

COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board met on Tuesday, December 3, 2013, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 1, Richmond, Virginia 23233.

The following members were present:

Enrico Cecchi
Kristie Helmick
Kimberly B. Kacani
Thomas Mazzei
Christiaan Melson, Vice-Chair
Jacquelyn Riggs
Douglas Rogers
Lucia Anna Trigiani, Chair

Board member Elena Ferranti was not in attendance.

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

Gordon Dixon, Director
Mark N. Courtney, Senior Director for Regulatory and Public Affairs
Trisha L. Henshaw, Executive Director
Heather Gillespie, Ombudsman
Jill Hrynciw, Board Administrator
Betty C. Jones, Administrative Assistant

Ms. Trigiani introduced and welcomed Mr. Joshua Lief, Senior Assistant Attorney General, from the Office of the Attorney General. Mr. Lief was in attendance as Board counsel.

Finding a quorum of the Board present, Ms. Trigiani, Chair, called the **Call to Order** meeting to order at 9:41 a.m.

The Board welcomed the two newest Board members: Kristie Helmick, **Introduction of New Members** who was appointed to serve as a citizen member, and Thomas Mazzei, who was appointed to serve as a common interest community manager.

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

Mr. Rogers moved to approve the revised agenda. Mr. Melson **Approval of Agenda**

seconded the motion which was unanimously approved by: Cecchi, Helmick, Kacani, Mazzei, Melson, Riggs, Rogers, and Trigiani.

Ms. Kacani moved that the Board approve the minutes of the September 16 and 17, 2013, Board meeting. Mr. Cecchi seconded the motion which was unanimously approved by: Cecchi, Helmick, Kacani, Mazzei, Melson, Riggs, Rogers, and Trigiani.

Approval of Minutes

Mr. Rogers moved that the Board approve the minutes of the December 2, 2013, Training Program Review Committee meeting. Ms. Kacani seconded the motion which was unanimously approved by: Cecchi, Helmick, Kacani, Mazzei, Melson, Riggs, Rogers, and Trigiani.

Ms. Trigiani opened the floor for public comment. Ms. Trigiani recognized Pamela Coerse, a former Board member, who preceded Jacquelyn Riggs. Ms. Coerse indicated that she has officially retired and enjoyed working with the Board. Ms. Coerse introduced Mr. Garrett Smith, General Counsel to the Resorts Companies, Inc., to the Board.

Public Comment Period

Mr. Joseph Perini, attorney with Meyer & Goergen, P.C., addressed the Board during the Public Comment Period. He expressed his concern regarding the application of § 55-79.84:1(A) of the Code of Virginia. He indicated the code section does not clearly state whether the \$1,000 per unit minimum is to be applied for each unit registered or each unit owned by the declarant. He sought clarification from the Board.

Ms. Henshaw gave an update on the current status of the regulatory review processes for several of the Board's regulatory packages.

Update on Regulatory Review Processes

The Common Interest Community Board Condominium Regulations have completed the executive branch review. A 60-day public comment period begins December 16, 2013 and ends February 14, 2014. A public hearing is scheduled for December 18, 2013.

The Common Interest Community Board Time-Share Regulations are currently undergoing review by the Department of Planning and Budget.

Ms. Trigiani transferred the Chair to Mr. Melson and recused herself from the meeting.

Transfer of Chair

Mr. Rogers provided a summary of the Training Program Review Committee meeting which was held on December 2, 2013. On July 1, 2012, the Common Interest Community Board (CIC) began certifying principal and supervisory employees of common interest community

Report from December 2, 2013, Training Program

managers. As a condition to renew their certificates, individuals are required to complete two hours of Board-approved Virginia common interest community law and regulation training, as well as two hours of Board-approved training that encompasses Virginia fair housing laws related to common interest communities. The Committee reviewed and recommended approval of eight training programs, one with conditional approval.

**Review
Committee**

The Committee reviewed for approval two training program applications submitted by MercerTrigiani. The training program entitled *2013 Virginia Common Interest Community Legislation: A Gentle Shove Toward Disclosure* was submitted for approval as a Virginia common interest community law and regulation training program and the training program entitled *Fair Housing Works for You! Why Community Association Leaders and Managers Need to Understand Fair Housing Laws* a common interest community-related fair housing training program. MercerTrigiani requested retroactive approval to June 18, 2013, for the law and regulation training program and retroactive approval to May 1, 2013, for the fair housing training program. After review by the Committee, the Committee recommended that the Board approve the two training programs as presented. After discussion, Mr. Rogers moved that the Board accept the recommendation of the Committee and approve the applications submitted by MercerTrigiani for *2013 Virginia Common Interest Community Legislation: A Gentle Shove Toward Disclosure* as a Virginia common interest community law and regulation training program with retroactive approval to June 18, 2013, and *Fair Housing Works for You! Why Community Association Leaders and Managers Need to Understand Fair Housing Laws* as a common interest community-related fair housing training program with retroactive approval to May 1, 2013. Ms. Kacani seconded the motion which was unanimously approved by: Cecchi, Helmick, Kacani, Mazzei, Melson, Riggs, and Rogers.

**Review of
CIC Law and
Regulation and CIC
Fair Housing
Training Programs:
MercerTrigiani**

The Committee reviewed for approval two training program applications submitted by Chadwick, Washington, Moriarty, Elmore & Bunn, P.C. The training program entitled *Virginia CIC Legal Training* was submitted for approval as a Virginia common interest community law and regulation training program and the training program entitled *CIC Manager Fair Housing Training* was submitted for approval as a common interest community-related fair housing training program. After review by the Committee, the Committee recommended that the Board approve the two training program applications as presented. After discussion, Mr. Rogers moved that the Board accept the

**Review of
CIC Law and
Regulation and CIC
Fair Housing
Training Programs:
Chadwick,
Washington,
Moriarty, Elmore &
Bunn, P.C.**

recommendation of the Committee and approve the application submitted by Chadwick, Washington, Moriarty, Elmore & Bunn, P.C. for *Virginia CIC Legal Training* as a Virginia common interest community law and regulation training program and the *CIC Manager Fair Housing Training* as a common interest community-related fair housing training program. Ms. Kacani seconded the motion which was unanimously approved by: Cecchi, Helmick, Kacani, Mazzei, Melson, Riggs, and Rogers.

The Committee reviewed for approval two training program applications submitted by Inman & Strickler, P.L.C. The training program entitled *Virginia Common Interest Community Training* was submitted for approval as a Virginia common interest community law and regulation training program and the training program entitled *Virginia Fair Housing Laws* as a common interest community-related fair housing training program. After review by the Committee, the Committee recommended that the Board approve the two training programs as presented. After discussion, Mr. Rogers moved that the Board accept the recommendation of the Committee and approve the applications submitted by Inman & Strickler, P.L.C. for *Virginia Common Interest Community Training* as a Virginia common interest community law and regulation training program and *Virginia Fair Housing Laws* as a common interest community-related fair housing training program. Ms. Kacani seconded the motion which was unanimously approved by: Cecchi, Helmick, Kacani, Mazzei, Melson, Riggs, and Rogers.

**Review of
CIC Law and
Regulation and
CIC Fair Housing
Training Programs:
Inman &
Strickler, P.L.C.**

The Committee reviewed for approval a training program application submitted by Tarley Robinson, P.L.C. The training program entitled *The Fair Housing Act and Common Interest Communities: A Primer* was submitted for approval as a common interest community-related fair housing training program. After review by the Committee, the Committee recommended that the Board approve the training program application as presented. After discussion, Mr. Rogers moved that the Board accept the recommendation of the Committee and approve the application submitted by Tarley Robinson, P.L.C. for *The Fair Housing Act and Common Interest Communities: A Primer* as a common interest community-related fair housing training program. Ms. Kacani seconded the motion which was unanimously approved by: Cecchi, Helmick, Kacani, Mazzei, Melson, Riggs, and Rogers.

**Review of
CIC Fair Housing
Training Program:
Tarley Robinson,
P.L.C**

The Committee reviewed for approval a training program application submitted by Tarley Robinson, P.L.C. The training program entitled *Disclosure Packets and Resale Certificates in Virginia* was submitted

**Review of
CIC Law and
Regulation**

for approval by Tarley Robinson, P.L.C. as a Virginia common interest community law and regulation training program. After review by the Committee, the Committee recommended the Board conditionally approve the application entitled *Disclosure Packets and Resale Certificates in Virginia* as a Virginia common interest community law and regulation training program subject to Tarley Robinson, P.L.C. revising the program to include legislative and regulatory updates related to common interest community management and creation, governance, administration, and operations of associations. The Committee further recommended that Board staff be authorized to approve the program once the revisions are received, reviewed, and determined to be acceptable. After discussion, Mr. Rogers moved that the Board accept the recommendation of the Committee and conditionally approve the application submitted by Tarley Robinson, P.L.C. entitled *Disclosure Packets and Resale Certificates in Virginia* as a Virginia common interest community law and regulation training program subject to Tarley Robinson, P.L.C. revising the program to include legislative and regulatory updates related to common interest community management and creation, governance, administration, and operations of associations. Mr. Rogers further moved that Board staff be authorized to approve the program once the revisions are received, reviewed, and determined to be acceptable. Ms. Kacani seconded the motion which was unanimously approved by: Cecchi, Helmick, Kacani, Mazzei, Melson, Riggs, and Rogers.

**Training Program:
Tarley
Robinson, P.L.C.**

Ms. Trigiani returned to the meeting and resumed the position of Chair.

Transfer of Chair

The Board discussed the Training Program Review Committee membership. There are currently two vacancies on the Committee. The Board agreed by consensus to appoint Ms. Helmick and Mr. Mazzei to serve as members.

**Discussion of
Training Program
Review Committee
Membership**

The Board discussed a letter from Joseph Perini, attorney with Meyer & Goergen, P.C., regarding a request for interpretation of § 55-79.84:1(A) of the Code of Virginia. The declarant of a condominium must file and maintain a bond or letter of credit in favor of the unit owner's association to insure the declarant's assessment obligations are fulfilled. It has been the registration practice to require that the bond or letter of credit is equal to \$1,000 per unit registered (minimum of \$10,000 and maximum of \$100,000), regardless of whether the declarant still owns the unit. After discussion, the Board agreed by consensus to continue the practice of requiring an assessment bond or letter of credit be filed for the total number of units registered with the Board.

**Consider Request
for Interpretation of
§ 55-79.84:1(A) of
the Code of Virginia**

The Board recessed for a break at 10:48 a.m. and reconvened at 11:15 a.m. **Break**

The following resolutions were presented for consideration by the Board.

**Consideration of
Resolutions for
Service**

Resolution for

Katherine Waddell

WHEREAS, **Katherine Waddell**, did faithfully and diligently serve as a member of the Virginia Common Interest Community Board from 2008 to 2013;

WHEREAS, **Katherine Waddell**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Katherine Waddell**, did endeavor at all times to render decisions with fairness and good judgement 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 third day of December 2013 that **Katherine Waddell**, be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Mr. Mazzei made a motion to adopt the resolution. Mr. Cecchi seconded the motion which was unanimously approved by: Cecchi, Helmick, Kacani, Mazzei, Melson, Riggs, Rogers, and Trigiani.

Resolution for

Steven Jack

WHEREAS, **Steven Jack**, did faithfully and diligently serve the Virginia Common Interest Community Board from 2008 to 2013 as the Assistant Attorney General of the Office of the Attorney General for the Department of Professional and Occupational Regulation; and

WHEREAS, **Steven Jack**, did devote generously of his time, talent and leadership to the Board; and

WHEREAS, **Steven Jack**, did endeavor at all times to render assistance and advice to the Board 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 third day of December 2013, that **Steven Jack**, 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.

Mr. Melson made a motion to adopt the resolution. Mr. Rogers seconded the motion which was unanimously approved by: Cecchi, Helmick, Kacani, Mazzei, Melson, Riggs, Rogers, and Trigiani.

Ms. Trigiani explained that all common interest community-related legislation during the upcoming General Assembly Session is monitored by Board and Department staff. While staff may provide technical information, data, and statistics regarding legislative proposals, Ms. Trigiani reminded the Board members that neither staff nor the Board has a position on a particular bill until such time as the Governor issues a position.

**Discussion of 2014
General Assembly
Session**

Ms. Gillespie provided the Board with the 2012-2013 Annual Report on the Office of the Common Interest Community Ombudsman and

**Ombudsman's
Report**

provided a handout on developing a better understanding of the Office of the Common Interest Community Ombudsman. She discussed the inquiries and complaints, education and outreach, constituent expectations, legal developments, federal topics, news of interest, and statutory authority related to the Ombudsman.

Ms. Trigiani suggested complaints and final adverse decisions be submitted in paper and electronic copies to streamline the process.

Ms. Gillespie is asking associations to come into compliance and if not, the complaint will be referred to the Board. She is also having an issue where associations are not including their number, manager name, or license number on the form.

Ms. Henshaw provided a handout of the current regulant population as of November 2013. Ms. Henshaw indicated that the number of associations continue to slowly increase. The Board reiterated its concern that many associations in Virginia that are required by law to be registered are not. The Board requested that staff continue to explore opportunities to locate unregistered associations and bring them into compliance.

**Licensing/
Registration
Statistics**

In early October, processing for the Board's licenses was converted to the agency's new computer system. Staff is working to resolve any issues with the new computer system.

Ms. Henshaw advised that an extended vacancy has resulted in a single staff member assuming all licensing-related responsibilities. Lisa Robinson, a licensing specialist for the Board's programs, has been manning the licensing section and has done a fantastic job. Ms. Henshaw introduced Thomas Wennerstrom, a contract licensing specialist for the Board, to the Board members. Recruitment for another licensing specialist is in the process.

Ms. Henshaw provided the Board a copy of the most recent financial statement for informational purposes.

**Board Financial
Statements**

A copy of the financial statement for the Common Interest Community Management Recovery Fund for the month ended on September 30, 2013. No claims have been filed.

**Recovery Fund
Statements**

The Board previously requested that staff compile a calendar of the common interest community-related events and dates that staff and the Ombudsman attend. The requested information was provided to the

**Staff Event
Calendar**

Board with the agenda package for information purposes only.

Ms. Henshaw reminded the Board members that after the Board meeting the required Conflict of Interests Act Training will be available for those who have not taken the training. Board members can also complete the training online.

Conflict of Interests Act Training

The Board members were reminded 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 12:17 p.m.

Adjourn

Lucia Anna Trigiani, Chair

Gordon N. Dixon, Secretary

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