

THE WHITTIER PARK HOMEOWNERS ASSOCIATION, INC.
ADMINISTRATIVE RESOLUTION NO. 2015-2

Procedures for Receiving and Reviewing Complaints

WHEREAS, Article 2, Section 2.1(a) of The Whittier Park Homeowners Association's ("Association") Articles of Incorporation provides that the Association shall have the power and authority to "[e]xercise all of the powers and privileges and perform all of the duties and obligations of the Association as set forth in The Whittier Park Declaration of Protective Covenants and Restrictions...and all supplementary Declarations thereto...", and

WHEREAS, Article 7, Section 7.1(c) of the Association's Bylaws states that the Board of Directors shall have the power to "exercise for the Association all powers, duties and authority vested in or delegated to the Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation or the Declaration," and

WHEREAS, in the exercise of the said authority, the Board of Directors intends to hereby establish policies and procedures for receiving, considering and resolving complaints about actions, inactions or decisions by the Association, the Board of Directors, or the Association management agent consistent with requirements of 18 VAC 48-70-30.

NOW, THEREFORE, BE IT RESOLVED THAT, in accordance with the requirements of 18 VAC 48-70-30, the Board adopts the following complaint policies and procedures.

- A. All complaints (each a "Complaint") shall be in writing on the Complaint Form attached hereto as Exhibit "A," the instructions on which are incorporated into and made a part of these complaint policies and procedures, and shall be submitted to the Board of Directors.
- B. The Board of Directors shall deliver a written acknowledgement of receipt of each properly completed and submitted Complaint Form to the complainant, either by hand delivery of the acknowledgement at the time of receipt of the Complaint Form, or by mailing the acknowledgement, by certified or registered mail, not later than seven days after receipt of the Complaint Form.
- C. Promptly upon receipt, the Board of Directors shall review each Complaint Form and any documents attached thereto to determine if these contain sufficient information to evaluate and act upon the complaint. In the event that the Complaint Form, together with any attached documents, is insufficient to evaluate and act upon, the Board of Directors shall, within seven days of its receipt of the Complaint Form, either deliver by hand or mail by certified or registered mail, a request to the complainant for such additional information or documentation as is necessary in order to do so.
- D. If the complainant fails to provide such additional requested information or documentation within fifteen days of the date that the Board of Directors hand delivers or mails its request, the Board, in its sole discretion, may either address the Complaint on the basis of the available information, or consider the Complaint resolved and the

complaint process shall be closed. In the event the Complaint is deemed resolved under the provisions of this paragraph, the Board of Directors shall, within seven days of its decision, either deliver by hand or mail by certified or registered mail, written notice of that decision and that the complaint process with respect to the Complaint has been closed.

- E. If and when the Complaint Form, together with any attached documents and any requested additional information, is complete and provides sufficient information to process the Complaint, the Complaint shall be considered by the Board of Directors at the next regular meeting of the Board of Directors or at a special meeting of the Board of Directors that is convened not earlier than two weeks after the Complaint Form is deemed complete. Written notice of the time, date, and location of the annual or special Board meeting at which the Complaint will be considered shall be provided to the complainant, by hand delivery, registered or certified mail, or electronic means (provided the Board of Directors retains sufficient proof of electronic delivery), within a reasonable period of time prior to the Board meeting.
- F. The Board of Directors shall dispose of the Complaint (i) by taking such action as the Board deems appropriate to grant the relief sought, including without limitation issuing sanctions or modifying practices, or (ii) by dismissing the Complaint. Within seven days after the Board of Directors makes a final determination with respect to the disposition of the Complaint, the Board of Directors shall provide written Notice of the Final Determination to the complainant by hand delivery, registered or certified mail, or electronic means (provided the Board of Directors retains sufficient proof of electronic delivery).
- G. 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, and shall include the registration number of the Association and the license number of the common interest community manager (if any). The Notice of Final Determination shall include a statement that the complainant has the right to file a Notice of Final Adverse Decision with the Common Interest Community Board via the Ombudsman and that the Ombudsman may be contacted:

Office of the Common Interest Community Ombudsman
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233
804-367-2941
CICOmbudsman@dpor.virginia.gov
- H. The Association shall maintain a record of each Complaint received and the disposition of the same for one year from and after the date of issuance of the Notice of Final Determination.

1. The policies and procedures set forth in this Resolution shall apply to all complaints received after the date of adoption hereof.

**THE WHITTIER PARK HOMEOWNERS
ASSOCIATION, INC.**

By: _____

Stuart Rubin, President

CERTIFICATE OF POSTING AND MAILING

I HEREBY CERTIFY that copies of this Administrative Resolution No. 2015-2 were reasonably published and mailed to each Owner prior to the effective date of the resolution.

Andrea Talavera, Property Manager
Jeffrey Charles & Associates, Inc.

EXHIBIT "A"
The Whittier Park Homeowners Association, Inc.
c/o Jeffrey Charles & Associates, Inc.
6422 Grovedale Drive, Suite 201C
Alexandria, VA 22310
(703) 924-5900

ASSOCIATION COMPLAINT FORM

INSTRUCTIONS

This complaint form is for use by persons who wish to file written complaints with The Whittier Park Homeowners Association, Inc. ("Association") regarding the action, inaction or decision by the Association, its Board of Directors or Management Agent believed to be inconsistent with applicable laws and regulations.

Legibly describe the complaint in the area provided below, as well as the requested action or resolution of the issues described in the complaint. Please include references to the specific facts and circumstances at issue and the provisions of Virginia laws and regulations that support the complaint. If there is insufficient space, please attach a separate sheet of paper to this complaint form. Please attach any supporting documents, correspondence and other materials related to the complaint.

Sign, date and print your name and address below and submit this completed form to the Association at the address listed above.

COMPLAINT

<hr/> Printed Name	<hr/> Signature	<hr/> Date
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<hr/> Mailing Address	<hr/> Lot Address	<hr/> E-mail Address
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Phone Number

Contact Preferences: ☐ Phone ☐ E-mail ☐ Other

If, after the Association's consideration and review of the complaint, the Board of Directors 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
(804) 367-2941
CICOmbudsman@dpor.virginia.gov

For Association Use Only: **Received by:** _____ **Date:** _____

**THE WHITTIER PARK HOMEOWNERS ASSOCIATION, INC.
RESOLUTION ACTION RECORD**

Resolution Type: ADMINISTRATIVE

No. 2015-2

Pertaining to: Complaint Procedures

Duly Adopted by the Board of Directors on DECEMBER 14, 2015.

Motion By: THOMAS DUNIGAN Seconded by: PETER KENNEDY

VOTE:	YES	NO	ABSTAIN	ABSENT
<u>Stuart Rubin, Director</u>	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
<u>Peter Kennedy, Director</u>	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
<u>Thomas Dunigan, Director</u>	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

ATTEST:

Thomas E. Dunigan
Secretary

12/14/15
Date

Resolution effective: APRIL 22, 201⁶7.

FILE:

Book of Minutes 2015

Book of Resolutions: Administrative Resolution 2015-2