

COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board (Board) met on December 1, 2016, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 3, Richmond, Virginia 23233.

The following members were present:

Lucia Anna Trigiani, Chair
Kristie Helmick Proctor
Mary Elizabeth Johnson
Kimberly Kacani, Vice-Chair
Paul Orlando
Lori Overholt
John Rhodes
Scott Sterling
David Watts

Board members Thomas Mazzei and Katherine Waddell were not in attendance at the meeting.

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

Jay W. DeBoer, Director
Trisha L. Henshaw, Executive Director
Heather Gillespie, Ombudsman
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Tanya M. Pettus, Administrative Assistant

Josh Laws, Assistant Attorney General with the Office of the Attorney General, was present.

Finding a quorum of the Board present, Ms. Kacani, Vice-Chair, called **Call to Order** the meeting to order at 9:47 a.m.

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

Ms. Henshaw advised the Board of amendments to the agenda. Mr. **Approval of Agenda** Orlando moved to approve the agenda as amended. Ms. Helmick Proctor seconded the motion which was unanimously approved by: Helmick Proctor, Johnson, Kacani, Orlando, Overholt, Rhodes, and Watts.

Ms. Overholt moved to approve the minutes of the June 2, 2016, Board meeting. Ms. Johnson seconded the motion which was unanimously approved by: Helmick Proctor, Johnson, Kacani, Orlando, Overholt, Rhodes, and Watts.

Approval of Minutes

Ms. Henshaw introduced new staff member Joe Haughwout, Board and Regulatory Administrator.

Introduction of Staff

There were no members of the public present for comment.

Public Comment Period

Mr. Sterling arrived at 9:50 a.m.

Arrival of Board Member

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

Update on Regulatory Review Process

Proposed text of the Common Interest Community Manager Regulations' amended training program provisions were published on November 10, 2016. A 60-day public comment period will begin on December 12, 2016, to include a public hearing scheduled for January 31, 2017.

The public comment period on the proposed amendments to the Common Interest Community Ombudsman Regulations revising the timeframe for establishing a complaint process ended on November 18, 2016. No public comments were received. Ms. Henshaw advised the Board that the proposed text of the amendments would be presented to the Board for consideration later in the meeting.

Ms. Trigiani arrived at 9:52 a.m.

Arrival of Board Member

Ms. Henshaw presented the Board with language changes suggested by the Governor's office to the proposed amendments to the Common Interest Community Ombudsman Regulations revising the timeframe for establishing a complaint process. After review and discussion, Ms. Kacani moved to adopt the proposed amendments to the Common Interest Community Ombudsman Regulations, including the language changes suggested by the Governor's office, and file the final regulations for executive branch review. Mr. Orlando seconded the motion which was unanimously approved by: Helmick Proctor, Johnson, Kacani, Orlando, Overholt, Rhodes, Sterling, Trigiani, and Watts.

Consider and Adopt CIC Ombudsman Regulations

Ms. Henshaw advised the Board of an amendment to the Administrative Process Act granting the right to counsel in rule-making proceedings, requiring an amendment to the language in Board Regulation 18VAC48-10-50. Ms. Henshaw advised that because this is a statutory change, the amendment may be made through the fast-track process. Following a brief discussion, Mr. Watts moved to authorize staff to move forward with the fast-track process in order to make the necessary amendment to the regulation. Ms. Helmick Proctor seconded the motion which was unanimously approved by: Helmick Proctor, Johnson, Kacani, Orlando, Overholt, Rhodes, Sterling, Trigiani, and Watts.

Consider Fast-Track Regulatory Action to Amend Public Participation Guidelines

Ms. Gillespie asked the Board to consider moving forward with other items on the agenda in order to present the Ombudsman Report later in the meeting. The Board agreed by consensus to move forward with Board Financial Statements.

Ombudsman Report

Ms. Henshaw provided a copy of the most recent financial statements and advised the Board that there have been no claims from the Recovery Fund.

Board Financial Statements

Discussion was held on requirements necessary to facilitate a budgetary amendment in order to reset minimum and maximum dollar amounts of the Recovery Fund and Management Information Fund. The Board agreed by consensus to discuss this topic at its June 2017 meeting, during which legislative items for the 2018 General Assembly session will be considered.

Ms. Henshaw provided a schedule of upcoming events to be attended by Board staff and the Ombudsman, and gave an overview of recently attended events.

Staff Event Calendar

Ms. Henshaw and Ms. Trigiani provided the Board with an overview and update of the Title 55 Recodification Work Group of the Virginia Code Commission.

Report from Title 55 Recodification Work Group of the Virginia Code Commission

Ms. Henshaw presented to the Board a letter from John C. Cowherd, Esquire, of Cowherd PLC, requesting an amendment to the Property Owners Association Disclosure Packet Notice Form. Mr. Cowherd cites case law and asks the Board to consider amending language that addresses a purchaser's obligation to be bound by an Association and its governing documents.

Consider Request for Amendment of POA Disclosure Packet Notice

After discussion, Mr. Watts moved to decline to take action on Mr. Cowherd's request. Mr. Sterling seconded the motion. After further discussion the motion was approved by: Helmick Proctor, Johnson, Orlando, Sterling, Trigiani, and Watts. The motion was opposed by Kacani, Overholt, and Rhodes. The motion was passed by majority vote.

After further discussion on the contents and length of the Property Owners Association Disclosure Packet Notice Form, the Board directed Board staff to review the content of the POA Disclosure Notice, along with relevant statutory provisions, and develop recommendations for the Board to consider at its March 13, 2017 meeting.

For informational purposes, Ms. Henshaw advised the Board of upcoming changes to home inspector regulatory requirements that may be of interest to those working with common interest communities. Per a statutory change, home inspectors in the Commonwealth will transition from voluntary certification to mandatory licensure effective July 1, 2017.

Other Business

Ms. Gillespie provided the Board with the annual report on the Office of the Common Interest Community Ombudsman. A handout of the report was provided. The report contained statistics on complaints received by the Ombudsman's office, as well as compliance and enforcement statistics, and case law decisions from 2016. Ms. Gillespie advised the Board the report is also available on the DPOR and General Assembly websites.

Ombudsman's Report

Ms. Henshaw opened the floor for annual nominations of the Board Chair. Ms. Kacani nominated Ms. Trigiani. Mr. Orlando seconded the nomination. Ms. Kacani then moved to close the nominations. Mr. Sterling seconded the motion which was unanimously approved by: Helmick Proctor, Johnson, Kacani, Orlando, Overholt, Rhodes, Sterling, Trigiani, and Watts. By acclamation, Ms. Trigiani was named Board Chair.

Election of Officers

Ms. Trigiani opened the floor for annual nominations of Board Vice-Chair. Mr. Orlando nominated Ms. Kacani and moved to close the nominations. Mr. Watts seconded the motion which was unanimously approved by: Helmick Proctor, Johnson, Kacani, Orlando, Overholt, Rhodes, Sterling, Trigiani, and Watts. By acclamation, Ms. Kacani was named Board Vice-Chair.

Ms. Overholt advised the Board that the Virginia Resort Development Association (VRDA) will hold its final meeting in December 2016. Effective January 1, 2017, VRDA will become part of a national group, American Resort Development Association (ARDA).

Other Business

There being no further business, the meeting was adjourned at 11:36 a.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: Lucia Anna Trigiani
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting December 1, 2016

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

Nature of Personal Interest Affected by Transaction:

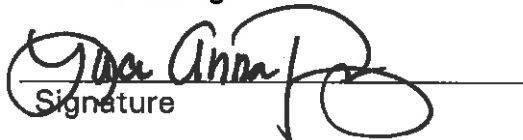
I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

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

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 December 1, 2016

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

 NB

Nature of Personal Interest Affected by Transaction:

 NB

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

 NB

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.

 ME Johnson
Signature

 12/1/16
Date

**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 December 1, 2016

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

Nature of Personal Interest Affected by Transaction:

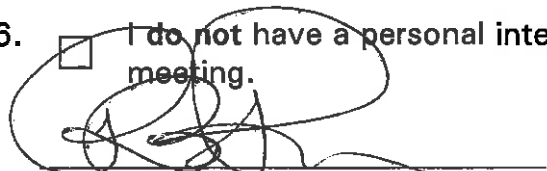
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

12-1-2016
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 December 1, 2016

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. L. Orlando
Signature

12-1-16
Date

CONFLICT OF INTERESTS ACT

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

- 1. Name: Lori Overholt
- 2. Title: Board Member
- 3. Agency: Common Interest Community Board
- 4. Meeting/IFF Date: Board Meeting December 1, 2016

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:

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.

Lori Overholt
Signature

12/1/16
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTERESTS ACT

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

- 1. Name: John Rhodes
- 2. Title: Board Member
- 3. Agency: Common Interest Community Board
- 4. Meeting/IFF Date: Board Meeting December 1, 2016

5. I have a personal interest in the following transaction: *NONE*

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.

[Handwritten Signature]

Signature

12-1-16

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 December 1, 2016

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

1 Dec. 2016.
Date

STATE AND LOCAL GOVERNMENT

**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 December 1, 2016

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

None

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.

David Watts
Signature

12/1/16
Date