

**Summerlake Homeowners' Association, Inc.
Association Complaint Procedure**

**Prepared by
The Summerlake Homeowner's Association
Board of Directors**

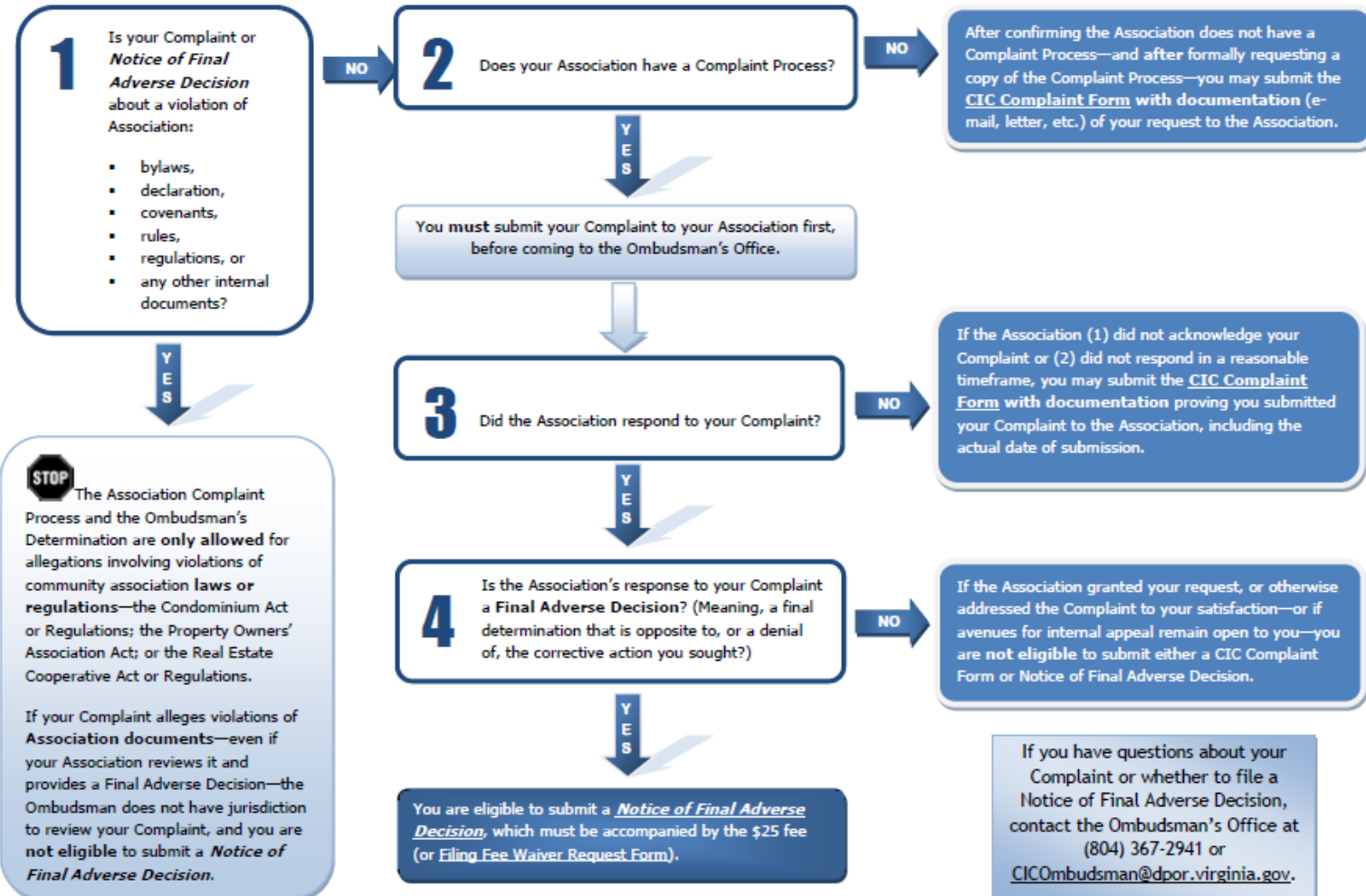
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Version 1



COMMON INTEREST COMMUNITY OMBUDSMAN Guidelines for Review of Complaint Submissions

Before You Submit a Complaint or Notice of Final Adverse Decision



View this chart online at: <http://www.dpor.virginia.gov/CIC-Ombudsman/>

Summerlake Homeowners' Association, Inc.

Association Complaint Procedure

WHEREAS Summerlake Homeowners' Association, Inc. (the "Association") is a common interest community subject to regulation by the Virginia Common Interest Community Board ("CICB"); and

WHEREAS common interest communities in Virginia are required by law and CICB regulations to establish rules for receiving and considering Complaints from members and other citizens concerning a matter regarding the action, inaction or decision by the governing Board, managing agent or Association inconsistent with applicable laws and regulations; and

WHEREAS the Association desires to implement a Complaint Procedure in accordance with Section 55-530 of the Code of Virginia and regulations adopted by the CICB;

THEREFORE, it is hereby resolved that the Association, acting by its Board of Directors, adopts the following Complaint Procedure.

I. Filing the Written Complaint.

- A. A member of the Association, or other citizen, must register a Complaint in writing.
- B. A sample of the "Association Complaint Form" is attached hereto as Exhibit A and must be used when filing a Complaint with the Association under these procedures.
- C. The completed Complaint form with all supporting documents, correspondence, and other materials related to the Complaint, must be emailed to admin@summerlake-hoa.org, provided the sender retains sufficient proof of electronic delivery, or delivered through the US Mail to the Summerlake HOA office at the address listed on the complaint form in this package, hand delivered to the Summerlake office during operating hours, or placed in the Summerlake office door mail slot.

II. Receipt and Adequacy of the Complaint.

- A. The Association shall provide written acknowledgment of receipt of the Association Complaint to the Complainant within seven (7) days of receipt. Such acknowledgment shall be sent by electronic means, provided the sender retains sufficient proof of the electronic delivery, or hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint form.
- B. To the extent that 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. If it appears that the submitted Complaint is inadequate in any way, then the Association may provide notice of such to the Complainant. The notice should describe how the Complaint is inadequate and advise the Complainant of the need to submit a revised Complaint,

or additional information before it can be forwarded to the Board for consideration. If it appears that the submitted Complaint includes the required information, the President, or other officer designated by the Board, shall provide the Board of Directors with a copy of the Complaint for consideration.

III. Board Consideration of the Complaint.

A. The Board of Directors, or other hearing tribunal constituted by the Board, shall consider the Complaint within ninety (90) days of receipt of an adequate and completed Complaint, or under extenuating circumstances, as soon thereafter as may be reasonably possible.

B. Notice of the date, time, and location informing the Complainant when and where the matter will be considered shall be delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery, or hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint form.

C. If the Association has provided notice to the Complainant of the inadequacy of the Complaint as provided for in Section II B above, but if the Complainant does not submit a revised Complaint or additional information within thirty (30) days after such notice is sent, then the Association may consider the Complaint as submitted and make a final determination.

IV. Notice of Association Board/Hearing Committee Decision

A. After the final determination is made, the written notice of final determination shall be delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery, or hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Complaint, within seven (7) days.

B. 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 CICB registration number of the Association.

C. No further appeal process under this Association Complaint Procedure is available, and the decision rendered by the Association's Board or hearing tribunal may be considered a "final adverse decision" for purposes of this Complaint Procedure.

V. Notice of Final Adverse Decision to Common Interest Community Board.

A. The Complainant shall have the right to file a "Notice of Final Adverse Decision" with the Common Interest Community Board. A copy of a form for this purpose is attached hereto as Exhibit B. Additionally, attached as Exhibit C is a form entitled "Request for Waiver of Filing Fee" and attached as Exhibit D is a copy of the CIC Ombudsman Regulation.

The latest version of all documents and forms are available for download at:

<http://www.dpor.virginia.gov/CIC-Ombudsman/>

VI. Association Records.

A. A record of each Complaint shall be maintained for no less than one year after the Association acts upon the Complaint.

B. The Association Complaint Procedure must be readily available (upon request) to all members of the association and citizens.

C. The Association Complaint Procedure shall be included as an attachment to the association disclosure packet.

DULY ADOPTED THIS _____ DAY OF _____, 2013, BY THE BOARD OF DIRECTORS.

If, after the Board's consideration and review of the Complaint, the Board issues a final decision adverse to the Complaint, you have the right to file a notice of final adverse decision with the Common Interest Community Board (CICB) in accordance with the regulations promulgated by the CICB. The notice shall be filed within 30 days of the date of the final adverse decision, shall be in writing on forms provided by the Office of 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:

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

Exhibit B

Notice of Final Adverse Decision Form:



Notice of Final
Adverse Decision (F491-C1)

Exhibit C

Waiver of Filing Fee Form:



Request for Waiver
of Filing Fee (F491-C1)

Exhibit D

Common Interest Community Ombudsman Regulations:



Common Interest
Community Ombudsman

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Summerlake Homeowner's Association, Inc.

Board of Directors

Resolution Action Record

Resolution Type: Procedural

Resolution Number: _____

Duly adopted at a meeting of the Summerlake Homeowner's Association Board of Directors held:

Month Day Year

Motion by: _____

Seconded by: _____

VOTES:

	Yes	No	Abstain	Absent
_____, Member	_____	_____	_____	_____
_____, Member	_____	_____	_____	_____
_____, Member	_____	_____	_____	_____
_____, Member	_____	_____	_____	_____
_____, Member	_____	_____	_____	_____

Attest:

_____,
Secretary

Date

Recorded in minutes this date, _____

Effective date: _____