



**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**  
**Commission on Common Ownership Communities**  
**1401 Rockville Pike, 4<sup>th</sup> Floor**  
**Rockville, Maryland 20852**

November 5, 2020

Amnon Samid  
13 Tapiola Court  
Rockville, Maryland 20850

New Mark Commons Homes Association, Inc.  
c/o Shirley Steinbach, Esquire  
7600 Wisconsin Avenue  
Suite 700  
Bethesda, Maryland 20814

**Re: Case No. 2020-052, New Mark Commons Homes Association, Inc. v. Samid**

Dear Parties:

At its monthly meeting on Wednesday, November 4, 2020, the Commission on Common Ownership Communities (“Commission”) met to consider the complaint and response in this case, and to vote on whether or not to accept jurisdiction of the complaint and set it for a public hearing.

The Commission voted to REFUSE jurisdiction of this complaint. Therefore, there will not be a public hearing in this case, and this file is closed.

Should you have any questions, please contact me.

Very truly yours,

/s/ Ife Fabayo

Ife Fabayo  
Commission Staff

**SENT BY CERTIFIED AND FIRST-CLASS U.S. MAIL**

---

**website: [www.montgomerycountymd.gov/ccoc](http://www.montgomerycountymd.gov/ccoc)---email: [ccoc@montgomerycountymd.gov](mailto:ccoc@montgomerycountymd.gov)**

**From:** [G. A. Samid](#)  
**To:** [Fabayo, Ifeoluwapo "Ife"; Fine, Mark](#)  
**Cc:** [Steinbach, Shirley M.](#)  
**Subject:** Re: 2020-052 Notice to Consider Jurisdiction  
**Date:** Tuesday, November 3, 2020 3:05:14 PM

---

**[EXTERNAL EMAIL]**

Dear Ms. Fabayo and Mr. Fine,

I have responded with so much anger, pain and resentment to this shameful complaint, bewildered that in the midst of the Pandemic my elected Board finds it proper to insist on undelayed destruction of a 12 years old tiny shed that no one except the Board wishes to dismantle, and which helps us, elderly people, go through this emergency, that my prime defense against this vain complaint may have been overshadowed.

I therefore bring to your attention that this unbecoming behavior of the Board put aside, my legal response is sharp clear and conclusive. Imprudently spending their constituents' dues (including mine), the Board arms themselves with an expensive Bethesda law firm, which the Respondent, retired, can not match. I did talk to a lawyer though, and he was crystal clear: **the case has no standing.**

Had my sole defense been that the complainant "sat on their hands" for ten years, then some real estate statute could have supported their position. But my defense is that back in 2008 I have complied fully with the applicable bylaws, and therefore the shed is in the clear. The Board offers a different version of *one item* in the 2008 events. In order to find for the complainant a court of law will have to engage itself into matters that transpired 12 years ago. The Maryland Statute of Limitations would bar a Maryland court from having jurisdiction in this matter. And since the Maryland courts would reject the complaint, so should the CCOC.

To further sharpen the case: had the Respondent been defiant of the by-laws, he would have erected the shed without following the legal procedure. But that is not what happened here. The Respondent had signed up his neighbors, they all expressed consent for the erection of the shed. The Respondent then filed a request with the Board -- these facts are not contested, and demonstrate the intent and the mindset of the Respondent. When 30 days passed, the Respondent -- consistent with the bylaws -- erected the shed. Twelve years after the events the Board produces a document that could easily have been back dated and signed (Not inconsistent with some close history), suggesting a rejection notice does exist (but certainly not delivered). **The Board had three years to contest the matter.** The purpose of the Statute of Limitation is to bring closure. And closure is what is called for in this case. Should I worry now about missing documents in my request to replace my roof -- happened 25 years ago? Closure is a fundamental element in good governance. Totally applicable here.

What's more -- there is zero community equity in this "war-against-the-shed". Absolutely no one, except four belligerent Board members, even gives it a passing thought. The CCOC should call the Board on this vain exercise of power.

My rage and disappointment with the vanity of my Board is very damaging to me health wise, as I disclosed to the Board. I therefore will spare myself the experience of attending the Hearing on the 4th. I trust that you would do the right thing.

G. A. Samid

On Oct 27, 2020, at 4:00 PM, Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayoy@montgomerycountymd.gov)> wrote:

Dear Mr. Samid and Ms. Steinbach:

Attached is the courtesy electronic copy of the Notice to Consider Jurisdiction. The original copy will also be mailed.

Regards,

<image003.png> **Ifeoluwapo "Ife" Fabayo**, Investigator

Common Ownership Communities, [DHCA](#)

(240) 777-3607/3691 (desk/fax)

To file a complaint or for any general questions, please contact the Montgomery County MC311 service at (240) 777-0311.



**For COVID-19 Information and resources, visit:**

[www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)

<Notice to Consider Jurisdiction.pdf>

**COMMISSION ON COMMON OWNERSHIP COMMUNITIES  
Montgomery County, Maryland**

NEW MARK COMMONS HOMES	:	
ASSOCIATION, INC.	:	
	:	
Complainant,	:	
	:	
v.	:	Case No. 2020-052
	:	
AMNON SAMID	:	
	:	
Respondent.	:	
	:	

---

**MOTION FOR RECONSIDERATION**

Complainant New Mark Commons Homes Association, Inc. (“Association”) asks the CCOC to reconsider its dismissal of this case and promptly set it for a hearing consistent with Sections 10B-11 & 10B-13 of the Montgomery County Code.

**Facts**

The Association filed its Complaint against Mr. Samid with the CCOC a year ago, on December 5, 2019, asking the CCOC to order Mr. Samid to remove his shed because it violates the Association’s governing documents, including those recorded in land records.

Mr. Samid delayed the mediation for months and months until the Fall of 2020, by refusing to commit to a date and the process. His emails are attached as **Exhibit A**. Mediation was not successful.

On November 12, 2020—almost a year after the Association filed its Complaint—the CCOC notified the Association that it was refusing jurisdiction of the Association’s complaint and denying the Association its right to a hearing because “there was not any evidence of timely enforcement from the association.” See Exhibit B.

There was not “any evidence” because the CCOC never afforded the Association an opportunity to present any evidence, let alone legal argument and/or facts regarding timely enforcement. Because the CCOC cited no law or legal provisions in support of its dismissal, the legal basis that the CCOC relied upon for the dismissal is unclear. By dismissing the case without holding a hearing, the CCOC violated the Montgomery County Code.

## The Montgomery County Code

Section 10B-13(a) of the Montgomery County Code provides in relevant part that “[a] hearing panel appointed under Section 10B-12 *must* hold a hearing on each dispute that is not resolved by mediation under Section 10B-11 unless the Commission finds that:

- (1) The dispute is essentially identical to another dispute between the same parties on which a hearing has already been held under this Section; or
- (2) The dispute is clearly not within the jurisdiction of the Commission.

Section 10B-11(b) of the Montgomery County Code provides that “[t]he Commission may reconsider the dismissal of a dispute under this subsection if any party, in a motion to reconsider filed within 30 days after the dispute is dismissed, shows that:

- (1) the Commission erroneously interpreted or applied applicable law or an association document; or
- (2) material issues of fact that are necessary to a fair resolution of the dispute remain unresolved.

### Argument

The Montgomery County Code requires the CCOC to hold a hearing because: (1) this dispute is squarely within the CCOC’s jurisdiction and has never before been heard by the CCOC, (2) the CCOC erroneously applied the law, and (3) material issues of fact remain unresolved that are necessary to a fair resolution of the dispute.

#### **1. The Code requires the CCOC to hold a hearing because the case is within the CCOC’s jurisdiction.**

Section 10B-13(a) of the Code quoted above provides that the CCOC “must” hold a hearing unless an identical dispute has already been heard or the dispute is clearly not within the jurisdiction of the Commission. Here, the CCOC has never held a hearing on an identical dispute between the parties.

Moreover, the dispute is within the Commission’s jurisdiction. Section 10B-8(4)(A)(i) defines “disputes” subject to the CCOC’s jurisdiction to include “any disagreement between 2 or more parties that involves the authority of a governing body, under any law or association document, to require any person to take any action, or not to take any action, involving a unit or common element.” Here, the dispute is a disagreement between the Association and Mr. Samid that involves the Association’s authority under its governing documents to require the removal of Mr. Samid’s shed.

Because this is a dispute subject to the CCOC’s jurisdiction, the CCOC must hold a hearing on the dispute pursuant to § 10B-13(a) of the Code.

**2. The Code requires the CCOC to reconsider the dismissal and hold a hearing because the CCOC misapplied the law.**

The CCOC dismissed the Association's case because it believed that "there was not any evidence of timely enforcement from the association." See **Exhibit B**.

Section 10B-11(b) of the Montgomery County Code quoted above provides that the CCOC should reconsider a dismissal if it "erroneously interpreted or applied applicable law or an association document."

Here, it is unclear what, if any, law the CCOC applied because the CCOC did not cite any law or any legal document in support of its decision.

To the extent that the CCOC relied on a statute of limitations, the CCOC misapplied the law. No statute of limitations defense exists where, as here, the Association is seeking injunctive relief to enforce a recorded covenant under seal and no monetary damages. See Towson Univ. v. Conte, 384 Md. 68, 116 (2004) ("because an action for an injunction is equitable. . . the statute of limitations would not ordinarily be directly applicable"). Even if a statute of limitations defense existed, the time limit to bring suit would be the twelve years applicable to specialties, and not the three-year statute applicable to contracts. See Md. Code, Cts and Jud. Proc, § 5-102; Sterling v. Reeher, 176 Md. 567, 569, 6 A.2d 237, 238 (1939) ("All instruments under seal, of record, and liabilities imposed by statute are specialties.").

Because the CCOC either did not interpret or apply any law or did so erroneously, the CCOC should reconsider the dismissal and set the case for a hearing pursuant to § 10B-11(b) of the Code.

**3. The Code requires the CCOC to reconsider the dismissal and hold a hearing because the CCOC failed to hear evidence on material facts in dispute.**

The CCOC dismissed the Association's case because it believed that "there was not any evidence of timely enforcement from the association." See **Exhibit B**. There was "not any evidence" because the CCOC refused to hold a hearing.

Section 10B-11(b) of the Montgomery County Code quoted above provides that the CCOC should reconsider a dismissal "if material issues of fact that are necessary to a fair resolution of the dispute remain unresolved."

The CCOC should reconsider its decision because material issues of fact need to be resolved at a hearing to the extent the CCOC dismissed the case on equitable grounds. "[U]nlike the defense of limitations in an action seeking a legal remedy, the defense of laches to the assertion of an equitable remedy must be evaluated on a case by case basis" and "if the delay has not prejudiced the party asserting the defense, it will not bar the equitable action." See Schaeffer v. Anne Arundel Cty., 338 Md. 75, 83 (1995). There is no inflexible rule as to what constitutes, or what does not constitute, laches; hence its existence must be determined by the facts and circumstances of each case. Greenfield v. Heckenbach, 144 Md. App. 108, 140-41 (2002). The passage of time, alone, does not constitute laches but is simply 'one of the many circumstances

from which a determination of what constitutes an unreasonable and unjustifiable delay may be made. Id. The Association proffers that the evidence will establish that any delay was reasonable, Mr. Samid suffered no prejudice on account of any delay in enforcement, and no evidence was lost. Pursuant to § 10B-11(b) of the Code, the CCOC should hold a hearing to consider such evidence.

### Conclusion

The Association respectfully requests that the CCOC promptly set this case for a public hearing given that the case has been pending for a year now.<sup>1</sup> This dispute is within the CCOC's jurisdiction. The statute of limitations does not apply. Material issues of fact must be resolved for a fair resolution. The law requires that the Association be given an opportunity to present legal argument and facts in support of its case, including on the issue of timely enforcement, before its case is dismissed.

Respectfully submitted,



---

Shirley M. Steinbach  
LERCH, EARLY & BREWER, CHARTERED  
7600 Wisconsin Avenue, Suite 700  
Bethesda, Maryland 20814  
Telephone: 301-657-0172  
smsteinbach@lercheearly.com  
*Counsel for Complainant New Mark Commons  
Homes Association, Inc.*

---

<sup>1</sup> The Association filed a complaint with the CCOC a year ago now asking the CCOC to order Mr. Samid to comply with the simple and clear terms of the Association's governing documents. Mr. Samid delayed the adjudication of this case as evidenced by his emails attached as **Exhibit A**. In light of Mr. Samid's delay, it is ironic that the CCOC dismissed the Association's case due to allegedly untimely enforcement by the Association.

Section 10B-11(e) of the Montgomery County Code provides that "The Commission *must* promptly schedule a hearing under Section 10B-13 if either: (1) mediation has not occurred within 90 days after the Director found reasonable grounds to believe a violation occurred; or (2) the Director decides at any time that mediation would be fruitless. Here, the CCOC scheduled the case for mediation, which means that the Director previously found reasonable grounds to conclude that a violation of applicable law or an association document has occurred. Section § 10B-11(c) of the Code provides that "[i]f the Director, after reviewing a dispute and any investigation, finds reasonable grounds to conclude that a violation of applicable law or an association document has occurred, the Director must attempt to resolve the matter through informal negotiation including, in the Director's discretion, mediation." Accordingly, the CCOC must schedule a hearing consistent with § 10B-11(e).

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 2, 2020, I caused a copy of the foregoing to be sent via regular first-class mail and electronic mail to:

Amnon Samid  
13 Tapiola Court  
Rockville, Maryland 20850  
gideon@tryagain.com; gideon@bitmint.com  
*Respondent*

Department of Housing and Community Affairs  
Common Ownership Communities  
c/o Mark Anders, Mark Fine, Ife Fabayo  
CCOC@montgomerycountymd.gov  
1401 Rockville Pike, 4<sup>th</sup> Floor  
Rockville, Maryland 20852



---

Shirley M. Steinbach, Esquire

**COMMISSION ON COMMON OWNERSHIP COMMUNITIES  
Montgomery County, Maryland**

NEW MARK COMMONS HOMES ASSOCIATION, INC.	:	
	:	
	:	
Complainant,	:	
	:	
v.	:	Case No. 2020-052
	:	
AMNON SAMID	:	
	:	
	:	
Respondent.	:	
	:	
<hr style="width: 50%; margin-left: 0;"/>		

**ORDER GRANTING MOTION FOR RECONSIDERATION**

UPON CONSIDERATION of Complainant’s Motion For Reconsideration (“Motion”), it is on this \_\_\_ day of \_\_\_\_\_, 2020, by the Commission of Common Ownership Communities, hereby:

**ORDERED**, that Complainant’s Motion is **GRANTED**; and it is further

**ORDERED**, that this case is hereby active and the file re-opened; and it is further

**ORDERED**, that this case is set for a virtual public hearing to take place at \_\_\_\_\_am/pm on \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
PANEL CHAIR, Commission on Common  
Ownership Communities

Copies to:

Shirley M. Steinbach, Esquire  
7600 Wisconsin Avenue, Suite 700  
Bethesda, Maryland 20814  
*Counsel for Complainant New Mark Commons  
Homes Association, Inc.*

Amnon Samid  
13 Tapiola Court  
Rockville, Maryland 20850  
*Respondent*

# **EXHIBIT A**

[REDACTED]

---

[REDACTED]

---

**From:** G. A. Samid <Try@tryagain.com>  
**Sent:** Friday, July 3, 2020 4:48 PM  
**To:** Fabayo, Ifeoluwapo Ife <Ifeoluwapo.Fabayo@montgomerycountymd.gov>  
**Cc:** kfmdfm@gmail.com; try@tryagain.com; Steinbach, Shirley M. <smsteinbach@lercheearly.com>  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

Dear Ife Fabayo,

My personal situation only got worse. Still waiting for going to the hospital. 100% home sheltered, no contact with children and grandchildren, or with anybody else. It's mandatory for me to keep my heart calm and avoid stress (like fending off attempts to dismantle my old little shed). A relative brings food every few weeks, and we are thankful for having the shed to store necessities for us.

My argument is the same, as instructed by our state's leaders: it's a major public crisis, we should keep the economy going, and focus on helping (not harassing) the more vulnerable among us. If this 12 year old shed (lawfully built) remains an issue when this crisis is over, then it would be time to pursue it. Let's for now unite to bring the crisis to its end.

Ms. Moran, I take this opportunity to suggest a community outreach initiative. There are quite a few residents like us, in their mid 70s and older, isolated. No neighbor knocked on our door, to inquire, may be we ran out of tooth paste.

Enjoy your 4th of July celebration

On Jul 2, 2020, at 11:12 AM, Fabayo, Ifeoluwapo Ife <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)> wrote:

Thank you, Ms. Moran. Ms. Steinbach is copied as instructed.

Mr. Samid – As mentioned in my e-mail below, we want to schedule mediation for this case. What is your availability in August?

---

**From:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com) <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>  
**Sent:** Thursday, July 2, 2020 9:29 AM  
**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>; 'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

New Mark Commons just contracted for legal services with Ruth Katz of Lerch Early Brewer at the end of June 2020. I did not recognize Ms Steinbach's name – my apology. Please continue to include Ms. Steinbach in future NMC email communications regarding CCOC case 2020-052.

I am personally available any day in August, except Monday August 17, to participate in mediation for case 2020-052.

Kathleen Moran  
NMC President

---

**From:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Sent:** Thursday, July 2, 2020 9:18 AM  
**To:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); 'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Ms. Moran:

Ms. Steinbach works with Ms. Katz, with whom you might be more familiar.

Nevertheless, as you remain the primary contact for this case, I shall continue to send all correspondence to you.

To that end, we need to schedule mediation in this case. Please advise of your availability in August.

Regards,

Ife Fabayo

---

**From:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com) <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>

**Sent:** Thursday, July 2, 2020 9:09 AM

**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabay@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabay@montgomerycountymd.gov)>;  
'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>

**Cc:** [try@tryagain.com](mailto:try@tryagain.com)

**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ife Fabayo

My apology for not seeing the June 29 email below.

I do not know who Ms. Steinbach is that you ask about below as a possible New Mark Commons representative.

I remain the primary contact for New Mark Commons for CCOC case 2020-052.

Kathleen Moran  
NMC Board President

---

**From:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabay@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabay@montgomerycountymd.gov)>

**Sent:** Thursday, July 2, 2020 8:30 AM

**To:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)

**Cc:** [try@tryagain.com](mailto:try@tryagain.com)

**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Ms. Moran:

I write to follow up on the e-mail below.

Ife Fabayo

---

**From:** Fabayo, Ifeoluwapo "Ife"

**Sent:** Monday, June 29, 2020 1:18 PM

**To:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)

**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)

**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Ms. Moran:

Is Ms. Steinbach representing New Mark Commons Home Association in CCOC 2020-052? I need to know so I can send my correspondence to her instead of you.

Regards,

Ife Fabayo

---

**From:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Friday, April 24, 2020 12:19 AM  
**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Dear Ms. Fabayo, and Ms. Moran,  
Since we talked about June arbitration our world was upended. The hospital cancelled my scheduled plan, and I am now on constant stand-by, as my various health risk factors are being re-balanced. I hope to be OK until my operation takes place. When I return will let you know and resume our pre-Corona plans.

Our Governor has summoned all of us to re-prioritize our efforts to jointly beat this invisible deadly enemy. Lawsuits are being suspended, disputes are out on hold, collaboration is the word of the hour, contribution. Are you really comfortable chasing down old people who now use their small shed to help them sustain the burden of in-house stay, hounding them down, to dismantle this little shed? I am sure both of you have much better things to do with your skills and energy. We will beat this virus by each pitching in as we can. I can't do much, but I still dedicate my time professionally to help the community weather the storm.

When we get through this global and local crisis, if you still think your case has merit, you can pick it up where you left off.

When close to 50,000 Americans lost their lives to this silent assailant, our attention should be focused on victory!

On Apr 22, 2020, at 9:26 AM, Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)> wrote:

Mr. Samid:

I understand. Kindly select one of the following dates in June.

June 2, 4, 8, 9, 15, 16, 17, 18, 22, 24, 25, 29, 30.

Thank you.

Ife Fabayo

---

**From:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>

**Sent:** Tuesday, April 21, 2020 4:36 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ms. Fabayo,

Reminding you of our plan to schedule the mediation for June.

I may have to delay further. My medical operation was put on hold to prioritize COVID-19 patients. It's definitely not helpful health wise for me. Hopefully will resolve it as early as possible, and then will face this really uncalled for distressing complaint.

If by chance I am better in May will contact.

Side note: the small shed you attempt to remove, is holding now supplies that relatives bring over, and we touch them only days later.

We leave the house only for medical reasons.

Really bad timing, Ms. Moran!

On Mar 16, 2020, at 8:51 AM, Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)> wrote:

Thank you, Mr. Samid. We shall schedule a mediation session for sometime in June.

---

**From:** G. A. Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Sunday, March 15, 2020 11:11 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ms. Ife Fabayo,

I hope to be back home from the hospital by June.

On Mar 13, 2020, at 8:13 AM, Fabayo,  
Ifeoluwapo Ife  
<[Ifeoluwapo.Fabaya@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabaya@montgomerycountymd.gov)>  
wrote:

Mr. Samid:

Never did I ask you to breach your privacy related to your medical concerns. Even if you are unable to attend mediation before April 28<sup>th</sup>, would you be available for mediation in May or June?

Please understand that per Section 10B-11(c) of the Montgomery County Code, mediation is mandatory. If you refuse or fail to participate in mediation, our office will refer this case to the Commission for resolution (hearing). You would not be allowed to attend the hearing, and the hearing panel may grant New Mark Commons the relief that the facts on the record warrant.

I look forward to your reply.

Sincerely,  
Ife Fabayo

---

**From:** G. A. Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Thursday, March 12, 2020 11:23 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabaya@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabaya@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ms. Fabayo,  
I wrote before about bad medical news. I wish to preserve my privacy in that regard.  
If you still insist on more details about my health situation I propose a phone conversation.

Allow me also to repeat my former request: Have my response to the complaint evaluated by a Member of

the Maryland bar to second the opinion I received. I had the shed built after receiving no objection following 30 days since filing the application. It's perfectly consistent with the Association bylaws. Only a Court of Law can overcome the evidential weight of my assertions. The Association had three years to complain about it. They have done nothing of the sort, now 12 years later, they wake up. Statue of Limitations applies. The county has enough lawyers to second this opinion.

And to you, Ms. Moran -- do break your silence: at the very least concur to postponing the matter until I return safely from my operation.

On Mar 11, 2020, at 3:02 PM,  
Fabayo, Ifeoluwapo lfe  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
wrote:

Mr. Samid:

I am given to understand that you told the CRCMC that you will not be able to participate in mediation within the next two (2) months. Is this representation accurate? If so, what prevents you from attending mediation between now and April 28<sup>th</sup>?

Regards,  
Ife Fabayo

---

**From:** Fabayo, Ifeoluwapo "Ife"  
**Sent:** Monday, March 9, 2020  
8:41 AM  
**To:** G. A. Samid  
<[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052,  
New Mark Commons Home  
Association v. Samid

Mr. Samid:

I am terribly sorry to hear that you are indisposed and at the hospital. Rest assured that this information will be maintained confidentially.

Concerning the complaint, as I mentioned in my previous e-mail, this case has been transferred to the Conflict Resolution Center of Montgomery County (CRCMC), whose representative will contact both parties to schedule mediation – which we hope will be concluded by 28 April 2020.

Sincerely,  
Ife Fabayo

---

**From:** G. A. Samid  
<[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Friday, March 6, 2020 8:26 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[ifeoluwapo.fabayo@montgomerycountymd.gov](mailto:ifeoluwapo.fabayo@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052,  
New Mark Commons Home  
Association v. Samid

**[EXTERNAL EMAIL]**

Dear Ife Fabayo, and  
Kathleen Moran,

Reluctantly I reveal  
medical data, which I wish  
you keep confidential as  
possible.

I have undergone a major  
surgery, and the implant is

failing. I am heading back to the hospital, and I request that this entire sorry complaint will be put on hold until I return safely (The shed is standing harmlessly and inconspicuously for 12 long years, there is certainly no urgency in this matter).

Beyond that I suggest both the commission and the complainant second the legal opinion I received as expressed in my response to the complaint and in my email dated February 24, 2020, and concur with the conclusion that to order removal of the shed, a Court of Law will have to overcome my affirmed statement that I have had the shed constructed, absent of any objection received within 30 days after filing the application. The courts will not take on this case because the matter is way past the statute of

limitation.

Regards,

A. G. Samid

<~WRD000.jpg>

<https://www.montgomerycountymd.gov/census/>

<~WRD000.jpg>

<https://www.montgomerycountymd.gov/census/>

<image001.jpg>

<https://montgomerycountymd.gov/coronavirus>

<~WRD000.jpg>

<https://www.montgomerycountymd.gov/census/>

<image001.jpg>

<https://www.montgomerycountymd.gov/census/>

**Take 10 minutes to be counted now – visit: <https://2020census.gov/>**

<image001.jpg>

**For COVID-19 Information and resources,  
visit: [www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)**

**Take 10 minutes to be counted now – visit: <https://2020census.gov/>**



**For COVID-19 Information and resources,  
visit: [www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)**

[REDACTED]

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Begin forwarded message:

**From:** "Fabayo, Ifeoluwapo Ife" <[Ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayoy@montgomerycountymd.gov)>  
**Date:** July 2, 2020 at 11:12:54 AM EDT  
**To:** "[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)" <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>, Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** "[try@tryagain.com](mailto:try@tryagain.com)" <[try@tryagain.com](mailto:try@tryagain.com)>, "Steinbach, Shirley M." <[smsteinbach@lerchearly.com](mailto:smsteinbach@lerchearly.com)>  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Thank you, Ms. Moran. Ms. Steinbach is copied as instructed.

Mr. Samid – As mentioned in my e-mail below, we want to schedule mediation for this case. What is your availability in August?

---

**From:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com) <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>  
**Sent:** Thursday, July 2, 2020 9:29 AM  
**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayoy@montgomerycountymd.gov)>; 'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

New Mark Commons just contracted for legal services with Ruth Katz of Lerch Early Brewer at the end of June 2020. I did not recognize Ms Steinbach’s name – my apology. Please continue to include Ms. Steinbach in future NMC email communications regarding CCOC case 2020-052.

I am personally available any day in August, except Monday August 17, to participate in mediation for case 2020-052.

Kathleen Moran  
NMC President

---

**From:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayoy@montgomerycountymd.gov)>  
**Sent:** Thursday, July 2, 2020 9:18 AM  
**To:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); 'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Ms. Moran:

Ms. Steinbach works with Ms. Katz, with whom you might be more familiar.

Nevertheless, as you remain the primary contact for this case, I shall continue to send all correspondence to you.

To that end, we need to schedule mediation in this case. Please advise of your availability in August.

Regards,

Ife Fabayo

---

**From:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com) <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>  
**Sent:** Thursday, July 2, 2020 9:09 AM  
**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayoy@montgomerycountymd.gov)>; 'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ife Fabayo

My apology for not seeing the June 29 email below.

I do not know who Ms. Steinbach is that you ask about below as a possible New Mark Commons representative.

I remain the primary contact for New Mark Commons for CCOC case 2020-052.

Kathleen Moran  
NMC Board President

---

**From:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Sent:** Thursday, July 2, 2020 8:30 AM  
**To:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Ms. Moran:

I write to follow up on the e-mail below.

Ife Fabayo

---

**From:** Fabayo, Ifeoluwapo "Ife"  
**Sent:** Monday, June 29, 2020 1:18 PM  
**To:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Ms. Moran:

Is Ms. Steinbach representing New Mark Commons Home Association in CCOC 2020-052? I need to know so I can send my correspondence to her instead of you.

Regards,

Ife Fabayo

---

**From:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Friday, April 24, 2020 12:19 AM  
**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Dear Ms. Fabayo, and Ms. Moran,  
Since we talked about June arbitration our world was upended. The hospital cancelled my scheduled plan, and I am now on constant stand-by, as my various health risk factors are being re-balanced. I hope to be OK until my operation takes place. When I return will let you know and resume our pre-Corona plans.

Our Governor has summoned all of us to re-prioritize our efforts to jointly beat this invisible deadly enemy. Lawsuits are being suspended, disputes are out on hold,

collaboration is the word of the hour, contribution. Are you really comfortable chasing down old people who now use their small shed to help them sustain the burden of in-house stay, hounding them down, to dismantle this little shed? I am sure both of you have much better things to do with your skills and energy. We will beat this virus by each pitching in as we can. I can't do much, but I still dedicate my time professionally to help the community weather the storm.

When we get through this global and local crisis, if you still think your case has merit, you can pick it up where you left off.

When close to 50,000 Americans lost their lives to this silent assailant, our attention should be focused on victory!

On Apr 22, 2020, at 9:26 AM, Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabay@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabay@montgomerycountymd.gov)> wrote:

Mr. Samid:

I understand. Kindly select one of the following dates in June.

June 2, 4, 8, 9, 15, 16, 17, 18, 22, 24, 25, 29, 30.

Thank you.

Ife Fabayo

---

**From:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Tuesday, April 21, 2020 4:36 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabay@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabay@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ms. Fabayo,

Reminding you of our plan to schedule the mediation for June.

I may have to delay further. My medical operation was put on hold to prioritize COVID-19 patients. It's definitely not helpful health wise for me. Hopefully will resolve it as early as possible, and then will face this really uncalled for distressing complaint.

If by chance I am better in May will contact.

Side note: the small shed you attempt to remove, is holding now supplies that relatives bring over, and we touch them only days later.  
We leave the house only for medical reasons.  
Really bad timing, Ms. Moran!

On Mar 16, 2020, at 8:51 AM, Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayoy@montgomerycountymd.gov)> wrote:

Thank you, Mr. Samid. We shall schedule a mediation session for sometime in June.

---

**From:** G. A. Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Sunday, March 15, 2020 11:11 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayoy@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ms. Ife Fabayo,

I hope to be back home from the hospital by June.

On Mar 13, 2020, at 8:13 AM, Fabayo,  
Ifeoluwapo Ife  
<[Ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayoy@montgomerycountymd.gov)>  
wrote:

Mr. Samid:

Never did I ask you to breach your privacy related to your medical concerns. Even if you are unable to attend mediation before April 28<sup>th</sup>, would you be available for mediation in May or June?

Please understand that per Section 10B-11(c) of the Montgomery County Code, mediation is mandatory. If you refuse or fail to participate in mediation, our office will refer this case to

the Commission for resolution (hearing). You would not be allowed to attend the hearing, and the hearing panel may grant New Mark Commons the relief that the facts on the record warrant.

I look forward to your reply.

Sincerely,  
Ife Fabayo

---

**From:** G. A. Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Thursday, March 12, 2020 11:23 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayoy@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ms. Fabayo,  
I wrote before about bad medical news. I wish to preserve my privacy in that regard.  
If you still insist on more details about my health situation I propose a phone conversation.

Allow me also to repeat my former request: Have my response to the complaint evaluated by a Member of the Maryland bar to second the opinion I received. I had the shed built after receiving no objection following 30 days since filing the application. It's perfectly consistent with the Association bylaws. Only a Court of Law can overcome the evidential weight of my assertions. The Association had three years to complain about it. They have done nothing of the sort, now 12 years later, they wake up. Statue of Limitations applies. The county has enough lawyers to second this opinion.

And to you, Ms. Moran -- do break your silence: at the very least concur to postponing the matter until I return safely from my operation.

On Mar 11, 2020, at 3:02 PM,  
Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayoy@montgomerycountymd.gov)>

wrote:

Mr. Samid:

I am given to understand that you told the CRCMC that you will not be able to participate in mediation within the next two (2) months. Is this representation accurate? If so, what prevents you from attending mediation between now and April 28<sup>th</sup>?

Regards,  
Ife Fabayo

---

**From:** Fabayo, Ifeoluwapo "Ife"  
**Sent:** Monday, March 9, 2020  
8:41 AM  
**To:** G. A. Samid  
<[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052,  
New Mark Commons Home  
Association v. Samid

Mr. Samid:

I am terribly sorry to hear that you are indisposed and at the hospital. Rest assured that this information will be maintained confidentially.

Concerning the complaint, as I mentioned in my previous e-mail, this case has been transferred to the Conflict Resolution Center of Montgomery County (CRCMC), whose representative will contact both parties to schedule mediation – which we hope will be concluded by 28 April 2020.

Sincerely,

Ife Fabayo

---

**From:** G. A. Samid  
<[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Friday, March 6, 2020 8:26  
PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052,  
New Mark Commons Home  
Association v. Samid

**[EXTERNAL EMAIL]**

Dear Ife Fabayo, and  
Kathleen Moran,

Reluctantly I reveal  
medical data, which I wish  
you keep confidential as  
possible.

I have undergone a major  
surgery, and the implant is  
failing. I am heading back to  
the hospital, and I request that  
this entire sorry complaint  
will be put on hold until I  
return safely (The shed is  
standing harmlessly and  
inconspicuously for 12 long  
years, there is certainly no  
urgency in this matter).

Beyond that I suggest  
both the commission and the

complainant second the legal opinion I received as expressed in my response to the complaint and in my email dated February 24, 2020, and concur with the conclusion that to order removal of the shed, a Court of Law will have to overcome my affirmed statement that I have had the shed constructed, absent of any objection received within 30 days after filing the application. The courts will not take on this case because the matter is way past the statute of limitation.

Regards,

A. G. Samid



<https://www.montgomerycountymd.gov/census/>




<https://www.montgomerycountymd.gov/census/>

\_\_\_\_\_

  
<https://montgomerycountymd.gov/coronavirus>

  
<https://www.montgomerycountymd.gov/census/>

  
<https://www.montgomerycountymd.gov/census/>

Take 10 minutes to be counted now – visit: <https://2020census.gov/>



**For COVID-19 Information and resources, visit:**  
[www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)

Take 10 minutes to be counted now – visit: <https://2020census.gov/>



**For COVID-19 Information and resources, visit:**  
[www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** kfmdfm@gmail.com <kfmdfm@gmail.com>  
**Sent:** Thursday, July 9, 2020 10:05 AM  
**To:** 'Fabayo, Ifeoluwapo "Ife"' <Ifeoluwapo.Fabayo@montgomerycountymd.gov>; 'G. A. Samid' <Try@tryagain.com>  
**Cc:** Steinbach, Shirley M. <smsteinbach@lerchearly.com>  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

This note is to inform all parties that in September I have a commitment to be out of town September 14-18. Although I signed the original paperwork from New Mark Commons regarding case 2020-052, I will not be able to participate on the selected September 14 per your message below. New Mark Commons representation will be lead by our legal counsel at Lerch Early Brewer where Shirley Steinbach is our primary point of contact for this case.

Kathleen Moran  
NMC Board President

---

**From:** Fabayo, Ifeoluwapo "Ife" <Ifeoluwapo.Fabayo@montgomerycountymd.gov>  
**Sent:** Thursday, July 9, 2020 8:49 AM  
**To:** G. A. Samid <Try@tryagain.com>; kfmdfm@gmail.com  
**Cc:** Steinbach, Shirley M. <smsteinbach@lerchearly.com>  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Dear Parties:

To further accommodate Mr. Samid, we have decided to postpone mediation to September. However, there will not be any further postponements. Please note that mediation will be conducted virtually, which affords the parties the convenience of attending from any location.

With that said, mediation is scheduled for **Monday, September 14, at 7 p.m.** Expect to receive a formal notice in the mail.

Remain safe and well,

Ife Fabayo

---

**From:** G. A. Samid <[Try@tryagain.com](mailto:Try@tryagain.com)>  
**Sent:** Friday, July 3, 2020 4:48 PM  
**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com); Steinbach, Shirley M. <[smsteinbach@lercheary.com](mailto:smsteinbach@lercheary.com)>  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Dear Ife Fabayo,

My personal situation only got worse. Still waiting for going to the hospital. 100% home sheltered, no contact with children and grandchildren, or with anybody else. It's mandatory for me to keep my heart calm and avoid stress (like fending off attempts to dismantle my old little shed). A relative brings food every few weeks, and we are thankful for having the shed to store necessities for us.

My argument is the same, as instructed by our state's leaders: it's a major public crisis, we should keep the economy going, and focus on helping (not harassing) the more vulnerable among us. If this 12 year old shed (lawfully built) remains an issue when this crisis is over, then it would be time to pursue it. Let's for now unite to bring the crisis to its end.

Ms. Moran, I take this opportunity to suggest a community outreach initiative. There are quite a few residents like us, in their mid 70s and older, isolated. No neighbor knocked on our door, to inquire, may be we ran out of tooth paste.

Enjoy your 4th of July celebration

On Jul 2, 2020, at 11:12 AM, Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)> wrote:

Thank you, Ms. Moran. Ms. Steinbach is copied as instructed.

Mr. Samid – As mentioned in my e-mail below, we want to schedule mediation for this case. What is your availability in August?

---

**From:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com) <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>  
**Sent:** Thursday, July 2, 2020 9:29 AM

**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabay@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabay@montgomerycountymd.gov)>; 'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

New Mark Commons just contracted for legal services with Ruth Katz of Lerch Early Brewer at the end of June 2020. I did not recognize Ms Steinbach's name – my apology. Please continue to include Ms. Steinbach in future NMC email communications regarding CCOC case 2020-052.

I am personally available any day in August, except Monday August 17, to participate in mediation for case 2020-052.

Kathleen Moran  
NMC President

---

**From:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabay@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabay@montgomerycountymd.gov)>  
**Sent:** Thursday, July 2, 2020 9:18 AM  
**To:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); 'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Ms. Moran:

Ms. Steinbach works with Ms. Katz, with whom you might be more familiar.

Nevertheless, as you remain the primary contact for this case, I shall continue to send all correspondence to you.

To that end, we need to schedule mediation in this case. Please advise of your availability in August.

Regards,

Ife Fabayo

---

**From:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com) <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>  
**Sent:** Thursday, July 2, 2020 9:09 AM  
**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabay@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabay@montgomerycountymd.gov)>; 'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ife Fabayo

My apology for not seeing the June 29 email below.

I do not know who Ms. Steinbach is that you ask about below as a possible New Mark Commons representative.

I remain the primary contact for New Mark Commons for CCOC case 2020-052.

Kathleen Moran  
NMC Board President

---

**From:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Sent:** Thursday, July 2, 2020 8:30 AM  
**To:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Ms. Moran:

I write to follow up on the e-mail below.

Ife Fabayo

---

**From:** Fabayo, Ifeoluwapo "Ife"  
**Sent:** Monday, June 29, 2020 1:18 PM  
**To:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Ms. Moran:

Is Ms. Steinbach representing New Mark Commons Home Association in CCOC 2020-052? I need to know so I can send my correspondence to her instead of you.

Regards,

Ife Fabayo

---

**From:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Friday, April 24, 2020 12:19 AM  
**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Dear Ms. Fabayo, and Ms. Moran,  
Since we talked about June arbitration our world was upended. The hospital cancelled my scheduled plan, and I am now on constant stand-by, as my various health risk factors are being re-balanced. I hope to be OK until my operation takes place. When I return will let you know and resume our pre-Corona plans.

Our Governor has summoned all of us to re-prioritize our efforts to jointly beat this invisible deadly enemy. Lawsuits are being suspended, disputes are out on hold, collaboration is the word of the hour, contribution. Are you really comfortable chasing down old people who now use their small shed to help them sustain the burden of in-house stay, hounding them down, to dismantle this little shed? I am sure both of you have much better things to do with your skills and energy. We will beat this virus by each pitching in as we can. I can't do much, but I still dedicate my time professionally to help the community weather the storm.

When we get through this global and local crisis, if you still think your case has merit, you can pick it up where you left off.

When close to 50,000 Americans lost their lives to this silent assailant, our attention should be focused on victory!

On Apr 22, 2020, at 9:26 AM, Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayoy@montgomerycountymd.gov)> wrote:

Mr. Samid:

I understand. Kindly select one of the following dates in June.

June 2, 4, 8, 9, 15, 16, 17, 18, 22, 24, 25, 29, 30.

Thank you.

Ife Fabayo

---

**From:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Tuesday, April 21, 2020 4:36 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayoy@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ms. Fabayo,

Reminding you of our plan to schedule the mediation for June.

I may have to delay further. My medical operation was put on hold to prioritize COVID-19 patients. It's definitely not helpful health wise for me. Hopefully will resolve it as early as possible, and then will face this really uncalled for distressing complaint.  
If by chance I am better in May will contact.

Side note: the small shed you attempt to remove, is holding now supplies that relatives bring over, and we touch them only days later.  
We leave the house only for medical reasons.  
Really bad timing, Ms. Moran!

On Mar 16, 2020, at 8:51 AM, Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabaya@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabaya@montgomerycountymd.gov)> wrote:

Thank you, Mr. Samid. We shall schedule a mediation session for sometime in June.

---

**From:** G. A. Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Sunday, March 15, 2020 11:11 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabaya@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabaya@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ms. Ife Fabayo,

I hope to be back home from the hospital by June.

On Mar 13, 2020, at 8:13 AM, Fabayo,  
Ifeoluwapo Ife  
<[Ifeoluwapo.Fabaya@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabaya@montgomerycountymd.gov)>  
wrote:

Mr. Samid:

Never did I ask you to breach your privacy related to your medical concerns. Even if you are unable to attend mediation before April 28<sup>th</sup>, would you be available for mediation in May or June?

Please understand that per Section 10B-11(c) of the Montgomery County Code, mediation is mandatory. If you refuse or fail to participate in mediation, our office will refer this case to the Commission for resolution (hearing). You would not be allowed to attend the hearing, and the hearing panel may grant New Mark Commons the relief that the facts on the record warrant.

I look forward to your reply.

Sincerely,  
Ife Fabayo

---

**From:** G. A. Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Thursday, March 12, 2020 11:23 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayoy@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ms. Fabayo,  
I wrote before about bad medical news. I wish to preserve my privacy in that regard.  
If you still insist on more details about my health situation I propose a phone conversation.

Allow me also to repeat my former request: Have my response to the complaint evaluated by a Member of the Maryland bar to second the opinion I received. I had the shed built after receiving no objection following 30 days since filing the application. It's perfectly consistent with the Association bylaws. Only a Court of Law can overcome the evidential weight of my assertions. The Association had three years to complain about it. They have done nothing of the sort,

now 12 years later, they wake up. Statute of Limitations applies. The county has enough lawyers to second this opinion.

And to you, Ms. Moran -- do break your silence: at the very least concur to postponing the matter until I return safely from my operation.

On Mar 11, 2020, at 3:02 PM,  
Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
wrote:

Mr. Samid:

I am given to understand that you told the CRCMC that you will not be able to participate in mediation within the next two (2) months. Is this representation accurate? If so, what prevents you from attending mediation between now and April 28<sup>th</sup>?

Regards,  
Ife Fabayo

---

**From:** Fabayo, Ifeoluwapo "Ife"  
**Sent:** Monday, March 9, 2020  
8:41 AM  
**To:** G. A. Samid  
<[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052,  
New Mark Commons Home  
Association v. Samid

Mr. Samid:

I am terribly sorry to hear that you are indisposed and at the hospital. Rest assured that this information will be maintained confidentially.

Concerning the complaint, as I mentioned in my previous e-mail, this case has been transferred to the Conflict Resolution Center of Montgomery County (CRCMC), whose representative will contact both parties to schedule mediation – which we hope will be concluded by 28 April 2020.

Sincerely,  
Ife Fabayo

---

**From:** G. A. Samid  
<[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Friday, March 6, 2020 8:26 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[ifeoluwapo.Fabayoy@montgomerycountymd.gov](mailto:ifeoluwapo.Fabayoy@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052,  
New Mark Commons Home  
Association v. Samid

**[EXTERNAL EMAIL]**

Dear Ife Fabayo, and  
Kathleen Moran,

Reluctantly I reveal  
medical data, which I wish  
you keep confidential as  
possible.

I have undergone a major  
surgery, and the implant is  
failing. I am heading back to  
the hospital, and I request that  
this entire sorry complaint  
will be put on hold until I

return safely (The shed is standing harmlessly and inconspicuously for 12 long years, there is certainly no urgency in this matter).

Beyond that I suggest both the commission and the complainant second the legal opinion I received as expressed in my response to the complaint and in my email dated February 24, 2020, and concur with the conclusion that to order removal of the shed, a Court of Law will have to overcome my affirmed statement that I have had the shed constructed, absent of any objection received within 30 days after filing the application. The courts will not take on this case because the matter is way past the statute of limitation.

Regards,

A. G. Samid

<~WRD000.jpg>

<https://www.montgomerycountymd.gov/census/>

<~WRD000.jpg>

<https://www.montgomerycountymd.gov/census/>

<image001.jpg>

<https://montgomerycountymd.gov/coronavirus>

<~WRD000.jpg>

<https://www.montgomerycountymd.gov/census/>

<image001.jpg>

<https://www.montgomerycountymd.gov/census/>

**Take 10 minutes to be counted now – visit: <https://2020census.gov/>**

<image001.jpg>

**For COVID-19 Information and resources,  
visit: [www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)**

**Take 10 minutes to be counted now – visit: <https://2020census.gov/>**

<image001.jpg>

**For COVID-19 Information and resources,  
visit: [www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** A. G. Samid <Try@tryagain.com>

**Sent:** Thursday, August 6, 2020 12:02 AM

**To:** kfmdfm@gmail.com

**Cc:** nmcadministrator@newmarkcommons; karinboychynnmc@gmail.com; Ron Tipton <rptipton1948@gmail.com>; JZoeNMC@gmail.com; LauraBNMC@protonmail.com; abelida@yahoo.com; Steinbach, Shirley M. <smsteinbach@lercheearly.com>

**Subject:** Re: 2020-052 Mediation

Dear Ms. Moran, and dear Board Members,

It is really regrettable that as a long time contributing NMC member I find myself writing this letter to my community representatives.

You read about abuse of privilege, mistreatment of immigrants, homophobia, but you try your best not to see yourself as a victim of these abuses. Alas, you make it really difficult for me.

You know very well that I did not ignore the by-laws. I signed up the neighbors, filed a petition, waited for more than 30 days, then put up the small shed in my yard. And for many years thereafter there was no problem whatsoever.

Ten years later someone decided to hound down the petitioner of the shed, claiming that way back then a notice of rejection was timely delivered. It's false, it's not true, it is unsubstantiated, (no proof of delivery -- it did not happen), but it sure has an harassing effect, a harmful impact. Especially when on the receiving end, we are elderly, with very serious health issues, and what is more, the shed helps us sustain ourselves through the complete home sheltering we practice, with only once in three weeks supply of essentials.

I have sought legal advice and was clearly apprised that at issue are events that by now are 12 years old, way beyond the statute of limitation, which is three years in Maryland. This further contributes to any cause I may have for legal action against the members of the Board.

I don't want to meet you all in court. I am a peaceful neighbor. Alas, your hounding action is extremely stressful in my condition.

Myself, or my estate, reserve all our legal options.

A. G. Samid

On Jul 31, 2020, at 1:28 PM, <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)> <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)> wrote:

Mark Fine

Thanks for the connection to CCOC Case 2020-052 mediation per the email below.  
New Mark Commons will finalize who is attending this September 14 mediation at its August 6, 2020 Board of Directors meeting.

Kathleen Moran  
NMC Board President

---

**From:** Fine, Mark <[Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov)>  
**Sent:** Friday, July 31, 2020 11:34 AM  
**To:** nmcadministrator@newmarkcommons; [gideon@bitmint.com](mailto:gideon@bitmint.com); Kathleen & Dennis Moran <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>; [karinboychynnmc@gmail.com](mailto:karinboychynnmc@gmail.com); Ron Tipton <[rtipton1948@gmail.com](mailto:rtipton1948@gmail.com)>; [IZoeNMC@gmail.com](mailto:IZoeNMC@gmail.com); [LauraBNMC@protonmail.com](mailto:LauraBNMC@protonmail.com); [abelida@yahoo.com](mailto:abelida@yahoo.com)  
**Cc:** CCOC <[CCOC@montgomerycountymd.gov](mailto:CCOC@montgomerycountymd.gov)>; Steinbach, Shirley M. <[smsteinbach@lercheearly.com](mailto:smsteinbach@lercheearly.com)>  
**Subject:** 2020-052 Mediation  
**Importance:** High

Fine, Mark has shared a OneDrive for Business file with you. To view it, click the link below.

 [CE-1 FOR MEDIATION.pdf](#)

Good Day,

Your presence is requested for a Zoom Mediation in the above entitled cases. YOU MUST register in advance of this mediation in order to attend.

**When: Sep 14, 2020 07:00 PM Eastern Time (US and Canada)**

**Register in advance for this meeting:**

**[PLEASE CLICK THIS LINK TO REGISTER THANKS](#)**

**After registering, you will receive a confirmation email containing information about joining the meeting.**

Please note that in accordance with Montgomery County Code Section 10B-11(c), (c) If the Director, after reviewing a dispute and any investigation, finds reasonable grounds to conclude that a violation of applicable law or an association document has occurred, the Director must attempt to resolve the matter through informal negotiation including, in the Director's discretion, mediation. **Each party named in the dispute or its representative must attend**

any mediation conference scheduled by the Director under this Section unless excused by the Director. If the party that files the dispute refuses or fails to participate in the mediation, the Director must dismiss the dispute. If the party that is the subject of the dispute refuses or fails to participate in the mediation, the Director must refer the dispute to the Commission for resolution. The party that is the subject of the dispute may not appear at the hearing, and the hearing panel may award relief to any party that the facts on the record warrant.

Should you have any questions, you should contact [ccoc@montgomerycountymd.gov](mailto:ccoc@montgomerycountymd.gov)

The mediation CE-1 is attached. If you wish to present any other evidence not in this file, it MUST be sent to [Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov) with a copy to [ccoc@montgomerycountymd.gov](mailto:ccoc@montgomerycountymd.gov) no later than 5 pm, September 8th, 2020.

**The information provided herein is general information only and not legal advice. The information provided herein does not create an attorney client relationship and is not a substitute for having a consultation with an attorney. It is important to have a consultation with an attorney as the information provided in this email is limited and cannot possibly cover all potential issues in this given situation.**

**Please note that the Commission is telecommuting its business as a result of the COVID-19 pandemic. No one is physically in the Commission office on a regular basis, and the public is not permitted into the building at the present time. Thank you for your understanding and be safe. I respond to emails within 4 hours, or you can reach me at 301.384.1944 .**

Thanks,

Mark

Mark Fine

Chairman,  
Montgomery County Commission on Common Ownership  
Communities  
Department of Housing and Community Affairs  
[1401 Rockville Pike, 4th Floor](#)  
[Rockville, MD 20852](#)  
[www.montgomerycountymd.gov/ccoc](http://www.montgomerycountymd.gov/ccoc)  
(O) 240.777.3704  
"Serving the citizens of Montgomery County residing in Common  
Ownership Communities since 1991"

<image001.png>

**Take 10 minutes to be counted now – visit: <https://2020census.gov/>**

<~WRD0000.jpg>

---

For COVID-19 Information and resources, visit: [www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)

[REDACTED]

---

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: G. A. Samid <Try@tryagain.com>

Sent: Thursday, August 20, 2020 11:59 AM

To: kfmdfm@gmail.com

Cc: nmcadministrator@newmarkcommons; karinboychynnmc@gmail.com; Ron Tipton <rtipton1948@gmail.com>; JZoeNMC@gmail.com; LauraBNMC@protonmail.com; abelida@yahoo.com; Steinbach, Shirley M. <smsteinbach@lercheearly.com>

Subject: Re: 2020-052 Mediation \* Marc Elrich

Dear Board President Moran,

What comes across to you as "harsh" is in fact written with sadness and frustration. I am an old member of this community, anticipating benevolent leadership from my leader. We live through a once-in-a-hundred-years crisis with filling up cemeteries. It's time for everyone to do what we can. I know I do -- despite my precarious health situation. I help prepare a phone-based digital cash injection solution to make sure everyone in the county has food and necessities. Every hour I struggle with you is a net loss. Even if you were right and this shed were erected illegally 12 years ago, once I tell you that we are elderly people with very serious health issues, not leaving the house for six months, and we use the shed to keep us going through this crisis -- you should have immediately put a freeze on your campaign to get this shed removed. It's really not the time. The only reasonable motivation for your action is an embrace of formalism of some sort. It's like the people who argue formal first amendment right and are not wearing masks.

Myself and other residents could have been called up by a strong community leadership to make each the contribution that they can, and in turn be helped as needed. I mentioned to you my idea of neighbor--helping-neighbor.

The advantage of a small community is that we can be personal, strive for accommodation not confrontation. If you and the other board members had me on a one on one conversation we would not have been opposite sides of a formal legal proceeding, which like with every 'war', you know how it starts, you never know how it ends.

My intent is not to be harsh. Estrangement does not solve problems, outreach does.

Anticipating your fair, humane, and considerate leadership

A. G. Samid

> On Aug 13, 2020, at 4:38 PM, kfmdfm@gmail.com wrote:

>

> Mr. Samid,

>

> I believe, you have continued to write to the New Mark Commons (NMC) Board in hopes that it would change the need for you to attend a virtual mediation from the safety of your home with the Montgomery County CCOC mediator and the NMC Board representatives on September 14. Your harshly worded request below and others sent over the last six months have not changed the legal responsibilities you and NMC have as part of the CCOC-052 mediation requirement.

>

> Kathleen Moran

> NMC Board President

>

>

> -----Original Message-----

> From: G. A. Samid <Try@tryagain.com>

> Sent: Wednesday, August 12, 2020 11:59 PM

> To: <kfmdfm@gmail.com> <kfmdfm@gmail.com>

> Cc: nmcadministrator@newmarkcommons; karinboychynnmc@gmail.com; Ron Tipton <r티pton1948@gmail.com>; JZoeNMC@gmail.com; LauraBNMC@protonmail.com; abelida@yahoo.com; Steinbach, Shirley M. <smsteinbach@lercheary.com>

> Subject: Re: 2020-052 Mediation \* Marc Elrich

>

> Earlier today I was let to believe that the county Executive will call to account community leaders attempting to impose extra difficulties on old people trying to withstand the Corona pandemic. You should not wait to be called out. It is a matter of basic decency. You are hyping a marginal, old issue; hiding your naked aggression behind a fig leaf of compassion-free formality. It's not the time. Older and vulnerable people around us are dying daily, while you make it even more difficult on elderly and vulnerable residents to face the imminent danger of the virus.

>

>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** G. A. Samid <Try@tryagain.com>

**Sent:** Tuesday, September 8, 2020 10:18 AM

**To:** Fabayo, Ifeoluwapo Ife <Ifeoluwapo.Fabayo@montgomerycountymd.gov>

**Cc:** Steinbach, Shirley M. <smsteinbach@lercheary.com>; nmcadministrator@newmarkcommons; Kathleen & Dennis Moran <kfmdfm@gmail.com>; karinboychynnmc@gmail.com; Ron Tipton <rtpion1948@gmail.com>; JZoeNMC@gmail.com; LauraBNMC@protonmail.com; abelida@yahoo.com; Fine, Mark <Mark.Fine@montgomerycountymd.gov>

**Subject:** Re: 2020-052 Mediation

Dear Ife Fabayo,

Since you have no clue what are my health concerns (you never asked) how do you know that a Zoom session will be beneficial?

Please do provide me with the name and contact information of your supervisor.

On Sep 8, 2020, at 8:29 AM, Fabayo, Ifeoluwapo Ife <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)> wrote:

Dear Mr. Samid:

Your request for reconsideration was submitted to my supervisor, but it was denied.

Please note that mediation at 7 p.m. on September 14<sup>th</sup> will be conducted via Zoom, the convenience of which, given your health concerns, will be even more beneficial.

Regards,

Ife Fabayo

---

**From:** G. A. Samid <[Try@tryagain.com](mailto:Try@tryagain.com)>

**Sent:** Friday, September 4, 2020 10:10 AM

**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>

**Cc:** Steinbach, Shirley M. <[smsteinbach@lercheary.com](mailto:smsteinbach@lercheary.com)>; nmcadministrator@newmarkcommons; Kathleen & Dennis Moran <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>; [karinboychynnmc@gmail.com](mailto:karinboychynnmc@gmail.com); Ron Tipton

<[rtipton1948@gmail.com](mailto:rtipton1948@gmail.com)>; [JZoeNMC@gmail.com](mailto:JZoeNMC@gmail.com); [LauraBNMC@protonmail.com](mailto:LauraBNMC@protonmail.com); [abelida@yahoo.com](mailto:abelida@yahoo.com);  
Fine, Mark <[Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov)>  
**Subject:** Re: 2020-052 Mediation

**[EXTERNAL EMAIL]**

Dear Ms. Fabayo,

Any scheduled legal proceeding in the land is subject to rescheduling on grounds of serious health issues of a participating party (ample case load). I formally inform you that such a health issue does exist. You surely have the right to deny continuance after consideration of the reason for the request for rescheduling. However you have done sowithout availing yourself to the nature of the health issue. This brings to question your impartiality, and levies liability to any health damage caused by **blindly** insisting on rejecting my request to have my health issue brought to consideration.

Please provide me with the name and contact information of the person I should appeal to, to have your blind decision reconsidered.

A. G. Samid

-----

My former reply to the association letter below:

Dear Mr. Fine,

On one side you have a party bringing forth a serious health issue, asking for a limited postponement of a clearly non-urgent matter.

(Ms. Steinibach, if you can support your position with arguments of urgency -- please, by all means!).

On the other side you have a party that holds the County Code as a cudgel, lacking any empathy, devoid of any spirit of accommodation, eager to flex the power of the Board.

Yes, the hearing was postponed before -- but on the same grounds. We go through a once-in-a-hundred years crisis. With my co-morbidity factors I am medically advised to be totally home sheltered, which I am. I go through repeated diagnostics to re-balance my various risks. I hoped in July to be post surgery for this September conference. But this did not happen. We are talking here about a matter of life and death, and the Board, which was elected to represent all of us, is cold-heartedly opposing a member's request which has no adverse consequences.

**Again, I am prepared to reveal my health status to you personally. If that what you need to accommodate my request for deferment.**

A. G. Samid

On Sep 4, 2020, at 8:20 AM, Fabayo, Ifeoluwapo Ife  
<[lfeoluwapo.Fabayo@montgomerycountymd.gov](mailto:lfeoluwapo.Fabayo@montgomerycountymd.gov)> wrote:

Dear Parties:

Please be advised that the mediation session scheduled for 7 p.m. on September 14, 2020, **will not be postponed**. Be reminded that mediation is mandatory, pursuant to Section 10B-11(c) of the Montgomery County Code. Mediation will be conducted via

Zoom.

Let me know if you have any questions.

Sincerely,

Ife Fabayo

---

**From:** Steinbach, Shirley M. <[smsteinbach@lercheearly.com](mailto:smsteinbach@lercheearly.com)>  
**Sent:** Thursday, September 3, 2020 12:49 PM  
**To:** Fine, Mark <[Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov)>; Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Cc:** nmcadministrator@newmarkcommons; Kathleen & Dennis Moran <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>; [karinboychynnmc@gmail.com](mailto:karinboychynnmc@gmail.com); Ron Tipton <[rtipton1948@gmail.com](mailto:rtipton1948@gmail.com)>; [JZoeNMC@gmail.com](mailto:JZoeNMC@gmail.com); [LauraBNMC@protonmail.com](mailto:LauraBNMC@protonmail.com); [abelida@yahoo.com](mailto:abelida@yahoo.com); CCOC <[CCOC@montgomerycountymd.gov](mailto:CCOC@montgomerycountymd.gov)>; G. A. Samid <[Try@tryagain.com](mailto:Try@tryagain.com)>  
**Subject:** RE: 2020-052 Mediation

**[EXTERNAL EMAIL]**

Dear Mr. Fine & Ms. Fabayo:

The Association opposes Mr. Samid's request based on the attached email chain, which establishes Mr. Samid's repeat attempts to delay and hinder this CCOC proceeding. The attached email chain further establishes that the CCOC has accommodated Mr. Samid multiple times and that it put Mr. Samid on notice on July 9, 2020, that "there will not be any further postponements."

Based on the record at this time, it is appropriate to put Mr. Samid on notice that Section 10-B 13(d)(1) of the Montgomery County Code provides in relevant part that "The hearing panel may award costs, including attorney's fees, to any part if the other party refused to participate in mediation of a dispute; or substantially delayed or hindered the dispute resolution process without good cause."

Thanks,  
~Shirley

---

**Shirley M. Steinbach**, Of Counsel  
Lerch, Early & Brewer, Chtd. *rising to every challenge for 70 years*  
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
T [301-657-0172](tel:301-657-0172) | F [301-347-1786](tel:301-347-1786) | Main 301-986-1300  
[smsteinbach@lercheearly.com](mailto:smsteinbach@lercheearly.com)

**Lerch Early COVID-19 Resource Center**

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

[www.lercheearly.com](http://www.lercheearly.com)

---

**From:** G. A. Samid <[Try@tryagain.com](mailto:Try@tryagain.com)>  
**Sent:** Wednesday, September 2, 2020 11:20 PM

**To:** Fine, Mark <[Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov)>  
**Cc:** nmcadministrator@newmarkcommons; Kathleen & Dennis Moran <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>; [karinboychynnmc@gmail.com](mailto:karinboychynnmc@gmail.com); Ron Tipton <[rTIPTON1948@gmail.com](mailto:rTIPTON1948@gmail.com)>; [lZoeNMC@gmail.com](mailto:lZoeNMC@gmail.com); [LauraBNMC@protonmail.com](mailto:LauraBNMC@protonmail.com); [abelida@yahoo.com](mailto:abelida@yahoo.com); CCOC <[CCOC@montgomerycountymd.gov](mailto:CCOC@montgomerycountymd.gov)>; Steinbach, Shirley M. <[smsteinbach@lercheary.com](mailto:smsteinbach@lercheary.com)>  
**Subject:** 2020-052 Mediation  
**Importance:** High

Dear Mr. Fine,

In all likelihood my planned major surgery will not take place before the scheduled mediation session on the 14th of this month. My medical issue is very serious. Going through the stress of the planned session is very risky in my situation. I am guarding my privacy, and don't wish to share my status with members of the New Mark Commons Board. I would prefer that you take my word for it, but if you insist, I am prepared to share with you personally the reason why this session is too risky for me. I hope that the Board of New Mark Commons would agree to such restricted disclosure.

My health status should be much improved following the surgery, and it would then be a better time to pursue the matter before us. A slight delay is also well becoming from a host of angles:

1. We are elderly people in our mid 70s, with several co-morbidities, relying on the small shed for sustaining our complete home-sheltering where a relative stocks us up once in 3-4 weeks.
2. Two elected members of the Board resigned. The Board now does not have the full legal representation to reflect the will of the community. This deficiency will be remedied next March.
3. The cause of my stress here is that the case is completely unfounded. In Maryland a party has three years to go to court on a civil matter. I should not be required to keep documentation for twelve years to defend a shed put up in 2008. The Board is abusing its power, and they should not be allowed to do so with impunity. I prepare documentation for a prospective lawsuit to be filed in the Circuit Court of Montgomery County, naming members of the Board. I wish to precede this lawsuit with a counter-complaint with the Commission, but for that I need to get access to the books, investigate how come the community is filled with sheds like mine, and what is done about them (selective prosecution). I can only do that when I am sufficiently recovered from my surgery, and the Corona risk is sufficiently low.

Together: (i) my pre-surgery health risk, (ii) my emergency use of the shed during the Corona crisis, (iii) the Board not being in full capacity until March 2021, (iv) preparing for a counter-complaint -- all point to the proposition to postpone the arbitration session to March 2021, mindful of the fact that the shed currently disturbs no one, it has been in place for 12 years, and there is no harm done by holding off a few more months. The pandemic should be over, and I will be in a much better position to defend myself.

It would be nice if the New Mark Commons Board would conclude that to insist on regarding this 12 years old case as somehow 'urgent' is not a good faith attitude, and agree to the proposed deferment, but if not, the Commission should so decide.

Again, if you would like to hear the details of my serious health issue, I am

prepared to share them with you in good confidence.

G. A. Samid

**Take 10 minutes to be counted now – visit: <https://2020census.gov/>**



**For COVID-19 Information and resources,  
visit: [www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)**

E [REDACTED]

[REDACTED]

**From:** G. A. Samid <Try@tryagain.com>  
**Sent:** Sunday, September 13, 2020 12:13 PM  
**To:** Fine, Mark <Mark.Fine@montgomerycountymd.gov>  
**Cc:** Steinbach, Shirley M. <smsteinbach@lercheary.com>; Fabayo, Ifeoluwapo Ife <ifeoluwapo.Fabayo@montgomerycountymd.gov>; Kathleen & Dennis Moran <kfmdfm@gmail.com>; Alex Belida <alex.belida@gmail.com>; johnhansman10@gmail.com; gideon@tryagain.com; CCOC <CCOC@montgomerycountymd.gov>  
**Subject:** Re: 2020-052 Mediation EXTREMELY IMPORTANT  
**Importance:** High

Dear Mark,  
It seems that you agree that all parties should be in a viable state to participate in the mediation. As of now you do have two parties with substantial health issues.  
It is appropriate that you reschedule the mediation to such time when *all parties* are in good enough health.  
Much as you are so responsive to the health status of the mediator, you should be equally responsive to the health issues of a mediated party.

A. G. Samid

On Sep 13, 2020, at 11:46 AM, Fine, Mark <Mark.Fine@montgomerycountymd.gov> wrote:

Dear Parties,

I just received a call from Mr. Hamberger, the mediator in this case. He has been taken ill, and will be unable to conduct the mediation tomorrow evening. While I will attempt to locate another mediator, it appears that this case will not move forward tomorrow.

I will be back to everyone in the morning with a definitive answer. Our apology for any inconvenience this has caused.

Thank you.

**The information provided herein is general information only and not legal advice. The information provided herein does not create an attorney client relationship and is not a substitute for having a consultation with an attorney. It is important to have a consultation with an attorney as the information provided in this email is limited and cannot possibly cover all potential issues in this given situation.**

**Please note that the Commission is telecommuting its business as a result of the COVID-19 pandemic. No one is physically in the Commission office on a regular basis, and the public is not permitted into the building at the present time. Thank you for your understanding and be safe. I respond to emails within 4 hours, or you can reach me at 301.384.1944 .**

Thanks,

Mark

Mark Fine

Chairman,  
Montgomery County Commission on Common Ownership Communities  
Department of Housing and Community Affairs  
[1401 Rockville Pike, 4th Floor](#)  
[Rockville, MD 20852](#)  
[www.montgomerycountymd.gov/ccoc](http://www.montgomerycountymd.gov/ccoc)  
(O) 240.777.3704  
\*Serving the citizens of Montgomery County residing in Common Ownership Communities since 1991\*

<Outlook-yk4b0lab.png>

**From:** Steinbach, Shirley M. <smsteinbach@lercheary.com>  
**Sent:** Friday, September 11, 2020 3:24 PM  
**To:** Fine, Mark <Mark.Fine@montgomerycountymd.gov>; Fabayo, Ifeoluwapo "Ife" <ifeoluwapo.Fabayo@montgomerycountymd.gov>  
**Cc:** Kathleen & Dennis Moran <kfmdfm@gmail.com>; Alex Belida <alex.belida@gmail.com>; johnhansman10@gmail.com <johnhansman10@gmail.com>; 'Gideon Samid' <gideon@bitmint.com>; gideon@tryagain.com <gideon@tryagain.com>  
**Subject:** FW: 2020-052 Mediation NMC representatives

**[EXTERNAL EMAIL]**

Dear Mr. Fine & Ms. Fabayo:  
In advance of Monday's mediation, I wanted to ask the following questions:  
1. Would you please (re)circulate the video-conference access instructions? I apologize, but I cannot seem to find them.

2. I'd like to confirm that it is permissible for me to attend the mediation with both Board member, Alex Belida, and ACC committee member, John Hansman.  
Thanks,  
~Shirley

**Shirley M. Steinbach**, Of Counsel  
Lerch, Early & Brewer, Chtd rising to every challenge for 70 years  
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
T 301-657-0172 | F 301-347-1786 | Main 301-986-1300  
[ssteinbach@lerchearly.com](mailto:ssteinbach@lerchearly.com)

[Lerch Early COVID-19 Resource Center](#)

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments.  
Thank you.  
[www.lerchearly.com](http://www.lerchearly.com)

---

**From:** Fine, Mark <[Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov)>  
**Sent:** Friday, August 7, 2020 11:49 AM  
**To:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); nmcadministrator@newmarkcommons; [gideon@bitmint.com](mailto:gideon@bitmint.com); 'Alex Belida' <[alex.belida@gmail.com](mailto:alex.belida@gmail.com)>; 'John Hansman' <[johnhansman10@gmail.com](mailto:johnhansman10@gmail.com)>; Steinbach, Shirley M. <[ssteinbach@lerchearly.com](mailto:ssteinbach@lerchearly.com)>  
**Cc:** CCOC <[CCOC@montgomerycountymd.gov](mailto:CCOC@montgomerycountymd.gov)>  
**Subject:** Re: 2020-052 Mediation NMC representaives

Thank you

**The information provided herein is general information only and not legal advice. The information provided herein does not create an attorney client relationship and is not a substitute for having a consultation with an attorney. It is important to have a consultation with an attorney as the information provided in this email is limited and cannot possibly cover all potential issues in this given situation.**

**Please note that the Commission is telecommuting its business as a result of the COVID-19 pandemic. No one is physically in the Commission office on a regular basis, and the public is not permitted into the building at the present time. Thank you for your understanding and be safe. I respond to emails within 4 hours, or you can reach me at 301.384.1944 .**

Thanks,

Mark

Mark Fine

Chairman,  
Montgomery County Commission on Common Ownership Communities  
Department of Housing and Community Affairs  
[1401 Rockville Pike, 4th Floor](#)  
[Rockville, MD 20852](#)  
[www.montgomerycountymd.gov/ccoc](http://www.montgomerycountymd.gov/ccoc)  
(O) 240.777.3704  
"Serving the citizens of Montgomery County residing in Common Ownership Communities since 1991"



---

**From:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com) <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>  
**Sent:** Friday, August 7, 2020 11:44 AM  
**To:** Fine, Mark <[Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov)>; nmcadministrator@newmarkcommons <nmcadministrator@newmarkcommons>; [gideon@bitmint.com](mailto:gideon@bitmint.com); [gideon@bitmint.com](mailto:gideon@bitmint.com); 'Alex Belida' <[alex.belida@gmail.com](mailto:alex.belida@gmail.com)>; 'John Hansman' <[johnhansman10@gmail.com](mailto:johnhansman10@gmail.com)>; 'Steinbach, Shirley M.' <[ssteinbach@lerchearly.com](mailto:ssteinbach@lerchearly.com)>  
**Subject:** FW: 2020-052 Mediation NMC representaives

**[EXTERNAL EMAIL]**

Mark Fine

The New Mark Commons Board has determined that attorney Shirley Steinbach of LEB, Alex Belida and John Hansman will attend the September 14, 2020 mediation for CCOC case 2020-052 "NMC vs. Mr. Samid" (13 Tapiola shed). The NMC representatives are copied on this email along with our property management company Abaris Realty and Mr. Samid. The NMC representatives will register to attend per the link in your email below.

Sincerely,  
Kathleen Moran  
NMC Board President

---

**From:** Fine, Mark <[Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov)>  
**Sent:** Friday, July 31, 2020 11:34 AM  
**To:** nmcadministrator@newmarkcommons; [gideon@bitmint.com](mailto:gideon@bitmint.com); Kathleen & Dennis Moran <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>; [karinbovchynnmc@gmail.com](mailto:karinbovchynnmc@gmail.com); Ron Tipton <[rTIPTON1948@gmail.com](mailto:rTIPTON1948@gmail.com)>; [JZoeNMC@gmail.com](mailto:JZoeNMC@gmail.com); [LauraBNMC@protonmail.com](mailto:LauraBNMC@protonmail.com); [abelida@yahoo.com](mailto:abelida@yahoo.com)  
**Cc:** CCOC <[CCOC@montgomerycountymd.gov](mailto:CCOC@montgomerycountymd.gov)>; Steinbach, Shirley M. <[ssteinbach@lerchearly.com](mailto:ssteinbach@lerchearly.com)>  
**Subject:** 2020-052 Mediation  
**Importance:** High

Good Day,

Your presence is requested for a Zoom Mediation in the above entitled cases. **YOU MUST** register in advance of this mediation in order to attend.

**When: Sep 14, 2020 07:00 PM Eastern Time (US and Canada)**

**Register in advance for this meeting:**

**[PLEASE CLICK THIS LINK TO REGISTER THANKS](#)**

**After registering, you will receive a confirmation email containing information about joining the meeting.**

Please note that in accordance with Montgomery County Code Section 10B-11(c), (c) If the Director, after reviewing a dispute and any investigation, finds reasonable grounds to conclude that a violation of applicable law or an association document has occurred, the Director must attempt to resolve the matter through informal negotiation including, in the Director's discretion, mediation. **Each party named in the dispute or its representative must attend any mediation conference scheduled by the Director under this Section unless excused by the Director. If the party that files the dispute refuses or fails to participate in the mediation, the Director must dismiss the dispute. If the party that is the subject of the dispute refuses or fails to participate in the mediation, the Director must refer the dispute to the Commission for resolution. The party that is the subject of the dispute may not appear at the hearing, and the hearing panel may award relief to any party that the facts on the record warrant.**

Should you have any questions, you should contact [ccoc@montgomerycountymd.gov](mailto:ccoc@montgomerycountymd.gov)

The mediation CE-1 is attached. If you wish to present any other evidence not in this file, it MUST be sent to [Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov) with a copy to [ccoc@montgomerycountymd.gov](mailto:ccoc@montgomerycountymd.gov) **no later than 5 pm, September 8th, 2020.**

**The information provided herein is general information only and not legal advice. The information provided herein does not create an attorney client relationship and is not a substitute for having a consultation with an attorney. It is important to have a consultation with an attorney as the information provided in this email is limited and cannot possibly cover all potential issues in this given situation.**

**Please note that the Commission is telecommuting its business as a result of the COVID-19 pandemic. No one is physically in the Commission office on a regular basis, and the public is not permitted into the building at the present time. Thank you for your understanding and be safe. I respond to emails within 4 hours, or you can reach me at 301.384.1944 .**

Thanks,

Mark

Mark Fine

Chairman,  
Montgomery County Commission on Common Ownership Communities  
Department of Housing and Community Affairs  
[1401 Rockville Pike, 4th Floor](#)  
[Rockville, MD 20852](#)  
[www.montgomerycountymd.gov/ccoc](http://www.montgomerycountymd.gov/ccoc)  
(O) 240.777.3704  
"Serving the citizens of Montgomery County residing in Common Ownership Communities since 1991"



Take 10 minutes to be counted now – visit: <https://2020census.gov/>



For COVID-19 Information and resources, visit: [www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)

Take 10 minutes to be counted now – visit: <https://2020census.gov/>



For COVID-19 Information and resources, visit: [www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)

# **EXHIBIT B**



**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**  
**Commission on Common Ownership Communities**  
**1401 Rockville Pike, 4<sup>th</sup> Floor**  
**Rockville, Maryland 20852**

November 5, 2020

Amnon Samid  
13 Tapiola Court  
Rockville, Maryland 20850

New Mark Commons Homes Association, Inc.  
c/o Shirley Steinbach, Esquire  
7600 Wisconsin Avenue  
Suite 700  
Bethesda, Maryland 20814

**Re: Case No. 2020-052, New Mark Commons Homes Association, Inc. v. Samid**

Dear Parties:

At its monthly meeting on Wednesday, November 4, 2020, the Commission on Common Ownership Communities ("Commission") met to consider the complaint and response in this case, and to vote on whether or not to accept jurisdiction of the complaint and set it for a public hearing.

The Commission voted to REFUSE jurisdiction of this complaint. Therefore, there will not be a public hearing in this case, and this file is closed.

Should you have any questions, please contact me.

Very truly yours,

/s/ Ife Fabayo

Ife Fabayo  
Commission Staff

**SENT BY CERTIFIED AND FIRST-CLASS U.S. MAIL**

**website: [www.montgomerycountymd.gov/ccoc](http://www.montgomerycountymd.gov/ccoc)---email: [ccoc@montgomerycountymd.gov](mailto:ccoc@montgomerycountymd.gov)**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Fabayo, Ifeoluwapo "Ife" <Ifeoluwapo.Fabayo@montgomerycountymd.gov>  
**Sent:** Thursday, November 12, 2020 3:02 PM  
**To:** Steinbach, Shirley M. <smsteinbach@lercheary.com>  
**Cc:** Fine, Mark <Mark.Fine@montgomerycountymd.gov>; Gideon Samid <gideon@bitmint.com>; G. A. Samid <Try@tryagain.com>  
**Subject:** RE: 2020-052 Notice to Consider Jurisdiction

The Commission refused jurisdiction because there was not any evidence of timely enforcement from the association.

---

**From:** Steinbach, Shirley M. <[smsteinbach@lercheary.com](mailto:smsteinbach@lercheary.com)>  
**Sent:** Thursday, November 12, 2020 7:54 AM  
**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Cc:** Fine, Mark <[Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov)>; Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; G. A. Samid <[Try@tryagain.com](mailto:Try@tryagain.com)>  
**Subject:** Re: 2020-052 Notice to Consider Jurisdiction

**[EXTERNAL EMAIL]**

Thank you. How can I find out the basis of the refusal to accept jurisdiction?

---

**Shirley M. Steinbach**, Of Counsel  
Lerch, Early & Brewer, Chtd. *rising to every challenge for 70 years*  
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
T [301-657-0172](tel:301-657-0172) | F [301-347-1786](tel:301-347-1786) | Main 301-986-1300  
[smsteinbach@lercheary.com](mailto:smsteinbach@lercheary.com)

**Lerch Early COVID-19 Resource Center**

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

[www.lerchearly.com](http://www.lerchearly.com)

On Nov 12, 2020, at 7:22 AM, Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)> wrote:

Dear Ms. Steinbach:

The Commission denied jurisdiction of the case. The notice was dispatched for mailing on Thursday, November 5<sup>th</sup>. Nevertheless, attached is a courtesy electronic copy of the denial notice.

Best regards,

Ife Fabayo

---

**From:** Steinbach, Shirley M. <[smsteinbach@lerchearly.com](mailto:smsteinbach@lerchearly.com)>  
**Sent:** Wednesday, November 11, 2020 5:38 PM  
**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Cc:** Fine, Mark <[Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov)>; 'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; 'G. A. Samid' <[Try@tryagain.com](mailto:Try@tryagain.com)>  
**Subject:** RE: 2020-052 Notice to Consider Jurisdiction

**[EXTERNAL EMAIL]**

Dear Ms. Fabayo:

I'm writing to ask about the status of the case please (New Mark Commons v. Samid regarding the shed)?

Thanks,

~Shirley

---

**Shirley M. Steinbach**, Of Counsel  
Lerch, Early & Brewer, Chtd. *rising to every challenge for 70 years*  
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
T [301-657-0172](tel:301-657-0172) | F [301-347-1786](tel:301-347-1786) | Main 301-986-1300  
[smsteinbach@lerchearly.com](mailto:smsteinbach@lerchearly.com) |

**Lerch Early COVID-19 Resource Center**

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

[www.lerchearly.com](http://www.lerchearly.com)

---

**From:** Steinbach, Shirley M.  
**Sent:** Tuesday, October 27, 2020 4:28 PM  
**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>;  
Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; G. A. Samid <[Try@tryagain.com](mailto:Try@tryagain.com)>  
**Subject:** RE: 2020-052 Notice to Consider Jurisdiction

Thank you.

---

**From:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Sent:** Tuesday, October 27, 2020 4:01 PM  
**To:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; G. A. Samid <[Try@tryagain.com](mailto:Try@tryagain.com)>;  
Steinbach, Shirley M. <[smsteinbach@lercheearly.com](mailto:smsteinbach@lercheearly.com)>  
**Subject:** 2020-052 Notice to Consider Jurisdiction

Dear Mr. Samid and Ms. Steinbach:

Attached is the courtesy electronic copy of the Notice to Consider Jurisdiction. The original copy will also be mailed.

Regards,

<image002.png>

**Ifeoluwapo "Ife" Fabayo**, Investigator

Common Ownership Communities, [DHCA](#)

(240) 777-3607/3691 (desk/fax)

To file a complaint or for any general questions, please contact the Montgomery County MC311 service at (240) 777-0311.



**For COVID-19 Information and resources, visit:**

[www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)

<Denial of Jurisdiction Notice.pdf>



COMMISSION ON COMMON OWNERSHIP COMMUNITIES
\*COMPLAINT FORM\*

CASE NO. 2020-052
(Office use only)

Your complaint will not be filed if you do not respond to questions #1 -3:

1. Exhaustion of Remedies:

a) If the complaining party is an association:

Does your community's governing documents provide a procedure or remedy for resolving a dispute of the kind raised in this complaint and have you followed that procedure?

(If yes, attach a copy of the procedure and the documents used.) [X] Yes [ ] No [ ] N/A

b) If your association has no written procedures for the resolution of this type of dispute, has the association done the following: i) given the member or resident written notice of the alleged violation and of the right to a hearing with the board of directors; ii) held a hearing with the board of directors if one was requested; and iii) given written notice of the board's decision on the dispute together with notice of the member or resident's right to appeal the decision to the CCOC?

(If yes, attach a copy of the notices and other correspondence.) [ ] Yes [ ] No [X] N/A

c) If the complaining party is a member or resident:

Does your association have a written procedure for resolving your dispute and, if so, have you used those procedures and given the association at least 60 days to resolve your dispute or reject it?

(If yes, attach a copy of the procedures and correspondence involved.) [ ] Yes [ ] No [ ] N/A

d) If your association has no written procedures for resolving this type of dispute, have you given written notice of your dispute to the board of directors and a reasonable time to resolve it?

(If yes, attach a copy of the notices and correspondence involved.) [ ] Yes [ ] No [ ] N/A

Dates on which you notified the association of your dispute: [ ]

2. Have you provided a complete set of the association's most current governing documents? [X] Yes [ ] No

What format are you using to provide these documents?

[ ] A paper copy is enclosed.

[ ] A .pdf has been attached to an email dated: [ ] sent from: [ ]

[X] They can be found at the following web address: www.newmarkcommons.net/Administrative

Password, if necessary to retrieve documents: [ ]

3. Are you mailing a check for the \$50.00 filing fee, made out to "Montgomery County, MD"? [X] Yes [ ] No

Name on Check or Money Order: John A. Hansman Check #: 289

**4. COMPLAINING PARTY** (the party filing the complaint, i.e. "Complainant")

Complaining Party's Name:

Complaining Party's Address:

Address under dispute if different:

Home Phone:  Office Phone:  Extension:

Email:  Fax:

**5. Complainant's status** (please check one):

Association  Unit Owner  Lot Owner  Member  Resident/Occupant

**6. FULL LEGAL NAME OF THE ASSOCIATION:**

**7. Association's status** (please check one):

Condominium  Cooperative  Homeowners' Association

**8. RESPONDING PARTY** (the party against whom the complaint is being filed, i.e. the "Respondent"):

Responding Party's Name:

Responding Party's Address:

Address under dispute if different:

Home Phone:  Office Phone:  Extension:

Email:  Fax:

**9. Respondent's status** (please check one):

Association  Unit Owner  Lot Owner  Member  Resident/Occupant

Your responses in sections #10-12 will be used by the Commission when deciding if they have jurisdiction over your complaint. If the dispute goes to a hearing, the Complaint Form and your attachments are the first things the hearing panel will read. Make sure they can understand what your complaint is about, and what you want the other party to do.

**10. THIS COMPLAINT INVOLVES:** (Check as appropriate)

**a) The authority of a governing body, under any law or association document, to:**

- require any person to take any action, or not to take any action, involving a unit or a common element
- require any person to pay a fee, fine, or assessment
- spend association funds
- alter or add to a common area or element

**b) The failure of a governing body, when required by law or an association document, to:**

- properly conduct an election
- give adequate notice of a meeting or other action
- properly conduct a meeting
- maintain or audit books and records
- allow inspection of books and records
- properly adopt a budget or rule
- maintain or repair the common element if that results in damage to person or property
- exercise its discretion in good faith concerning the enforcement of any rule against any person who is subject to that rule

**11. SUMMARY OF COMPLAINT:**

The owner installed a shed in violation of the Association covenants and Architectural Guidelines.  
Please see submission of October 21, 2019 for full discussion, including correspondence and Board minutes.

Are details of the complaint being provided in a separate email attachment or mailing?  Yes  No

**12. DESIRED ACTIONS:** What do you want the other party to do to resolve your complaint?

Remove the shed.

**13. ACCOMMODATION:** (Please be as specific as possible) In order to participate in this process, I am requesting the following accommodation:

[Empty box for accommodation request]

I understand that I will be expected to participate in mediation sessions, investigative inquiries, and/or hearings, and am prepared to participate fully as requested by staff and the Commission.

I hereby certify that the statements in this form and in any attached documents are true and complete to the best of my knowledge, information and belief.

Signature 

Print Name Kathleen F. Moran

Date 12-5-2019

Position on Board of Directors (if applicable) President

If you do not have a digital signature, type your name here in lieu of signing for e-mail submission. This facsimile signature confirms your agreement to the statements above.

[Empty box for name entry]

If the Complainant is an association, this form must be signed by the president or vice-president of the board of directors. Property managers may not sign a complaint on behalf of the association.

**Automatic Stay:** Once a dispute is found to exist between an association and its member or resident, the association must notify the member or resident of their right to file the dispute with the Commission and may not take any action to enforce its decision for 14 days after that notification.

Once a member or resident files a complaint with the Commission, a stay of the Association's action is automatically imposed, and the association may not take any action to enforce its decision, other than filing a civil action in court, until the Commission disposes of the case or lifts the stay.

The association may seek to lift the stay by submitting a written request to the Commission. The association must serve a copy of its request on any other party named in the dispute, who has 10 days to oppose the request. The request to lift the stay may only be granted if the Commission panel finds that:

- a) enforcing the stay would result in undue harm to the community association, or b) lifting the stay will not result in undue harm to the rights or interests of any opposing party.

**Communications:** Once the initial complaint is filed, staff will not accept any "confidential" or "private" communications from a party. To avoid the risk of misunderstandings, or legal objections that may invalidate your evidence, all communications must be in writing.

**It is the responsibility of each party to ensure that all further communications filed with staff are also copied to the other parties** (e.g. complaints and responses, amendments to complaints, documents, or other attachments). All communications should be dated, with proof of delivery.

**E-mail, mail by USPS, or otherwise deliver the complaint form, attachments, governing documents, and filing fee to:  
Commission on Common Ownership Communities  
Department of Housing and Community Affairs  
1401 Rockville Pike, 4<sup>th</sup> Floor  
Rockville, MD 20852  
Email: [ccoc@montgomerycountymd.gov](mailto:ccoc@montgomerycountymd.gov)**

New Mark Commons Homes Association  
Response to Complaint Form Section 1, a)  
See also the Association's presentation of October 21, 2019

EXCERPT FROM ARCHITECTURAL GUIDELINES, page 6

Owners will be sent a first letter giving them 60 days to bring their property into conformity. If they do not, they will receive a second letter scheduling a hearing by the Board of Directors. At least 30 days' notice shall be provided for this hearing.

Owners may, on their own, appeal to the Board of Directors within 30 days of the first letter. An appeal to the Board will stay the 60 day period to bring the property into conformity. Appeals will be heard at the next regularly scheduled monthly board meeting provided that the appeal is submitted to the Board 10 business days before the Board meeting.

In the event the Board rules against an owner, the owner has 30 days to bring the property into conformity or the Board is empowered to bring the owner before the CCOC. An action filed by the owner at the CCOC will stay the 30 day period to bring the property into conformity pending a decision.

The ACC and the Board are empowered to consider any external changes, including but not limited to, doors, windows, railings, hardscaping, paint color, lighting, extensions and sheds.

The following excerpts from CCOC rulings are provided as illustrations to homeowners in support of the NMC position:

"A homeowner who obtains approval for an application, but then makes changes and does not build according to the approved application, can be ordered to submit a new application for the structure as finally built and to comply with the association's ruling on the revised application." [CCOC Case 64-06, p.44]

"If a homeowner builds something different from what he applied and obtained approval for, and if the changes do not meet the community's architectural standards, the CCOC will uphold the standards and require the homeowner to comply with them and make the necessary alterations." [CCOC Case 166, p.44]

"When an association approved a member's plans for a new deck, and he built the deck following the approved plans, the association cannot thereafter force him to change the deck, nor can it alter the deck without his approval, until such time as he sells the house." [CCOC Case 53-13, p.47]





**NEW MARK COMMONS  
HOMES ASSOCIATION, INC.**

C/O ABARIS REALTY INC.  
7811 MONTROSE RD STE 110  
POTOMAC MD 20854-3349  
301-468-8919  
[www.newmarkcommons.net](http://www.newmarkcommons.net)

October 21, 2019

Department of Housing and Community Affairs  
Commission on Common Ownership Communities  
1401 Rockville Pike, 4<sup>th</sup> Floor  
Rockville Maryland 20852

To Whom it May Concern:

New Mark Commons Homes Association, Inc. is submitting the attached CCOC complaint regarding a shed located at 13 Tapiola Court, Rockville MD 20850. The shed is a direct violation of the New Mark Commons Covenants. The owner of this property is Amnon Samid.

Please send all correspondence regarding this matter via our property management company Abaris Realty, Inc. 7811 Montrose Road, Suite 110, Potomac MD 20854.

As the New Mark Commons Board President, I look forward to opportunity to jointly working with the CCOC to address this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathleen Moran".

Kathleen Moran



## **Request to the Commission on Common Ownership Communities [CCOC]**

The Board of Directors of the New Mark Commons Homes Association [Board] requests the CCOC to require the owner of 13 Tapiola Court to remove a shed from the property.

New Mark Commons is located in Rockville 20850.

### **Covenant Requirements**

New Mark Commons is governed by a Declaration of Covenants which provides for an Architectural Control Committee [ACC] and requires the review and approval of all exterior changes to properties. The Covenants and the ACC Guidelines are provided to all home buyers, are on file in the HOA Depository, and are published at [www.newmarkcommons.net](http://www.newmarkcommons.net). See Administrative, Governing Documents. Article X of the Covenants covers this subject and is reproduced for ready reference as Attachment 1.

Article X, section 3(j) specifically prohibits free-standing sheds.

(j) No structure of a temporary character, trailer, tent, shack, barn or other outbuilding shall be used on any lot at any time.

The ACC Guidelines also address sheds.

**U. SHEDS** Article X, Section 3(j) of the Covenants states that no structure of a temporary character, shack or outbuilding shall be used on any lot at any time. Therefore, for a shed to be acceptable, it must be attached to the house. Sheds shall be simple in design and harmonize with surroundings. They shall be of the same material and color as the house and must not adversely affect the appearance of the neighborhood.

### **13 Tapiola Violation**

Mr. Amnon Samid owns 13 Tapiola Court. He has provided this address to the Homes Association for official business, including dues notices. The names of occupants provided to the Homes Association for the community directory are Gideon Samid and Delores Perillans. The address is important because Mr. Samid has stated that he did not receive certain letters. They were sent to him at this address by certified as well as regular mail.

On September 8, 2008, the ACC received an application from Mr. Samid to install a free-standing shed in his backyard. On September 18, 2008, the ACC denied the proposed shed. See Attachment 2.

The ACC Guidelines provide that an owner who disagrees with the decision of the ACC may appeal to the Board of Directors within 30 days. There is no record of any appeal in the file nor in the minutes of Board meetings in subsequent months.

Instead of appealing to the Board, Mr. Samid installed the shed without approval, soon after the application.

A community survey showed the presence of this shed. It is in the side yard, at the rear, quite separate from the house. At the request of the ACC, Abaris Realty, the community manager, wrote to Mr. Samid on January 10, 2018 to ask that the shed be removed.

See Attachment 3, which contains this letter and subsequent correspondence with Mr. Samid.

Mr. Samid did not respond to this letter and a second letter was sent to him on May 31, 2018 stating that a formal hearing would be held by the Board if the shed were not removed within 30 days. Mr. Samid did respond to this letter by an email of July 5, 2018 stating that the shed had been approved in 2008 and that he would be out of town until August.

At the Board meeting of July 17, the ACC briefed the Board on 13 Tapiola. The minutes of this meeting include:

The ACC reviewed correspondence from the owner of 13 Tapiola Court insisting that their shed had been previously approved by the ACC. A review of the ACC's records revealed a denial that was issued by the ACC for this shed 10 years ago. In light of the denial on the record, the Board agreed unanimously to require the unauthorized shed be removed within 60 days.

A letter dated July 25 was sent to Mr. Samid announcing the Board decision.

However, the Board wanted to hear directly from Mr. Samid and scheduled a formal hearing for October 17. Mr. Samid was advised of this hearing by letter of September 18, including a copy of the July 25 letter.

Mr. Samid responded by an email of October 1. He said that he had not received the letter of July 25 and asks that the October 17 hearing be postponed to give him more time to prepare. He sent another email on October 17. The Board agreed to defer the hearing to November 8. When Mr. Samid said he would be out of town for the November meeting, the Board deferred the hearing to December 6. Once again, Mr. Samid said it would be inconvenient for him to meet with the Board. The Board minutes of December 6 state:

B. 13 Tapiola Court Unauthorized Shed – The owner emailed Abaris today to advise that he cannot attend the hearing due to his 20th wedding anniversary. The Board discussed the fact that this hearing has been delayed several times at this owner's request for one reason or another. Furthermore, this last minute cancellation is unacceptable considering the fact that ample notice of tonight's hearing was provided to the homeowner and the Board agreed that the hearing will proceed as scheduled in the owner's absence. John Hansman provided a brief history of the unauthorized shed that this homeowner installed without ACC approval. John also confirmed after a review of this owner's file that nothing else is contained in the file besides the previously issued ACC denial of the unauthorized shed, a copy of which has already been provided to the homeowner several times. After careful consideration, the Board voted unanimously to reaffirm their previous decision that this shed is in violation and the owner will be given 60 days to remove it. This is the final decision of the Board of Directors on this matter and if the owner fails to comply, a CCOC complaint will be filed.

## **Conclusion**

Mr. Samid's defense of his shed is that it not conspicuous and his neighbors have not complained. However, the free-standing shed is a violation of the community covenants as well as the AC Guidelines. The Board and its ACC have a duty to enforce the covenants and have been patient with Mr. Samid in asking that the shed be removed. Now, the support of the CCOC is requested for that duty.

For the New Mark Commons Board of Directors

Kathleen Moran, President

## ARTICLE X

**Section 1. Architectural Control Committee.** Except for original construction or as otherwise in these covenants provided, no building, fence, wall or other structure shall be commenced, erected, or maintained upon The Property, nor shall any exterior addition to or change (including any change in color) or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, color and location of the same shall have been submitted to and approved in writing as to harmony of external design, color and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an architectural control committee composed of three (3) members appointed by the Board of Directors. In the event the Board of Directors, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

**Section 2. Fences.** Except for original construction, any fence constructed upon The Property shall be either horizontal rustic, unfinished split rail or vertical split sapling and shall not extend beyond the front of any Living Unit or within thirty (30) feet of any street, whether public or private. The erection of such fences shall not be subject to the provisions of Section 1 of this Article. The erection of any other fences shall be subject to the provisions of Section 1 of this Article.

**Section 3. Prohibited Uses and Nuisances.** Except for the activities of the Developer during original construction:

(a) No noxious or offensive trade or activity shall be carried on upon any lot or within any Living Unit situate upon The Property, nor shall anything be done therein or thereon which may be or become an annoyance or nuisance to the neighborhood or the other Owners of The Property.

(b) The maintenance, keeping, boarding and/or raising of animals, livestock or poultry of any kind, regardless of number shall be and is hereby prohibited on any lot or within any Living Unit situate upon The Property, except that this shall not prohibit the keeping of dogs, cats and/or caged birds as domestic pets provided they are not kept, bred or maintained for commercial purposes.

(c) No burning of any trash and no accumulation or storage of litter, new or used building materials, or trash or any other kind shall be permitted on any lot.

(d) Except as herein elsewhere provided, no junk vehicle or other vehicle on which current registration plates are not displayed, trailer, truck, camper, camp truck, house trailer, boat or the like (other than boats less than fourteen feet in length), shall be kept upon The Property nor shall the repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon. The Association may, in the discretion of its Board of Directors, provide and maintain a suitable area designated for the parking of such vehicles or the like.

(e) Trash and garbage containers shall not be permitted to remain in public view except on days of trash collection.

(f) Outdoor clothes dryers or clothes lines shall be placed within a screened enclosure of any approved design of attractive rustic wood not over eight (8) feet square and not over six (6) feet in height.

(g) In order to facilitate the free movement of passing vehicles, no automobiles belonging to residents shall be parked on the paved portion of any joint driveway or streets, except during temporary emergencies.

(h) No outside television aerial or radio antenna for reception or transmission shall be visible from the street or adjoining Living Units.

(i) No sound hardwood trees shall be removed from any lot without written approval of the Association acting through its Board of Directors or duly appointed committee.

(j) No structure of a temporary character, trailer, tent, shack, barn or other outbuilding shall be used on any lot at any time. Temporary playhouses or the like may be so maintained provided that their primary purpose is the promotion of juvenile recreation.

(k) No signs of any character shall be erected, posted or displayed upon, in or about any lot or Living Unit situate upon the Property, provided, however, that one sign not exceeding two (2) square feet in area and not illuminated may be attached to a Living Unit where a professional office (as herein defined) is maintained, and provided further that one temporary real estate sign not exceeding six (6) square feet in area may be erected upon any lot or attached to any Living Unit placed upon the market for sale or rent.

(l) No structure, planting or other material other than driveways or sidewalks shall be placed or permitted to remain upon any lot which may damage or interfere with any easement for the installation or maintenance of utilities, or which may change, obstruct or retard direction or flow of any drainage channels.

Attachment 2 ACC Application for Shed



NEW MARK COMMONS  
HOMES ASSOCIATION, INC.  
P.O. BOX 4208  
ROCKVILLE, MARYLAND 20850-0023  
(301) 340-0288

Date Received: 9-8-08

ARCHITECTURAL CONTROL COMMITTEE  
APPLICATION FOR EXTERIOR MODIFICATIONS

THIS APPLICATION MUST BE SUBMITTED FOR ANY EXTERIOR ARCHITECTURAL MODIFICATION, INCLUDING CHANGES IN COLOR, MATERIAL, OR ROOFS.

Applicant: Samid Amun, Gilen, Doloro  
Address: 13 TAPIOLA CT  
Home Phone 301, 424 4147 Email gideon@randomst.com Date Aug 31, 2008

INSTRUCTIONS: Please complete the entire application and submit it to the Homeowner's Association at the above address. The application for exterior modifications is automatically approved if not denied within 30 days after acknowledgement of its receipt, per Article X, Section 1. A Rockville city building permit may be required for some alterations. You should contact city officials for any information regarding permits (301/308-3250).

DESCRIPTION OF PROJECT: Describe the proposed project briefly below. Use additional sheets if necessary. Also include the following: A sketch (8 1/2" x 11" min.) or architect's plans; color samples (2" x 2" min.); and samples or description of materials to be used.

A prefab Home Depot 8x10 shed (tan) in the backyard

THE HIDEAWAY

CONTRACTOR: Home Depot  
ADDRESS: \_\_\_\_\_ or \_\_\_\_\_  
OWNER WILL DO OWN WORK: YES \_\_\_\_\_ NO ✓

PLEASE OBTAIN SIGNATURES OF ADJACENT PROPERTY OWNERS AND OTHERS WHO WILL SEE THE EXTERIOR MODIFICATIONS. THEIR SIGNATURE DOES NOT INDICATE THEIR APPROVAL OF THE PLANNED PROJECT, BUT ONLY THEIR ACKNOWLEDGEMENT OF IT.

See Reverse Side

**SIGNATURES OF ADJACENT PROPERTY OWNERS AND OTHERS WHO WILL SEE THE PLANNED MODIFICATIONS:**

BEFORE SIGNING THIS APPLICATION, PLEASE READ THE FOLLOWING:

Your signature on this application does not indicate approval of the planned project, but only that you had knowledge of it. If you have any questions regarding this application or disapprove of any of its components, please immediately contact the Architectural Control Committee or the Homes Association Board (preferably in writing) to explain your concerns. You are also encouraged to discuss your concerns directly with the application.

NAME	ADDRESS	SIGNATURE
1. <u>11 Phillips W Topoka Ct</u>	<u>11 Phillips W Topoka Ct</u>	<u>[Signature]</u>
2. <u>Charles Rairch 12 Topoka Ct</u>	<u>12 Topoka Ct</u>	<u>[Signature]</u>
3. <u>Virula Rein 11 "</u>	<u>" "</u>	<u>[Signature]</u>
4. <u>Clayton Crum 15 Topoka</u>	<u>15 Topoka</u>	<u>[Signature]</u>
5. _____	_____	_____

COMMITTEE ACTION:

Approved \_\_\_\_\_ Denied  Date 9-18-00

BY: [Signature]

BOARD ACTION (when necessary): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_

Approval is only valid for one year from the date of approval.



**Abaris Realty, Inc.**  
 7811 Montrose Road, Suite 110, Potomac, MD 20854  
 301-468-8919 • Fax: 301-468-0993  
 Web Site: [www.abarisrealty.com](http://www.abarisrealty.com)



January 10, 2018

Amnon Samid  
 13 Tapiola Court  
 Rockville, MD 20850

Dear Homeowner:

Upon recent property inspection, it was noted that you have installed a free-standing shed on your property, without the consent of the ACC board. As Montgomery County's Commission on Common Ownership Communities (CCOC) has stated: "The board of directors has a fiduciary duty to enforce the association's rules [...]. In the event that a homeowner makes any exterior change without the permission or approval of the ACC board, said owner(s) shall be required, at their own expense, to remove the change. Any owner who refuses shall be taken before the CCOC. Furthermore, if you refer to your copy of the New Mark Condominiums declaration of covenants, it states in relevant portions as follows: (Article X, Section 1j) "No structure of a temporary character, trailer, tent, shack, barn or other outbuilding shall be used on any lot at any time."

Please have this structure removed within 60 days from the date of this letter. Failure to do so may result in further enforcement actions be taken, which we hope can be avoided. As always, if you have any further questions, please feel free to contact me directly.

Sincerely,  


Shireen Ambush, PCAM  
 Property Manager

Cc: Board of Directors





**Abaris Realty, Inc.**  
7811 Montrose Road, Suite 110, Potomac, MD 20854  
301-466-8919 • Fax: 301-466-0888  
Web Site: [www.abarisrealty.com](http://www.abarisrealty.com)



May 31, 2018

**SECOND AND FINAL NOTICE**

Amnon Samid  
13 Tapiola Court  
Rockville, MD 20850

Dear Homeowner:

As advised in the previous letter sent on January 18, 2018, it was noted that you have installed a free-standing shed on your property, without the consent of the Architectural Control Committee or the Board of Directors. The New Mark Commons declaration of covenants states in Article X, Section 3j: "No structure of a temporary character, trailer, tent, shack, barn or other outbuilding shall be used on any lot at any time."

Montgomery County's Commission on Common Ownership Communities (CCOC) has stated: "The board of directors has a fiduciary duty to enforce the association's rules [...]. In the event that a homeowner makes any exterior change without the permission or approval of the ACC or Board, said owner(s) shall be required, at their own expense, to remove the change. Any owner who refuses shall be taken before the CCOC."

Please have this structure removed within 30 days from the date of this letter. Failure to comply will result in a formal hearing before the Board. As always, if you have any further questions, please feel free to contact me directly.

Sincerely,

  
Shireen Ambush, PCAM  
Property Manager

Co: Board of Directors

On Tue, Jun 5, 2018 at 5:32 PM, Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)> wrote:

Dear NMC Administrator,

Thank you for your letter of May 31st. First please allow me to welcome you to our community. As a long time resident and passionate stakeholder I am looking forward to the good work that you would carry out on behalf of the property owners.

I am leaving soon and will return early August, when I would

I

I welcome a face to face meeting, to get to know each other, and to relay to you some issues and concerns that need attention.

As to the shed you mentioned in your letter. Please check the archive from 10 years ago, to find out that we are in full compliance.

Wishing you a successful term of service!

Prof. A.G . Samid, PhD, PE ChiefTechnology Officer  
BitMint, LLC P.O.Box 1022, McLean VA 22101  
[www.BitMint.com](http://www.BitMint.com) 571.214.9814 [gideon@bitmint.com](mailto:gideon@bitmint.com)  
[@BitMintNews](#)

Read my books

*P.s. will try to pop in to the board meeting tomorrow*



13 Tapiola Ct,  
On Jun 10, 2018, at 10:16 PM, Shireen Ambush <[sambush@abarisrealty.com](mailto:sambush@abarisrealty.com)> wrote:

Thank you for your email.  
Please confirm your property address within New Mark Commons

Thanks

Shireen Ambush,  
MPA, PCAM,  
CPM Executive  
Vice President

Abaris Realty, Inc.  
7811 Montrose Road  
Suite 110  
Potomac, MD 20854  
Phone: 301-468 -89 19  
Fax: 301-468-0983

6/19/2018

Abaris Realty Inc. Mail - Fwd: 13 Tapiola Shed

**Excerpt from Board minutes of July-17-2018**

The ACC reviewed correspondence from the owner of 13 Tapiola Court insisting that their shed had been previously approved by the ACC. A review of the ACC's records revealed a denial that was issued by the ACC for this shed 10 years ago. In light of the denial on the record, the Board agreed unanimously to require the unauthorized shed be removed within 60 days.

July 25, 2018

**URGENT**

Amnon Samid  
13 Tapiola Court  
Rockville, MD 20850

Dear Homeowners:

The Board of Directors recently reviewed your correspondence regarding the unauthorized shed in the back yard. Although your email states that the records will confirm that the shed is in compliance, to the contrary, the records confirmed that your request for the shed was denied 10 years ago. Attached is a copy of the denied application we pulled from the records.

As stated in the New Mark Commons Declaration of Covenants: "Except for original construction or as otherwise in these covenants provided, no building, fence, wall or other structure shall be commenced, erected, or maintained upon The Property, nor shall any exterior addition to or change (including any change in color) or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, color and location of the same shall have been submitted to and approved in writing..." Though no ACC application was denied for this request, these modifications were made without the required ACC approval.

As Montgomery County's Commission on Common Ownership Communities (CCOC) has stated: "The board of directors has a fiduciary duty to enforce the association's rules [...]. In the event that a homeowner makes any exterior change without the permission or approval of the ACC board, said owner(s) shall be required, at their own expense, to remove the change. Any owner who refuses shall be taken before the CCOC.

Please have shed removed and return any and all related exterior structures affected by this unauthorized change to its original appearance. You have 60 days from the date of this letter, but no later than September 18, 2018, to bring your lot into compliance. Failure to do so may result in further enforcement actions be taken, which we hope can be avoided. As always, if you have any further questions, please feel free to contact me directly.

Sincerely,

Shireen Ambush, PCAM  
Property Manager

Cc: Board of Directors



Abaris Realty, Inc.  
 7811 Montrose Road, Suite 110, Pocomac, MD 20854  
 301-468-0919 • Fax: 301-468-0983  
 Web Site: [www.abarisrealty.com](http://www.abarisrealty.com)



September 18, 2018

**NOTICE OF HEARING SENT VIA  
 CERTIFIED MAIL & REGULAR MAIL**

Annon Samid  
 13 Tapiola Court  
 Rockville, MD 20850

Dear New Mark Commons Homes Association Homeowner:

Attached is a copy of a letter previously sent to you requesting corrective action for a violation of the Architectural Guidelines. Since you have taken no action, the Board of Directors has scheduled a formal hearing to address and adjudicate this violation on Wednesday, October 17, 2018 at 7:00 PM. We have 9 hearings scheduled to take place that evening and hearings will be held on a first come, first serve basis in 15-minute intervals. Please be advised that if you fail to attend the hearing, it will be held in your absence.

You will be notified of the hearing outcome in writing. If the Board decides to uphold the citation, you will have 30 days to make the requested corrections or the Board will proceed with further enforcement action which may include the filing of a complaint with the Montgomery County Commission on Common Ownership Communities [CCOC]. We certainly hope that further enforcement action will not be necessary, and we look forward to receiving your anticipated cooperation and compliance.

Sincerely,

Shireen Ambush, PCAM  
 Property Manager

Cc: Board of Directors

*no application  
 already HCC who ins killed  
 talk to owners*



On Mon, Oct 1, 2018 at 12:22 PM Gideon <gg@shireenambush.com> wrote:

Shireen Ambush, PCAM

Property Manager Abaris Realty, Inc.

7611 Montrose Rd, Suite 110 Potomac MD 20854

*Re: Your letter of September 18, 2018: Notice of Hearing*

Dear Shireen Ambush,

Your above entitled notice refers to a letter dated July 25, 2018, which you sent me a copy thereof. I have never received this letter. I see that the copy you attached refers to a "copy of the denied application we pulled from your records". Needless to say, that I have received no such copy either,

I find it most telling that you designate this matter as URGENT. In fact, I cannot think of something less urgent than this matter regarding a ten year old harmless tiny shed. If you elect to build this conflict up, please, in the spirit of 'discovery' send me a copy of the entire file of this case, so I can respond in kind. And please do hold off on any discussion in October until I have a chance to review and study your submission. I am traveling abroad often, so please give me sufficient time to get back to you.

So much for formalities. Alas, before we get caught up in a rising pointless conflict (with its unforeseen ending), let's move a step back and take a gracious, friendly, view of the situation.

The motivation for the very existence of the architectural committee is the preservation of the architectural integrity of the community, to keep away eye sores and property devaluing factors. By the very fact that for a period of *ten long years* there was no complaint, and no issue about this barely visible shed causing any harm to the community, it is prima facie that the shed *deserves* no further attention from the committee. And therefore any billable hours and other costs, are not warranted.

Let's get together with a spirit of accommodation, to benefit our beloved community!

A. G. Samid

13 Tapiola Court



---

**Re: 13 Tapiola shed**

1 message

Gideon &lt;gideon@tryagain.com&gt;

Wed, Oct 17, 2018 at 12:20 AM

To: Shireen Ambush &lt;sambush@abarisrealty.com&gt;

Cc: John Hansman &lt;johnhansman10@gmail.com&gt;, ACC at NMC &lt;acc@newmarkcommons.net&gt;

Shireen Ambush, MPA, PCAM, CPM

Executive Vice President Abaris Realty, Inc.

Dear Shireen Ambush,

You have presented this shed situation with so much confusion and inconsistency that it is impossible for me to fashion a response, and so we should reschedule the discussion you set up for tomorrow. First I heard that I have put up the shed with no application to the architectural committee (June 6), then you wrote to me that I indeed filed an application with all the proper signatures of my neighbors, but that this application was denied and no appeal was filed (October 5, John). Later on (October 9, Henry) you changed your story to say that an appeal was filed and rejected. All the while my request to see the complete file was ignored. If you still wish to flame up this non-issue into a full-fledged conflict, then please let me know when I can come to inspect the file, so I can respond to it.

I wonder how do you justify the cost to the community of principals and assistants, letters, discussions -- all for a non-issue. The poor tiny shed is barely visible from the street, disturbs nobody, is normal and harmless, and it has been like that for ten long years. How is flaming this into a conflict redeemable? Don't you risk liability?

As a long time resident, NMC is dear to me, and I appreciate the leadership that it needs to flourish. I am prepared to help in many positive productive ways. Especially regarding to IT, Web presence, and most importantly (and under-appreciated) cyber security. As I write in my book "The Unending Cyber War" and as I teach my students in the University of Maryland, residential

communities databases are juicy targets to hackers to gain first round of private data regarding DC area residents with government access credentials (cyber security is a never-ending job).

I would respectfully suggest that you close this case with a resolution that says that *given the fact that for ten years there was no complaint and no indication of any harm, we hereby conclude that there is no sufficient community interest in pursuing this matter further:*

Let's join hands in making our community a better place!

A. G. Samid

*Page 2 of Mr. Samid's email of 10-17-18*



Shireen Ambush <sambush@abarisrealty.com>

**13 Tapiola shed**

Shireen Ambush <sambush@abarisrealty.com>  
To: gideon@tryagain.com

Thu, Oct 25, 2018 at 5:18 PM

Hello Mr. Samld,

At the hearing held on October 17, 2018, the Board reviewed your emails with regards to your shed. Since you were out of town the Board agreed to postpone your hearing until the November meeting which will be on November 1, 2018 at 7pm located at the New Mark Commons Clubhouse at 607 Tegner Way, Rockville, MD. At that time, you will have your chance to present your case to the Board regarding your shed.

Regards,

Shireen Ambush, MPA, PCAM, CPM  
Executive Vice President

Abaris Realty, Inc.  
7811 Montrose Road  
Suite 110  
Potomac, MD 20854  
Phone: 301-468-8919  
Fax: 301-468-0983

*Please visit [www.abarisrealty.com](http://www.abarisrealty.com) for more information*

November 5, 2018

**NOTICE OF HEARING SENT VIA  
CERTIFIED MAIL & REGULAR MAIL**

Amnon Samid  
13 Tapiola Court  
Rockville, MD 20850

Dear New Mark Commons Home Association Homeowner:

In response to your request, the Board of Directors has agreed to postpone the formal hearing to address and adjudicate the violation pertaining to the unauthorized shed. The hearing will be held on Thursday, December 6, 2018 at 7:00 PM in the New Mark Commons clubhouse located at 607 Tegner Way, Rockville, MD. We have 3 hearings scheduled to take place that evening and hearings will be held on a first come, first serve basis in 10-minute intervals. Please be advised that if you fail to attend the hearing, it will be held in your absence and you will be notified of the hearing outcome in writing.

If the Board decides to uphold the citation, you will have 30 days to make the requested corrections or the Board will proceed with further enforcement action which may include the filing of a complaint with the Montgomery County Commission on Common Ownership Communities [CCOC]. We certainly hope that further enforcement action will not be necessary, and we look forward to receiving your anticipated cooperation and compliance.

Sincerely,

Shireen Ambush, PCAM, CPM  
Property Manager

Cc: Board of Directors

**Excerpt from Board Minutes of December 6, 2018**

13 Tapiola Court Unauthorized Shed – The owner emailed Abaris today to advise that he cannot attend the hearing due to his 20th wedding anniversary. The Board discussed the fact that this hearing has been delayed several times at this owner's request 2 for one reason or another. Furthermore, this last minute cancellation is unacceptable considering the fact that ample notice of tonight's hearing was provided to the homeowner and the Board agreed that the hearing will proceed as scheduled in the owner's absence. John Hansman provided a brief history of the unauthorized shed that this homeowner installed without ACC approval. John also confirmed after a review of this owner's file that nothing else is contained in the file besides the previously issued ACC denial of the unauthorized shed, a copy of which has already been provided to the homeowner several times. After careful consideration, the Board voted unanimously to reaffirm their previous decision that this shed is in violation and the owner will be given 60 days to remove it. This is the final decision of the Board of Directors on this matter and if the owner fails to comply, a CCOC complaint will be filed.



Abaris Realty, Inc.  
 7811 Midrose Road, Suite 1711, Phoenix, MD 20854  
 301-468-0819 • Fax: 301-468-0583  
 Web Site: www.abarisrealty.com



December 12, 2018

**HEARING OUTCOME**

Amnon Samid  
 13 Tapscott Court  
 Rockville, MD 20850

Dear Homeowner:

As you were previously notified, a formal hearing was held before the New Mark Commons Board of Directors on December 6, 2018 to address and adjudicate the violation pertaining to your unauthorized shed. The Board reviewed the email you sent advising of the reason why you were unable to attend the hearing in person. This hearing has been delayed several times at your request and ample time has been provided for you to provide more notice that you could not attend the hearing. For these reasons, the Board did not approve the last-minute request for a postponement of the hearing and the hearing was held in your absence. At the hearing, the Board reviewed the original ACC application that you submitted for the shed, which was denied by the ACC. The Board reaffirmed its previous decision that the shed is in violation of the ACC guidelines and must be removed. This is the final decision of the Board and you are hereby given 60 days from the date of the letter to remove the shed.

I thank you in advance for your anticipated cooperation and compliance in this matter. Please feel free to contact me directly if you should have any further questions.

Sincerely,

Shireen Ambush, PCAM  
 Property Manager

Cc: Board of Directors



**From:** [Fabayo, Ifeoluwapo "Ife"](#)  
**To:** [G. A. Samid](#); [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)  
**Cc:** [Steinbach, Shirley M.](#)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid  
**Date:** Thursday, July 9, 2020 8:49:29 AM

---

Dear Parties:

To further accommodate Mr. Samid, we have decided to postpone mediation to September. However, there will not be any further postponements. Please note that mediation will be conducted virtually, which affords the parties the convenience of attending from any location.

With that said, mediation is scheduled for **Monday, September 14, at 7 p.m.** Expect to receive a formal notice in the mail.

Remain safe and well,

Ife Fabayo

---

**From:** G. A. Samid <Try@tryagain.com>  
**Sent:** Friday, July 3, 2020 4:48 PM  
**To:** Fabayo, Ifeoluwapo "Ife" <Ifeoluwapo.Fabayo@montgomerycountymd.gov>  
**Cc:** kfmdfm@gmail.com; try@tryagain.com; Steinbach, Shirley M. <smsteinbach@lercheary.com>  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Dear Ife Fabayo,

My personal situation only got worse. Still waiting for going to the hospital. 100% home sheltered, no contact with children and grandchildren, or with anybody else. It's mandatory for me to keep my heart calm and avoid stress (like fending off attempts to dismantle my old little shed). A relative brings food every few weeks, and we are thankful for having the shed to store necessities for us.

My argument is the same, as instructed by our state's leaders: it's a major public crisis, we should keep the economy going, and focus on helping (not harassing) the more vulnerable among us. If this 12 year old shed (lawfully built) remains an issue when this crisis is over, then it would be time to pursue it. Let's for now unite to bring the crisis to its end.

Ms. Moran, I take this opportunity to suggest a community outreach initiative. There are quite a few residents like us, in their mid 70s and older, isolated. No neighbor knocked on our door, to inquire, may be we ran out of tooth paste.

Enjoy your 4th of July celebration

On Jul 2, 2020, at 11:12 AM, Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabay@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabay@montgomerycountymd.gov)> wrote:

Thank you, Ms. Moran. Ms. Steinbach is copied as instructed.

Mr. Samid – As mentioned in my e-mail below, we want to schedule mediation for this case. What is your availability in August?

---

**From:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com) <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>  
**Sent:** Thursday, July 2, 2020 9:29 AM  
**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabay@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabay@montgomerycountymd.gov)>;  
'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

New Mark Commons just contracted for legal services with Ruth Katz of Lerch Early Brewer at the end of June 2020. I did not recognize Ms Steinbach's name – my apology. Please continue to include Ms. Steinbach in future NMC email communications regarding CCOC case 2020-052.

I am personally available any day in August, except Monday August 17, to participate in mediation for case 2020-052.

Kathleen Moran  
NMC President

---

**From:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabay@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabay@montgomerycountymd.gov)>  
**Sent:** Thursday, July 2, 2020 9:18 AM  
**To:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); 'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Ms. Moran:

Ms. Steinbach works with Ms. Katz, with whom you might be more familiar.

Nevertheless, as you remain the primary contact for this case, I shall continue to send all correspondence to you.

To that end, we need to schedule mediation in this case. Please advise of your availability in August.

Regards,

Ife Fabayo

---

**From:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com) <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>  
**Sent:** Thursday, July 2, 2020 9:09 AM  
**To:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>; 'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ife Fabayo

My apology for not seeing the June 29 email below.

I do not know who Ms. Steinbach is that you ask about below as a possible New Mark Commons representative.

I remain the primary contact for New Mark Commons for CCOC case 2020-052.

Kathleen Moran  
NMC Board President

---

**From:** Fabayo, Ifeoluwapo "Ife" <[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Sent:** Thursday, July 2, 2020 8:30 AM  
**To:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)  
**Cc:** [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Ms. Moran:

I write to follow up on the e-mail below.

Ife Fabayo

---

**From:** Fabayo, Ifeoluwapo "Ife"  
**Sent:** Monday, June 29, 2020 1:18 PM  
**To:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** RE: CCOC #2020-052, New Mark Commons Home Association v. Samid

Ms. Moran:

Is Ms. Steinbach representing New Mark Commons Home Association in CCOC 2020-

052? I need to know so I can send my correspondence to her instead of you.

Regards,

Ife Fabayo

---

**From:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>

**Sent:** Friday, April 24, 2020 12:19 AM

**To:** Fabayo, Ifeoluwapo "Ife" <[ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:ifeoluwapo.Fabayo@montgomerycountymd.gov)>

**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)

**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Dear Ms. Fabayo, and Ms. Moran,

Since we talked about June arbitration our world was upended. The hospital cancelled my scheduled plan, and I am now on constant stand-by, as my various health risk factors are being re-balanced. I hope to be OK until my operation takes place. When I return will let you know and resume our pre-Corona plans.

Our Governor has summoned all of us to re-prioritize our efforts to jointly beat this invisible deadly enemy. Lawsuits are being suspended, disputes are out on hold, collaboration is the word of the hour, contribution. Are you really comfortable chasing down old people who now use their small shed to help them sustain the burden of in-house stay, hounding them down, to dismantle this little shed? I am sure both of you have much better things to do with your skills and energy. We will beat this virus by each pitching in as we can. I can't do much, but I still dedicate my time professionally to help the community weather the storm.

When we get through this global and local crisis, if you still think your case has merit, you can pick it up where you left off.

When close to 50,000 Americans lost their lives to this silent assailant, our attention should be focused on victory!

On Apr 22, 2020, at 9:26 AM, Fabayo, Ifeoluwapo Ife  
<[ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:ifeoluwapo.Fabayo@montgomerycountymd.gov)> wrote:

Mr. Samid:

I understand. Kindly select one of the following dates in June.

June 2, 4, 8, 9, 15, 16, 17, 18, 22, 24, 25, 29, 30.

Thank you.

Ife Fabayo

---

**From:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Tuesday, April 21, 2020 4:36 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ms. Fabayo,

Reminding you of our plan to schedule the mediation for June.

I may have to delay further. My medical operation was put on hold to prioritize COVID-19 patients. It's definitely not helpful health wise for me. Hopefully will resolve it as early as possible, and then will face this really uncalled for distressing complaint.  
If by chance I am better in May will contact.

Side note: the small shed you attempt to remove, is holding now supplies that relatives bring over, and we touch them only days later.  
We leave the house only for medical reasons.  
Really bad timing, Ms. Moran!

On Mar 16, 2020, at 8:51 AM, Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)> wrote:

Thank you, Mr. Samid. We shall schedule a mediation session for sometime in June.

---

**From:** G. A. Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Sunday, March 15, 2020 11:11 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ms. Ife Fabayo,

I hope to be back home from the hospital by June.

On Mar 13, 2020, at 8:13 AM, Fabayo,  
Ifeoluwapo Ife  
<[Ifeoluwapo.Fabay@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabay@montgomerycountymd.gov)>  
wrote:

Mr. Samid:

Never did I ask you to breach your privacy related to your medical concerns. Even if you are unable to attend mediation before April 28<sup>th</sup>, would you be available for mediation in May or June?

Please understand that per Section 10B-11(c) of the Montgomery County Code, mediation is mandatory. If you refuse or fail to participate in mediation, our office will refer this case to the Commission for resolution (hearing). You would not be allowed to attend the hearing, and the hearing panel may grant New Mark Commons the relief that the facts on the record warrant.

I look forward to your reply.

Sincerely,  
Ife Fabayo

---

**From:** G. A. Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Thursday, March 12, 2020 11:23 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabay@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabay@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052, New Mark Commons Home Association v. Samid

**[EXTERNAL EMAIL]**

Ms. Fabayo,  
I wrote before about bad medical news. I wish to preserve my privacy in that regard.

If you still insist on more details about my health situation I propose a phone conversation.

Allow me also to repeat my former request: Have my response to the complaint evaluated by a Member of the Maryland bar to second the opinion I received. I had the shed built after receiving no objection following 30 days since filing the application. It's perfectly consistent with the Association bylaws. Only a Court of Law can overcome the evidential weight of my assertions. The Association had three years to complain about it. They have done nothing of the sort, now 12 years later, they wake up. Statute of Limitations applies. The county has enough lawyers to second this opinion.

And to you, Ms. Moran -- do break your silence: at the very least concur to postponing the matter until I return safely from my operation.

On Mar 11, 2020, at 3:02 PM,  
Fabayo, Ifeoluwapo Ife  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
wrote:

Mr. Samid:

I am given to understand that you told the CRCMC that you will not be able to participate in mediation within the next two (2) months. Is this representation accurate? If so, what prevents you from attending mediation between now and April 28<sup>th</sup>?

Regards,  
Ife Fabayo

---

**From:** Fabayo, Ifeoluwapo "Ife"  
**Sent:** Monday, March 9, 2020  
8:41 AM  
**To:** G. A. Samid  
<[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)

**Subject:** RE: CCOC #2020-052,  
New Mark Commons Home  
Association v. Samid

Mr. Samid:

I am terribly sorry to hear that you are indisposed and at the hospital. Rest assured that this information will be maintained confidentially.

Concerning the complaint, as I mentioned in my previous e-mail, this case has been transferred to the Conflict Resolution Center of Montgomery County (CRCMC), whose representative will contact both parties to schedule mediation – which we hope will be concluded by 28 April 2020.

Sincerely,  
Ife Fabayo

---

**From:** G. A. Samid  
<[gideon@bitmint.com](mailto:gideon@bitmint.com)>  
**Sent:** Friday, March 6, 2020 8:26 PM  
**To:** Fabayo, Ifeoluwapo "Ife"  
<[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)>  
**Cc:** [kfmdfm@gmail.com](mailto:kfmdfm@gmail.com); [try@tryagain.com](mailto:try@tryagain.com)  
**Subject:** Re: CCOC #2020-052,  
New Mark Commons Home  
Association v. Samid

**[EXTERNAL EMAIL]**

Dear Ife Fabayo, and  
Kathleen Moran,

Reluctantly I reveal  
medical data, which I wish  
you keep confidential as

possible.

I have undergone a major surgery, and the implant is failing. I am heading back to the hospital, and I request that this entire sorry complaint will be put on hold until I return safely (The shed is standing harmlessly and inconspicuously for 12 long years, there is certainly no urgency in this matter).

Beyond that I suggest both the commission and the complainant second the legal opinion I received as expressed in my response to the complaint and in my email dated February 24, 2020, and concur with the conclusion that to order removal of the shed, a Court of Law will have to overcome my affirmed statement that I have had the shed constructed, absent of any objection received within 30 days after filing the application. The

courts will not take on this  
case because the matter is  
way past the statute of  
limitation.

Regards,

A. G. Samid

<~WRD000.jpg>

<https://www.montgomerycountymd.gov/census/>

<~WRD000.jpg>

<https://www.montgomerycountymd.gov/census/>

<image001.jpg>

<https://montgomerycountymd.gov/coronavirus>

<~WRD000.jpg>

<https://www.montgomerycountymd.gov/census/>

<image001.jpg>

<https://www.montgomerycountymd.gov/census/>

**Take 10 minutes to be counted now – visit: <https://2020census.gov/>**

<image001.jpg>

**For COVID-19 Information and resources,  
visit: [www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)**

**Take 10 minutes to be counted now – visit: <https://2020census.gov/>**



**For COVID-19 Information and resources,  
visit: [www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)**

**From:** [Fabayo, Ifeoluwapo "Ife"](#)  
**To:** [Steinbach, Shirley M.](#); [Gideon Samid](#); [G. A. Samid](#)  
**Cc:** [nmcadministrator@newmarkcommons](#); [Kathleen & Dennis Moran](#); [karinboychynnmc@gmail.com](#); [Ron Tipton](#); [JZoeNMC@gmail.com](#); [LauraBNMC@protonmail.com](#); [abelida@yahoo.com](#); [Fine, Mark](#)  
**Subject:** RE: 2020-052 Mediation  
**Date:** Friday, September 4, 2020 8:20:00 AM

---

Dear Parties:

Please be advised that the mediation session scheduled for 7 p.m. on September 14, 2020, **will not be postponed**. Be reminded that mediation is mandatory, pursuant to Section 10B-11(c) of the Montgomery County Code. Mediation will be conducted via Zoom.

Let me know if you have any questions.

Sincerely,

Ife Fabayo

---

**From:** Steinbach, Shirley M. <smsteinbach@lercheary.com>  
**Sent:** Thursday, September 3, 2020 12:49 PM  
**To:** Fine, Mark <Mark.Fine@montgomerycountymd.gov>; Fabayo, Ifeoluwapo "Ife" <Ifeoluwapo.Fabayo@montgomerycountymd.gov>  
**Cc:** nmcadministrator@newmarkcommons; Kathleen & Dennis Moran <kfmdfm@gmail.com>; karinboychynnmc@gmail.com; Ron Tipton <rtpion1948@gmail.com>; JZoeNMC@gmail.com; LauraBNMC@protonmail.com; abelida@yahoo.com; CCOC <CCOC@montgomerycountymd.gov>; G. A. Samid <Try@tryagain.com>  
**Subject:** RE: 2020-052 Mediation

**[EXTERNAL EMAIL]**

Dear Mr. Fine & Ms. Fabayo:

The Association opposes Mr. Samid's request based on the attached email chain, which establishes Mr. Samid's repeat attempts to delay and hinder this CCOC proceeding. The attached email chain further establishes that the CCOC has accommodated Mr. Samid multiple times and that it put Mr. Samid on notice on July 9, 2020, that "there will not be any further postponements."

Based on the record at this time, it is appropriate to put Mr. Samid on notice that Section 10-B 13(d) (1) of the Montgomery County Code provides in relevant part that "The hearing panel may award costs, including attorney's fees, to any part if the other party refused to participate in mediation of a dispute; or substantially delayed or hindered the dispute resolution process without good cause."

Thanks,  
~Shirley

---

**Shirley M. Steinbach**, Of Counsel

Lerch, Early & Brewer, Chtd. rising to every challenge for 70 years

7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814

T [301-657-0172](tel:301-657-0172) | F [301-347-1786](tel:301-347-1786) | Main 301-986-1300

[smsteinbach@lerchearly.com](mailto:smsteinbach@lerchearly.com)

**[Lerch Early COVID-19 Resource Center](#)**

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

[www.lerchearly.com](http://www.lerchearly.com)

---

**From:** G. A. Samid <[Try@tryagain.com](mailto:Try@tryagain.com)>

**Sent:** Wednesday, September 2, 2020 11:20 PM

**To:** Fine, Mark <[Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov)>

**Cc:** nmcadministrator@newmarkcommons; Kathleen & Dennis Moran <[kfmdfm@gmail.com](mailto:kfmdfm@gmail.com)>; [karinboychynnmc@gmail.com](mailto:karinboychynnmc@gmail.com); Ron Tipton <[rtipton1948@gmail.com](mailto:rtipton1948@gmail.com)>; [JZoeNMC@gmail.com](mailto:JZoeNMC@gmail.com); [LauraBNMC@protonmail.com](mailto:LauraBNMC@protonmail.com); [abelida@yahoo.com](mailto:abelida@yahoo.com); CCOC <[CCOC@montgomerycountymd.gov](mailto:CCOC@montgomerycountymd.gov)>; Steinbach, Shirley M. <[smsteinbach@lerchearly.com](mailto:smsteinbach@lerchearly.com)>

**Subject:** 2020-052 Mediation

**Importance:** High

Dear Mr. Fine,

In all likelihood my planned major surgery will not take place before the scheduled mediation session on the 14th of this month. My medical issue is very serious. Going through the stress of the planned session is very risky in my situation. I am guarding my privacy, and don't wish to share my status with members of the New Mark Commons Board. I would prefer that you take my word for it, but if you insist, I am prepared to share with you personally the reason why this session is too risky for me. I hope that the Board of New Mark Commons would agree to such restricted disclosure.

My health status should be much improved following the surgery, and it would then be a better time to pursue the matter before us. A slight delay is also well becoming from a host of angles:

1. We are elderly people in our mid 70s, with several co-morbidities, relying on the small shed for sustaining our complete home-sheltering where a relative stocks us up once in 3-4 weeks.
2. Two elected members of the Board resigned. The Board now does not have the full legal representation to reflect the will of the community. This deficiency will be remedied next March.
3. The cause of my stress here is that the case is completely unfounded. In Maryland a party has three years to go to court on a civil matter. I should not be required to keep documentation for twelve years to defend a shed put up in 2008. The Board is abusing its

power, and they should not be allowed to do so with impunity. I prepare documentation for a prospective lawsuit to be filed in the Circuit Court of Montgomery County, naming members of the Board. I wish to precede this lawsuit with a counter-complaint with the Commission, but for that I need to get access to the books, investigate how come the community is filled with sheds like mine, and what is done about them (selective prosecution). I can only do that when I am sufficiently recovered from my surgery, and the Corona risk is sufficiently low.

Together: (i) my pre-surgery health risk, (ii) my emergency use of the shed during the Corona crisis, (iii) the Board not being in full capacity until March 2021, (iv) preparing for a counter-complaint -- all point to the proposition to postpone the arbitration session to March 2021, mindful of the fact that the shed currently disturbs no one, it has been in place for 12 years, and there is no harm done by holding off a few more months. The pandemic should be over, and I will be in a much better position to defend myself.

It would be nice if the New Mark Commons Board would conclude that to insist on regarding this 12 years old case as somehow 'urgent' is not a good faith attitude, and agree to the proposed deferment, but if not, the Commission should so decide.

Again, if you would like to hear the details of my serious health issue, I am prepared to share them with you in good confidence.

G. A. Samid

BEFORE THE COMMISSION ON COMMON OWNERSHIP COMMUNITIES  
FOR MONTGOMERY COUNTY, MARYLAND

New Mark Commons Homeowners Association	)	
	)	
Complainant	)	
v.	)	<b>Case No. 2020 - 052</b>
	)	
Amnon Samid	)	
	)	
Respondent	)	
	)	

**Mediation Notice**

The above-captioned case is scheduled for mediation from 7 p.m. to 10 p.m. on **September 14, 2020**. Mediation will be conducted via video conference by Jeffrey Hamberger, Esquire. *The video conference access instructions will be provided in due course.* This mediation must be attended by both the homeowner named on the complaint as well as a representative of the Board, who has the power to enter into a settlement agreement on behalf of the Association, or the Associations Attorney.

Witnesses, and management are NOT required to attend this process at this time and should not attend.

Please note that in accordance with Montgomery County Code Section 10B-11(c), (c) If the Director, after reviewing a dispute and any investigation, finds reasonable grounds to conclude that a violation of applicable law or an association document has occurred, the Director must attempt to resolve the matter through informal negotiation including, in the Director's discretion, mediation. **Each party named in the dispute or its representative must attend any mediation conference scheduled by the Director under this Section unless excused by the Director. If the party that files the dispute refuses or fails to participate in the mediation, the Director must dismiss the dispute. If the party that is the subject of the dispute refuses or fails to participate in the mediation, the Director must refer the dispute to the Commission for resolution. The party that is the subject of the dispute may not appear at the hearing, and the hearing panel may award relief to any party that the facts on the record warrant.**

Notice dated this 31st day of July, 2020.

\_\_\_\_\_/S/ Mark Fine  
Mark Fine, Chairman  
Commission on Common  
Ownership Communities

BEFORE THE COMMISSION ON COMMON OWNERSHIP COMMUNITIES  
FOR MONTGOMERY COUNTY, MARYLAND

_____	)	
New Mark Commons Homeowners Association	)	
	)	
Complainant	)	
v.	)	<b>Case No. 2020-052</b>
	)	
Amnon Samid	)	
	)	
Respondent	)	
_____	)	

**Mediation Notice**

The above-captioned case is scheduled for mediation from on **September 14, 2020, at 7 p.m.** Mediation will be conducted via video conference by Jeffrey Hamberger, Esquire. The video conference access instructions will be provided in due course.

Please note that in accordance with Montgomery County Code Section 10B-11(c), any party named in the dispute or its representative must attend any mediation conference scheduled.

Notice dated this 9<sup>th</sup> day of July, 2020.

/s/ Ife Fabayo  
Ife Fabayo, Commission Staff



**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**  
**Commission on Common Ownership Communities**  
**1401 Rockville Pike, 4<sup>th</sup> Floor**  
**Rockville, Maryland 20852**

January 2, 2020

Amnon Samid  
13 Tapiola Court  
Rockville, MD 20850

**Re: Case No. 2020-052, New Mark Commons Homes Association, Inc. v. Amnon Samid**

Dear Mr. Samid:

This is to inform you that New Mark Commons Homes Association, Inc. (“Complainant”) has filed a formal complaint against you. In the complaint, Complainant alleges that you installed a free-standing shed on your property in violation of the association’s governing documents.

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

I request a written response indicating your position on the issues raised in this complaint together with copies of the documents relevant to your position. 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 Commission can commence default proceedings against you without any evidence from you.**

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.

**Each party to this complaint must participate, either in person or thorough its legal representative, in any mediation conference scheduled through the Department of Housing and Community Affairs after the Staff completes its review of the complaint and any response submitted by the other party.**

**Each complaint, response, or other document filed with the Staff by a party to this complaint must indicate the date that a copy of the document, along with any attachments, was mailed to the other party.**

Finally, all communications between the Commission's staff and a party will be shared with the other party to the dispute. The Staff will not accept "private" or "confidential" communications. To avoid misunderstandings, we recommend and prefer that all communications on this dispute be in writing or by email.

We appreciate your prompt attention to this complaint and your assistance resolving it.

Sincerely,

/s/ Ife Fabayo

Ife Fabayo

Commission Staff

[Ifeoluwapo.Fabayo@montgomerycountymd.gov](mailto:Ifeoluwapo.Fabayo@montgomerycountymd.gov)

Enclosures: Complaint, Chapter 10B, Regulation 10B.06, What is Mediation?

Cc: New Mark Commons Homes Association, Inc.

**SENT BY CERTIFIED MAIL AND FIRST-CLASS MAIL**

---

***website: [www.montgomerycountymd.gov/ccoc](http://www.montgomerycountymd.gov/ccoc)---email: [ccoc@montgomerycountymd.gov](mailto:ccoc@montgomerycountymd.gov)***



**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**  
**Commission on Common Ownership Communities**  
**1401 Rockville Pike, 4<sup>th</sup> Floor**  
**Rockville, Maryland 20852**

October 27, 2020

Amnon Samid  
13 Tapiola Court  
Rockville, Maryland 20850

New Mark Commons Homes Association, Inc.  
c/o Shirley Steinbach, Esquire  
7600 Wisconsin Avenue  
Suite 700  
Bethesda, Maryland 20814

**Re: Case No. 2020-052, New Mark Commons Homes Association, Inc. v. Samid**

Dear Parties:

At its next scheduled meeting on Wednesday, November 4, 2020, the Commission on Common Ownership Communities (“Commission”) will receive the Case Summary of the above-captioned dispute for the limited purpose of determining whether or not to accept jurisdiction. No oral presentations regarding this case by either party will be permitted. However, you are welcome to attend and observe the Commission meeting which will be held via video conference. **The video conference access instructions are on the DHCA website and calendar.**

The Commission will only consider whether Section 10B-8 of the Montgomery County Code grants it legal authority over this type of complaint/dispute, and if so, whether to refer it to a hearing panel for further consideration, including a formal hearing.

I will notify you of any action taken by the Commission regarding this dispute.

Sincerely,

/s/ Ife Fabayo  
Ife Fabayo  
Commission Staff

**SENT BY FIRST-CLASS MAIL**

---

**website: [www.montgomerycountymd.gov/ccoc](http://www.montgomerycountymd.gov/ccoc)---email: [ccoc@montgomerycountymd.gov](mailto:ccoc@montgomerycountymd.gov)**

MONTGOMERY COUNTY COMMISSION ON COMMON OWNERSHIP COMMUNITIES

NEW MARK COMMONS HOMES  
ASSOCIATION, INC.

Complainant

v.

AMNON SAMID

Respondent

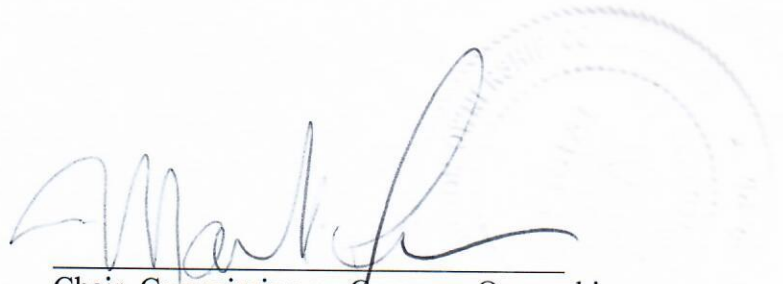
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Case No. 2020-052

**ORDER**

Upon consideration of Respondent New Mark Commons Homes, Inc.'s Motion for Reconsideration, and any opposition thereto, it is this 4th day of December 2020 by the Montgomery County Commission on Common Ownership Communities,

ORDERED, that the Respondent's Motion for Reconsideration be, and the same hereby is, DENIED.



Chair, Commission on Common Ownership  
Communities

**From:** [G. A. Samid](#)  
**To:** [Fine, Mark](#)  
**Cc:** [Fabayo, Ifeoluwapo "Ife"; Anders, Mark; Goodwyn, Amanda J.; Steinbach, Shirley M.](#)  
**Subject:** Re: 2020-052 MOTION FOR RECONSIDERATION  
**Date:** Friday, December 4, 2020 11:31:05 AM

---

**[EXTERNAL EMAIL]**

Dear Mr. Fine,

I don't have other-peoples'-money to hire expensive lawyers to file 59 pages of legal narrative, so I respond to the 'motion for reconsideration' filed by my Board of Directors in my plain language.

The anchor argument of the citations-rich legal filing is that the resolution to dismiss based on the fact that the Board was '*sitting on its hands*' is not valid because the delay was not prejudicial to the Defendant. I am here to counter this anchor argument and to urge the Board to stop the harassment of elderly people who have been contributing members of this community for many years.

*The argument follows:*

The very long delay of a full decade in raising this issue by the Association was extremely prejudicial to the Defendant.

Had we been unable to put the shed up, we would have moved to another place to accommodate our needs. As it happened, we got accustomed to the shed, and used it ever more as our health deteriorated. Now we are much older, in poor health, and rely more than ever on this shed.

We can no longer make the relocation we could have made, had the shed issue been timely raised.

Therefore your decision to dismiss because of untimely enforcement is well grounded. Please reaffirm your decision to dismiss.

A. G. Samid

On Dec 2, 2020, at 1:27 PM, Steinbach, Shirley M. <[smsteinbach@lercheearly.com](mailto:smsteinbach@lercheearly.com)> wrote:

Dear Mark Fine & CCOC:

Consistent with the Montgomery County Code, I am filing a Motion for Reconsideration that, among other things, asks that the CCOC to comply with the law and promptly set this case for a hearing. I am attaching a courtesy copy here and copies are going out in today's mail.

The statute of limitation does not apply to this case and so the CCOC's dismissal of this case on that basis is contrary to law. At a minimum, the CCOC was required to give the Association an opportunity to present arguments and facts on that issue before dismissing the Association's case, which the CCOC did not do here, thereby denying the Association due process. In reality, as we all know, it is Mr. Samid who has acted in an untimely fashion here, including by delaying mediation over the course of the last year.

As set forth in the attached motion, the CCOC should reconsider the dismissal and adjudicate this case, which is squarely in the CCOC's jurisdiction. I look forward to the CCOC's ruling on the attached motion and to a just resolution of this case.

Thanks,  
~Shirley

---

**Shirley M. Steinbach**, Of Counsel  
Lerch, Early & Brewer, Chtd. rising to every challenge for 70 years  
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
T 301-657-0172 | F 301-347-1786 | Main 301-986-1300  
[smsteinbach@lercheearly.com](mailto:smsteinbach@lercheearly.com)

**Lerch Early COVID-19 Resource Center**

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lercheearly.com](http://www.lercheearly.com)

---

**From:** Fabayo, Ifeoluwapo "Ife" <[ifeoluwapo.fabayoy@montgomerycountymd.gov](mailto:ifeoluwapo.fabayoy@montgomerycountymd.gov)>  
**Sent:** Thursday, November 12, 2020 3:02 PM  
**To:** Steinbach, Shirley M. <[smsteinbach@lercheearly.com](mailto:smsteinbach@lercheearly.com)>  
**Cc:** Fine, Mark <[Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov)>; Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; G. A. Samid <[Try@tryagain.com](mailto:Try@tryagain.com)>  
**Subject:** RE: 2020-052 Notice to Consider Jurisdiction

The Commission refused jurisdiction because there was not any evidence of timely enforcement from the association.

---

**From:** Steinbach, Shirley M. <[smsteinbach@lercheearly.com](mailto:smsteinbach@lercheearly.com)>  
**Sent:** Thursday, November 12, 2020 7:54 AM  
**To:** Fabayo, Ifeoluwapo "Ife" <[ifeoluwapo.fabayoy@montgomerycountymd.gov](mailto:ifeoluwapo.fabayoy@montgomerycountymd.gov)>  
**Cc:** Fine, Mark <[Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov)>; Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; G. A. Samid <[Try@tryagain.com](mailto:Try@tryagain.com)>  
**Subject:** Re: 2020-052 Notice to Consider Jurisdiction

**[EXTERNAL EMAIL]**

Thank you. How can I find out the basis of the refusal to accept jurisdiction?

---

**Shirley M. Steinbach**, Of Counsel  
Lerch, Early & Brewer, Chtd. rising to every challenge for 70 years  
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
T 301-657-0172 | F 301-347-1786 | Main 301-986-1300  
[smsteinbach@lerchearly.com](mailto:smsteinbach@lerchearly.com)

[Lerch Early COVID-19 Resource Center](#)

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lerchearly.com](http://www.lerchearly.com)

On Nov 12, 2020, at 7:22 AM, Fabayo, Ifeoluwapo Ife <[ifeoluwapo.fabayo@montgomerycountymd.gov](mailto:ifeoluwapo.fabayo@montgomerycountymd.gov)> wrote:

Dear Ms. Steinbach:

The Commission denied jurisdiction of the case. The notice was dispatched for mailing on Thursday, November 5<sup>th</sup>. Nevertheless, attached is a courtesy electronic copy of the denial notice.

Best regards,

Ife Fabayo

---

**From:** Steinbach, Shirley M. <[smsteinbach@lerchearly.com](mailto:smsteinbach@lerchearly.com)>  
**Sent:** Wednesday, November 11, 2020 5:38 PM  
**To:** Fabayo, Ifeoluwapo "Ife" <[ifeoluwapo.fabayo@montgomerycountymd.gov](mailto:ifeoluwapo.fabayo@montgomerycountymd.gov)>  
**Cc:** Fine, Mark <[Mark.Fine@montgomerycountymd.gov](mailto:Mark.Fine@montgomerycountymd.gov)>; 'Gideon Samid' <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; 'G. A. Samid' <[Try@tryagain.com](mailto:Try@tryagain.com)>  
**Subject:** RE: 2020-052 Notice to Consider Jurisdiction

**[EXTERNAL EMAIL]**

Dear Ms. Fabayo:

I'm writing to ask about the status of the case please (New Mark Commons v. Samid regarding the shed)?

Thanks,

~Shirley

---

**Shirley M. Steinbach**, Of Counsel  
Lerch, Early & Brewer, Chtd. rising to every challenge for 70 years  
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
T 301-657-0172 | F 301-347-1786 | Main 301-986-1300  
[smsteinbach@lerchearly.com](mailto:smsteinbach@lerchearly.com)

[Lerch Early COVID-19 Resource Center](#)

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lerchearly.com](http://www.lerchearly.com)

---

**From:** Steinbach, Shirley M.  
**Sent:** Tuesday, October 27, 2020 4:28 PM  
**To:** Fabayo, Ifeoluwapo "Ife" <[ifeoluwapo.fabayo@montgomerycountymd.gov](mailto:ifeoluwapo.fabayo@montgomerycountymd.gov)>; Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; G. A. Samid <[Try@tryagain.com](mailto:Try@tryagain.com)>  
**Subject:** RE: 2020-052 Notice to Consider Jurisdiction

Thank you.

---

**From:** Fabayo, Ifeoluwapo "Ife" <[ifeoluwapo.fabayo@montgomerycountymd.gov](mailto:ifeoluwapo.fabayo@montgomerycountymd.gov)>  
**Sent:** Tuesday, October 27, 2020 4:01 PM  
**To:** Gideon Samid <[gideon@bitmint.com](mailto:gideon@bitmint.com)>; G. A. Samid <[Try@tryagain.com](mailto:Try@tryagain.com)>; Steinbach, Shirley M. <[smsteinbach@lerchearly.com](mailto:smsteinbach@lerchearly.com)>  
**Subject:** 2020-052 Notice to Consider Jurisdiction

Dear Mr. Samid and Ms. Steinbach:

Attached is the courtesy electronic copy of the Notice to Consider Jurisdiction. The original copy will also be mailed.

Regards,

<image002.png>

**Ifeoluwapo "Ife" Fabayo**, Investigator  
Common Ownership Communities, **DHCA**  
(240) 777-3607/3691 (desk/fax)

To file a complaint or for any general questions, please contact the Montgomery County MC311 service at (240) 777-0311.

**For COVID-19 Information and resources, visit: [www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)**

<Denial of Jurisdiction Notice.pdf>

<2020-12-02 Association's Motion for Reconsideration. New Mark Commons-Samid(3903007.1).pdf>

# *The Samid Family*

13 Tapiola Court, Rockville, MD 20850

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS  
Commission on Common Ownership Communities  
1401 Rockville Pike, 4th Floor Rockville, MD 20852  
Attention: Ife Fabayo, Commission Staff

*January 28, 2020*

Case No 2020-052, New Mark Commons Home Association, Inc. v. Amnon Samid

## **Motion to DISMISS on Grounds of Statutory Limitations**

Comes now the Defendant and says:

The issue before the Commission on Common Ownership Communities is subject to final disposition in the courts.

§ 5-101. Maryland Courts and Judicial Proceedings Article states:

*A civil action at law shall be **filed within three years** from the date it accrues unless another provision of the Code provides a different period of time within which an action shall be commenced.*

The shed, which the Complainant complains about, has been **erected 12 years ago**, in 2008. The Complainant had three full years to address any disagreement on this matter. However, the first time it was mentioned was in 2018.

The Complaint is clearly out of bounds and should be summarily dismissed.

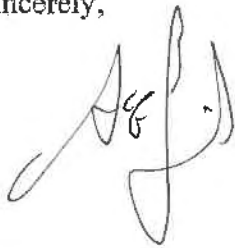
In fact when the letter came out-of-the-blue in 2018 demanding the removal of a legally and properly installed shed in 2008, it submitted us to undue harassment, and regrettable stress. It only escalated through dismissive treatment ever since.

We are well into our 70s, long time peaceful elderly residents of the community, and a sudden demand to remove a long-standing shed (not unlike several other sheds near by) was highly inappropriate. 15 years ago, we replaced the sidings on our house. Will the Board now claim some documentary deficiency and demand removal? 25 years ago I replaced the roof (have lost all permission records) - will the Board now demand we tear it down?

The Commission on Common Community Ownership Communities is a proper guard against unruly community members, but it should equally protect innocent long time residents from abuse of power by overreaching Home Associations.

Along with the requested dismissal, the Commission may weigh a proper admonition to the Complainant.

Sincerely,

A handwritten signature in black ink, appearing to be 'AP' with a stylized flourish extending to the left.

I certify that I have mailed a copy of the foregoing to the Complainant, New Mark Commons Homes Associations. Inc. at its address c/o Abaris realty Inc., 7811 Montrose Rd, Suite 110, Potomac MD 20854-3349

A handwritten signature in black ink, appearing to be 'AP', written over a horizontal line.



MONTGOMERY COUNTY COMMISSION ON COMMON OWNERSHIP COMMUNITIES

NEW MARK COMMONS HOMES  
ASSOCIATION, INC.

Complainant

v.

AMNON SAMID

Respondent

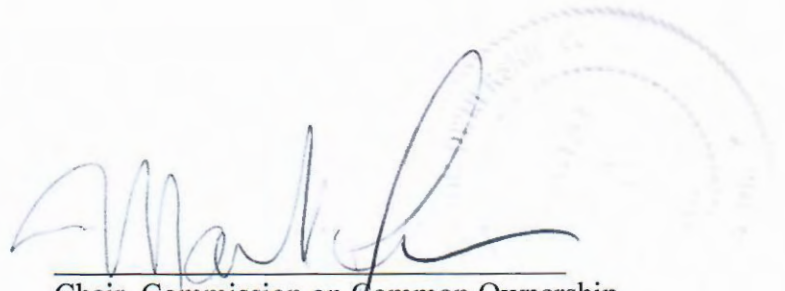
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Case No. 2020-052

**ORDER**

Upon consideration of Respondent New Mark Commons Homes, Inc.'s Motion for Reconsideration, and any opposition thereto, it is this 4th day of December 2020 by the Montgomery County Commission on Common Ownership Communities,

ORDERED, that the Respondent's Motion for Reconsideration be, and the same hereby is, DENIED.



Chair, Commission on Common Ownership  
Communities

**ALERT: USPS WILL BE TEMPORARILY SUSPENDING THE GUARANTEE ON PRIORITY MAIL EX...**



[FAQs >](#)

**Track Another Package +**

**Tracking Number:** 70171450000145206036

[Remove X](#)

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

### In-Transit

January 9, 2020  
In Transit to Next Facility

Feedback

**Get Updates** ✓

---

**Text & Email Updates**



---

**Tracking History**



---

**Product Information**



---

**See Less** ^

## Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.