

COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board met on June 4, 2015, 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
Christiaan Melson, Vice-Chair
Mary Elizabeth Johnson
Kimberly Kacani
Paul Orlando
David Watts

Board member Enrico Cecchi, Katherine Waddell, Jacquelyn Riggs Kristie Helmick and Thomas Mazzei 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
Jill Hrynciw, Board Administrator
Heather Gillespie, Ombudsman
Emily Trent, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Finding a quorum of the Board present, Ms. Trigiani, Chair, called the meeting to order at 9:52 a.m. **Call to Order**

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

Mr. Orlando moved to approve the agenda as amended. Mr. Melson seconded the motion which was unanimously approved by: Johnson, Kacani, Melson, Orlando, Trigiani and Watts. **Approval of Agenda**

Mr. Melson moved that the Board approve the minutes of the March 26, 2015, Board meeting. Mr. Orlando seconded the motion which was unanimously approved by: Johnson, Kacani, Melson, Orlando, Trigiani

and Watts.

Ms. Henshaw welcomed and introduced Emily Trent, Administrative Assistant; Elizabeth Peay, Assistant Attorney General; and Sean Mullican, Intern for the Common Interest Community Board.

**Welcome &
Introduction of Staff**

Ms. Trigiani opened the floor for public comment.

**Public Comment
Period**

John Niland, resident of Kingsmill in Williamsburg, Virginia, addressed the Board with concerns regarding his developer-controlled homeowner's association.

Lenny Byrl, resident of Kingsmill in Williamsburg, Virginia, addressed the Board with concerns of conflict of interests of the Association that are not disclosed to residents. Mr. Byrl also voiced his concerns about common areas that are seized and repurposed by association boards.

Mr. Niland and Mr. Byrl were provided with information regarding the complaint process.

The Board reviewed a memorandum from staff dated May 27, 2015, Revised June 2, 2015, to consider issuance of temporary cease and desist orders against the following condominium project registrations where the declarants failed to submit annual reports and bond/letters of credit verification forms:

**Consideration of
Temporary Cease
and Desist Orders
Regarding
Condominium
Registrations**

Registration Number	Name of Condominium Project	Declarant
0517080187	The Seasons on Lake Meade, a Condominium	Villas at Lake Meade, LLC
0517030103	Kiptopeke Condominium	Eastern Shore Development Corporation

After reviewing the facts and information presented in the memorandum at the Board meeting, the Board determined that the declarants failed to file an annual report within thirty (30) days of the anniversary date of the condominium project registrations as required by § 55-79.93 of the Code of Virginia.

After discussion, Ms. Kacani made a motion to issue Temporary Cease and Desist Orders in accordance with § 55-79.100(b) of the Code of Virginia which states:

“If the agency makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, it may issue a temporary cease and

desist order. Prior to issuing the temporary cease and desist order, the agency shall give notice of the proposal to issue a temporary cease and desist order to the person. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held promptly to determine whether or not it becomes permanent.”

The declarants of the registrants must cease and desist from the sale of units in the condominium project until annual reports and assessment bond or letter of credit verification forms, as applicable, are submitted and determined to be acceptable by the Board. If the declarants fail to cease and desist the unlawful practice after entry of the Order, the Board may refer the matters for enforcement pursuant to § 54.1-306 of the Code of Virginia, and/or impose sanctions and take other actions permitted by Chapter 4.2 of Title 55 (§§ 55-79.39 et seq.) of the Code of Virginia. The orders remain in effect until the declarants submit acceptable documentation to the Board that the necessary affirmative actions have been taken to correct the deficiencies or the matters are adjudicated, whichever is later. Mr. Orlando seconded the motion which was unanimously approved by: Johnson, Kacani, Melson, Orlando, Trigiani and Watts.

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

Transfer of Chair

Ms. Kacani advised the Board that the Committee reviewed for approval the training program application from MercerTrigiani. The training program titled 2015 Legal and Legislative Update for Virginia Common Interest Community Association (Law and Regulation) is a Virginia common interest community law and regulation training program. MercerTrigiani requested retroactive approval to May 14, 2015.

**Report from
Training Program
Review Committee**

Upon thorough review of the application, Ms. Kacani moved that the Committee recommend Board approval of the law and regulation training program application, retroactive to May 14, 2015, contingent on MercerTrigiani amending the syllabus to reflect the regulatory content requirements found at 18 VAC 48-50-253.

Mr. Orlando seconded the motion which was unanimously approved by: Johnson, Kacani, Melson, Orlando and Watts.

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

Transfer of Chair

Board members considered the following resolution for former

Consideration of

Assistant Attorney General of the Office of the Attorney General, James Flaherty:

Resolution for Service

WHEREAS, James Flaherty, did faithfully and diligently serve the Virginia Common Interest Community Board from 2014 to 2015 as the Assistant Attorney General of the Office of the Attorney General for the Department of Professional and Occupational Regulation; and

WHEREAS, James Flaherty, did devote generously of his time, talent and leadership to the Board;

WHEREAS, James Flaherty, 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 fourth day of June 2015 that James Flaherty, 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. Watts moved to adopt the resolution. Mr. Orlando seconded the motion which was unanimously approved by: Johnson, Kacani, Melson, Orlando, Trigiani and Watts.

Board members considered the following resolution for former Administrative Assistant, Betty Jones:

Consideration of Resolution for Service

WHEREAS, Betty Jones, did faithfully and diligently serve the Virginia Common Interest Community Board from 2008 to 2015, the Department of Professional and Occupational Regulation from 1977 to 2015, and the Commonwealth of Virginia from 1967 to 2015; and

WHEREAS, Betty Jones, did devote generously of her time, talent and leadership to the Board;

WHEREAS, Betty Jones, 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

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 fourth day of June 2015 that Betty Jones, 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. Watts moved to adopt the resolution. Mr. Orlando seconded the motion which was unanimously approved by: Johnson, Kacani, Melson, Orlando, Trigiani and Watts.

Ms. Henshaw informed the Board that the Ombudsman Committee had not meet since the last Board meeting but staff has continued to work together on education and outreach opportunities. Ms. Henshaw directed the Board toward the color advertising banners that were on display that will be used at tradeshow and meeting opportunities to inform the public about the Board. Sean Mullican, CIC summer intern, will begin to work on education and outreach opportunities as well as connecting with other state agencies.

**Update on
Ombudsman
Committee**

Ms. Henshaw updated the Board on the House Bill 1632 Stakeholder Committee. The Board reviewed the list of selected committee members. Kim Kacani will serve as Chair. The first meeting will be held on June 24, 2015.

**Updated on House
Bill 1632
Stakeholder
Committee**

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

**Update on
Regulatory Review
Processes**

The Common Interest Community Board Condominium Regulations are in the final stage currently undergoing general review by the Governor's office.

The Common Interest Community Board Time-Share Regulations are in the proposed stage currently undergoing review by the Governor's office.

The Common Interest Community Board Time-Share Regulations action to incorporate an amendment resulting from Senate Bill 348 to incorporate alternative purchase registration provisions are in the fast-track stage and are currently undergoing review by the Governor's office.

Ms. Henshaw discussed the potential legislative ideas for the 2016 General Assembly Session. The Board reviewed the memorandum with a list of ten legislative recommendations. Mr. Melson moved to approve the proposed legislative items and authorize the Executive Director to forward the items to the next step of the 2016 legislative process. Ms. Johnson seconded the motion. The motion was withdrawn.

**Preparing for 2016
General Assembly
Session**

Ms. Kacani moved to approve the proposed legislative items and authorize the Executive Director to forward the items to the next step of the 2016 legislative process with the exception of list item number 3. Ms. Johnson seconded the motion which was approved by: Johnson, Kacani, Melson and Trigiani. Member abstaining was: Orlando. Member voting "No" was: Watts. The motion passed with a majority vote.

The Board recessed from 11:04 a.m. until 11:29 a.m.

Recess

Ms. Gillespie provided the Board with a report on the Office of the Common Interest Community Ombudsman and provided a handout which contained complaint statistics, information on outreach events attended and collaborative efforts with VAR and CAI.

**Ombudsman's
Report**

Ms. Henshaw provided the Board a copy of the most recent financial and statements 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 March 31, 2015 was also provided. No claims have been filed.

**Recovery Fund
Statements**

The Board reviewed the proposed 2016 CIC Board/Training Program Review Committee meeting dates. Mr. Orlando moved to approve the proposed 2016 meeting dates.

**Discussion 2016
Meeting Dates**

Training Program Review Committee	CIC Board Meeting
Wednesday, March 9, 2016 @ 1:00	Thursday, March 10, 2016 @ 9:30
Wednesday, June 1, 2016 @ 1:00	Thursday, June 2, 2016 @ 9:30
Wednesday, September 7, 2016 @ 1:00	Thursday, September 8, 2016 @ 9:30
Wednesday, November 30, 2016 @ 1:00	Thursday, December 1, 2016 @ 9:30

Mr. Watts seconded the motion which was unanimously approved by: Johnson, Kacani, Melson, Orlando, Trigiani and Watts.

As requested by the Board, a schedule of recent events attended by staff and upcoming events was provided to the Board with the agenda package for information purposes only.

Staff Event Calendar

Ms. Henshaw updated the Board on a case from last year, File Number 2014-00466 – ProCAM, LLC. Compliance of all requirements set forth in the Consent Order were due by December 26, 2014. The license was suspended on January 6, 2015, for non-compliance of the terms of the Order. ProCAM, LLC came into compliance on March 2, 2015.


Other Board Business

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

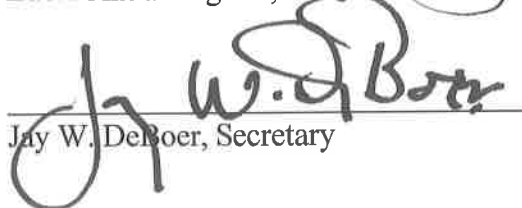
Complete Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting was adjourned at 11:46 a.m.

Adjourn



Lucia Anna Trigiani, Chair



Jay W. DeRoer, Secretary

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: Board Meeting June 4, 2015

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

VII - REVIEW OF TRAINING PROGRAM.

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



Date

6/4/2015

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

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

1. Name: Christiaan P. Melson
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting June 4, 2015

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

N/A

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

6/4/15

Date

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

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

1. Name: Mary Elizabeth Johnson
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting June 4, 2015

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

N/A

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:

N/A

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

Mary E Johnson

Date

6/4/15

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

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

1. Name: Kimberly B. Kacani
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting June 4, 2015

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

6-4-2015

Date

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

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

1. Name: Paul Orlando
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting June 4, 2015

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.

P. Orlando
Signature

6-4-15
Date

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

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

1. Name: David Watts
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting June 4, 2015

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

Date

