

COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board (Board) met on June 2, 2016, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members were present:

Lucia Anna Trigiani, Chair
Mary Elizabeth Johnson
Kimberly Kacani, Vice-Chair
Thomas Mazzei
Paul Orlando
Lori Overholt
John Rhodes
Scott Sterling

Board members Kristie Helmick Proctor, Katherine Waddell, and David Watts were not in attendance.

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

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

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

Ms. Trigiani, Chair, called the meeting to order at 9:38 a.m.

Call to Order

Ms. Trigiani advised the Board of amendments to the agenda. Mr. Orlando moved to approve the agenda as amended. Mr. Sterling seconded the motion which was unanimously approved by: Johnson, Kacani, Mazzei, Orlando, Overholt, Rhodes, Sterling, and Trigiani.

Approval of Agenda

Ms. Kacani moved to approve the minutes of the March 10, 2016 Board meeting. Mr. Orlando seconded the motion which was unanimously approved by: Johnson, Kacani, Mazzei, Orlando, Overholt, Rhodes, Sterling, and Trigiani.

Approval of Minutes

Ms. Trigiani introduced newly-appointed Board member Lori Overholt, who will serve as the time-share developer representative on the Board.

**Introduction of
New Board
Members**

Ms. Trigiani also introduced new DPOR staff members Lee Bryant, CIC Board Program Administration Specialist, and Deb Schneider and Sam Thomason, Adjudication Specialists, who were present to observe the meeting.

Ms. Trigiani introduced Elizabeth Peay, Assistant Attorney General, who served as Board Counsel in Joshua Laws' absence.

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

**Emergency
Evacuation
Procedures**

There were no members of the public present for comment.

**Public Comment
Period**

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**

The public comment period on the Notice of Intended Regulatory Action (NOIRA) to amend the Common Interest Community Manager Regulations' training program provision ended on April 6, 2016. Ms. Henshaw advised the Board that the proposed text of the amendments would be presented to the Board for consideration later in the meeting.

Amendments to the Common Interest Community Ombudsman Regulations revising the timeframe for establishing a complaint process have been filed for executive branch review, and are currently under review by the Department of Budget and Planning.

Ms. Henshaw asked the Board to reconsider one public comment 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. After discussion, Mr. Rhodes moved to adopt the draft Board response to the public comment. Mr. Mazzei seconded the motion which was unanimously approved by: Johnson, Kacani, Mazzei, Orlando, Overholt, Rhodes, Sterling, and Trigiani.

**CIC Ombudsman
Regulations:
Reconsider
Response to Public
Comment**

Ms. Henshaw presented the Board with suggested edits to the CIC Manager Regulations training program provisions. After discussion, Mr. Sterling moved to adopt the CIC Manager Regulations as presented and authorize staff to file the proposed regulations for executive branch

**Review and Adopt
Proposed Text for
CIC Manager
Regulations**

review. Ms. Overholt seconded the motion. After further discussion, Mr. Sterling amended his motion and moved to adopt the CIC Manager Regulations as amended, and authorize staff to file the proposed regulations for executive branch review. Ms. Overholt seconded the motion which was unanimously approved by: Johnson, Kacani, Mazzei, Orlando, Overholt, Rhodes, Sterling, and Trigiani.

Amendment

Ms. Henshaw provided the Board with an update on legislation affecting the Board and common interest communities that was considered during the 2016 General Assembly session.

2016 Legislative Update

Ms. Henshaw presented the Board with ten draft legislative proposals to be submitted for consideration during the 2017 General Assembly session. Mr. DeBoer advised the Board on the criteria necessary for legislative proposals to be considered by the Administration for its legislative package. After discussion and review of the draft legislative items, Ms. Kacani moved to approve the proposals for submission as amended, with modifications made to item #2 and the omission of line #10. Mr. Mazzei seconded the motion. After further discussion, the motion was unanimously approved by: Johnson, Kacani, Mazzei, Orlando, Overholt, Rhodes, Sterling, and Trigiani.

2017 Legislative Items for Consideration

Ms. Gillespie provided the Board with complaint and filing statistics of the Office of the Common Interest Community Ombudsman through May 27, 2016. Ms. Gillespie also provided the Board with information on Notices of Final Adverse Decision.

Ombudsman's 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.

Staff Event Calendar

Ms. Henshaw presented the Board with tentative Board meeting dates for 2017. Mr. Orlando moved to accept the following meeting dates for 2017:

Consider 2017 Meeting Dates

- March 9, 2017
- June 8, 2017
- September 7, 2017
- November 30, 2017

Mr. Sterling seconded the motion which was unanimously approved by:

Johnson, Kacani, Mazzei, Orlando, Overholt, Rhodes, Sterling, and Trigiani.

Ms. Henshaw advised the Board of legislation affecting common interest communities to be studied, discussed, and reviewed by the Virginia Housing Commission (VHC) in 2016. Ms. Henshaw advised that Board staff will attend the VHC work groups and update the Board as necessary.

2016 Virginia Housing Commission Work Groups and Studies

Mr. Mazzei departed the meeting at 11:31 a.m.

Departure of Board Member

Ms. Henshaw advised the Board that she, Ms. Gillespie, and DPOR's legislative director will serve as members of the Title 55 Recodification Work Group. Ms. Trigiani, who will also serve as a member of the work group, advised the Board that the recodification will consist of possible language changes, retitling, and renumbering of sections within Title 55 of the *Code of Virginia*.

Title 55 Recodification Work Group of the Virginia Code Commission

Ms. Trigiani announced to the Board that Ms. Kacani has been promoted to Senior Vice-President of HH Hunt Communities.

Other Business

Ms. Trigiani also advised the Board that Mr. Courtney will be retiring from DPOR.

Board members considered the following resolution for Mr. Courtney:

Consideration of Resolution for Service

Mark Courtney

WHEREAS, Mark Courtney, did faithfully and diligently serve the Virginia Common Interest Community Board from 2008 to 2016, and the Department of Professional and Occupational Regulation from 1991 to 2016;

WHEREAS, Mark Courtney, did devote generously of his time, talent and leadership to the Board;

WHEREAS, Mark Courtney, 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 Virginia 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 Virginia Common Interest Community Board this second day of June 2016, that Mark Courtney 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.

Ms. Kacani moved to adopt the resolution as presented. Mr. Orlando seconded the motion which was approved by: Johnson, Kacani, Orlando, Overholt, Rhodes, Sterling, and Trigiani.

There being no further business, the meeting was adjourned at 11:40 **Adjourn**
a.m.

Lucia Anna Trigiani, Chair

Jay W. DeBoer, Secretary