

**COMMON INTEREST COMMUNITY BOARD
CONDOMINIUM REGULATORY REVIEW COMMITTEE MEETING**

MINUTES OF MEETING

The Condominium Regulatory Review Committee of the Common Interest Community Board met on Tuesday, September 13, 2011, 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:

Christiaan Melson, Chair
Kimberly Kacani
Thomas Colucci
Robert Diamond
Michael Inman (arrived at 10:27 a.m.)
Mark Kinser
David Mercer
Michelle Thompson (arrived at 10:00 a.m.)
Lucia Anna Trigiani (Ex-Officio)

Board member Miyun Sung was not in attendance.

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

Gordon Dixon, Director
Mark N. Courtney, Deputy Director of LRD
Trisha L. Henshaw, Executive Director
Heather Gillespie, Ombudsman
Thomas K. Perry, Property Registration Administrator
Betty C. Jones, Administrative Assistant
Jesstina Adelman, Program Analyst

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

Mr. Melson, Chair, called the meeting to order at 9:50 a.m.

Call to Order

Mr. Colucci moved to approve the agenda. Mr. Kinser seconded the motion which was unanimously approved by: Colucci, Diamond, Kacani, Kinser, Melson, and Mercer.

Approval of Agenda

Mr. Melson opened the floor for public comment. No members of the public present requested to speak.

**Public Comment
Period**

Ms. Henshaw provided an updated time-line for developing the draft

Review of Timeline

Condominium Regulations. Two additional Committee meeting dates have been scheduled for October 4, 2011 and November 3, 2011. The Board must adopt proposed Condominium Regulations at the December 1st meeting.

for Regulations

Ms. Henshaw gave an update on the current status of the regulatory review process for the Condominium Regulations. The Notice of Intended Regulatory Action (NOIRA) has been published and the 30-day public comment period ended on July 6, 2011.

**Update on
Regulatory Review
Process**

Ms. Henshaw provided the Committee with a draft of the Condominium Regulations that incorporates the suggested changes from the last Committee meeting pertaining to the public offering statement requirements. The Committee re-reviewed several provisions from the previous meetings, and reviewed half of the post-registration provisions. The Committee discussed the suggested revisions and updated changes to the draft text.

**Review Draft CIC
Condominium
Regulations**

Ms. Thompson arrived at 10:00 a.m.

**Arrival of
Committee Member**

The Committee continued its review of the draft Condominium Regulations. The Committee recommended that advice be obtained from Board counsel on a recurring topic related to the legality of imposing restrictions on a unit owner's right to bring legal action against a declarant or association.

**Review Draft CIC
Condominium
Regulations**

Mr. Inman arrived at 10:27 a.m.

**Arrival of
Committee Member**

The Committee continued its review of the draft Condominium Regulations. The Committee requested Mr. Colucci and Mr. Diamond redraft the section on encumbrances. The Committee requested Mr. Colucci and Mr. Diamond redraft the section on budgets and develop guidelines for providing a multi-year budget. The Committee completed its review of the public offering statement provisions in the draft Condominium Regulations.

**Review Draft CIC
Condominium
Regulations**

The Committee recessed for lunch from 11:45 a.m. to 12:36 p.m.

Lunch

The Committee continued its review of the draft Condominium Regulations. The Committee agreed by consensus with the implementation of a fee for filing an annual report. Ms. Henshaw indicated that a fee would be developed at a later date by the agency's

**Review Draft CIC
Condominium
Regulations**

financial division. Ms. Trigiani suggested staff look at other states' laws for an alternative definition of "material change." After much discussion, the Committee deferred this item to later in the meeting.

Mr. Inman departed at 2:00 p.m.

**Departure of
Committee Member**

The Committee continued its review of the draft Condominium Regulations.

**Review Draft CIC
Condominium
Regulations**

The Committee recessed at 2:12 p.m. and reconvened at 2:43 p.m.

Break

The Committee continued its review of the draft Condominium Regulations. The Committee could not agree on the wording for the sections dealing with filing an amended public offering statement and the current public offering statement. It was decided that the Committee provide two separate options for the Board to consider.

**Review Draft CIC
Condominium
Regulations**

The Committee also agreed to organize teams to study and give feedback on certain topics to be considered in the regulations.

1. Encumbrances -- Mr. Colucci and Mr. Diamond
2. Budget -- Mr. Colucci and Mr. Diamond
3. Material Change -- Mr. Diamond and Ms. Trigiani
4. Filing of Public Offering Statement Amendments and Current Public Offering Statement Provisions -- Mr. Colucci and Mr. Diamond, and Mr. Mercer and Ms. Trigiani

After discussion, Committee members were asked to submit any ideas, comments, or suggestions on these sections to Ms. Henshaw by September 26th for discussion at the October 4, 2011, meeting.

The Committee discussed its plan for the next Committee meeting. The Committee continued its discussion of topics that need to be addressed in the Common Interest Community Board Condominium Regulations. At the next Committee meeting, the Committee will review the revisions to the regulations regarding public offering statement requirements; re-review of encumbrances and budget in public offering statement provisions; material change; filing of amended public offering statement, and what constitutes a current public offering statement in

**Discuss Topics for
October 4th
Committee Meeting**

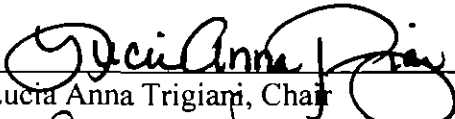
post-registration provisions; all other post-registration provisions; general provisions; application requirements; registration; and marketing. Staff will prepare a revised draft of Condominium Regulations in accordance with the Committee's comments for the next Committee meeting. In addition, the work from this meeting will be reported to the Board at its September 22nd meeting. The Committee requested Ms. Henshaw provide via e-mail word versions of the draft regulations so that Committee members could make suggested revisions.

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

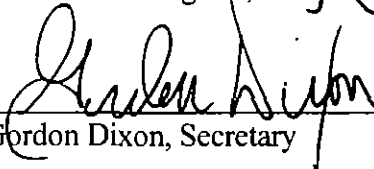
**Conflict of Interest
and Travel Voucher
Forms**

There being no further business, the meeting was adjourned at 3:08 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: Kimberly Kacani
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Condominium Regulatory Review Committee Meeting
September 13, 2011

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

Nature of Personal Interest Affected by Transaction:

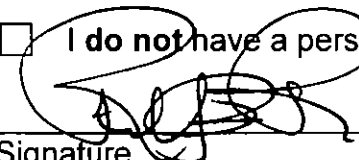
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

9-13-11

Date

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

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

1. Name: Christiaan Melson
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Condominium Regulatory Review Committee Meeting
September 13, 2011

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

NONE

Nature of Personal Interest Affected by Transaction:

NONE

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 9/13/11

**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: Condominium Regulatory Review Committee Meeting
September 13, 2011

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

Nature of Personal Interest Affected by Transaction:

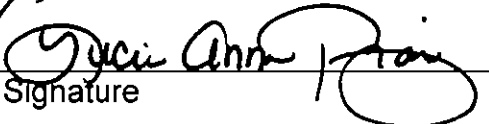
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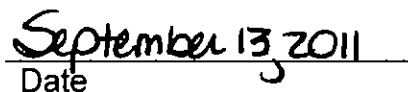
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I did not participate in the transaction.

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Signature


Date