

# **Townes At Mosby Station Home Owners Association**

## **Resolution 2014-01**

Regarding Complaint Procedures Pursuant to Virginia Code § 55-530(E) and 18 VAC 48-70-30

**WHEREAS**, the TOWNES AT MOSBY STATION HOME OWNERS ASSOCIATION (“Association”) is a property owners association pursuant to the Property Owners Association Act and those documents in the chain of title of the Association that are recorded among the land records of Frederick Count, Virginia;

**WHEREAS**, Virginia Code § 55-530(E) required the Common Interest Community Board (“CICB”) to establish regulations requiring community associations to “establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens.”

**WHEREAS**, pursuant to 18 VAC 48-7-30 in which the CICB establishes that “each association shall have a written process for resolving association complaints from members and citizens.”

**NOW THEREFORE, BE IT RESOLVED** that the Board of Directors of the Association adopts the following procedures for accepting, and making final determinations regarding complaints filed by members of the Association and other citizens:

1. The Board of Directors hereby adopts and incorporates into this Resolution the Complaint Form attached hereto as Exhibit A.
2. The Complaint Form may be updated administratively to provide the current contact information, including mailing address and telephone number, for the management office.
3. Upon request, the Complaint Form shall be given to members of the Association and other citizens, who wish to make a complaint against the Association.
4. Members or other citizens, who wish the make a complaint against the Association, shall return the Complaint Form to the management office at the address provided on the Complaint Form.
5. The complainant shall submit with the Complaint Form any relevant documents and references to applicable statutes, case law, or regulations of which they are aware.
6. If the Association deems the Complaint Form to be incomplete, the Association shall so notify the complainant what additional information is needed in order for the Association to process the Complaint Form. The complainant shall have an additional ten (10) days to provide the requested information. If the additional required information is not received within the 10-day time frame, the Association shall notify the complainant that the matter is deemed closed. If the additional information is received within the 10-day time frame, the Association shall send acknowledgement of receipt as identified in Section 7 below and commence with investigation.

7. Within seven (7) days of receipt of the completed Complaint Form, the Association shall provide written acknowledgment of receipt of the Complaint Form to the complainant by hand delivery, registered or certified mail, return receipt requested, or electronic mail provided that the sender retains sufficient proof of delivery.

8. The Board of Directors may appoint a director(s) to investigate the complaint and provide a report tot the Board of Directors at the next Board of Directors meeting. If the next meeting is less than one month away, the report may be made at the following Board of Directors meeting. The report need not be in writing.

9. Once the appointed director(s) has provided the Board of Directors with his/her report, the Board may set a hearing to consider the complaint. The hearing shall not be set later than ninety (90) days of the filing of the Complaint Form.

10. The Board of Directors shall provide notice of the date, time, and location of the hearing to consider the complaint to the complainant by hand delivery, registered or certified mail, return receipt requested, or electronic mail provided that the Board of Directors retains sufficient proof of delivery. Notice shall be given at least seven (7) days in advance of the hearing.

11. At the hearing to consider the complaint, the Board of Directors shall give the complainant a reasonable amount of time to present their argument and any evidence. The Board of Directors may hear from other witnesses and take evidence.

12. At the conclusion of the hearing the Board of Directors may convene in executive session to discuss the matter.

13. The board of Directors shall come out of executive session to vote on the final determination of the complaint.

14. Within seven (7) days of the hearing, the Board of Directors shall deliver a notice of final determination of the complaint to the complainant by hand delivery, registered or certified mail, return receipt requested, or electronic mail provided that the Board of Directors retains sufficient proof of delivery.

15. The notice of final determination shall include the complainant's right to file a Notice of Final Adverse Decision with the Common Interest Community Board via the Common Interest Community Ombudsman and the applicable contact information. The current Notice of Final Adverse Decision form provided by the Virginia Department of Professional and Occupational Regulation is attached hereto as Exhibit B.

16. The Association shall retain the Complaint Form and any attachments for at least one (1) year from the date of the notice of the final determination.

17. This Resolution shall be available upon request by members of the Association and citizens.

18. This Resolution shall be included as an attachment to any resale certificate or the Association disclosure packet.

**TOWNES AT MOSBY STATION HOMEOWNERS ASSOCIATION  
c/o Coventry Group Property Management, Inc.  
PO BOX 2580  
Winchester, VA 22604**

**ASSOCIATION COMPLAINT FORM**

Pursuant to Chapter 29 of Title 55 of the Code of Virginia, the Board of Directors (“Board”) of the TOWNES AT MOSBY STATION HOMEOWNERS ASSOCIATION (“Association”) has established this complaint form for use by persons who wish to file written complaints with the Association regarding the action, inaction, or decision by the governing board, managing agent, or association inconsistent with applicable laws and regulations.

Legibly describe the complaint in the area provided below, as well as the requested action or resolution of the issues described in the complaint. Please include references to specific facts and circumstances at issue and the provisions of the Virginia laws and regulations that support the complaint. Also, attach any supporting documents, correspondence and other materials related to the complaint. *If there is insufficient space, please attach a separate sheet to this complaint form.*

**COMPLAINT**

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**REQUESTED ACTION/RESOLUTION**

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**LIST VIRGINIA LAWS AND REGULATIONS THAT SUPPORT THE COMPLAINT**

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**LIST SUPPORTING DOCUMENTS, CORRESPONDENCE & OTHER RELATED MATERIALS**

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Sign, date and print your name and address below and submit this completed form to the Association at the address listed above.

EXHIBIT A

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mailing Address and Address in Association, if different

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Phone Number

Contact Preference: Phone, Email, Other

If, after the Board's consideration and review of the complaint, the Board issues a final decision you believe is adverse to the complaint, you have the right to file a notice of adverse decision with the Common Interest Community Board ("CICB") in accordance with the regulation promulgated by the CICB. The notice shall be filed within thirty (30) days of the date of the final adverse decision, shall be in writing on forms provided by the Common Interest Community Ombudsman ("Ombudsman"), shall include copies of any supporting documents, correspondence and other materials related to the decision, and shall be accompanied by a \$25 filing fee. The Ombudsman may be contacted at:

Department of Professional and Occupational Regulation  
Office of the Common Interest Community Ombudsman  
9960 Maryland Drive, Suite 400  
Richmond, Virginia 23233-1485  
(804)-367-2941  
CICOmbudsman@dpor.virginia.gov

**WAIVER OF FILING FEE**

The Common Interest Community Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the complainant. A waiver form must be completed and submitted with the Notice of Final Adverse Decision. The Waiver Request form can be obtained at [www.dpor.virginia.gov/??????](http://www.dpor.virginia.gov/??????). If a waiver is requested, the Common Interest Community Ombudsman will not review the Notice of Final Adverse Decision until the waiver has been granted or the Complainant has submitted a filing fee of \$25.00.

**WHAT HAPPENS WHEN YOU FILE A NOTICE OF FINAL ADVERSE DECISION?**

The Office of the Common Interest Community Ombudsman may request additional information from the association. The Office of the Common Interest Community Ombudsman will review the final adverse decision, and if the final adverse decision is in conflict with laws or regulations governing common interest communities or interpretations thereof by the Common Interest Community Board, the Common Interest Community Ombudsman may provide the complainant and the association with information concerning such laws or regulations or interpretations thereof by the Common Interest Community Board.

The determination of whether the final adverse decision may be in conflict with Virginia laws or regulations or interpretations thereof by the Common Interest Community Board shall be a matter within the sole discretion of the Common Interest Community Ombudsman whose decision is final and not subject to further review. This determination shall not be binding upon the complainant or the association.

**NOTICE OF FINAL ADVERSE DECISION FORM INSTRUCTIONS**

**NOTE:** *Anonymity cannot be guaranteed. By law, all Notices of Final Adverse Decision and any accompanying documents received by the Department of Professional and Occupational Regulation are subject to public disclosure once a case is closed.*

- ✓ Fill in complainant information.
- ✓ Fill in the date of the final adverse decision
- ✓ Fill in the name, address, and telephone number(s) of the association.
- ✓ Include a copy of the association complaint, the final adverse decision received from the association, the laws and regulations the final adverse decision may have violated, any supporting documents, correspondence, and other materials related to the final adverse decision, the association complaint procedure, and any applicable association governing documents.
- ✓ Include a check in the amount of \$25.00 made payable to the Treasurer of Virginia.
- ✓ If a waiver of the filing fee is requested, include the Request for Waiver of Filing Fee along with the Notice of Final Adverse Decision.
- ✓ Sign and date the form at the bottom of the page.

Submit the completed form, supporting documents, correspondence, and other related materials to:

Department of Professional & Occupational Regulation  
Office of the Common Interest Community Ombudsman  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233-1485

The processing of the Notice of Final Adverse Decision will be conducted in a timely manner. The complainant will be contacted if additional information is required and at the conclusion of the review. Thank you for your patience during the review process.



## Notice of Final Adverse Decision

9960 Mayland Drive, Suite 400	Inquiries and Questions: (804) 367-2941
Richmond, VA 23233-1485	TDD: (804) 527-4290
E-Mail: <a href="mailto:cicombudsman@dpor.virginia.gov">cicombudsman@dpor.virginia.gov</a>	Fax: (804) 527-4405
Website: <a href="http://www.dpor.virginia.gov">www.dpor.virginia.gov</a>	Hotline for Older Virginians: (804) 367-2178

A complainant may give notice to the Common Interest Community Board via the Common Interest Community Ombudsman of any final adverse decision issued by a common interest community association.

As defined in regulation 18 VAC 48-70-20, a final adverse decision means the final determination issued by an association pursuant to an association complaint procedure that is opposite of, or does not provide for, either wholly or in part, the cure or corrective action sought by the complainant. Such decision means all avenues for appeal have been exhausted.

Any Notice of Final Adverse Decision must be filed within **30 DAYS** of the date of the final adverse decision. Notices of Final Adverse Decision must be complete at the time of filing.

A complete Notice of Final Adverse Decision consists of:

1. a copy of the association complaint;
2. a copy of the final adverse decision;
3. a reference to the laws and regulations the final adverse decision may have violated;
4. any supporting documents, correspondence, and other materials related to the final adverse decision;
5. a copy of the association complaint procedure or form;
6. any applicable association governing documents; and
7. a filing fee or a request for waiver of filing fee.

**Anonymous Notices of Final Adverse Decision will not be accepted.**

### FEE FOR FILING A NOTICE OF FINAL ADVERSE DECISION

Complainant must submit a \$25.00 filing fee with the Notice of Final Adverse Decision. The Notice of Final Adverse Decision will not be considered complete until the filing fee has been received by the Department of Professional and Occupational Regulation. The Office of the Common Interest Community Ombudsman will not begin reviewing any Notice of Final Adverse Decision until it is complete.



# NOTICE OF FINAL ADVERSE DECISION

(PLEASE PRINT LEGIBLY OR TYPE)

**NOTE:** The Department cannot guarantee anonymity. By law, all complaints received by the Department are subject to public disclosure once a case is closed. Anonymous Notices of Final Adverse Decision will not be accepted.

COMPLAINANT INFORMATION

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, and Zip: \_\_\_\_\_

Phone: Home \_\_\_\_\_ Business \_\_\_\_\_ Cell \_\_\_\_\_

E-mail Address: \_\_\_\_\_

City/County: \_\_\_\_\_

Date of Final Adverse Decision: \_\_\_\_\_

ASSOCIATION INFORMATION

Name of the Association: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, and Zip: \_\_\_\_\_

Phone: Business \_\_\_\_\_ Cell \_\_\_\_\_ Other \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Management Company (if applicable): \_\_\_\_\_

I understand this Notice of Final Adverse Decision will not be complete until I have submitted all required documents and the filing fee. A financial hardship waiver may be submitted in lieu of the filing fee, but this will delay review of my Notice of Final Adverse Decision and there is no guarantee that I will be granted the waiver.

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

**TOWNES AT MOSBY STATION HOME OWNERS ASSOCIATION**

**RESOLUTION ACTION RECORD**

Resolution Type: Policy

Resolution No. 2014-01

Regarding: Complaint Procedures Pursuant to Virginia Code § 55-530(E) and 18 VAC 48-70-30

Duly adopted at a meeting of the Board of Directors of the TOWNES AT MOSBY STATION HOME OWNERS ASSOCIATION held on 21<sup>st</sup> day of April of 2014.

Motion by: Matthew Hangsleben Seconded by: Scott Wilson

Vote

	Yes	No	Abstain	Absent
<u>Scott Wilson</u> , Director	✓	_____	_____	_____
<u>[Signature]</u> , Director	✓	_____	_____	_____
<u>Vincent Lynn</u> , Director	✓	_____	_____	_____
<u>Matthew B</u> , Director	✓	_____	_____	_____
_____, Director	_____	_____	_____	_____

ATTEST:

Scott Wilson  
Secretary

4/21/14  
Date



References:

Common Interest Community Ombudsman Regulations

Current Notice of Final Adverse Decision form

[http://leg5.state.va.us/reg\\_agent/frmView.aspx?Viewid=aa5f0001873~6&typ=40&actno=001873&mime=application/pdf](http://leg5.state.va.us/reg_agent/frmView.aspx?Viewid=aa5f0001873~6&typ=40&actno=001873&mime=application/pdf)

Code of Virginia

<https://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC5500000002900000000000>

Virginia Administrative Code

<http://lis.virginia.gov/000/reg/TOC18048.HTM#C0070>