

## **FOREST EDGE CLUSTER COMPLAINT PROCEDURE AND FORM**

WHEREAS Forest Edge Cluster Association (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 delivered to the Association’s Board of Directors at P.O. Box 2474, Reston, Virginia 20195. Delivery of the Complaint shall be by registered or certified mail, return receipt requested, within sixty (60) days of the date of discovery of the alleged act, or failure to act, which is the subject of the Complaint.

### **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 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, and the requested action or resolution. If it appears that the submitted Complaint is inadequate in any way, then the Association may provide written notice of such to the Complainant within thirty (30) days of receipt of the complaint. 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 reviewed by the Board. The Complainant shall have thirty (30) days to remedy the inadequacies of the complaint or provide additional information, as specified by the Board in the written notice. If no response is received within the thirty (30) day time limit the Complaint will be closed. If it appears that the submitted Complaint includes the required information, the Board of Directors shall review the Complaint.

### **III. Board Consideration of the Complaint.**

- A. The Board of Directors shall consider the Complaint within thirty (30) 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 mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Complaint, at least fourteen (14) days prior to consideration by the Board.
- 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 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 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 (CICB), in accordance with the regulations promulgated by the CICB, within thirty (30) days of the date of the final adverse action.

The notice shall be in writing on forms provided by the Office of the Common Interest Community Ombudsman (Ombudsman). The notice shall include a copy of the association complaint, the final adverse decision, reference to the laws and regulations the final adverse decision may have violated, any supporting documentation related to the final adverse decision, and a copy of the association complaint procedure. Your notice 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, VA23233  
Phone: (804) 367-2941  
[CICOmbudsman@dpor.virginia.gov](mailto:CICOmbudsman@dpor.virginia.gov)

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”.

## **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 24<sup>th</sup> DAY OF JUNE, 2015 BY THE FOREST EDGE CLUSTER  
BOARD OF DIRECTORS:

Lynnette Leidwinger  
Christine Webber  
Janis Kadela  
Brenda Abrams

**Forest Edge Cluster Association**  
**P. O. Box 2474, Reston Virginia**  
**20195**

**ASSOCIATION COMPLAINT FORM**

Pursuant to Chapter 29 of Title 55 of the Code of Virginia, the Board of Directors (Board) of the **Forest Edge Cluster Association** (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 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. Also, attach any supporting documents, correspondence and other materials related to the Complaint.

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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
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Mailing Address

_____ Email Address	_____ Phone Number	Contact Preference	<input type="checkbox"/> Phone	<input type="checkbox"/> E-mail	
			<input type="checkbox"/> Other		_____

