

**BRANDERMILL COMMUNITY ASSOCIATION**  
**COMMON INTEREST COMMUNITY BOARD**  
**COMPLAINT PROCEDURE**

WHEREAS, § 55-530 of the Code of Virginia requires that the Common Interest Community Board (“CICB”) shall establish regulations requiring each property owners’ association to establish reasonable procedures for the resolution of written complaints from the Members of the Association and other citizens (“CICB Complaint Procedure”);

WHEREAS, Common Interest Community Ombudsman Regulations, 18 VAC 48-70-10, et seq. (“Regulations”) have been adopted in accordance with § 55-530 of the Code of Virginia and the Board of Directors of the Brandermill Community Association (“Association”) is establishing this CICB Complaint Procedure in accordance with the Regulations;

WHEREAS, § 55-513(A) of the Virginia Property Owners’ Association Act, Code of Virginia §§55-508, et seq. (the "Act") grants the Board of Directors the power to establish, amend and publish additional rules and regulations such as the CICB Complaint Procedure; and

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT, in accordance with § 55-530 of the Code of Virginia and the Regulations, the following procedures shall apply to the resolution of all complaints made to the Association by Members of the Association and other citizens (“Complaint” or “Complaints”):

**1. Complaint**

- A. All persons wishing to file a Complaint (“Complainant”) shall complete, date and sign a written Complaint in a form similar to Exhibit “A” (“Complaint Form”). A copy of the Complaint Form shall be provided upon request by the Association to any Member of the Association or citizen requesting a copy of the Complaint Form or inquiring about the process for filing a Complaint.
- B. The Complaint Form shall be submitted to the Association by mail, hand-delivery, or fax at the following: 3001 E. Boundary Terrace, Midlothian, Virginia 23112; Fax: (804) 744-2839.

C. The following shall be provided with the Complaint Form:

1. A description of any facts relevant to the Complaint;
2. A copy of any documents relevant to the Complaint or relied upon by the Complainant in the Complaint;
3. References to any portion of the Association's governing documents and to any law or regulation applicable to the Complaint of which the Complainant has knowledge;
4. Names and contact information for any persons with knowledge of the facts relevant to the Complaint; and
5. A description of the requested action or resolution.

D. The Association shall provide a written acknowledgment of receipt of the Complaint Form ("Acknowledgment Letter") to the Complainant within seven (7) days of receipt in a form that is similar to Exhibit "B". Such acknowledgement shall be hand-delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided.

E. The Acknowledgement Letter shall also:

1. include notice of the date, time and location that the matter will be considered by the Board; and
2. if applicable, request additional information or documentation from the Complainant that Association staff deems necessary to process the Complaint Form and set a deadline for providing such information.

F. If additional information or documentation is requested in the Acknowledgment Letter, the information and documentation requested shall be provided by the Complainant to the Association by the deadline or the Complainant shall submit a written explanation stating the reason(s) the requested information and documentation cannot or will not be submitted. If the requested information or documentation is not submitted by the deadline established in the Acknowledgment Letter the Complaint may be considered by the Board without such information or documentation.

- G. The Board shall generally review the Complaint at its next regularly scheduled Board meeting, or sooner if a special meeting is called for that purpose. If a Complaint is filed within ten (10) days of a regularly scheduled Board meeting, the President, in his or her discretion, may defer consideration of the Complaint until the meeting after the next regularly scheduled Board meeting (either the regular monthly meeting following the next regularly scheduled Board meeting or an earlier special meeting if called for the purpose of considering the Complaint). If additional information or documentation is requested in the Acknowledgment Letter, the Board shall review the Complaint at the next regularly scheduled Board meeting held following the date the additional information or documentation is due pursuant to the deadline set forth in the Acknowledgement Letter.
- H. The Board shall notify the Complainant, in a writing that is in a form that is similar to Exhibit "C", of its decision or planned action ("Final Determination") in relation to the Complaint within seven (7) days of the date the Complaint is considered by the Board at a meeting. The written notice of the Final Determination shall be hand-delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided.
- I. The Final Determination may be deferred by the Board to its next regularly scheduled meeting, or to a special meeting held for that purpose, in the discretion of the Board. Written notice of any such deferral shall be given to the Complainant within seven (7) days of the original meeting date by hand-delivery or by regular or certified mail, return receipt requested.
- J. A record of each Complaint shall be maintained for no less than one year after the Association acts upon the Complaint.
- K. There is no procedure to appeal a Final Determination made by the Board to the Board or any other governing body or committee of the Association.

## **2. Notice of Final Adverse Decision to CICB**

- A. If the Board has rendered a Final Determination that is adverse to the Complainant (“Final Adverse Decision”) then the Complainant may give notice to the CICB via the Common Interest Community Ombudsman of such decision.
- B. Notice to the CICB shall be in accordance with the procedures and regulations established by the CICB.
- C. Pursuant to Section 55-530 of the Code of Virginia, the notice shall be filed with the CICB within thirty (30) days of the Final Adverse Decision, shall be in writing on forms prescribed by the CICB, shall include copies of all records pertinent to the decision, and shall be accompanied by a twenty-five dollar (\$25.00) filing fee. The CICB may, for good cause shown, waive or refund the filing fee upon a finding that the filing fee will cause undue financial hardship to the Complainant.
- D. Contact information for the Common Interest Community Ombudsman is as follows:

Office of the Common Interest Community Ombudsman  
c/o Heather Gillespie, Esquire  
Virginia Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233  
(804) 367-2941  
cicombudsman@dpor.virginia.gov

### **3. Association Cooperation During Investigation**

- A. If, during the course of an investigation, the CICB, the Director of the Department of Professional and Occupational Regulation (“DPOR”), or the Common Interest Community Ombudsman requests information from the Association, the Association shall provide such information within a reasonable time and by any deadlines established by the CICB, the Director of DPOR, or the Community Interest Community Ombudsman.
- B. If the CICB, the Director of DPOR, or the Common Interest Community Ombudsman determines that the Final Adverse Decision made by the Association is in conflict with applicable law or regulations, the Board of Directors of the Association shall take such action as is necessary to be in compliance with applicable law and regulations.



**EXHIBIT "B"**

BRANDERMILL COMMUNITY ASSOCIATION  
3001 E. Boundary Terrace  
Midlothian, VA 23112  
Phone: (804)744-1035; Fax: (804)744-2839

[Date]

[Complainant Name]  
[Complainant Address]  
[Complainant Address]

BY REGULAR AND CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED

Re: ACKNOWLEDGEMENT OF RECEIPT OF COMPLAINT

Dear [Name]:

This letter shall serve as notice that the Brandermill Community Association ("Association") has received your Complaint filed on [Date]. Your Complaint will be considered by the Board of Directors at its meeting to be held in the meeting room at Brandermill Community Association, 3001 East Boundary Terrace, Midlothian, Virginia 23112 at [Time] on [Date]. You are welcome to attend and to present any information or witnesses that are relevant to your Complaint.

[The Association staff has reviewed your Complaint and has determined that the following additional information or documentation is necessary for full consideration of your Complaint by the Board. Please present the information and documentation requested, or a written explanation stating the reason(s) the requested information and documentation cannot or will not be submitted by [Date].]

If you have any questions please contact the Association office at (804)744-1035.

Sincerely,

[Name], [Title]

**EXHIBIT "C"**

BRANDERMILL COMMUNITY ASSOCIATION  
3001 E. Boundary Terrace  
Midlothian, VA 23112  
Phone: (804)744-1035; Fax: (804)744-2839

[Date]

[Complainant Name]  
[Complainant Address]  
[Complainant Address]

BY REGULAR AND CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED

Re: NOTICE OF FINAL DETERMINATION ISSUED [DATE]

Dear [Name]:

At its meeting held on [Date] the Board of Directors of the Brandermill Community Association considered the Complaint that you filed on [Date].

The Board's decision regarding your Complaint is as follows: [Summary of Decision].

The following Association governing documents, laws or regulations led to this final determination: [Cite to relevant provisions of the governing documents, law or regulation].

You have the right to give notice to the Virginia Common Interest Community Board ("CICB"), through the Office of the Common Interest Community Ombudsman ("Ombudsman"), of any final adverse decision made by the Board in response to your Complaint in accordance with the regulations promulgated by the CICB. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Ombudsman, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25.00 filing fee or a request for waiver. The Association's CICB registration number is 0550000014 and the CICB's contact information is:

Office of the Common Interest Community Ombudsman  
c/o Heather Gillespie, Esquire  
Virginia Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233  
(804) 367-2941  
cicombudsman@dpor.virginia.gov

If you have any questions please contact the Association office at (804)744-1035.

Sincerely,

[Name], [Title]