

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

MINUTES OF MEETING

The Manager Regulatory Review Committee of the Common Interest Community Board met on Thursday, January 14, 2010, 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:

Ronda S. DeSplinter, Chair
Kimberly B. Kacani
Marshall Bowden
Kenneth E. Chadwick
Christiaan P. Melson
Edward J. O'Connell, III
Paul L. Orlando
John A. Rhodes
Walter I. Sasser
Charles Simpson
Lucia Anna Trigiani (Ex-Officio)

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

Jay W. DeBoer, 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

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

Ms. DeSplinter, Chair, called the meeting to order at 9:37 a.m. Ms. DeSplinter welcomed everyone and introduced the Committee members and the staff.

**Call to Order
and Introduction of
Committee
Members**

Mr. Orlando moved to approve the agenda. Mr. Simpson seconded the motion which was unanimously approved by: Bowden, Chadwick, DeSplinter, Kacani, Melson, O'Connell, Orlando, Rhodes, Sasser, Simpson, and Trigiani.

Approval of Agenda

Ms. DeSplinter opened the floor for public comment. No members of

Public Comment

the public present requested to speak.

Period

Mr. DeBoer discussed the effect a change in administration would have on the regulatory process and the status of the Board's regulations. The new administration will carefully review regulations currently under executive review before the regulations can proceed through the regulatory review process.

Overview

Ms. Henshaw informed the Board that an extension of the emergency Manager Regulations was granted through May 12, 2010. The final Manager Regulations were approved by the Governor, will be published in the Virginia Register on February 1, 2010, and will take effect on April 1, 2010.

Ms. DeSplinter discussed the parameters of the Committee's work on the common interest community manager employee certification standards. Ms. Henshaw provided an overview of the purpose of this Committee, gave an update on the regulatory review processes, and provided a brief overview of the statutes requiring the Board to develop regulations for the certification of individuals who are in a supervisory or principal responsibility role for a common interest community manager.

**Review Purpose of
Committee and
Discuss Timeline**

The Committee needs to begin developing regulations for Board approval in order to solicit public comment and proceed through the regulatory review process. The regulations will focus on certification criteria, certification maintenance, and standards of conduct. The end result of these regulations will become part of the existing common interest community manager regulations by adding in provisions related to the certification process. The Committee will be looking at topics to be included in the regulations and staff will prepare a draft to begin reviewing at the next meeting. Once this Committee drafts the employee certification provisions, the Board will review the text to make any needed changes, additions, or deletions prior to adoption as proposed.

Ms. Henshaw provided a time-line for preparing the draft manager regulations to develop provisions related to individual certification. The time-line establishes a time frame for the Committee in which objectives must be accomplished. The Committee's work will culminate with the presentation of the draft text to the Board at its June 3, 2010, meeting.

Mr. Courtney gave an overview of Executive Order 36 which has been replaced with Executive Order 107. The latter executive order was

**Review Executive
Order #36**

adopted by Governor Kaine and is substantially the same and has minimal impact on the existing regulatory review process.

Mr. Courtney provided an overview of the regulatory review process including specific information that must be provided to other state agencies as well as the public during the regulatory review process. Mr. Courtney also provided a short summary of what should and should not be done when drafting regulations. In addition, the difference between regulation and statute was discussed.

**Overview of
Regulatory Review
Process**

Ms. Henshaw reviewed pertinent sections of Chapter 23.3 of Title 54.1 of the Code of Virginia. These sections pertain to the Board's authority to develop regulations as well as specific requirements related to the certification of employees.

**Review of
Applicable Laws
and Regulations/
§54.1-2346 and
§54.1-2349 of the
Code of Virginia**

The Committee recessed at 10:54 a.m. and reconvened at 11:10 a.m.

Break

Ms. Henshaw provided an overview of the final Common Interest Community Manager Regulations as approved by the Board on October 26, 2009, which are undergoing executive branch review. The final regulations provide the foundation for the draft text to be developed by the Committee. In addition to the development of new regulations, the existing regulations must be reviewed and amended to ensure consistency with statutes and requirements for employee certification.

**Final CIC Manager
Regulations**

Ms. Henshaw provided a general outline of suggested topics that may be addressed in the Common Interest Community Manager Regulations. The Committee will need to decide areas that should be more specific and the structure of the regulations. Some areas of concern are: defining supervisor and supervisor responsibility, identifying specific individuals needing certification, establishing requirements for an education based certification program, and developing standards of conduct and practice specific to individuals.

**Discussion of Topics
to be Addressed in
Common Interest
Community
Manager
Regulations**

The Committee recessed for lunch from 12:19 p.m. to 12:53 p.m.

Lunch

The Committee continued its discussion of topics that need to be addressed in the Common Interest Community Manager Regulations. Staff will review regulations, laws, and criteria from other sources with similar requirements and prepare a draft of the Common Interest Community Manager Regulations adding employee certification provisions in accordance with the Committee's comments for the next

**Discussion of
Topics to be
Addressed in
Common Interest
Community
Manager**

Committee meeting.

Regulations

After discussion, the Committee approved the following meeting dates by consensus: February 25, 2010, March 29, 2010, and May 6, 2010. The Committee also agreed to have all the Committee meetings begin at 9:30 a.m.


**Other Business/
Set Next
Meeting Date(s)**

The Board members serving on the Committee were reminded to complete their conflict of interest forms and travel vouchers. Ms. Henshaw reminded the Committee members to return the Electronic Data Interchange (EDI) form and the Request for Taxpayer Identification Number and Certification W-9 form.

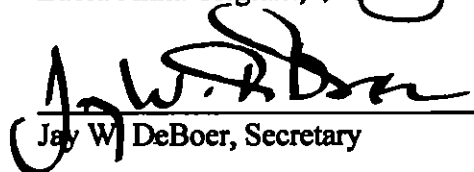
**Conflict of Interest
and Travel Voucher
Forms**

There being no further business, the meeting was adjourned at 2:44 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: Ronda DeSplinter
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Manager Regulatory Review Committee Meeting
January 14, 2010

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

1-14-10

Date

**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:** Manager Regulatory Review Committee Meeting
January 14, 2010

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:

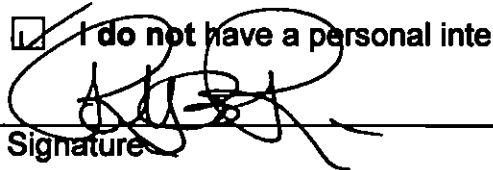
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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

Signature



1-14-10

Date

**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: Manager Regulatory Review Committee Meeting
January 14, 2010

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.

Lucia Anna Trigiani
Signature

January 14, 2010
Date