and Watts.

Approval of Agenda

Ms. Waddell moved to approve the minutes of the November 30, 2017, Board meeting. Ms. Baker seconded the motion which was unanimously approved by: Baker, Johnson, Kacani, Orlando, Overholt, Reese, Sterling, Trigiani, Waddell, and Watts.

Approval of Minutes

There were no public comments.

Public Comment Period

Mr. Haughwout provided the Board with an update of temporary cease and desist actions from November 30, 2017.

Follow-up Report from Temporary Cease and Desist Actions from November 30, 2017 Meeting

Mr. Haughwout informed the Board that the consideration of a Temporary Cease and Desist for Cornish Parks Sixteen, LLC condominium registration was no longer being considered, as the declarant had complied with the regulations.

Consider Temporary Cease and Desist Orders Regarding Condominium Registrations

Mr. Haughwout asked the Board to consider issuance of a temporary cease and desist order against the project registration of North Drive Condominiums, for failure of the declarant, Hawkeye West, LLC, to submit a complete annual report with evidence of a bond or letter of credit from a financial institution as required by § 55-79.93 of the Code of Virginia, and Board Regulation 18 VAC 48-30-540. Mr. Haughwout provided the following proposed language to include in the order:

The declarant's failure to comply with § 55-79.93 of the Code of Virginia does not assure the public that the declarant is in compliance with the Condominium Act (§§ 55-79.39 et seq.) and the Board's Condominium Regulations, and would cause irreparable harm to the public interest. Mr. Orlando moved to accept staff's proposed language and issue a temporary cease and desist order against the project registration of North Drive Condominiums. Ms. Waddell seconded the motion. Discussion was held on the agency's procedure for sending solicitation letters requesting annual reports from declarants and follow-up procedures. Following discussion, the motion was unanimously approved by: Baker, Johnson, Kacani, Orlando, Overholt, Reese,

Sterling, Trigiani, Waddell, and Watts.

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

**Update on
Regulatory Review
Process**

A notice of intended regulatory amendment (NOIRA) for a general review of the CIC Management Information fund is in development. A panel of stakeholders will be organized to review the regulatory actions.

Mr. Haughwout informed the Board of a proposed action to be considered. The 2015 temporary reduction of renewal fees and registration, to meet the Callahan Act requirements, expires June 30, 2018. Mr. Haughwout requested the Board consider an extension of the reduction until June 30, 2019. The extension would be an exempt action, and has been approved by the agency finance department. Mr. Sterling moved to approve the temporary fee reduction as recommended by staff until June 30, 2019. Ms. Kacani seconded the motion which was unanimously approved by: Baker, Johnson, Kacani, Orlando, Overholt, Reese, Sterling, Trigiani, Waddell, and Watts.

**Extend Temporary
Reduction of
Association
Registration and
Renewal
Application Fees**

Ms. Gillespie provided the Board with a report on the Office of the Common Interest Community Ombudsman. The report contained statistics on complaints received by the Ombudsman's office, as well as phone calls, emails and closed complaints for 2017-2018 to date, beginning December 1, 2017.

Ombudsman Report

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, and gave an overview of recently attended events.

**Staff Event
Calendar**

The Board recessed from 11:00 a.m. until 11:20 a.m.

Recess

Ms. Henshaw provided the Board with an update on legislation affecting the Board, common interest communities, and DPOR that was considered during the 2018 General Assembly session.

**2018 Legislative
Update**

Ms. Henshaw provided an overview of HB674 (companion bill SB443) relating to submission of bonds and letters of credit in lieu of escrowing deposits in a time-share program. The bill passed the General Assembly and was signed by the Governor, to become effective July 1, 2018.

While the language was amended to coincide with a similar provision in the Condominium Act, it was noted that the provision in the bill pertaining to letters of credit provides a date for determining the amount of the letter of credit, but the similar provision pertaining to bonds does not include such date for calculation of the bond amount. Ms. Henshaw asked if the Board would like staff to draft a guidance document for consideration at the next meeting to clarify for applicants and registrants that the date of calculation is the same for bonds as for letters of credit – May 31.

Discussion of HB674/SB443

Ms. Henshaw provided an overview of HB923, which passed the General Assembly and was signed by the Governor. The legislation amends language related to the Board's requirement to develop and disseminate a form to accompany disclosure packets for purchaser's considering a lot in a property owner's association. Specifically, the bill extends the requirement for such form to the sale of units in a condominium governed by a unit owners' association, which requires a resale certificate similar to a disclosure packet. The amended language also includes specific items that must be included in the notice prepared by the Board. As a result of the bill's passage, the Board Chair directed staff to prepare a draft for Board consideration. A draft of the notice to accompany disclosure packets as well as a draft of the notice to accompany resale certificates were developed and provided to the Board.

Overview of HB923

Discussion was held on the draft forms and proposed changes to language by Ms. Trigiani. The Board had extensive discussion over the use of "check boxes," as provided on the draft developed by staff, as it related to specific limitations required pursuant to the bill to be included in the notice. There was not Board consensus on whether the language in the bill required the notice to allow for an affirmative disclosure of limitations in the association on the notice, or if a general statement regarding limitations would suffice. Ms. Johnson moved to adopt the form as provided by staff, to include the amendments suggested by Ms. Trigiani. Ms. Reese seconded the motion. Further discussion was held on the proposed language. Mr. Sterling moved to call the question. Mr. Watts seconded the motion. Board members: Orlando, Reese, Overholt, Baker, and Johnson, voted to approve. Board members: Watts, Sterling, Kacani and Waddell, voted not to approve. Ms. Trigiani abstained.

Ms. Reese departed the meeting at 12:55 p.m.

**Departure of Board
Member Reese**

Discussion was held on having the form list items required in the disclosure packet, in the same order as they are listed in the Code of Virginia. Mr. Watts moved to have staff list the items required in the disclosure packet according to the Code of Virginia. Ms. Kacani seconded the motion which was unanimously approved by: Baker, Johnson, Kacani, Orlando, Overholt, Reese, Sterling, Trigiani, Waddell, and Watts.

**Discussion of Draft
Notice Required by
HB923**

Mr. Orlando moved to have staff make the proposed changes to the draft form and circulate to Board members with date for response. After Board review of the draft, the draft form will be posted for public comment, with the final action taking place at the June 6, 2018, Board meeting in order to meet the July 1, 2018 effective date. Ms. Overholt seconded the motion which was unanimously approved by: Baker, Johnson, Kacani, Orlando, Overholt, Reese, Sterling, Trigiani, Waddell, and Watts.

Board members complimented Mr. Haughwout on the most recent edition of the Board's newsletter. Mr. Haughwout stated that as the CIC Board will soon celebrate its 10th Anniversary, there will be a special edition of the newsletter.


Other Business


Ms. Trigiani reminded the Board members to complete their conflict of interest forms and Travel vouchers.

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

There being no further business, the meeting was adjourned at 1:30 p.m.

Adjourn


Lucia Anna Trigiani, Chair


Jay W. DeBoer, Secretary

**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 15, 2018

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

Nature of Personal Interest Affected by Transaction:

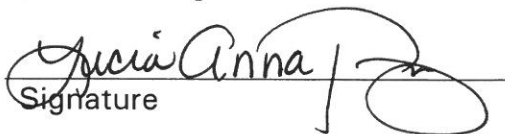
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

3/15/2018
Date

**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 March 15, 2018

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

3/15/18
Date

CONFLICT OF INTERESTS ACT

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

- 1. Name: Mary Elizabeth Johnson
- 2. Title: Board Member
- 3. Agency: Common Interest Community Board
- 4. Meeting/IFF Date: Board Meeting March 15, 2018

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.

Mary Elizabeth Johnson
Signature

3/15/18
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 15, 2018

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

Date

3-15-2018

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Paul Orlando
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting March 15, 2018

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.

P. Orlando

Signature

3-15-18

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 March 15, 2018

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:

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

Lori J Overholt

Date

3/15/18

CONFLICT OF INTERESTS ACT

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

- 1. Name: Eugenia Lockett Reese
- 2. Title: Board Member
- 3. Agency: Common Interest Community Board
- 4. Meeting/IFF Date: Board Meeting March 15, 2018

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

Nature of Personal Interest Affected by Transaction:

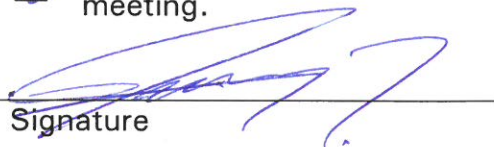
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

3.15.18
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 15, 2018

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

15 March 2018.
Date

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 15, 2018

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.

Katherine E. Waddell
Signature

3/15/18
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: David Watts
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting March 15, 2018

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.

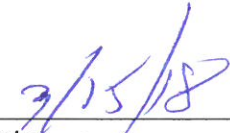
or

I did not participate in the transaction.

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



Signature



Date