



OFFICE OF CONSUMER PROTECTION

Isiah Leggett
County Executive

Eric S. Friedman
Director

June 10, 2010

President
Bel Pre Recreational Association
13920 Bethpage Lane
Silver Spring, Maryland 20906

Re: **Case No. 47-10, Gordon Klang v. Bel Pre Recreational Association**

Dear Sir or Madam:

This is to inform you of the formal complaint filed against the Bel Pre Recreational Association with the Commission on Common Ownership Communities by Gordon Klang, who claims that the Association has violated its governing documents by allowing the use of the association's pool by members of the public who do not belong to the association and who are not guests of members.

(Mr. Klang also requests that the association consult an attorney on the legal issue of whether it has the right to deny the use of the homes as group homes for the disabled or for other groups. However, he does not state that the association is violating any law or governing document in allowing such homes, and therefore in my opinion the Commission has no jurisdiction over the matter at this time and does not have to respond to that request. However, the association may, on its own, wish to consider and act upon that request.)

Enclosed for your review is a copy of the original complaint form as it was submitted to this Office. You should keep it for your records. I also enclose a copy of the Commission's Dispute Resolution Procedures as well. Please read these carefully and be sure that you follow them throughout the process.

This correspondence is sent to request a written response indicating your position on the issues raised in this complaint. Please send your written response to this Office within thirty (30) days of the date of this letter. **If you do not answer this complaint, the complaining party can request that the Commission enter a default judgment against you without a hearing and without any evidence from you.** (For a copy of the Commission's "Default Judgment Procedures" please visit the Commission's website at www.montgomerycountymd.gov/ccoc or call this office and ask us to mail you a copy.)

Be advised that Chapter 10B-9(e) of the Montgomery County Code, 1994, as amended, states:

10B-9. Filing of disputes; exhaustion of association remedies.

(e) When a dispute is filed with the Commission, a community association must not take any action to enforce or implement the association's decision, except filing a

civil action under subsection (f), until the process under this Article is completed.

Please also be advised that the Complainant or the Respondent may request mediation by submitting a written request to the undersigned. The Commission on Common Ownership Communities strongly encourages the use of mediation before resorting to formal hearings before the Commission, and I am enclosing information on this also.

Finally, please keep in mind that all communications between the Commission's staff and either party will be shared with the other party. The staff will not accept "private" or "confidential" communications. To avoid misunderstandings, we prefer that all communications be in writing or by email.

Your prompt attention and cooperation in this matter are appreciated.

Sincerely,



Peter Drymalski, Commission Staff

phone: 240-777-3716

email: peter.drymalski@montgomerycountymd.gov
(email preferred)

Enclosures
cc: Gordon Klang