

# CAROLINE OAKS HOMEOWNERS ASSOCIATION

## POLICY RESOLUTION NO. 12- 01

(Procedures Related to the Submission and Resolution of Complaints)

**WHEREAS**, Article VII, Section 1(c) of the Bylaws grants the Board of Directors with authority to adopt and amend any reasonable Rules and Regulations; and

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

**WHEREAS**, the Association may receive complaints, both written and oral, from the Association's membership and residents regarding alleged violations of the governing documents; 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 duly adopts the following due process procedures:

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 quickly resolved. However, the Board reserves the right to withhold action 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 Board of Directors.
3. **Where Complaints Should be Sent.** All written complaints shall be sent either via United States Postal Service mail or hand-delivery, using the following information, unless otherwise advised and requested by the Association's Board:

Caroline Oaks Homeowners Association  
Vernon R. Smith, President  
9391 Peter Roy Court  
Burke, VA 22015  
793 866-0290

4. **Required Information.** The complaint shall concern a matter regarding the action, inaction or decision by the Board of Directors of the Association inconsistent with applicable laws and regulations. All complaints shall include the following information or may be deemed invalid, 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 Association's governing documents 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) If relevant, the provisions of the Association documents, relevant laws or applicable regulations;
- 7) The signature of the complainant.

If the complaint received by the Board is deemed insufficient, the Board will notify the complainant in writing within 7 days and provide explanation as to why the complaint was rejected. No further action will be taken by the Board until a complete complaint is submitted.

5. **Acknowledgment of Receipt.** Upon receipt of a valid and complete written complaint, the Association will provide written acknowledgment of receipt of the complaint within 7 days, by either certified mail or hand-delivery.

6. **Investigation Period.** The Association shall then take such appropriate action to investigate and resolve the complaint, and will notify the complainant if additional information is required. If additional information is required, the Association shall inform the complainant in writing within 15 days of receipt of the complaint. The complainant shall provide the Association with the requested information within 7 days of the date of the request. The Board may contact the complainant via e-mail or other written correspondence in order to conduct its investigation.

7. **Conclusion of Investigation.** The Association will conclude its investigation within 30 days of its receipt of the complaint. In the event that the Association requires more information or documentation from the complainant or the complaint is unusually complicated, the Association shall have 45 days from the date of receipt in order to conclude its investigation.

8. **Hearing.** Once the Association has concluded the investigation, the Board will set the matter for a hearing and will inform the complainant of the date, time and location at least 14 days in advance of the hearing date. Notice will be sent via certified mail or hand-delivery. The complainant shall be entitled to attend the hearing, but the Board, at its sole discretion, shall decide whether or not it will hear from witnesses or persons other than the complainant. The Board will also have the discretion to set other limitations on the duration and conduct of the hearing.
9. **Notice of Final Determination.** After the hearing, the Board will provide notice of its decision to the complainant by certified mail or hand delivery within 7 days of its decision. This Notice of Final Determination will be dated as of the date of issuance and shall include specific citations to applicable association governing documents, laws, or regulation that led to the final determination, as well as the registration number of the Association.
10. **Referral to Ombudsman.** The Notice of Final Determination shall also advise the complainant of his or her right to file a Notice of Final Adverse to the 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](mailto:CICOmbudsman@dpor.virginia.gov)

11. **Record Keeping.** The Association shall maintain a record of the complaint for no less than one year, from the date that the Association takes action on said complaint.

The effective date of this Resolution shall be DECEMBER 12, 2012.

CAROLINE OAKS HOMEOWNERS  
ASSOCIATION

By:   
Vernon Smith, President



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.

Once a completed form is received, the Association will provide written acknowledgement of receipt of the complete form within 7 days via certified mail, or hand delivery.

The Association will begin investigation of your complaint. If additional information or documentation is required, the Association shall notify you of such via email, regular mail or hand delivery within 15 days of receipt of your complaint. You must provide the requested information within 7 days of the date of the request.

The Association will conclude its investigation within 30 days of its receipt of your complaint. In the event that the Association requires more information or documentation from you, the Association shall have 45 days from the date of receipt in order to conclude its investigation.

Once the Association has concluded its determination, a hearing will be scheduled. You will be notified in writing of the date, time and location of the hearing at least 14 days in advance of the hearing date.

After the Board has made its final determination, the Board will send you a written Notice of Final Determination within 7 days of the decision by either certified mail or hand delivery.

Once you have received a Notice of Final Determination, you have the right to contact the Office of the Common Interest Community Ombudsman and file a Notice of Final Adverse Decision. In accordance with the Common Interest Community Board's ("CIC Board") rules and procedures and Va Code § 55-530, you must file the Notice of Final Adverse Decision within 30 days of the Board's 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. 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](mailto: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 complaint for one year from the date upon which it takes action to resolve your complaint.

*To be completed by Association representative only*

Received by: \_\_\_\_\_

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

**CAROLINE OAKS HOMEOWNERS ASSOCIATION**

POLICY RESOLUTION NO. 12- 01

(Procedures Related to the Submission and Resolution of Violation Complaints)

Duly adopted at a meeting of the Board of Directors held 19 December 2012.

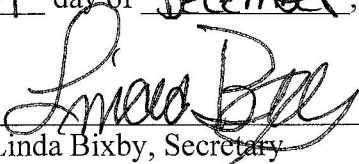
Motion by: Leonard Gliatta Seconded by: Kathleen Young

VOTE:	YES	NO	ABSTAIN	ABSENT
Vernon Smith President	<u>X</u>	_____	_____	_____
George Hutchinson Vice President	_____	_____	_____	<u>X</u>
Linda Bixby Secretary	<u>X</u>	_____	_____	_____
Kathleen Young Treasurer	<u>X</u>	_____	_____	_____
Leonard Gliatta Director	<u>X</u>	_____	_____	_____
James Hutchison Director	_____	_____	_____	<u>X</u>
Jennifer Collins Director	_____	_____	_____	<u>X</u>

CERTIFICATE OF MAILING OR DELIVERY

I hereby attest that this Policy Resolution was mailed and/or hand-delivered to the addresses of record of the Owners on this 19 day of December, 2012.

19 December 2012  
Date

  
\_\_\_\_\_  
Linda Bixby, Secretary  
CAROLINE OAKS HOMEOWNERS  
ASSOCIATION