

## COMMON INTEREST COMMUNITY BOARD

### MINUTES OF MEETING

The Common Interest Community Board (Board) met on March 14, 2019, 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  
Maureen A. Baker  
Tom Burrell  
Amanda Jonas  
Drew R. Mulhare  
Lori Overholt  
Scott E. Sterling  
Katherine E. Waddell

Board members Mary Elizabeth Johnson, Eugenia Lockett Reese, and Paul Orlando were not in attendance at the meeting.

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

Mary Broz-Vaughan, Acting Director  
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 9:38 a.m. **Call to Order**

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

Ms. Trigiani introduced to the Board DPOR staff member Mary Broz-Vaughan, Acting Director. **Introduction of Staff**

Ms. Trigiani also greeted members of the public present to witness Board meeting proceedings.

Mr. Haughwout advised the Board of amendments to the agenda. Ms. Overholt moved to approve the agenda as amended. Mr. Sterling seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Mulhare, Overholt, Sterling, Trigiani, and Waddell.

**Approval of Agenda**

Ms. Jonas moved to approve the November 29, 2018, Board meeting minutes as presented. Mr. Mulhare seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Mulhare, Overholt, Sterling, Trigiani, and Waddell.

**Approval of Minutes**

There were no members of the public present to address the Board.

**Public Comment Period**

Ms. Baker recused herself from the meeting for discussion and deliberations on File Number 2018-01894.

**Recusal of Board Member**

In the matter of **File Number 2018-01894, Tagare Corporation**, the Board members reviewed the Consent Order, which imposed monetary penalties of \$150.00 (Count 1) and \$250.00 (Count 2) for a total of \$400.00, and Board costs of \$150.00. In addition, the monetary penalty of \$150.00 will be waived provided Tagare Corporation provides a copy of its current contract with The Greens of Amyclae Homeowners Association, that complies with 18 VAC 48-50-190.19., within 30 days of the effective date of the Consent Order.

**File Number 2018-01894, Tagare Corporation**

Ms. Henshaw and Ms. Trigiani explained the DPOR complaint process and the due process afforded to regulants for the benefit of Board members who had not previously participated in the review of a Consent Order.

After discussion, Ms. Waddell moved to accept the Consent Order as presented. Mr. Burrell seconded the motion which was unanimously approved by: Burrell, Jonas, Mulhare, Overholt, Sterling, Trigiani, and Waddell.

Discussion was held on the role Board members play as subject matter experts (SME) when participating in technical review of code and regulatory violations. Discussion was also held on the scope of information contained within case files, and accessibility of that information.

Mr. Haughwout provided the Board with an update of cease and desist actions from November 29, 2018.

**Update on Cease and Desist Actions from 11/29/18 Meeting**

Ms. Baker returned to the meeting.

**Return of Board  
Member**

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

**Update on  
Regulatory Actions**

Amendments to the CIC Management Information Fund Regulations are currently undergoing Executive Branch review.

Ms. Henshaw, Ms. Trigiani, and Ms. Broz-Vaughan provided an update of legislation affecting DPOR and the Board.

**2019 Legislative  
Update**

Ms. Henshaw advised the Board that effective January 1, 2019, any guidance document drafted by the Board must now be made available to the public for a 30-day public comment period before being published as an official guidance document.

The Board recessed from 11:02 a.m. to 11:19 a.m.

**Recess**

Ms. Henshaw asked the Board to consider authorizing staff to file an exempt action in order to make a correction to the Code of Virginia subsection reference listed in 18 VAC48-30-560. Mr. Sterling moved to authorize staff to file an exempt action to amend the Code of Virginia subsection reference listed in 18 VAC48-30-560. Ms. Overholt seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Mulhare, Overholt, Sterling, Trigiani, and Waddell.

**Consider Exempt  
Action to Amend  
Subsection  
Reference in 18  
VAC 48-30-560**

Ms. Henshaw asked the Board to consider authorizing staff to file an exempt action to amend annual assessment payment language in the CIC Manager Regulations pursuant to HB 2081. Ms. Henshaw advised the bill is currently awaiting Governor approval. After discussion, Ms. Jonas moved to authorize staff to file an exempt action to amend annual assessment payment language in the CIC Manager Regulations contingent upon the Governor's approval of HB 2081 with no amendments. Mr. Burrell seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Mulhare, Overholt, Sterling, Trigiani, and Waddell.

**Consider Exempt  
Action to Amend  
Annual Assessment  
Payment Language  
-CIC Manager  
Regulations**

Ms. Henshaw asked the Board to consider authorizing staff to file an exempt action to remove language regarding provisional licensing from the CIC Manager Regulations as provisional licensing is no longer offered by the Board. After discussion, Mr. Burrell moved to authorize staff to file an exempt action to remove language regarding provisional licensing from the CIC Manager Regulations contingent upon

confirmation from Board counsel that the removal of language regarding provisional licensing qualifies for exempt action. Ms. Baker seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Mulhare, Overholt, Sterling, Trigiani, and Waddell.

The 2015 temporary reduction of association renewal fees and registration, to meet the Callahan Act requirements, expires June 30, 2019. Ms. Henshaw asked the Board to consider authorizing staff to file an exempt action in order to extend the reduction until June 30, 2020, allowing the renewal and registration fees to remain at \$10.00 until that time. Ms. Waddell moved to approve the temporary fee reduction as recommended by staff until June 30, 2020. Mr. Mulhare seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Mulhare, Overholt, Sterling, Trigiani, and Waddell.

**Consider Exempt Action to Extend Temporary Reduction of Association Registration Application and Renewal Fees-CIC Management Information Fund Regulations**

Ms. Henshaw asked the Board to consider authorizing staff to file an exempt action to remove annual assessment payment language from the CIC Management Information Fund Regulations pursuant to HB 2081. Upon approval from the Governor, the amended CIC Management Information Fund Regulations will be effective July 1, 2019. After discussion, Ms. Baker moved to authorize staff to file an exempt action to remove annual assessment payment language from the CIC Management Information Fund Regulations contingent upon the Governor's approval of HB 2081 with no amendments. Mr. Mulhare seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Mulhare, Overholt, Sterling, Trigiani, and Waddell.

**Consider Exempt Action to Remove Annual Assessment Payment Language-CIC Management Information Fund Regulations**

Ms. Henshaw asked the Board to consider staff recommendations on revisions to the POA Disclosure Packet Notice and the Condominium Unit Owners' Association Resale Certificate Notice pursuant to HB 2019, which would require disclosure of storm management facilities. Upon Governor approval of HB 2019, the amendments to the POA Disclosure Packet Notice and the Condominium Unit Owners' Association Resale Certificate Notice will be effective July 1, 2019. After discussion, Ms. Jonas moved to adopt staff recommendations on revisions to the POA Disclosure Packet Notice and the Condominium Unit Owners' Association Resale Certificate Notice contingent upon the Governor's approval of HB 2019 with no amendments. Ms. Waddell seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Mulhare, Overholt, Sterling, Trigiani, and Waddell.

**Consider Revisions to POA Disclosure Packet Notice and Condominium Unit Owners' Association Resale Certificate Notice**

Ms. Henshaw advised the Board that pursuant to the passage of HB 2030 and SB 1538, the Board is required to develop guidelines for the

**Guidelines for Reserve Studies of**

development of reserve studies for capital components. The Board reviewed a suggested outline of reserve study guidelines compiled by Mr. Haughwout. Ms. Henshaw asked the Board to authorize staff to form a Committee of SMEs and Board members to develop guidelines to be presented to the Board for review and approval prior to July 1, 2019. After discussion, Mr. Sterling moved to authorize staff, in conjunction with the Chair, to form a Committee to develop guidelines for the development of reserve studies for capital components. Ms. Waddell seconded the motion which was unanimously approved by: Baker, Burrell, Jonas, Mulhare, Overholt, Sterling, Trigiani, and Waddell.

### **Capital Components**

Ms. Trigiani and Ms. Henshaw asked Mr. Mulhare to serve as Chair of the Committee. Mr. Mulhare accepted. Mr. Burrell volunteered to participate as a homeowner member of the Committee.

Ms. Gillespie provided the Board with a summary of current complaint and file statistics as of March 11, 2019.

### **Ombudsman Report**

Ms. Henshaw provided the Board with the most recent financial statements. There have been no claims from the Recovery Fund.

### **Board Financial Statements**

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

### **Staff Event Calendar**

Ms. Waddell addressed the Board and stated that she has been honored to serve on the Board since its inception. Ms. Waddell commended Board members and staff, past and present, for supporting the Board's mission and allowing for growth within common interest communities as well as the legislative and regulatory environment.

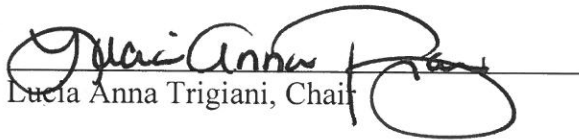
### **Other Business**

Ms. Henshaw and the Board commended Mr. Haughwout for his work on the latest edition of the Board newsletter.

Mr. Mulhare also thanked Mr. Haughwout for his assistance with continuing professional education (CPE) requirements.

There being no further business, the meeting was adjourned at 12:08p.m.

### **Adjourn**

  
Lucia Anna Trigiani, Chair

  
Mary Broz-Vaughan, Acting 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 March 14, 2019

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:

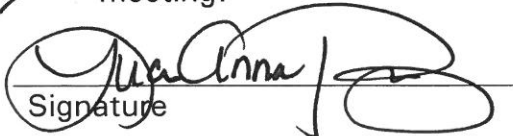
\_\_\_\_\_

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

March 14, 2019  
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 March 14, 2019

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:

participated in File #2018-01894 - received from Board Meeting

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

3/14/19  
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 March 14, 2019

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.

Tom Burrell  
Signature

03/14/2019  
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 March 14, 2019

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

3/14/19  
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 March 14, 2019

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:

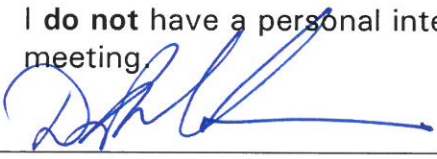
\_\_\_\_\_

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

3/14/19  
\_\_\_\_\_  
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 March 14, 2019

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

N/A

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Nature of Personal Interest Affected by Transaction:

N/A

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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

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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

3/14/19  
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 14, 2019

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

15 March 2019.

**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 March 14, 2019

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

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Nature of Personal Interest Affected by Transaction:

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

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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

3/14/19  
Date