

## COMMON INTEREST COMMUNITY BOARD

### MINUTES OF MEETING

The Common Interest Community Board (Board) met on June 8, 2017, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 3, Richmond, Virginia 23233.

The following members were present:

Lucia Anna Trigiani, Chair  
Mary Elizabeth Johnson  
Kimberly Kacani, Vice-Chair  
Paul Orlando  
Lori Overholt  
Kristie Helmick Proctor  
Scott Sterling  
Katherine E. Waddell  
David Watts

Board members Thomas Mazzei and John Rhodes 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  
Joseph C. Haughwout, Jr., Board and Regulatory Administrator  
Lisa T. Robinson, Licensing Operations 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. Trigiani, Chair, called the **Call to Order** meeting to order at 9:35 a.m.

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

Mr. Orlando moved to approve the minutes as presented. Mr. Sterling seconded the motion which was unanimously approved by: Kacani, Orlando, Overholt, Proctor, Sterling, Trigiani, Waddell, and Watts. **Approval of Minutes**

Ms. Johnson arrived at 9:43 a.m.

**Arrival of Board**

Ms. Henshaw introduced to the Board staff member Ben Tyree, who was recently hired as a Licensing Specialist.

**Member**

**Introduction of Staff**

There were no members of the public present to address the Board on matters other than case files to be presented.

**Public Comment Period**

Ms. Kacani recused herself from the discussion of File Number 2017-01814.

**Recusal of Board Member**

In the matter of **File Number 2017-01814, TheMVPSERVICE, LLC**, the Board members reviewed the record which consisted of the Report of Findings, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Haughwout advised the Board of a correction to the transcript wherein a statement made by Joseph Takacs, Jr. was incorrectly attributed to a DPOR staff member.

**File Number 2017-01814, TheMVPSERVICE, LLC**

Joseph Takacs, Jr., President and Manager of TheMVPSERVICE, LLC, was present to address the Board. Mr. Takacs thanked the Board for their consideration and stated he was there to answer any questions for the Board regarding File Number 2017-01814.

After discussion, Mr. Watts moved to accept the Presiding Officer's recommendation and approve the time-share reseller registration application for TheMVPSERVICE, LLC. Ms. Waddell seconded the motion which was unanimously approved by: Johnson, Orlando, Overholt, Proctor, Sterling, Trigiani, Waddell, and Watts.

Ms. Kacani returned to the meeting.

**Return of Board Member**

Mr. Haughwout asked the Board to consider issuance of a temporary cease and desist order against the project registration of North Drive Condominiums, for failure of the declarant, Hawkeye West, LLC, to submit an annual report as required by § 55-79.93 of the Code of Virginia, and Board Regulation 18 VAC 48-30-540. After discussion, Mr. Orlando moved to issue a temporary cease and desist order against the project registration of North Drive Condominiums, as violation of § 55-79.93 of the Code of Virginia, and Board Regulation 18 VAC 48-30-540 would cause irreparable harm to the public. Ms. Overholt seconded the motion. After further discussion, Mr. Orlando amended the motion and moved that North Drive Condominiums must come into compliance of all Board regulations and statutes within 30 days of the

**Consider Temporary Cease and Desist Orders Regarding Condominium Registrations**

issuance of the temporary cease and desist order to avoid further Board action. Ms. Overholt seconded the amended motion which was unanimously approved by: Johnson, Kacani, Orlando, Overholt, Proctor, Sterling, Trigiani, Waddell, and Watts.

Mr. Haughwout asked the Board to consider issuance of a temporary cease and desist order against the project registration of Colonial Crossing, a Condominium, for failure of the declarant, Colonial Crossing, LLC, to submit an annual report and bond or letter of credit as required by § 55-79.93 of the Code of Virginia, and Board Regulation 18 VAC 48-30-540. After discussion, Mr. Orlando moved to issue a temporary cease and desist order against the project registration of Colonial Crossing, a Condominium, as violation of § 55-79.93 of the Code of Virginia, and Board Regulation 18 VAC 48-30-540 would cause irreparable harm to the public. Mr. Orlando further moved that Colonial Crossing, a Condominium, must come into compliance of all Board regulations and statutes within 30 days of the issuance of the temporary cease and desist order to avoid further Board action. Mr. Watts seconded the motion which was unanimously approved by: Johnson, Kacani, Orlando, Overholt, Proctor, Sterling, Trigiani, Waddell, and Watts.

The Board recessed from 10:48 a.m. to 11:07 a.m.

**Recess**

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

**Update on  
Regulatory Review  
Process**

The final public comment period held on amendments to the Common Interest Community Ombudsman Regulations revising the timeframe for establishing a complaint process ended on April 19, 2017. There were no public comments received. Final regulations became effective on May 1, 2017.

Final amendments to the CIC Management Information Fund for a 2017 fee reduction became effective on May 17, 2017.

A final 30-day public comment period held on amendments to the training program provisions of the Common Interest Community Manager Regulations began on May 29, 2017, after which final regulations will become effective July 1, 2017.

A notice of intended regulatory amendment (NOIRA) for a general review of the CIC Management Information fund was published on June 12, 2017. A 30-day public comment period began on June 12, 2017 and will end July 12, 2017.

The Board considered for approval draft amendments to the POA Disclosure Packet Notice. After review and discussion of the draft amendments and the public comments received on the draft amendments, Mr. Watts moved to adopt the amendments to the POA Disclosure Packet Notice as presented. Mr. Orlando seconded the motion which was unanimously approved by: Johnson, Kacani, Orlando, Overholt, Proctor, Sterling, Trigiani, Waddell, and Watts. The Board thanks all public commenters for their insights and participation in the review process.

**Consider Adoption  
of Amendments for  
POA Disclosure  
Packet Notice**

Mr. Haughwout presented to the Board for approval a draft of forms titled *Bond to Insure Escrow of Deposits* to be used by time-shares and time-share resellers when providing bond and/or letter of credit information for registration purposes as discussed at the March 13, 2017 Board meeting. Mr. Haughwout thanked Ms. Overholt for assisting Board staff with the development of the forms. The Board agreed by consensus to adopt the forms to be used for time-share and reseller registrations, effective immediately.

**Bond Templates for  
Time-Share  
Registrations and  
Resellers**

Ms. Henshaw presented to the Board for consideration a draft guidance document regarding exceptions to utilizing the association complaint procedure. Ms. Henshaw advised the Board that staff has received inquiries as to whether a complaint may be filed directly with the Board rather than through an association complaint procedure when the complaint is regarding disclosure packets or resale certificates in a real estate transaction. After lengthy discussion and review, the Board agreed by consensus to continue review of the draft guidance document later in the meeting.

**Consider Guidance  
Document  
Regarding  
Exceptions to  
Utilizing the  
Association  
Complaint  
Procedure**

Ms. Henshaw presented the Board with nine draft legislative proposals to be submitted for consideration during the 2018 General Assembly session.

**2018 Legislative  
Items for  
Consideration**

Mr. Watts asked the Board to consider the addition of an item #10. After discussion, Mr. Watts moved to include item #10 on the proposed list of legislative items to be submitted for consideration during the 2018 General Assembly session. Ms. Waddell seconded the motion which was approved by: Johnson, Kacani, Overholt, Proctor, Sterling, Trigiani, Waddell, and Watts. Mr. Orlando opposed the motion.

After further discussion and review of the draft legislative items, Mr. Sterling moved to approve the proposals for submission as amended with the addition of item #10. Mr. Orlando seconded the motion. After further discussion Mr. Sterling amended his motion to include a

modification of item #2. Mr. Orlando seconded, and the amended motion was unanimously approved by: Johnson, Kacani, Orlando, Overholt, Proctor, Sterling, Trigiani, Waddell, and Watts. The Board agreed by consensus to authorize staff to make clerical and/or grammatical corrections.

Ms. Trigiani directed the Board's attention back to the guidance document regarding exceptions to utilizing the association complaint procedure for further review. After discussion, Ms. Overholt moved to not adopt the guidance document at this time and table the discussion on this subject until a later time. Mr. Watts seconded the motion which was unanimously approved by: Johnson, Kacani, Orlando, Overholt, Proctor, Sterling, Trigiani, Waddell, and Watts.

**Consider Guidance Document Regarding Exceptions to Utilizing the Association Complaint Procedure**

Ms. Henshaw provided the Board with a copy of the Ombudsman report, as Heather Gillespie was not in attendance at the meeting.

**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**

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 provided an update of the Title 55 Recodification Work Group of the Virginia Code Commission.

**Update on Title 55 Recodification**

Ms. Henshaw presented the Board with tentative Board meeting dates for 2018. The Board agreed by consensus to accept the following meeting dates for 2018:

**Consider 2018 Future Meeting Dates**

- March 15, 2018
- June 7, 2018
- September 6, 2018
- November 29, 2018

Ms. Henshaw reminded Board members to complete 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 12:48

**Adjourn**

p.m.

 for  
\_\_\_\_\_  
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 June 8, 2017

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:

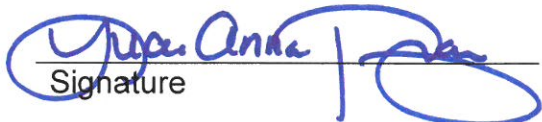
\_\_\_\_\_

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

JUNE 8, 2017  
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 June 8, 2017

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

Me  
\_\_\_\_\_  
\_\_\_\_\_

Nature of Personal Interest Affected by Transaction:

Me  
\_\_\_\_\_  
\_\_\_\_\_

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

Me  
\_\_\_\_\_

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.

Mary Elizabeth Johnson  
Signature

6/8/17  
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 June 8, 2017

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

Served as presiding board member for IFF case on agenda  
& recused myself.

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

6-8-17  
Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

**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 8, 2017

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

6-8-17  
Date

**STATE AND LOCAL GOVERNMENT  
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 June 8, 2017

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

N/A

Nature of Personal Interest Affected by Transaction:

N/A

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

*Lori J Overholt*

Date

*6/8/17*

**CONFLICT OF INTERESTS ACT**

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

- 1. Name: Kristie Helmick Proctor
- 2. Title: Board Member
- 3. Agency: Common Interest Community Board
- 4. Meeting/IFF Date: Board Meeting June 8, 2017

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:

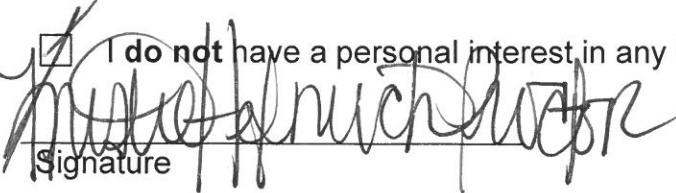
\_\_\_\_\_

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

6-8-17  
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 June 8, 2017

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

Scott E. Sterling

Date

8 June 2017.

**CONFLICT OF INTERESTS ACT**

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

- 1. Name: Katherine E. Waddell
- 2. Title: Board Member
- 3. Agency: Common Interest Community Board
- 4. Meeting/IFF Date: Board Meeting June 8, 2017
- 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.

Katherine E. Waddell

Signature

6/8/17

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 8, 2017

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:

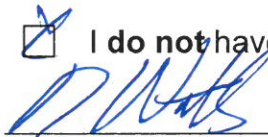
\_\_\_\_\_

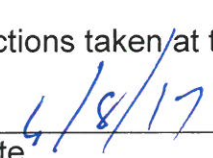
I am able to participate in this transaction fairly, objectively, and in the public interest.

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