

**MOORINGS CLUSTER ASSOCIATION
POLICY RESOLUTION NO. 2018-ACP**

PROCEDURES RELATIVE TO THE ASSOCIATION COMPLAINT PROCESS

WHEREAS, Article V Section 4, of the Moorings Cluster Association Bylaws provides that the Board of Directors shall have such powers and duties as generally pertain to their respective offices as well as such powers and duties as may from time to time be specifically conferred or imposed by the Board of Directors; and

WHEREAS, the Bylaws Article V provides that the Board of Directors shall be responsible for making and amending the Rules and Regulations respecting the use and enjoyment of the property and rights and obligations of the members that are not inconsistent with the Association documents; and

WHEREAS, the Association often receives complaints, both written and oral, from the Association's membership and residents regarding alleged violations of the Association's Governing Documents; and

WHEREAS, Section 55-530 (E) of the Virginia Code requires Common Interest Communities to establish reasonable procedures for the internal resolution of written complaints from members of the association and other citizens; 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 management 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 Code.

I. PROCEDURES & INFORMAL COMPLAINTS:

A. Complaints. The Association encourages Members to contact each other to discuss complaints before initiating formal procedures that involve the Board of Directors and its Managing Agent.

B. The Association will not insert itself into a legal dispute unless and until we find a significant impact to the entire community or the Board deems the dispute to be of such a nature as to adversely affect the community's safety and welfare.

C. Informal Complaints. Member-Owners ("Members") are encouraged to provide their request for an informal resolution of the complaint, of any nature, by e-mailing to the Managing Agent or other designated officer of the Association. Upon acknowledging receipt of the complaint by the Managing Agent or other officer by return e-mail (of a Member's informal complaint,) the Association shall have a reasonable time to respond to and address the complaint. All responses shall be by return e-mail only.

D. Board Discretion. In the event the matter is not resolved through the informal complaint process or the Managing Agent or a majority of the Board Officers feels the complaint is better suited for a formal procedure due to the nature of the complaint, the Board may elect to have any matter informally referred to it by e-mail heard by the formal complaint process as set forth in Section II.

E. If informal discussions fail to resolve the complaint, the Member has the right to file a new complaint in writing as set out in Section II directly to the Managing Agent and must include a cite to the particular provision(s) in the Association's Declaration, Bylaws, or Rules and Regulations that have been allegedly violated, along with specific allegations of fact sufficient to support a showing that the Member or resident has violated the particular provision(s).

II. COMPLAINT PROCESS:

A. All other complaints regarding Association matters are to be made in writing to the Management Agent so to be provided to the Board for its consideration and deliberation. The Complaint Form (attached) shall be used for the complaint to be received by the Board of Directors and Management.

B. Members have the right to file complaints:

1. The association complaint must be in writing.
2. The Complaint Form is attached, and on which the association complaint must be filed.
3. The Association Complaint form shall be delivered to the managing Agent of the association.
4. The association shall provide written acknowledgment of receipt of the association complaint to the complainant within seven days of receipt. Such acknowledgment shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided, or if consistent with established association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.
5. To the extent the complainant has knowledge of the law or regulation applicable to the complaint, the complainant shall provide that reference, as well as the requested action or resolution.
6. The association shall have a reasonable, efficient, and timely method for identifying and requesting additional information that is necessary for the complainant to provide in order to continue processing the association complaint.
7. The association hereby establishes a reasonable timeframe of 20 days for the member to supply any requested information.

8. In the event the requested information is not supplied by the member and is not received within the required timeframe the disposition of the association complaint shall be deemed terminated, and the complaint concluded.
9. Notice of the date, time, and location that the matter will be considered by the Board of Directors shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided, at least ten (10) days prior to consideration as established by the association complaint procedure.
10. After the final determination is made, the written notice of final determination shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided within seven (7) days.
11. The notice of final determination shall be dated as of the date of issuance and include specific citations to applicable association governing documents, laws, or regulations that led to the final determination, as well as the registration number of the association. If applicable, the name and license number of the common interest community manager shall also be provided.
12. 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.

C. Upon receipt of the Written Complaint Form, after proving written acknowledgement of the Complaint (Section B (4)), the Managing Agent will promptly distribute copies of the complaint to the Board of Directors. The Board of Directors will promptly determine whether it has the authority and means by which to proceed with an investigation into the complaint. The Managing Agent will distribute copies of the complaint to the Member, with a copy to any tenant, against whom the charge is made. In the event additional information that is necessary for the complaint to be a Fully Completed Complaint Form, Management may request complainant to provide additional documentation within twenty (20) days of the request, in order to continue processing the association complaint. In the event the requested information is not

supplied by the member and is not received within the required timeframe the disposition of the association complaint shall be deemed terminated, and the complaint concluded.

D. The Board may request the attendance of the Complainant and witnesses at a regularly scheduled Board meeting to hear testimony regarding the complaint filed, in the event that the written testimony is insufficient for the Board to make a determination based solely on the Governing Documents or as applicable, the Virginia Property Owners Association Act.

E. The Board, in acting act on the Complaint will hold a formal "Complaint Hearing," but must do so within thirty (30) days of receipt of a fully completed Complaint Form.

F. The Board shall call the complaining party to a formal Complaint Hearing, if needed to render a determination concerning the complaint.

G. At the conclusion of the Complaint Hearing, the Board shall provide a written response (the Final Determination Letter), setting forth the decision of the Board and the Complaint Hearing results within seven (7) calendar days of the hearing, by mail or hand delivery. The date of the written response of the Board shall for all purposes be considered the conclusion of the hearing process.

H. The Board may reconsider, review, modify, or revise any prior determination decided within the preceding 30-day period, if requested to do so by any participant to the hearing process.

I. Forty-Seven (47) days after an initial decision is made and communicated by mail to the Member or Complainant, the determination of the Board it shall be deemed a Final Decision not subject to revision, modification, or reversal without unanimous agreement of the full Board of Directors.

III. EXHAUSTION OF REMEDIES:

A. The Board, at its discretion, may call the complaining party to a formal Complaint Hearing, if needed to render a determination concerning the complaint, or the process set forth in any Due Process resolution. At the Board's option, direct and indirect costs may be assessed to the Complainant so long as the full board agrees.

B. At the conclusion of the Complaint Hearing, the Board shall provide a written response (the Final Determination Letter), setting forth the decision of the Board and the Complaint Hearing results within seven (7) calendar days of the hearing, by mail or hand delivery. At the conclusion of the hearing, Owner may file an appeal of the hearing decision to the Board of Directors (a rehearing), which appeal must be done, in writing, within ten (10) days of the issuing date of the Board's final determination letter.

C. The Board shall review and act upon any request for an appeal (the Rehearing) promptly submitted by a party who is determined to have standing. The Board shall promptly review the appeal and shall schedule and conduct an appeal rehearing in order to provide the Owner with an opportunity to be heard. Written appeal hearing results must be mailed to the Complaint and or Owner within seven (7) calendar days of the rehearing.

V. WRITTEN RESPONSE

A. A written response by email or letter shall be provided to all Complainants by the Managing Agent on behalf of the Board of Directors. The written response is to be deemed a Final Determination Letter and subject to the provisions of Paragraph III.

B. All written responses to the Complaint Form from the Board shall include notice to the Owner that Virginia Code and regulation provide the Complainant with thirty (30) days to file a written Complaint with the office of the Common Interest Community

Board ("CIC Board") Ombudsman from the date of the final, adverse Board Determination letter, where the Complainant believes that Virginia laws may have been violated.

C. The Board may reconsider, review, modify, or revise any prior determination decided within the preceding 30-day period, if requested to do so by any participant to the hearing process.

D. Forty-Seven (47) days after an initial decision is made and communicated by mail to the Owner or Complainant, the determination of the Board it shall be deemed a Final Decision not subject to revision, modification, or reversal without unanimous agreement of the full Board of Directors.

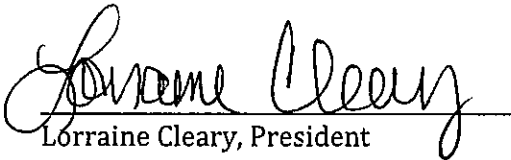
IV. OTHER COMPLAINTS:

A. All other complaints regarding Association matters not related to it Governing Documents or VPOAA, are to be made in writing to the Management Agent to be provided to the Board for its consideration and deliberation. The Complaint Form attached may be used for such complaints to be received by the Board of Directors and management. The Board may request the attendance of the Complainant at a regularly scheduled Board meeting to hear testimony regarding the complaint filed, in the event that the written testimony is insufficient for the Board to make a determination based solely on the issues presented.

This Resolution supersedes all previously adopted Resolutions governing Complaint Procedures. I hereby certify that this Policy Resolution No. 2018-ACP was adopted by the Board of Directors on the 11 day of December, 2018.


EFFECTIVE: Immediately Upon Adoption

Moorings Cluster Association

By: 
Lorraine Cleary, President

ATTEST:

I, Craig Friedmann, Secretary for Moorings Cluster Association hereby attest that the foregoing Special Resolution was adopted at a properly held meeting of the Board of Directors on the 11 day of December, 2018.


Craig Friedmann, Secretary

CERTIFICATION OF DISTRIBUTION OF ADOPTED ADMINISTRATIVE RESOLUTION

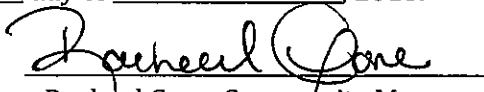
I hereby certify that a copy of the foregoing Policy Resolution No. 2018- ACP

Procedures Relative To The Association Complaint Process, was

 (1) mailed to all owners of record or

(2) was posted to the community website with notice of the posting by separate communication to the Members.

My certification of these acts is as of this 12 day of December, 2018.


Racheal Gore, Community Manager

THE MOORINGS CLUSTER ASSOCIATION

RESOLUTIONS ACTION RECORD

Resolution Type Administrative No. 2018 - Policy Resolution No.
2018-ACP-Procedures Relative To The Association Complaint Process

Pertaining to: VA Code

Duly adopted by the Board of Directors of The Moorings Cluster Association,
held this 11 Day of December, 2018

Motion by: L Cleary Seconded by: R Marston

OFFICER	TITLE	YES	NO	ABSTAIN	ABSENT
Lorraine Cleary	President	X			
Deb Talley	Vice President				X
Craig Friedmann	Secretary	X			
Don Kyzar	Director	X			
Robert Marston	Director	X			
Allen Lenz	Director	X			
Kevin Carrell	Director	X			

ATTEST:

Craig H. Friedmann
Craig Friedmann, Secretary

12-11-2018
Date

**MOORINGS CLUSTER ASSOCIATION
COMPLAINT FORM**

[This form must be completed signed/dated on each page by the complainant]

Please deliver your complaint via United States Postal Service Mail, hand-delivery, or by electronic mail to the Association using the following information:

MOORINGS CLUSTER ASSOCIATION
c/o Rachael Gore, Property Manager
Sequoia Management
13998 Parkeast Circle
Chantilly, Virginia 20151-2272

Name of Complainant(s): _____

Address: _____

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

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

Please described the nature of your complaint and cite any provisions of the Association Documents or Virginia Code that is the basis for your complaint:

Owner Signature _____ **Date** _____

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

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.

Upon receipt of your complete, written complaint, the Association will begin investigation of your complaint. The Association will maintain a record of your complaint for one year from the date upon which it takes action to resolve your complaint.

The Office of the Common Interest Community Ombudsman ("Office") is a governmental body, which may assist you in using the complaint procedures set forth in the Association's governing documents, as well as the Virginia Property Owners Association Act.

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 the Association may make regarding your complaint. You must file the notice within 30 days of the final adverse decision. Your notice must be in writing on forms prescribed by the Commonwealth Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The Commonwealth 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:

Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1463

You must date and sign the Form. **Anonymous complaints will not be accepted** nor acted upon.

Date _____ Signature _____

To be completed by Association representative only

Received by: _____

Date: _____

Acknowledgement Letter sent within 7 days of receipt of complaint:

Date Mail: _____

Date Final Board Action taken: _____

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