

COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board met on Wednesday, October 15, 2008, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia 23233.

The following members were present:

F. James Ahlberg
Pamela Coerse
Ronda S. DeSplinter
Kimberly B. Kacani, Vice Chair
Douglas M. Kleine
Milton W. Matthews
R. Lee Merritt
Scott E. Sterling
Lucia Anna Trigiani, Chair
Katherine E. Waddell
Glenn H. Silver (arrived at 9:50 a.m.)

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

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director of LRD
Nick Christner, Deputy Director of CID
Trisha L. Henshaw, Executive Director
Thomas K. Perry, Property Registration Administrator
Betty C. Jones, Administrative Assistant
Heather Gillespie, Ombudsman
Cynthia Schrier, Complaint Analyst

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

Ms. Trigiani, Chair, called the meeting to order at 9:39 a.m.

Call to Order

Ms. Trigiani requested that an item be added under Other Business regarding discussion of a Board calendar.

Approval of Agenda

Ms. Coerse moved to approve the agenda as amended. Mr. Matthews seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Sterling, Trigiani and Waddell.

Ms. Kacani moved that the Board approve the minutes of its September

Approval of Minutes

15, 2008, meeting. Mr. Matthews seconded the motion which was approved by: Ahlberg, Coerse, DeSplinter, Kacani, Matthews, Merritt, Sterling, Trigiani and Waddell. Mr. Kleine abstained from the vote. The motion passed with a majority vote.

Mr. Kleine moved that the Board approve the minutes of the October 9, 2008, Regulatory Review Committee meeting as amended. Mr. Merritt seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Sterling, Trigiani and Waddell.

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

**Public Comment
Period**

Board member Glenn H. Silver arrived at 9:50 a.m.

**Arrival of Board
Member**

Ms. Kacani gave a report from the Regulatory Review Committee with regard to the committee's purpose and the processes it must follow. Various sections of the regulations were divided and given to teams of two for review and revisions to be brought back to the Committee. There were other areas detailed that the Committee felt would require regulations but that were deemed to be outside of the scope of the work requested of the Committee. Those identified were the following: Complaint Process/Ombudsman Process and Recovery Fund Regulations.

**Regulations/
Report from
Regulatory Review
Committee**

The Committee requested that staff prepare a time line for the development of the permanent regulations to aid in setting the goal for completion of the draft. This projection is to include the time necessary for the Board to consider the draft after completion by the Committee.

The next Committee meeting is scheduled for Wednesday, November 12, 2008, at 10:00 a.m.

Ms. Henshaw provided an overview of the status of the regulations. In summary, the Public Participation Guidelines regulations have been published; the Condominium Regulations have been approved by the Department of Planning and Budget; and the Time-Share Regulations are awaiting publication. The Common Interest Community Manager Regulations are undergoing review by the Department of Planning and Budget. Subsequent to review by the Department of Planning and Budget and the Secretary's Office, several changes were recommended.

**Update on
Regulations**

After discussion, Ms. Kacani moved to approve the amended Common

Interest Community Manager Regulations. Ms. Waddell seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Silver, Sterling, Trigiani and Waddell.

Ms. Gillespie gave an overview of the statutes related to the Office of the Common Interest Community Ombudsman. She discussed the responsibilities of the Ombudsman's office, gave an explanation of the law, and requirements for compliance with the law, and reviewed the website and links.

**Other Business/
Discussion of
Statutes related to
the Office of the CIC
Ombudsman**

Ms. Gillespie further discussed the complaint process. The Board discussed what constitutes a complaint. She also discussed the two levels of complaints: inquiries and alleged violations of regulations, statutes, or the association's governing documents.

**Overview of
Association
Complaint Process**

The Board recessed at 11:15 a.m. and reconvened at 11:30 a.m.

Break

Ms. Henshaw discussed the draft CIC Manager Provisional License Application. The Board discussed several changes to the application form and the application process.

**Review and
Approval of CIC
Manager Provisional
License Application**

The Board recessed for lunch from 12:45 p.m. to 1:22 p.m.

Lunch

The Board revisited the review of the draft CIC Manager Provisional License Application. After discussion, Mr. Merritt moved to approve the draft CIC Manager Provisional License Application as revised. Mr. Merritt further moved that the approval is subject to the circulation of application revisions and lack of objection. Mr. Matthews seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Silver, Sterling, Trigiani and Waddell.

**Review and
Approval of CIC
Manager
Provisional License
Application**

Mr. Merritt discussed "reserve balance" as referenced in Section 54.1-2346.D. It was stated that the reserve balance should be calculated based on the last fiscal year, the date of the application, and the highest aggregate amount of each association managed by the Common Interest Community Manager during the last fiscal year. The amount of the bond or insurance for the manager is to maintain maximum coverage.

**Discussion of
"Reserve Balance"
as referenced in
Section 54.1-2346.D**

Ms. Henshaw provided an overview on the Virginia Regulatory Town Hall. The presentation provided the purpose Townhall serves; how Townhall is organized; how Townhall allows the public to access information, agendas, minutes or notices; receive notifications; track a

**Presentation on
Virginia Regulatory
Town Hall**

regulatory action; past and current regulatory actions; agency guidance; past and future meetings; and agency mandates. Also, Ms. Henshaw gave a walk-through on Townhall, such as registering for Townhall and how to look up information on Townhall.

Ms. Trigiani requested that a calendar of Common Interest Community-related events that staff attends, along with relevant Board-specific dates be provided along with each Board meeting agenda. Staff will compile and provide this information.

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 2:46 p.m. **Adjourn**

Lucia Anna Trigiani, Chair

Jay W. DeBoer, Secretary