

COMMON INTEREST COMMUNITY BOARD
MINUTES OF MEETING
October 3, 2024

The Common Interest Community Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The members indicated below were present. All members present were qualified to vote, except where a specific reason for disqualification is stated. There are eleven (11) members on this Board, in which six (6) constitutes a quorum pursuant to § 54.1-2348.

The following members were present:

Matt Durham, Chair
Drew Mulhare
Catherine Noonan
Anne Sheehan
Tracey Talbert
Meg Tunstall
Katherine Waddell
Daniel Zickefoose

Board members absent from the meeting

Deborah Casey
Thomas Mazzei
Joyce Wolfe

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

Brian P. Wolford, Agency Director
Jeb Wilkinson, Special Assistant to the Director
Stephen Kirschner, LRPD Deputy Director
Tom Payne, CIC Deputy Director
Anika Coleman, Executive Director
Breanne Lindsey, Regulatory Operations Administrator
Lee Bryant, CIC and Cemetery Board Administrator
Gezelle Glasgow, Administrative Coordinator
Donna Divers, Licensing Specialist
Lauren England, CIC and Cemetery Analyst
Joseph Haughwout, Regulatory Affairs Manager
Allyson Yohe, Captech Contractor for EPICx
Justina Ehiawaguan, CIC Ombudsman

Joshua Laws from the Office of the Attorney General was present.

Mr. Durham determined a quorum was present and called the meeting to order at 10:01 A.M.

CALL TO ORDER

Ms. Coleman informed the Board of the emergency evacuation procedures.

Emergency Egress

Mr. Durham informed the Board the consent orders will be reviewed by the Board in the following order:

APPROVAL OF
AGENDA

File Number: 2024-01524-FirstServices Residential DC Metro LLC

File Number 2024-01976- Evernest Holdings LLC

File Number 2024-01759- Tagare Corporation

Ms. Noonan moved to approve the agenda as presented. **Ms. Tunstall seconded** the motion which was unanimously approved by members: Durham, Mulhare, Noonan, Sheehan, Talbert, Tunstall, Waddell, and Zickefoose.

Ms. Noonan moved to approve the minutes from the June 06, 2024, Common Interest Community Board meeting. **Mr. Mulhare seconded** the motion which was approved by members: Durham, Mulhare, Noonan, Sheehan, Talbert, Tunstall, Waddell, and Zickefoose.

APPROVAL OF
MINUTES

Mr. Durham allowed the Board and Board staff to introduce themselves due to recent reorganization changes and new Board members.

WELCOME AND
INTRODUCTIONS

Mr. Durham read the following resolutions for Lori Overholt and Maureen Baker.

RESOLUTIONS

**Department of Professional and Occupational Regulation
Common Interest Community Board
Resolution for
Lori Overholt**

WHEREAS, **Lori Overholt** did faithfully and diligently serve the Common Interest Community Board, and the Department of Professional and Occupational Regulation from 2016 to 2024

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

WHEREAS, **Lori Overholt**, 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 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 Common Interest Community Board this third day of October 2024, that **Lori Overholt** be given all honors and respect due her for her outstanding service to this Board and 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.

**Department of Professional and Occupational Regulation
Common Interest Community Board
Resolution for
Maureen A. Baker**

WHEREAS, **Maureen A. Baker** did faithfully and diligently serve the Common Interest Community Board, and the Department of Professional and Occupational Regulation from 2020 to 2024

WHEREAS, **Maureen A. Baker**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Maureen A. Baker**, 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 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 Common Interest Community Board this third day of October 2024, that **Maureen A. Baker** be given all honors and respect due her for her outstanding service to this Board and 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.

The Board in consensus accepted the resolutions.

Mr. Durham and Ms. Coleman informed the Board that they need to elect a Vice-Chair to serve for the remainder of the year. Mr. Durham opened the floor for nominations. **Ms. Tunstall nominated** Drew Mulhare for the position of Vice- Chair. The motion was **seconded by Ms. Sheehan**. The nominations were closed. The motion was approved unanimously by members: Durham, Mulhare, Noonan, Sheehan, Talbert, Tunstall, Waddell, and Zickefoose. By acclimation, Mr. Mulhare was named Board Vice-Chair.

ELECTION OF OFFICERS

Cynthia Gale, an association manager, was present for public comment. Ms. Gale provided comments on the proposed changes to the Resale Certificate for condominiums. She noted that most condominiums are not supposed to be registered until after transition of declarant and noted that most condominiums are developed in phases.

PUBLIC COMMENT

Mary Page was present for public comment. Ms. Page informed the Board that the Resale Certificate is cumbersome, and everything changed with the new Virginia law. Ms. Page requested the Board considered reworking the document.

REVIEW FILES AND DISCIPLINARY MATTERS CONSENT ORDERS

Ms. Sheehan and Ms. Talbert recused themselves for the following case file:
File Number: 2024-01542 – FirstService Residential DC Metro LLC

Recusal of Board Member

In the matter of **File Number: 2024-01542 – FirstService Residential DC Metro LLC**, the Board reviewed the Consent Order as seen and agreed to by FirstService Residential DC Metro LLC. FirstService Residential DC Metro LLC did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number: 2024-01542 – FirstService Residential DC Metro LLC

Ms. Noonan moved to accept the proposed Consent Order offer wherein FirstService Residential DC Metro LLC admits to violation of 18 VAC 48-50-190.17 (Count 1) of the Common Interest Community Board Regulations and agrees to a monetary penalty of \$1,500.00 for the violation contained in Count 1 and \$150.00 for Board costs for a total of \$1,650.00.

Ms. Waddell seconded the motion which was unanimously approved by members: Durham, Mulhare, Noonan, Tunstall, Waddell, and Zickefoose.

Ms. Talbert returned to the meeting.

Return of Board
Member

Ms. Sheehan remained recused for the following case file:
File Number: 2024-01976– Evernest Holdings LLC

Recusal of Board
Member

In the matter of **File Number: 2024-01976– Evernest Holdings LLC**, the Board reviewed the Consent Order as seen and agreed to by Evernest Holdings LLC. Evernest Holdings LLC did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number: 2024-
01976– Evernest
Holdings LLC

Mr. Mulhare moved to accept the proposed Consent Order offer wherein Evernest Holdings LLC admits to violations of **18 VAC 48-50-190.19** (Count 1), **18 VAC 48-50-190.20** (Count 2), and **18 VAC 48-50-190.14** (Count 3) of the Common Interest Community Board Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, \$500.00 for the violation contained in Count 3 and \$150.00 for Board costs for a total of \$2,650.00.

In addition, Evernest Holdings LLC agrees to provide to the Board, in a form acceptable to the Board, within thirty (30) days of the effective date of this order, evidence of completion of the *M-100: The Essentials of Community Management* course by its Responsible Person.

Ms. Tunstall seconded the motion which was unanimously approved by members: Durham, Mulhare, Noonan, Talbert, Tunstall, Waddell, and Zickefoose.

Ms. Sheehan returned to the meeting.

Return of Board
Member

Mr. Durham transferred the position of Chair to Mr. Mulhare and recused himself for the following case file:
File Number: 2024-01759 – Tagare Corporation

Recusal of Board
Member and
Transfer of Chair

In the matter of **File Number: 2024-01759 – Tagare Corporation**, the Board reviewed the Consent Order as seen and agreed to by Tagare Corporation. Tagare Corporation did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number: 2024-
01759 – Tagare
Corporation

Ms. Waddell moved to accept the proposed Consent Order offer wherein Tagare Corporation admits to violations of **18 VAC 48-50-190.10** (Count 1), **18 VAC 48-50-190.11** (Count 2), and **18 VAC 48-50-190.1** (Count 3) of the Common Interest Community Board Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$2,500.00 for the

violation contained in Count 2, \$1,250.00 for the violation contained in Count 3 and \$150.00 for Board costs for a total of \$4,400.00.

In addition, Tagare Corporation agrees to revocation of its license. In lieu of imposition of monetary penalties for Counts 1, 2, and 3, the Board shall waive such sanctions pursuant to Tagare Corporation's agreement to license revocation.

Ms. Tunstall seconded the motion which was unanimously approved by members: Mulhare, Noonan, Sheehan, Talbert, Tunstall, Waddell, and Zickefoose.

Mr. Durham returned to the meeting and resumed position of Chair.

Return of Board
Member and
Transfer of Chair

NEW BUSINESS

Ms. Coleman informed the Common Interest Community Board with the Executive Director's update.

Executive Director's
Update

CIC Association Registration - 18 VAC 48-60

Ms. Coleman informed the Board that the Governor approved the Notice of Intended Regulatory Action (NOIRA) on June 25, 2024. The 30-day public comment period concluded on August 28, 2024, with no comments received on Town Hall. The next step is for the Board to consider adopting the proposed regulations. This stage will include another public comment period and a public hearing at DPOR.

Regulatory Update

Ms. Coleman informed the Board that Board staff need the Board's approval to advance to the proposed stage, during which a public hearing will be held. A copy of the proposed CIC Association Registration Regulations was provided to the Board.

Ms. Noonan made a motion to approve and authorize Board staff to advance to the proposed stage for the proposed CIC Association Registration Regulations. **Ms. Talbert seconded** the motion which was unanimously approved by members: Durham, Mulhare, Noonan, Sheehan, Talbert, Tunstall, Waddell, and Zickefoose.

HB 105, HB 876, and SB 526 Amendment

Effective Date: 10/1/2024

This action revised **18VAC48-60-14.B** of the Common Interest Community Association Registration Regulations to reflect the technical change to Resale Disclosure Act regarding common interest community association annual report filing requirements.

Proposed Changes to Resale Certificate

Ms. Coleman informed the Board that previously amendments to the Resale Certificate were approved. Board staff are requesting the Board's review and approval of these changes.

Mr. Bryant informed the Board that Mr. Bob Diamond, provided a proposed Resale Disclosure Certificate that was provided in the agenda. After Board discussion, the Board requested Board staff send working copy to Board members to review and provide feedback prior to the next meeting.

Ms. Coleman informed the Board that the Board will need to take action for the receiver bill/invoice for July 8, 2024, from John Farnum, attorney acting as court appointed receiver for case:

**Receivership
Payment**

Commonwealth of Virginia, et al. v. Rosewood Management and Consulting Services, LLC Civil Case No. CL-2022-8774

Total Professional Services	\$64,587.50
Total Disbursements Advanced	\$2,570.29
<hr/>	
Total	\$67,157.79

Mr. Mulhare moved to approve payment of the receiver bill/invoice request totaling \$67,157.79. **Ms. Noonan seconded** the motion which was unanimously approved by members: Durham, Mulhare, Noonan, Sheehan, Talbert, Tunstall, Waddell, and Zickefoose.

**OTHER BOARD
BUSINESS**

Ms. Coleman introduced, Allyson Yohe, Captech Contractor for EPICx, to the Board to give a presentation on the EPICx system.

EPICx Update

Ms. Ehiawaguan, Common Interest Community Ombudsman, provided the Board with the report from the Office of the Common Interest Community Ombudsman, the report contains statistics on complaints received by the Ombudsman's office, as well as compliance and enforcement statistics.

Ombudsman Report

Mr. Durham informed the Board that the most recent financial statements were provided for the Board to review. No action was taken by the Board.

**Board Financial
Statements**

Mr. Durham informed the Board that the Board recovery fund documentation was provided for informational purposes. No action was taken by the Board.

**Board Recovery
Fund**

Ms. Coleman reminded the Board members of the Board Member Training Conference on October 10-11, 2024.


Board Member
Training Conference

Mr. Durham reminded the Board members to complete their conflict-of-interest forms and travel vouchers.

COMPLETION OF
PAPERWORK

There being no further business, the Board adjourned at 11:43 a.m.

ADJOURN



Matt Durham, Board Chair



Brian P. Wolford, Board Secretary

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

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

1. Name Cathrine Noonan
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Common Interest Community Board
(Name of Board)
4. Meeting/IFF Date: 10/03/2024

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.
 Yes - If yes, please answer the following questions.

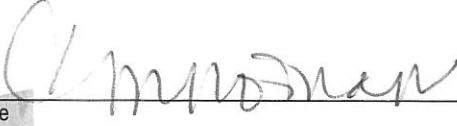
A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.

6. Signature of Board Member:


Signature

October 3, 2024

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Margaret "Meg" I unSTALL
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Common Interest Community Board
(Name of Board)

4. Meeting/IFF Date: 10/03/2024

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. x
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

I did not participate in the transaction.

6. Signature of Board Member:



Signature

October 3, 2024

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Daniel Zickefoose
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Common Interest Community Board
(Name of Board)
4. Meeting/IFF Date: 10/03/2024

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.
 Yes - If yes, please answer the following questions.

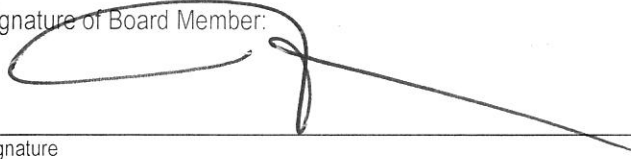
A. x
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.

6. Signature of Board Member:



Signature

October 3, 2024

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Katherine Waddell
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Common Interest Community Board
(Name of Board)
4. Meeting/IFF Date: 10/03/2024

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. x
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

I did not participate in the transaction.

6. Signature of Board Member:

Katherine E. Waddell
Signature

October 3, 2024

Date

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

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

1. Name Drew Mulhare
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Common Interest Community Board
(Name of Board)
4. Meeting/IFF Date: 10/03/2024
5. Do you have a personal interest in the following transaction?
- No; I **do not** have a personal interest in any transactions taken at this meeting.
- Yes - If yes, please answer the following questions.
- A. x
(Agenda Item)
- B. Nature of Personal Interest Affected by Transaction:
- C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.
6. Signature of Board Member:

Signature

October 3, 2024

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Anne Sheehan
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Common Interest Community Board
(Name of Board)

4. Meeting/IFF Date: 10/03/2024

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. x
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. 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 an employee + owner in Goldklang Group CPAs PC. Goldklang Group CPAs PC. has mutual clients with FSR 2024-0154 +

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or Evernest
 I did not participate in the transaction. 2024-01976

6. Signature of Board Member:

Anne Sheehan
Signature

October 3, 2024
Date

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

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

1. Name: Tracey Talbert
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Common Interest Community Board
(Name of Board)
4. Meeting/IFF Date: 10/03/2024

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. x
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

I did not participate in the transaction.

6. Signature of Board Member:

Tracey J. Talbert
Signature

October 3, 2024

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Matt Durham
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Common Interest Community Board
(Name of Board)
4. Meeting/IFF Date: 10/03/2024

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. x
(Agenda Item)


B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

I did not participate in the transaction.

6. Signature of Board Member


Signature

October 3, 2024

Date