

**Scott-McCoy Property Owners' Association
Louisa, VA**

POLICY RESOLUTION NO. 1

ASSOCIATION COMPLAINT PROCEDURES

WHEREAS, pursuant to Section 55-530(E) of the Virginia Code, the Virginia Common Interest Community Board (CICB) has promulgated final regulations imposing a requirements that each common interest community (including condominiums, property owners' associations and cooperatives) adopt a reasonable procedure for the resolution of certain written complaints from the members of such association and other citizens; and

WHEREAS, within 90 days of the effective date of the CICB regulations, all common interest communities must adopt a complaint procedure that is compliant with the CICB regulations;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Scott-McCoy Property Owners' Association, acting through its Board of Directors, hereby adopts and establishes the following CICB-mandated Association Complaint Procedure for handling written and signed complaints concerning actions or inactions allegedly inconsistent with state laws and regulations governing common interest communities.

- A. Definitions.** Unless otherwise defined in the Resolution, the words, terms, or phrases used in this Resolution shall have the same meaning as defined in the CICB regulations and/or in the Associations By-laws and recorded covenants.
- B. Complaint Form.** If a member of the Association, a resident or other individual alleges that an action, inaction, or decision of the Association, the Board of Directors (Board) or the Association management agent (Managing Agent) is inconsistent with state laws or regulations governing common interest communities, the that individual must submit a formal written and signed complaint to the Board using the attached Complaint Form (Exhibit A) in order to trigger the formal procedures described below. If the individual does not wish to trigger theses formal procedures, then the individual shall submit their questions, concerns or issues to the Board or to the Managing Agent without using the attached form.
 - 1. Complaint Form Instructions and Attachments. A completed Complaint Form must include a description of the specific facts and circumstances relevant to the individual's Complaint, and the specific action, result or resolution that is being requested. If the individual submitting the Complaint Form (the Complainant) knows the law or regulation that has been allegedly violated, or

is otherwise applicable to the Complaint, then the Complainant must provide a reference to that law or regulation on the Complaint Form. The Complainant must also attach to the Complaint Form a copy of any documents that the Complainant believes support the validity of the Complaint (not including laws, regulation, or the Association governing documents).

A copy of these complaint procedures, including the required Complaint Form, will be available upon request from the Association by contacting the POA President/Secretary.

C. Mailing or Delivering Complaint to Board of Directors. The fully completed, signed, and dated Complaint (including the Complaint Form and all attachments) shall be mailed or otherwise deliver to the Board at the following address:

By Mail: Board of Directors, Scott-McCoy
P.O. Box 2192
Louisa, VA 23093

By Hand Delivery: Board of Directors, Scott-McCoy POA
Jerry Gauette, President
112 Plateau Road
Louisa, VA 23093

D. Means of Providing Notices to Complainant. All written acknowledgements or other notices required by these procedures to be provided by the Association to the Complainant shall be hand-delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint Form, or by facsimile transmission or email if the Complainant has previously provided the Association with the Complainant's written consent to communicate with him/her by electronic transmission. The Board shall retain in the Association records proof of the mailing, delivery or electronic transmission of the acknowledgements and notices per Section H below.

E. Acknowledging Receipt of Complaint. Within seven (7) days of receipt of a Complainant's Complaint Form, the Board shall provide the Complainant with written acknowledgement of the Association's receipt of the Complaint.

1. Incomplete Complaint. If it appears to the President that the submitted Complaint is missing the required minimum information, then the acknowledgment of receipt shall include notice to the Complainant of the identified problem(s) with the Complaint and advise the Complainant that he/she will need to submit a revised/corrected Complaint before it can be accepted and forwarded to the Board for consideration.
2. Forwarding to the Board. If it appears to the President that the submitted Complaint includes the required minimum information, then on the same day that acknowledgment of receipt of the Complaint is provided to the

that acknowledgment of receipt of the Complaint is provided to the Complainant, the President shall provide the Board with a copy of the Complaint for consideration.

F. Formal Action - Consideration of Complaint by Board. All completed, signed, and dated Complaints forwarded to the Board shall be considered by the Board at a meeting, and the Board shall decide what action, if any, to take in response to the Complaint.

1. Meeting at which Complaint will be considered. Complaints will be considered by the Board at a regular or special Board meeting held within 90 days from the date on which the Complaint was acknowledged and forwarded to the Board for consideration.
2. Notice to the Complainant. At least fourteen (14) days prior to the Board meeting at which the Complaint will be considered, the President shall provide the Complainant with notice of the date, time, and location of the Board meeting at which the matter will be considered by the Board. This Notice may be combined with the acknowledgment of receipt referenced in Section D above.
3. Board's Decision on Complaint. The Board shall make a decision on the Complaint by an appropriate vote of the members of the Board at the meeting pursuant to the Association's governing documents. The Board's decisions at the meeting shall fall into one of the following two categories:
 - a) A decision that there is *insufficient information* on which to make a final determination on the Complaint or *that additional time is otherwise required* to make a final determination in which case the Board shall postpone making a final determination on the Complaint until a later scheduled Board meeting (announced at the meeting or by giving at least 14 days' notice to the Complainant) and, if needed make a written request for additional information from the applicable party(s), specifying a deadline by which time the additional information must be received by the President for forwarding to the Board; or
 - b) A *final determination* on the Complaint, indicating whether the Complainant's requested action or resolution is, or is not, being granted, approved, or implemented by the Board. A final determination may include, for example, a decision that no action will be taken on the Complaint due to the Complainant failing to timely provide additional information that was requested by the Board. No appeal process is available; the Board's rendered decision is final.

- G. Notice of Final Determination.** Within seven (7) days after final determination is made (per subsection F.3.b above). The President shall provide the Complainant with written notice of the Board's final determination. The Notice of Final Determination shall be dated as of the date of issuance and include:
1. Specific citations to applicable provisions of the Association governing documents, laws, or regulations that led to the final determination;
 2. The Association's registration number as assigned by the CICB;
 3. Notice of the Complainant's right to file a "Notice of Final Adverse Decision" with the CICB via the CIC Ombudsman using the methods of contact shown on the bottom of the Complaint Form.
- H. Records.** The Board's Secretary shall retain, as part of the Association's records, a record of each Complaint (including the Complaint Form and all attachments, related acknowledgments and notices, and any action taken by the Association or Board in response to such Complaint) for a period of at least one (1) year from the date of the Association's final action on the Complaint.
- I. Internal Association Dispute Procedures.** Exhibit B provides the form/process for resolving issues internal to the Association.
- J. Resale Disclosure Packet.** A copy of this Resolution (including both the exhibits A and B Complaint Forms) shall be included as an attachment to Association-issued resale certificates.

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Scott-McCoy Property Owners Association

Mail To: Board of Directors, Scott-McCoy POA
P.O. Box 2192
Louisa, VA 23093

Hand Deliver To: Board of Directors, Scott-McCoy POA
Jerry Gaouette, President
112 Plateau Road
Louisa, VA 23093

ASSOCIATION COMPLAINT FORM

Pursuant to Section 55-530(E) of the Code of Virginia, 1950, as amended. The Board of Directors (Board) of the Scott-McCoy Property Owners' Association (POA) (Association) has established this dispute form for use by persons who wish to file written complaints with the Association regarding action, inaction, or decisions of the Association or the Board inconsistent with applicable laws and regulations..

1. 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 Code, Louisa County Ordinances, or the POA Declaration, By Laws, Restrictions/Regulations or Procedures 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.

2. 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 Number	Local Address (if different from Mailing Address)	
Email Address	Phone Number	Contact Preference: Phone ___ Email ___

The BOD will convene a special meeting to consider this filing. All involved parties will be invited to attend. After the BOD considers all appropriate matters related to this filing, the BOD will issue a decision. Majority of the BOD will rule. That decision will be formally communicated to all involved parties to this dispute and that decision will be final.

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, 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 Maryland Drive, Suite 400
 Richmond, VA 23233
 804/367-2941
CICombudsman@dpor.virginia.gov

EXHIBIT B
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ASSOCIATION DISPUTE FORM

Pursuant to Chapter 29 of Title 55 of the Code of Virginia, the Scott-McCoy (S-M) Property Owners Association (POA) Board of Directors (BOD) has established this dispute form for use by members of the S-M POA who wish to file written disputes with the Association regarding the possible violations of the Virginia Code, Louisa County Ordinances, or the S-M POA By-Laws, Regulations or Restrictions by a member or members of the S-M POA.

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 Code, Louisa County Ordinances, or the S-M POA By-Laws, Regulations or Restrictions 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.

