

DEVONSHIRE CLUSTER ASSOCIATION

POLICY RESOLUTION NO. 2012- 2

(Procedures Related to the Submission and Resolution of Complaints)

WHEREAS, Section 55-530(E) of the Virginia Code requires Devonshire Cluster Association ("Association") to establish reasonable procedures for the resolution of written complaints from the members of the Association or other citizens; and

WHEREAS, Section 18VAC48-70-10, *et seq.*, of the Virginia Administrative Code requires that the Association enact the written complaint procedures required by Section 55-530(E) of the Virginia Code by September 28, 2012 and outlines the requirements of said complaint procedures.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors adopts the following policy:

1. **Complaint Form.** In order to properly submit a formal complaint upon which the Association will act, the complainant must submit a written complaint on the form attached hereto as Exhibit A.
2. **Where Complaints Should be Sent.** All written complaints shall be sent either via United States Postal Service mail, hand-delivery, or facsimile using the following information, unless otherwise advised and requested by the Association's Board:

DEVONSHIRE CLUSTER ASSOCIATION

C/o American Management of Virginia, Inc.
722 E. Market St., Suite 201
Leesburg, Virginia 20176
Facsimile: (703)771-4185

3. **Required Information.** The complaint must include:
 - A. The name and address of the complainant;
 - B. The nature of the alleged complaint, including the relevant times, dates and places involved;
 - C. The applicable provisions of law or of the Association's Declaration, Bylaws, rules or policies ("Governing Documents") the complaint concerns;
 - D. The name and address of any other persons involved, if known;
 - E. To the extent that the complainant has knowledge of the law or regulation applicable to the complaint;
 - F. Any other information the complainant deems relevant for the Board's review;
 - G. The relief or action requested by the complainant.
4. **Acknowledgment of Receipt.** Upon receipt of a written complaint, the Association will provide written acknowledgment of receipt of the complaint within 7 days.

5. **Incomplete Complaint.** If the Association deems the complaint to be incomplete, the Association shall so notify the complainant and advise the complainant what additional information is needed in order for the Association to process the complaint. The complainant shall have an additional ten (10) days to provide the requested information. If the additional required information is not received within the 10-day time frame, the Association shall notify the complainant that the matter is deemed closed. If the additional information is received within the 10-day time frame, the Association shall send acknowledgement of receipt as identified in Section 4 above and commence with investigation.
6. **Investigation Period.** Upon receipt of a written complaint, the Association shall take action to investigate and, if warranted, to resolve the complaint. The Board may contact the complainant for assistance in its investigation. The complainant is obligated to cooperate with the Association's investigation. If the complainant does not cooperate, the Association may close the matter for lack of cooperation.
7. **Conclusion of Investigation.** The Association will undertake best efforts to conclude its investigation within 30 days of its receipt of the complete complaint.
8. **Meeting or Hearing.** Once the investigation is complete the Association will notify the complainant of the date, time, place and location of either a hearing or a meeting of the Association's representatives who will make a final decision regarding the complaint.
9. **Notice of Final Determination.** The Association shall send the complainant a Notice of Final Determination within seven days after the date that a final decision is made by the Association's representatives. The Notice of Final Determination shall notify the complainant of the Board's decision, and if applicable, the provisions in the Governing Documents, Virginia Property Owners Association Act or rules and regulations upon which the Board relied in reaching its decision, the registration number of the Association, and shall notify the complainant of his or her right to file a Notice of Final Adverse Decision to the Office of the Common Interest Community Ombudsman. If applicable, the name and license number of the common interest community manager involved will be provided.
10. **Referral to Ombudsman.** The Notice of Final Determination shall advise the complainant of his or her right to file a Notice of Final Adverse Decision rendered by the Association, to the applicable Office of the Common Interest Community Ombudsman:

Virginia Common Interest Community Ombudsman
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1463
Phone: 804-367-2941
Email: CICOmbudsman@dpor.virginia.gov

11. **Notices.** All notices that the Association sends to the complainant pursuant to this resolution shall be sent by certified mail and first class mail or hand-delivery unless the complainant has consented to receiving the notices electronically on the Complaint Form.

12. **Record Keeping.** The Association shall maintain a record of the complaint for no less than one year from the date that the Association takes action on said complaint.
13. **Availability.** A copy of these procedures shall be made available to all owners and citizens upon request.
14. **Resale Disclosure Packet.** A copy of these procedures shall be included in any resale disclosure packet issued after the effective date below.
15. **Annual report.** The Association shall certify with each annual report filing that the Association complaint procedure has been adopted and is in effect.

This policy resolution shall become effective on SEPTEMBER 28, 2012.

DEVONSHIRE CLUSTER ASSOCIATION

By 
BRIAN McCONVILLE, President

Exhibit A
DEVONSHIRE CLUSTER
COMPLAINT FORM

You may use this form to file a complaint concerning Devonshire Cluster Association (the "Association"). Should you choose to file a complaint using this form, please complete and mail or fax it to the Association's common interest community manager at the address below:

DEVONSHIRE CLUSTER ASSOCIATION
C/o American Management of Virginia, Inc.
722 E. Market St., Suite 201
Leesburg, Virginia 20176
Facsimile: (703) 771-4185

Name of Complainant(s) (anonymous complaints will not be accepted):

Address: _____

Phone: (Home) _____ (Work) _____

(Mobile) _____ (Email) _____

Preferred method of communication: _____ Certified Mail _____ E-mail

Please describe the nature of your complaint and cite any provisions of the Governing Documents or applicable statute or regulations that is the basis for your complaint (please attach all documents and communications supporting your complaint – you may use additional pages):

Name and address of persons that are the subject of complaint:

Description of Relief Being Sought by Complainant or Requested Action:

Once you have received a Notice of Final Determination, you have the right to contact the Office of the Common Interest Community Ombudsman. You may give notice to the Common Interest Community Board ("CICB") of any final adverse decision which your Association may make regarding your complaint. You must file the notice within 30 days of the final adverse decision. Your notice must be in writing on forms prescribed by the CICB, shall include copies of all records pertinent to the decision, and shall be accompanied by a filing fee. The CICB may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause you undue financial hardship. For more information or to submit a complaint to the Common Interest Community Ombudsman, please contact the Office of the Common Interest Community Ombudsman at:

Virginia Common Interest Community Ombudsman
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1463
Phone: 804-367-2941
Email: CICombudsman@dpor.virginia.gov

Please date and sign this form.

Signature: _____

Date: _____

The Association will maintain a record of your complaint for one year from the date upon which it takes action to resolve your complaint.

To be completed by Association representative only

Received by: _____

Date: _____

DEVONSHIRE CLUSTER ASSOCIATION

POLICY RESOLUTION NO. 2012-2

(Procedures Related to the Submission and Resolution of Complaints)

Duly adopted at a meeting of the Board of Directors held SEPTEMBER 25 2012.

Motion by: Brian McConville Seconded by: Eric Johnson

VOTE:	YES	NO	ABSTAIN	ABSENT
<u>Brian McConville</u> President	✓	_____	_____	_____
<u>Eric Johnson</u> Vice President	✓	_____	_____	_____
_____ Treasurer	_____	_____	_____	_____
<u>Kathy Chalco</u> Secretary	✓	_____	_____	_____
_____ Director	_____	_____	_____	_____

ATTEST:
Kathy Chalco 9/25/12
Secretary Date

Resolution effective: Sept 28, 2012.