

COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board (Board) met on August, 11, 2017, 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:

Mary Elizabeth Johnson
Kimberly Kacani, Vice-Chair
Paul Orlando
Lori Overholt
John Rhodes
Scott Sterling
David Watts

Board members Thomas Mazzei, Kristie Helmick Proctor, Pia Trigiani, 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
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. Kacani, Vice-Chair, called the meeting to order at 9:01 a.m. **Call to Order**

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

Ms. Overholt moved to approve the agenda as presented. Mr. Watts seconded the motion which was unanimously approved by: Johnson, Kacani, Orlando, Overholt, Rhodes, and Watts. **Approval of Agenda**

Mr. Orlando moved to approve the minutes of the June 8, 2017 Board meeting as presented. Ms. Johnson seconded the motion which was unanimously approved by: Johnson, Kacani, Orlando, Overholt, Rhodes, and Watts. **Approval of Minutes**

Robert Sledzaus of Reston, Virginia was present to address the Board. **Public Comment**

Mr. Sledzaus thanked the Board for its attention to the Property Owners' Association (POA) Disclosure Packet Notice (disclosure packet notice). Mr. Sledzaus asked the Board to consider adding associations' verification of registration with the State Corporation Commission to the required items listed on the disclosure packet notice checklist so as to indemnify individual property owners from liability in the event of a lawsuit against an association. **Period**

Laura Farley, Deputy General Counsel for Virginia Realtors (VR) addressed the Board regarding VR's concern that the current disclosure packet notice is not in line with the state law in regard to a purchaser's right to cancel a sales contract after receiving an updated disclosure packet from an association.

Chip Dicks, legal counsel for VR, addressed the Board and provided a copy of the POA Act to the Board members for the purpose of discussion. Mr. Dicks stated that allowing purchasers to request an updated disclosure packet per the POA Act was not intended to grant purchasers an additional right of rescission. Mr. Dicks stated the POA Act does not allow for cancellation of a sales contract by a purchaser after an updated disclosure packet is received. Mr. Dicks asked the Board to consider removing the language from the current disclosure packet notice stating a purchaser may have the right to cancel a contract after receiving the updated disclosure packet.

Discussion was held on the following topics:

- certainty of contract,
- the timeline in which a disclosure packet is considered valid,
- the purpose of an updated disclosure packet, and
- purchaser's recourse.

Mr. Sterling arrived at 9:09 a.m.

Arrival of Board Member

Mr. Watts moved to remove the language from the disclosure packet notice stating a purchaser may have the right to cancel a contract after receiving an updated disclosure packet. Mr. Sterling seconded the motion. After discussion, the motion was approved by: Johnson, Kacani, Overholt, Sterling, and Watts. Orlando and Rhodes opposed. The motion passed by majority vote.

Consider Amendments to the Association Disclosure Packet Notice

The Board members reviewed three comments on the disclosure packet notice received from the public. After discussion, the Board agreed by consensus that no action would be taken to further amend the disclosure

packet notice based on comments received from the public.

After discussion, Mr. Orlando moved to change the words “may have” to “has” in bullet points 3 and 4 on the disclosure packet notice, and to change the order of the bullet points. Ms. Overholt seconded the motion. After further discussion, Mr. Watts amended the motion, and moved to keep the words “may have” in bullet points 3 and 4 of the disclosure packet notice, and change the order of the bullet points. Mr. Sterling seconded the motion which was approved by: Johnson, Kacani, Overholt, Rhodes, Sterling, and Watts. Orlando opposed. The motion passed with majority vote.

Mr. Watts thanked staff for their work on the disclosure packet notice.

**Other Board
Business**

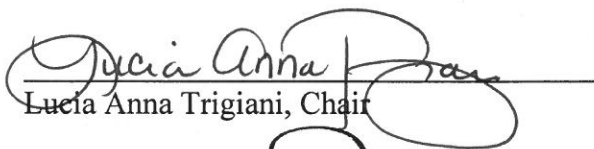
Mr. Watts stated he would like to discuss the procedures for scheduling short-notice meetings and participation in meetings via electronic means at the next Board meeting.

Ms. Kacani 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 10:29 a.m.

Adjourn


Lucia Anna Trigiani, Chair


Jay W. DeBoer, Secretary

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 August 11, 2017

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

_____ No _____

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:

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

8/11/17
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 August 11, 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

8-11-2017
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 August 11, 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. Orlando
Signature

8-11-17
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 August 11, 2017

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

NONE

Nature of Personal Interest Affected by Transaction:

NONE

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

NONE

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

8/11/17
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 August 11, 2017

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.

Signature



Date

8-11-17

**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 August 11, 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.

Scott E. Sterling.
Signature

11 August 2017.
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 August 11, 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:

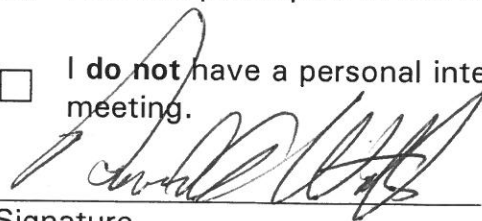
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

I do not have a personal interest in any transactions taken at this meeting.

Signature



Date

