

VIRGINIA OAKS ASSOCIATION, INC.

POLICY RESOLUTION NO. 12-63

(Procedures Related to the Submission and Resolution of Complaints)

WHEREAS, Section 55-530(E) of the Virginia Code requires that the Association establish reasonable procedures for the resolution of written complaints from the members of the Association or other citizens; and

WHEREAS, Section 18VAC48-70-10, *et seq.*, of the Virginia Administrative Code requires that the Association enact the written complaint procedures required by Section 55-530(E) of the Virginia Code by September 28, 2012 and outlines the requirements of said complaint procedures; and

WHEREAS, Article IV, Section 4.02(h) of the Bylaws provides the Board of Directors with the power and duty to adopt rules and regulations; and

WHEREAS, for the benefit and protection of all owners, the Board deems it desirable to formally adopt a policy resolution requiring all complaints to be submitted to the Association's Board of Directors in writing and establishing reasonable procedures governing the resolution of these written complaints so as to comply with the requirements of the Governing Documents and Virginia law.

NOW, THEREFORE, BE IT RESOLVED THAT the Board adopts the following policy:

1. **Complaint Must Be in Writing.** The Association is only required to act on written complaints submitted to the Board in accordance with the procedures set forth in this Resolution. Nothing in this resolution shall prevent the Board from acting on verbal complaints if, in its sole discretion, the Board believes the matter can be efficiently resolved. However, the Board reserves the right to withhold action on any verbal complaint and require the complainant to submit a written complaint as provided for in this Resolution.
2. **Complaint Form.** In order to properly submit a formal complaint upon which the Association will act, all residents, owners and any other parties must submit a written complaint on the form attached hereto as Exhibit A, to the Association and to the attention of the Association's management.
3. **Where Complaints Should be Sent.** All written complaints shall be sent either via United States Postal Service mail, hand-delivery, or facsimile using the following information, unless otherwise advised and requested by the Association's Board:

Virginia Oaks Association, Inc.
c/o Sequoia Management Company
13998 Parkeast Circle, Chantilly, VA 20151
Fax: 703-968-0936

4. **Required Information.** All complaints must concern a matter regarding the action, inaction or decision by or of the Association's Board of Directors that is inconsistent with applicable laws and regulations. All complaints shall include the following information or shall be deemed incomplete and unactionable, at the Board's sole discretion:
 - 1) The name and address of the complainant;
 - 2) The nature of the alleged complaint, including the relevant times, dates and places involved;
 - 3) The applicable laws or provisions of the Governing Documents that the complaint concerns;
 - 4) The name and address of any other persons involved, if known;
 - 5) Any other information the complainant deems relevant for the Board's review;
 - 6) The signature of the complainant.
5. **Acknowledgment of Receipt.** Upon receipt of a valid written complaint, the Association, through its Board, will provide written acknowledgment of receipt of the complaint within seven (7) days, by either certified mail or hand-delivery. Acknowledgement may be sent via electronic means if the owner has consented to receive electronic communication from the Association or such method of communication is consistent with established Association procedure.
6. **Incomplete Complaint.** If the Association deems the complaint to be incomplete, the Association shall notify the complainant either via hand-delivery, first class mail or electronic means, within seven (7) days of receipt of the submission and state the additional information the complainant needs to provide to the Association in order for the Association to process the complaint. The complainant shall have an additional thirty (30) days to provide the requested information. If the additional required information is not received within the thirty (30) day time frame, the Association shall notify the complainant via certified mail or hand-delivery that a complete and actionable written complaint was not received and the matter is deemed closed. If the additional information is received within the 30-day time frame, the Association shall send acknowledgement of receipt as identified in Section 5 above and commence with investigation described in Section 7 below.
7. **Investigation Period.** Upon receipt of a valid written complaint, the Association shall then take such appropriate action to investigate and resolve the complaint. The Board may contact the complainant via e-mail or other written correspondence in order to conduct its investigation. The complainant is obligated to cooperate with the Association's investigation. If the complainant does not cooperate, the Association may close the matter for failure to cooperate.
8. **Conclusion of Investigation.** The Association will conclude its investigation within thirty (30) days of its receipt of the complete and actionable written complaint, unless the Association deems that more time is necessary to conclude the investigation.

9. **Matters Not Involving Allegations of Violations by Other Residents.**

- A. **Notice.** Once the investigation is complete, if the complaint relates to a matter that does not involve an allegation that an owner or resident is in violation of the Association's Governing Documents, or duly-adopted policies, rules or regulations, the Board of Directors notify the complainant of the time, place and location that the matter will be considered by the Board. Such notice shall be hand-delivered or sent via certified mail. Notice may be sent via electronic means if the owner has consented to receive electronic communication from the Association or such method of communication is consistent with established Association procedure.
- B. **Hearing.** The Board shall conduct a hearing on the subject of the alleged complaint. The complainant may present any evidence the complainant deems relevant to the subject of his complaint. The Board of Directors may question the complainant or any other persons it believes may have information relevant to the subject of the complaint. After all parties have finished presenting evidence, the Board shall meet in executive session to consider the evidence presented.
- C. **Notice of Final Determination.** **Within seven (7) days after the hearing date,** the Board shall send the complainant a Notice of Final Determination by certified mail, return receipt requested or hand delivery. The Notice of Final Determination shall notify the complainant of the Board's decision, the provisions in the Governing Documents, Property Owners' Association Act or rules and regulations upon which the Board relied in reaching its decision, the common interest community registration number of the Association, and shall notify the complainant of his or her right to file a Notice of Final Adverse Decision as set forth in paragraph 11 below. If applicable, the name and license number of the common interest community manager involved will be provided.

10. **Matters Involving Allegations of Violations by Other Residents.**

- A. **Notice.** Once the investigation is complete, if the complaint involves an alleged violation of the Association's Governing Documents, or duly-adopted policies, rules or regulations and the Association determines that there is sufficient evidence to establish probable cause that such a violation may exist, the Association will initiate an enforcement action against the appropriate party in accordance with the Governing Documents, including any duly adopted rules and regulations, that relate to due process policies and procedures in enforcement cases. Such enforcement action shall include, but not be limited to, the issuance of a notice of violation to the applicable owner/resident. In such cases, the complainant shall receive a copy of the notice of violation. The notice will be dated as of the date of issuance and shall include specific citations to applicable Governing Documents, laws, or regulations at issue, as well as the common interest community registration number of the Association.
- B. **Hearing.** The Board shall conduct a hearing on the subject of the alleged complaint and notice of violation. Notice of the hearing date, time and location, shall be delivered to the applicable owner/resident and complainant, in accordance

with the Governing Documents, including any duly adopted rules and regulations that relate to due process policies and procedures in enforcement cases. The complainant and applicable owner/resident may present any evidence the complainant deems relevant to the subject of his complaint. The Board of Directors may question the complainant, owner/resident or any other persons it believes may have information relevant to the subject of the complaint. After all parties have finished presenting evidence, the Board shall meet in executive session to consider the evidence presented. The hearing shall be conducted in all regards in accord with the terms of the Governing Documents, including any duly adopted rules and regulations that relate to due process policies and procedures in enforcement cases.

- C. **Notice of Final Determination and Decision to Complainant and Owner/Resident.** Following the conclusion of the hearing, the Board shall send the complainant a Notice of Final Determination by certified mail, return receipt requested or hand delivery, within seven days after the hearing date. The Notice of Final Determination shall notify the complainant of the Board's decision, the provisions in the Governing Documents, Property Owners' Association Act or rules and regulations upon which the Board relied in reaching its decision, the common interest community registration number of the Association, and shall notify the complainant of his or her right to file a Notice of Final Adverse Decision as set forth in paragraph 11 below. If applicable, the name and license number of the common interest community manager involved will be provided.

Notice of the decision of the Board shall also be hand delivered or mailed via registered or certified mail, return receipt requested, and via first class mail, postage pre-paid, to the applicable owner/resident at their address of record with the Association within seven (7) days of the date of the hearing, per the terms of the Governing Documents, including any duly adopted rules and regulations that relate to due process policies and procedures in enforcement cases.

11. **Referral to Ombudsman.** The Notice of Final Determination shall advise the complainant of his or her right to file a Notice of Final Adverse Decision rendered by the Association, to the applicable Office of the Common Interest Community Ombudsman:

Virginia Common Interest Community Ombudsman
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1463
Phone: 804-367-2941
Email: CICombudsman@dpor.virginia.gov

12. **Record Keeping.** The Association shall maintain a record of all complete and actionable complaints for no less than one (1) year from the date that the Association takes action on said complaints.
13. **Availability.** A copy of these procedures shall be made available to all owners and citizens upon request, and if applicable, the Association's website.

14. **Resale Disclosure.** A copy of these procedures shall be included in any resale disclosure packet/certificate issued after the effective date below.
15. **Annual report.** The Association shall certify with each annual report filing that the Association complaint procedure has been adopted and is in effect.

This policy resolution shall become effective on June 19, 2012. This policy resolution shall supersede all previously adopted resolutions relating to the submission and resolution of complaints.

Virginia Oaks Association, Inc.

By AS Bullon
President

**Exhibit A
VIRGINIA OAKS ASSOCIATION, INC.
COMPLAINT FORM**

(To comply with Section 55-530 of the Virginia Code and 18 VAC 48-70-10, *et seq.*)

You may use this form to file a complaint concerning the Virginia Oaks Association, Inc. (the “Association”). Should you choose to file a complaint using this form, please complete, sign and date this form and mail or fax it to the Association’s community manager at the address below:

Virginia Oaks Association, Inc.
c/o Sequoia Management Company
13998 Parkeast Circle, Chantilly, VA 20151
Fax: 703-968-0936

Name of Complainant(s):

Address:

Phone: (Home) _____ **(Work)** _____

(Mobile) _____ **(Email)** _____

Preferred method of communication: _____ **Writing** _____ **E-mail**

Please describe the nature of your complaint and cite any provisions of the Governing Documents or applicable laws or regulations that are the basis for your complaint (please attach all documents and communications supporting your complaint – you may use additional pages):

Name and address of persons that are the subject of complaint:

Description of relief being sought by complainant or requested action:

Be advised, the Association may elect not to take action on any complaint which does not conform to the above-referenced delivery requirements or include the requested information on this form.

The Association will provide written acknowledgement of receipt of the form within seven (7) days via certified mail, hand delivery, or electronic means, if applicable. If additional information is required, you will be notified in accordance with Section 6 of the Association’s complaint procedures.

The Association will begin investigation of your complaint when it has received a complete and actionable written complaint.

The Association will conclude its investigation within thirty (30) days of its receipt of your complete and actionable written complaint. Once investigation is concluded, you will be notified of when and where your matter will be reviewed by the Board (or other body, if applicable).

After the Board has made its final determination, the Board will send you a written Notice of Final Determination within seven (7) days of the decision by either via certified mail, hand delivery, or electronic means, if applicable.

Once you have received a Notice of Final Determination, you have the right to contact the Office of the Common Interest Community Ombudsman. In accordance with the Common Interest Community Board’s (“CIC Board”) rules and procedures and Va Code § 55-530, you may give notice to the CIC Board of any final adverse decision which your Association may make regarding your complaint. You must file the notice within thirty (30) days of the final adverse decision. Your notice must be in writing on forms prescribed by the CIC Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$ 25 filing fee. The CIC Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause you undue financial hardship. For more information or to submit a complaint to the Common Interest Community Ombudsman, please contact the Office of the Common Interest Community Ombudsman at:

Virginia Common Interest Community Ombudsman
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1463
Phone: 804-367-2941
Email: CICOmbudsman@dpor.virginia.gov

You must date and sign this form. Anonymous complaints will not be accepted.

Signature: _____

Date: _____

The Association will maintain a record of your complete and actionable complaint for one (1) year from the date upon which it takes action to resolve your complaint.

To be completed by Association representative only

Received by: _____

Date: _____

VIRGINIA OAKS ASSOCIATION, INC.

POLICY RESOLUTION NO. 12-63

(Procedures Related to the Submission and Resolution of Complaints)

Duly adopted at a meeting of the Board of Directors held June 18, 2012.

Motion by: Mark Muckerman Seconded by: Jeanmarie Copeland

VOTE: YES NO ABSTAIN ABSENT

Andy Britton
Director

AB _____

Mark Muckerman
Director

MM _____

Alan Mancinelli
Director

(A) _____

Jeanmarie Copeland
Director

JC _____

Director

ATTEST:

[Signature]
Secretary

June 18, 2012
Date

Resolution effective: June 19, 2012.