

LINKS POND CLUSTER ASSOCIATION

POLICY RESOLUTION NO. 3

ASSOCIATION COMPLAINT PROCEDURES

(for resolving certain complaints from members and others)

WHEREAS, pursuant to Section 55-530(E) of the Code of Virginia, the Virginia Common Interest Community Board (“CICB”) has promulgated final regulations imposing a requirement that each association adopt a reasonable procedure for 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, BE IT RESOLVED THAT the Links Pond Cluster Association (“Association”), acting through its Board of Directors, hereby adopts and establishes the following complaint procedure for handling written complaints concerning actions or inactions allegedly inconsistent with state laws and regulations governing common interest communities:

A. Complaint Form. If a member of the Association, a resident or other individual alleges that an action, inaction or decision of the Association or the Board of Directors (“Board”) is inconsistent with state laws or regulations governing common interest communities, then that individual must submit a formal written complaint (“Complaint”) to the Board using the attached Complaint Form in order to trigger the formal procedures described below. If the individual does not wish to trigger these formal procedures, then the individual should submit their questions, concerns or issues to the Board 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 Complainant believes support the validity of the Complaint (not including laws, regulations or the Association’s governing documents).

A copy of these complaint procedures (including the required Complaint Form) will be available upon request from the Association by contacting any Board Member. The complaint procedures will also be posted on the Association’s website, www.linkspond.com.

B. Mailing or Delivering Complaint to Board of Directors. The fully completed, signed and dated Complaint (including the Complaint Form and all attachments) shall be:

1. Mailed by registered or certified mail, return receipt requested, to the address on the Complaint Form;
2. Emailed to community@linkspond.com; or
3. Hand-delivered to one of the current Board members.

The Board encourages submission by email to facilitate distribution and processing. The Complaint Form will be updated, as necessary, to provide the current mailing address for the Board member authorized to receive the Complaint.

C. Means of Providing Notices to Complainant. All written acknowledgments 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 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's records proof of the mailing, delivery or electronic transmission of the acknowledgments and notices.

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

E. Incomplete Complaint. If it appears to the Board that the submitted Complaint is missing the required minimum information, then the acknowledgment of receipt shall include a 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 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 with ninety (90) days from the date on which the Complaint was 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 Board shall provide the Complainant with notice of the date, time, and location of the Board meeting at which the Complaint will be considered by the Board. This Notice may be combined with the acknowledgment of receipt referenced in Section C 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 decision 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 fourteen (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 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 Complainant's failure to timely provide additional information that was requested by the Association. No appeal process is available; the Board's decision is final.

G. Notice of Final Determination. Within seven (7) days after the final determination is made by the Board (pursuant to subsection F.3(b) above), the Board 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, if any, of the Association's governing documents, laws or regulations that led to the final determination;
- 2. The Association's registration number as assigned by the CICB; and
- 3. Notice of the Complainant's right to file a "Notice of Final Adverse Decision" with the CICB via the CIC Ombudsman (providing the applicable contact information).

H. Records. The Board shall retain, as part of the Association's records, a record of each Complaint (including the Complaint Form and 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. Resale Disclosure Packet. A copy of this Resolution (including the Complaint Form) shall be included as an attachment to Association-issued disclosure packets.

This Resolution is duly adopted by the Board of Directors of the Links Pond Cluster Association.
The effective date of the Resolution is September 28, 2012.

~~LINKS POND CLUSTER ASSOCIATION~~

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Dan Caro, President~~

LINKS POND CLUSTER ASSOCIATION

2149 Greenkeepers Court
Reston, VA 20191
(703) 537-8066
community@linkspond.com

ASSOCIATION COMPLAINT FORM

Pursuant to Section 55-530(E) of the Code of Virginia, as amended, the Board of Directors (“Board”) of the Links Pond Cluster Association (“Association”) has established this complaint form to be used by persons who wish to register written complaints with the Association regarding the action, inaction or decision by the Association or its Board inconsistent with applicable laws and regulations.

Please legibly describe your 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, please attach any supporting documents, correspondence and other materials related to the complaint (not including copies of laws, regulations or the Association’s governing documents).

Sign, date and print your name, address and contact information below and submit this completed form to the Association at the above address or by email to the above email address. Alternatively, you can hand-deliver it to one of the Board members. The Board encourages submission by email to facilitate distribution and processing.

Printed Name _____ Signature _____ Date _____

Mailing Address _____

E-mail Address _____ Telephone Number _____

Contact Preference Phone E-mail Other _____

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 its regulations. 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

Received by: _____ Received on: _____