

COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board (Board) met on November 29, 2018, 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
Maureen A. Baker
Tom Burrell
Amanda Jonas
Eugenia Lockett Reese
Drew R. Mulhare
Paul Orlando
Lori Overholt
Scott E. Sterling

Board members Mary Elizabeth Johnson and Katherine Waddell were not in attendance at the meeting.

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

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

Joshua 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 meeting to order at 9:35 a.m. **Call to Order**

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

Ms. Trigiani advised the Board of amendments to the agenda. Ms. Jonas moved to approve the agenda as amended. Mr. Mulhare seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Lockett Reese, Mulhare, Orlando, Overholt, and Trigiani. **Approval of Agenda**

Ms. Trigiani introduced to the Board newly appointed Board members **Introduction of New**

Tom Burrell, Amanda Jonas, and Drew Mulhare.

Board Members

Ms. Baker moved to approve the September 6, 2018, Board meeting minutes as presented. Ms. Overholt seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Lockett Reese, Mulhare, Orlando, Overholt, and Trigiani.

Approval of Minutes

Ms. Jonas moved to approve the September 27, 2018, CIC Management Information Fund Regulatory Review Committee meeting minutes as presented. Mr. Mulhare seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Lockett Reese, Mulhare, Orlando, Overholt, and Trigiani.

Cynthia Gale was present to address the Committee. Ms. Gale asked the Board to consider using the remaining interest accrued on the moneys in the CIC Management Information Fund to fund education programs for common interest communities as described in § 55-529 of the Code of Virginia. Ms. Gale also suggested that improvements be made to the license lookup feature on the DPOR website.

Public Comment Period

Mr. Sterling arrived at the meeting at 9:53 a.m.

Arrival of Board Member

Mr. Haughwout asked the Board to consider issuance of a temporary cease and desist order against the project registration of Oakwood Villas Condominium, for failure of the declarant, Oakwood Villa, LLC, to submit a complete annual report with evidence of a bond or letter of credit from a financial institution as required by § 55-79.93 of the Code of Virginia, and Board Regulation 18 VAC 48-30-540. Mr. Haughwout provided the following proposed language to include in the order: The declarant's failure to comply with § 55-79.93 of the Code of Virginia does not assure the public that the declarant is in compliance with the Condominium Act (§§ 55-79.39 et seq.) and the Board's Condominium Regulations, and would cause irreparable harm to the public interest.

Consider Temporary Cease and Desist Orders Regarding Condominium Registrations

Mr. Burrell moved to accept staff's proposed language and issue a temporary cease and desist order against the project registration of Oakwood Villas Condominium. Mr. Sterling seconded the motion. Discussion was held on the agency's procedure for sending solicitation letters requesting annual reports from declarants and follow-up procedures, as well as the Administrative Process Act. Discussion was also held on the procedure for transferring declarant control to an association and staff's process for documenting such transfer. Following discussion, the motion was unanimously approved by: Baker, Burrell, Jonas, Lockett Reese, Mulhare, Orlando, Overholt, Sterling, and

Trigiani.

Mr. Haughwout asked the Board to consider issuance of a temporary cease and desist order against the project registration of Old Heller Brothers Lofts Condominium, for failure of the declarant, Old Heller Brothers Lofts, LLC, to submit a complete annual report with evidence of a bond or letter of credit from a financial institution as required by § 55-79.93 of the Code of Virginia, and Board Regulation 18 VAC 48-30-540. Mr. Haughwout provided the following proposed language to include in the order: The declarant's failure to comply with § 55-79.93 of the Code of Virginia does not assure the public that the declarant is in compliance with the Condominium Act (§§ 55-79.39 et seq.) and the Board's Condominium Regulations, and would cause irreparable harm to the public interest.

Mr. Orlando moved to accept staff's proposed language and issue a temporary cease and desist order against the project registration of Old Heller Brothers Lofts Condominium. Ms. Overholt seconded the motion. After discussion, the motion was unanimously approved by: Baker, Burrell, Jonas, Lockett Reese, Mulhare, Orlando, Overholt, Sterling, and Trigiani.

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 notice of intended regulatory action (NOIRA) for a general review of the CIC Management Information Fund Regulations was published in the Virginia Register on September 17, 2018. A public comment period was held from September 17, 2018 to October 17, 2018. No public comments were received. The CIC Management Information Fund Regulatory Review Committee met on September 27, 2018 to review the CIC Management Information Fund regulations. Draft amendments will be presented to the Board for consideration later in the meeting.

Amendments to the Time-Share Regulations as a result of HB674/SB443, which passed during the 2018 General Assembly session were published to the Virginia Register on November 12, 2018, and will become effective on December 14, 2018.

Ms. Henshaw presented the Board with draft amendments to the CIC Management Information Fund Regulations for review. After review and discussion, Mr. Orlando moved to authorize staff to file the amended draft as proposed regulations. In addition, Mr. Orlando further moved to authorize staff to make minor changes to the regulations, in consultation with the Board Chair, as necessary to allow the proposed

**Consider Draft
Amendments to CIC
Management
Information Fund
Regulations**

regulations to proceed through the review process. Mr. Sterling seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Lockett Reese, Mulhare, Orlando, Overholt, Sterling, and Trigiani.

Ms. Trigiani provided the Board with an update from the most recent meeting of the CIC Workgroup of the Virginia Housing Commission, held on October 18, 2018. Discussion was held on Senate Bill 706, Senate Bill 707, and House Bill 1041, all of which were considered during the 2018 General Assembly session, but did not pass to become law.

**Update on Virginia
Housing
Commission CIC
Workgroup**

Ms. Henshaw and Ms. Trigiani reminded the Board that staff actively monitors legislation throughout each General Assembly session and provides data and information regarding the Board and Department relevant to legislative proposals affecting the Board. Board members who choose to publicly take a position on legislative proposals do so as individuals and do not represent the position or opinions of the Board.

Ms. Gillespie provided the Board with a summary of the annual report on 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. Ms. Gillespie advised the Board the full report would be made available to them on upon final approval.

Ombudsman Report

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

**Board Financial
Statements**

Board members considered the following resolutions for former Board members Kim Kacani and Dave Watts:

**Consideration of
Resolutions for
Service**

Kimberly B. Kacani

WHEREAS, Kim Kacani, did faithfully and diligently serve the Common Interest Community Board from 2008 to 2018;

WHEREAS, Kim Kacani, did devote generously of her time, talent and leadership to the Board;

WHEREAS, Kim Kacani, 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 twenty-ninth day of November 2018, that Kim Kacani 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.

David Watts

WHEREAS, David Watts, did faithfully and diligently serve the Common Interest Community Board from 2014 to 2018;

WHEREAS, David Watts, did devote generously of his time, talent and leadership to the Board;

WHEREAS, David Watts, 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 twenty-ninth day of November 2018, that David Watts 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.

Ms. Lockett Reese moved to adopt the resolutions as presented. Ms. Baker seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Lockett Reese, Mulhare, Orlando, Overholt, Sterling, and Trigiani.

Ms. Trigiani expressed the Board's appreciation for Ms. Kacani's and Mr. Watts' active participation on and commitment to the Board.

Ms. Henshaw provided an overview of recent events attended by Board staff and the Ombudsman.

**Staff Event
Calendar**

Ms. Henshaw opened the floor for annual nominations of the Board Chair. Mr. Sterling nominated Ms. Trigiani to continue serving as Board Chair, and Mr. Orlando to continue serving as Board Vice-Chair. Ms. Trigiani accepted the nomination. Mr. Orlando accepted the nomination, but advised the Board that his term is scheduled to end in June 2019. Ms. Baker moved to close the nominations. Mr. Burrell seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Lockett Reese, Mulhare, Orlando, Overholt, Sterling, and Trigiani. By acclamation, Ms. Trigiani was named Board Chair, and Mr. Orlando was named Board Vice-Chair.

Election of Officers

Mr. DeBoer advised the Board of proposed legislation affecting DPOR and the Board that will come before the 2019 General Assembly.

Other Business

Mr. DeBoer updated the Board on the study of the operations and performance of DPOR conducted by the Joint Legislative Audit and Review Commission (JLARC) conducted through September 2018. The full report is available at www.jlarc.virginia.gov.

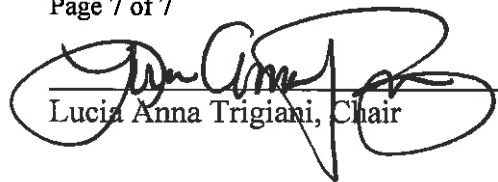
Ms. Overholt advised the Board that due to an increase in marketing by time-share resellers, the Virginia Resort Development Association (VRDA) has joined with other time-share organizations to develop a website called www.responsibleexit.com for the purpose of educating time-share owners on exiting their time-share contracts.

Ms. Trigiani reminded the Board members 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 12:37 p.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 November 29, 2018

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

Nature of Personal Interest Affected by Transaction:

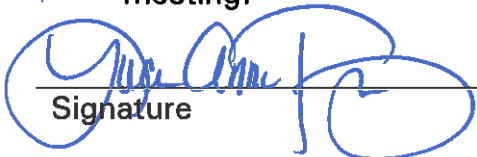
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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: Maureen A. Baker
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting November 29, 2018

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.

Maureen A. Baker
Signature

11/29/18
Date

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

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

1. Name: Tom Burrell
2. Title: Board Member
3. Agency: Common Interest Community Board
4. Meeting/IFF Date: Board Meeting November 29, 2018

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

NOVE

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:

NOVE



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.

Tom F Burrell

Signature

11/29/2018

Date

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

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

- 1. Name: Amanda Jonas
- 2. Title: Board Member
- 3. Agency: Common Interest Community Board
- 4. Meeting/IFF Date: Board Meeting November 29, 2018

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

Nature of Personal Interest Affected by Transaction:

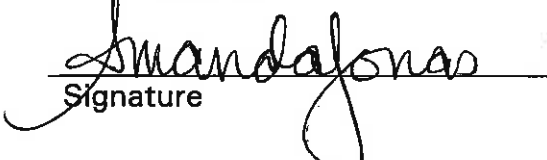
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

11/29/18
Date

CONFLICT OF INTERESTS ACT

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

- 1. Name: Eugenia Lockett Reese
- 2. Title: Board Member
- 3. Agency: Common Interest Community Board
- 4. Meeting/IFF Date: Board Meeting November 29, 2018

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

Nature of Personal Interest Affected by Transaction:

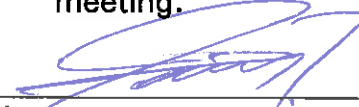
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

11-29-18

Date

CONFLICT OF INTERESTS ACT

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

- 1. Name: Drew R. Mulhare
- 2. Title: Board Member
- 3. Agency: Common Interest Community Board
- 4. Meeting/IFF Date: Board Meeting November 29, 2018

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

Nature of Personal Interest Affected by Transaction:

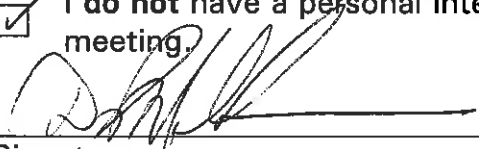
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

11/29/18
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 November 29, 2018

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

11-29-18
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 November 29, 2018

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.

Lori Overholt
Signature

11/29/18
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 November 29, 2018

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

29 Nov 2018
Date