

COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board met on March 10, 2011, 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
Milton W. Matthews
Christiaan Melson
Douglas Rogers
Scott Sterling (arrived at 9:35 a.m.)
Lucia Anna Trigiani, Chair

Board members Mijun Sung and Katherine Waddell were not in attendance.

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

Gordon Dixon, Director
Mark N. Courtney, Deputy Director of LRD
Nick Christner, Deputy Director of CID
Trisha L. Henshaw, Executive Director
Heather Gillespie, Ombudsman
Thomas K. Perry, Property Registration Administrator
Betty C. Jones, Administrative Assistant
Earlyne Perkins, Legal Analyst

Steven Jack 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 9:32 a.m. **Call to Order**

Ms. Trigiani introduced a new Board member, Christiaan Melson, who was appointed to serve as a common interest community manager. **Introduce New Board Members**

Mr. Rogers moved to approve the revised agenda. Ms. Coerse seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Matthews, Melson, Rogers, and Trigiani. **Approval of Agenda**

Ms. Kacani moved that the Board approve the minutes of the December 2, 2010, meeting. Ms. DeSplinter seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Matthews, Melson, Rogers, and Trigiani.

Approval of Minutes

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

Public Comment Period

Mr. Sterling arrived at 9:35 a.m.

Arrival of Board Member

Regarding **File Number 2011-02721, Liberty Management and Development Corporation**, the Board reviewed the Consent Order as seen and agreed to by Liberty Management and Development Corporation. Mr. Motawie and his attorney, Mr. Rosenthal, were present at the meeting. Ms. Kacani made a motion to counteroffer the proposed Consent Order as presented, amending Term I to add, "Ahmed H. Motawie, Liberty's President, and all other principals of the licensee, shall report to the Board, in writing, every quarter (beginning March 31, 2011 and ending March 31, 2012) that it, him or them is in compliance with the terms set herein. The report shall include: an explanation of the circumstances of the judgment; whether the judgment was paid and satisfied in full, and, if the judgment was not paid and satisfied in full, why it was not." Further, Ms. Kacani moved that Liberty Management has 14 days to accept the counteroffer as presented or the matter will proceed to an Informal Fact-Finding Conference.

File Number 2011-02721, Liberty Management and Development Corporation

Ms. DeSplinter seconded the motion which was approved by: Ahlberg, Coerse, DeSplinter, Kacani, Melson, Rogers, Sterling, and Trigiani. As the presiding Board member, Mr. Matthews recused himself from the meeting and was not present during the discussion or vote.

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

Update on Regulatory Review Processes

- The Common Interest Community Ombudsman Regulations are currently open to public comment until March 18th. The Board will consider public comments and is expected to adopt final regulations at the April 14th Board meeting.
- The Common Interest Community Manager Regulations containing the employee certification provisions are currently open to public comment until March 18th. The Board will consider public comments and is expected to adopt final

regulations at the April 14th Board meeting.

- The Condominium Regulations fast-track action to include provisions governing the return of bonds and letters of credit had a public comment period that ended March 2nd. The anticipated effective date is April 1, 2011.
- The Condominium Regulatory Review Committee has been formed. The Committee's first meeting is scheduled for April 11, 2011, and is chaired by Mr. Melson.

Ms. Gillespie provided a handout on the activities of the Office of the Common Interest Community Ombudsman, including statistical information on complaints filed with the Ombudsman's office, including:

Ombudsman's Report

- Phone calls received and returned
- E-mails received and responded to
- Board Actions – lack of notice of board meetings, lack of access to books and records, no method of communication, assessments, due process
- Misrepresentation during time-share sales presentation
- Declarant not maintaining property, not transferring control, not paying assessments

Mr. Christner provided additional information to the Board concerning complaints received by the Compliance and Investigations Division.

The Board recessed from 10:43 a.m. until 10:56 a.m.

Break

Ms. Trigiani provided a summary of legislative activities involving common interest community-related proposals from the 2011 session.

Legislative Update

Ms. Henshaw provided a revised copy of statistical information on common interest community applications and licenses, including the number of new applications filed, percentage of applications received, the regulant population for December 31, 2010, and the number of telephone calls and e-mail messages received in the Board office. In addition, data from one year ago is provided for comparison purposes.

**Licensing/
Registration
Statistics**

Ms. Henshaw stated that *Common Interests*, the new Board newsletter, will be online in the very near future. Staff will notify Board members and provide the web address when available.

Ms. Henshaw provided information on a project that staff is working on to review condominium and time-share registrations. The declarant or developer of such projects needs to file appropriate bonds or letters of credit, submit annual reports, update the public offering statement, and make any other changes with the Board to comply with applicable laws and regulations. Staff has begun reviewing all bonds, letters of credit, annual reports, public offering statements and other information to ensure condominium and time-share projects are in compliance. In addition to obtaining compliance with laws and regulations, this information will help with the review of the Condominium Regulations.

**Update on Review of
Condominium and
Time-Share
Registrations**

The Board discussed methods for communicating registration requirements to unregistered associations, including the feasibility of providing a public service announcement in conjunction with Fairfax County in an effort to inform associations of the need to register with the CIC Board.

Ms. Henshaw presented to the Board a revised copy of the most recent financial statement for informational purposes.

**Board Financial
Statements**

The Board previously requested that staff compile a calendar of the common interest community-related events and dates that staff and the Ombudsman's office attends. The requested information was provided to the Board with the agenda package for information purposes only.

**Staff Event
Calendar**

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

**Conflict of Interest
and Travel Voucher
Forms**

Ms. Henshaw reminded the Board of the April 8th, Fair Housing Training and April 14th Board meeting.

Ms. Henshaw also provided the Board with news articles regarding Ms. Trigiani's recent swearing-in as Chair of the Virginia Bar Association. The Board members and staff congratulated Ms. Trigiani on this achievement.

There being no further business, the meeting was adjourned at 11:52 a.m.

Adjourn


Lucia Anna Trigiani, Chair

Common Interest Community Board
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Gordon N. Dixon, Secretary

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

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

1. Name: F. James Ahlberg
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting March 10, 2011

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.

F. James Ahlberg
Signature

3/10/2011
Date

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

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

- 1. Name: Pamela Coerse
- 2. Title: Board Member
- 3. Agency: Common Interest Community Board
- 4. Meeting/IFF Date: Board Meeting March 10, 2011

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.

Pamela J Coerse
Signature

3/10/11
Date

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

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

1. Name: Ronda S. DeSplinter
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting March 10, 2011

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.

Ronda S. DeSplinter
Signature

MARCH 10, 2011
~~_____~~
Date

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**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 March 10, 2011

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

Nature of Personal Interest Affected by Transaction:

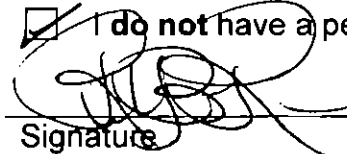
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

3-10-2011

Date

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

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

1. Name: Milton W. Matthews
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting March 10, 2011

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

Nature of Personal Interest Affected by Transaction:

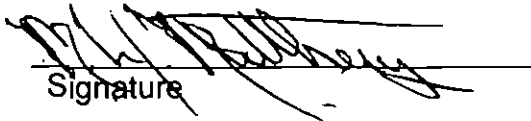
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

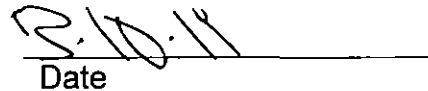
I am able to participate in this transaction fairly, objectively, and in the public interest.

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

**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 March 10, 2011

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

Nature of Personal Interest Affected by Transaction:

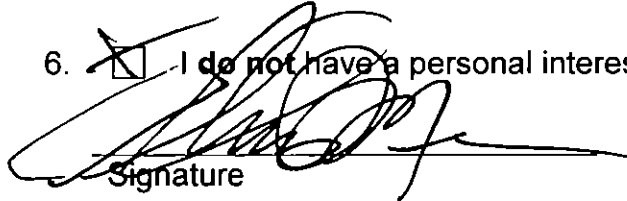
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

5/10/11
Date

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

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

- 1. Name: Douglas W. Rogers
- 2. Title: Board Member
- 3. Agency: Common Interest Community Board
- 4. Meeting/IFF Date: Board Meeting March 10, 2011

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

Nature of Personal Interest Affected by Transaction:

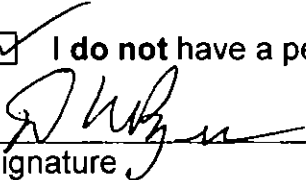
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

3-10-11

Date

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

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

1. Name: Scott E. Sterling
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting March 10, 2011

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.

Scott E. Sterling.
Signature

10 March 2011.
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: Board Meeting March 10, 2011

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

Nature of Personal Interest Affected by Transaction:

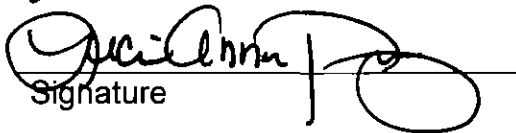
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

3/10/2011
Date