

Lesner Pointe Condominium On the Chesapeake Bay Assoc.,
Association Complaint Procedure
Policy Resolution

WHEREAS, in accordance with Va. Code Ann. § 54.1-2354.4(A.2), Lesner Pointe Condominium On the Chesapeake Bay Assoc., Inc ("the Association") is required to have a written process for resolving Association complaints from members and citizens. The Association's Complaint Procedure shall conform to the requirements set forth in Va. Code Ann. § 54.1-2354.4, the Common Interest Community Ombudsman Regulation ("the Regulations"), and the Association's governing documents, which shall not be in conflict with Va. Code Ann. § 54.1-2354.4 or the Regulations.

WHEREAS, it is the intent of the Board of Directors to adopt a Complaint Procedure and Complaint Form that comply with Va. Code Ann. § 54.1-2354.4, the Regulations, and the Association governing documents.

NOW THEREFORE, it is hereby RESOLVED that the Board of Directors of Lesner Pointe Condominium On the Chesapeake Bay Assoc., Inc. hereby adopts the following policy:

1. **Right to Submit an Association Complaint.** Any Association Member (the "Complainant") may submit a written complaint when they reasonably believe the Board of Directors, the Association Manager, or any individual Board member has violated the Virginia Condominium Act, the Virginia Property Owners' Association Act, or other applicable state laws or regulations. Complaints concerning matters governed solely by the Association's internal governing documents (e.g., Declaration, Bylaws, or Rules) are not subject to this process.
2. **Association Complaint Form.**
 - a. The Association Complaint Form shall comport substantially with the Association Complaint Form attached to this Resolution as Exhibit A, or with any form required by regulation duly promulgated by Virginia's Common Interest Community Board ("CIC Board").
 - b. The Association Complaint Form shall be submitted to:

Lesner Pointe Condominium On the Chesapeake Bay Assoc., Inc.
c/o myStreet Community Management
7231 Forest Avenue, Suite 102
Richmond, VA 23226
Phone: (804) 359-2895 Fax: (804) 359-8122
Email: info@mystreetva.com

The Association Complaint may be submitted to the Association:

- (i) By U.S. Mail, registered or certified, return receipt requested;
- (ii) By hand delivery, provided, however, the method of hand delivery must provide a means to prove delivery;
- (iii) By facsimile to the Association's Managing Agent; and/or
- (iv) By email to the Association's Manager.

c. The Association Complaint Form must be submitted at least fourteen (14) days prior to the next scheduled regular Board Meeting to ensure review at that meeting. If the Association Complaint Form is received less than fourteen (14) business days prior to the next scheduled regular Board Meeting, the Association Complaint Form shall be reviewed at the next subsequent regular Board Meeting.

3. **Association Complaint Receipt.**

- a. The Association shall provide written acknowledgment of receipt of the Association Complaint ("Association Complaint Receipt") to the Complainant within fourteen (14) days of receipt of the Association Complaint. Such acknowledgment shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.
- b. Notice of the date, time and location that the Association Complaint will be considered shall be included in the Association Complaint Receipt required by Association Complaint Provision 3(a) above. If such Notice is not included in the Association Complaint Receipt, such Notice shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery. Such Notice shall be mailed within a reasonable time prior to review of the Association Complaint but shall be mailed not less than three (3) days prior to the date set for review of the Complaint.

4. **Review of the Association Complaint.**

- a. The Board shall review any Association Complaint Form received and shall, if necessary, consult with the Association's attorney and/or any other vendor or professional providing services to the Association to provide as complete a review as possible to arrive at its decision.
- b. The Board may, but shall not be required to, consult with the Member who submitted the Association Complaint Form to understand more fully the substance and/or basis of the Member's Complaint.
- c. In the event the Board determines the Association Complaint is incomplete or contains insufficient information to render a decision, the Board shall cause a written request for

additional information that identifies with specificity the information needed to complete the Association Complaint to be sent to the Complainant at the address provided in the Association Complaint. Such written request shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.

5. **Final Determination Letter.** The Board shall render a written decision and/or review of the Complaint (“Association Complaint Final Determination Letter” or “Final Determination Letter”) to the Member within seven (7) days of the regular Board Meeting during which the Association Complaint was reviewed.

The Final Determination Letter shall:

- a. Be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.
- b. 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.
- c. Include the Registration Number of the Association and the name and License Number of the Common Interest Community Association Manager.
- d. 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, along with the applicable contact information.

6. **Appeal.** The determination of the Board as reflected in the Final Determination Letter shall be the final decision of the Board. The Board has not adopted an appeal process and shall not hear an appeal of the Final Determination Letter.

7. Should any Member need assistance in understanding the Member’s rights and the processes available to common interest community Members, the Member may contact Virginia’s Office of the Common Interest Community Ombudsman (“CICO”) for assistance. The CICO may be reached at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233. The CICO’s current telephone number is (804) 367- 8510. The CICO’s current email address is cic@dpor.virginia.gov.

8. **Complainant’s Rights Description** required by Section 54.1-2354.4 of the Code of Virginia, 1950, as amended. In accordance with Section 54.1- 2354.4 of the Code of Virginia, as amended, an Association Complainant may give notice to Virginia’s Common Interest Community Board (the “Board”) of any final adverse decision in accordance with regulations promulgated by the Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The fee

shall be collected by the Director of Professional and Occupational Regulation and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, § 54.1-2354.4. The Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the member. The Director shall provide a copy of the written notice to the Association that made the final adverse decision.

9. The Association Complaint Form, all attachments thereto and a copy of the Final Determination Letter (“Complaint File”) shall be retained by the Association for not less than one (1) year after the Board renders a decision on the Complaint. The Complaint File shall be eligible for review and duplication solely by the Association’s Board of Directors, the Association Manager and the Lot Owner(s) who submitted the original Complaint Form, provided, however, the Complaint File shall be produced upon order of an appropriate judicial or administrative body having jurisdiction over the Association.

10. The Board shall amend and restate this Association Complaint Procedures Resolution each time the name, address, telephone number and email address of the Association’s Manager changes to remain compliant with Section 54.1-2354.4 of the Virginia Code.

IN WITNESS WHEREOF the undersigned has caused this instrument to be executed pursuant to due authority this _____ day of _____, 2025.

By: _____

Name: _____

Title: _____

Lesner Pointe Condominium On the Chesapeake Bay Assoc., Inc.

c/o myStreet Community Management
7231 Forest Ave Suite 102
Richmond, VA 23226

Association Complaint Form

Approved by the Board of Directors:

Effective Date:

Pursuant to Chapter 2354.4 of Title 54.1 of the Code of Virginia, the Board of Directors (Board) of Lesner Pointe Condominium On the Chesapeake Bay Assoc., Inc. (Association) has established this complaint form for use by persons who wish to file written complaints with the Association regarding, the action, inaction or decision by the Governing Board, Managing Agent or Association allegedly inconsistent with applicable laws and regulations.

Legibly describe the complaint in the area provided below, as well as the requested action or preferred 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. Also, 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.

Printed Name

Signature

Date

Mailing Address

Lot/Unit Address

E-mail Address

Phone Number

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
804-367-2941
CICOMBUDSMAN@dpor.virginia.gov