



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

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Governor

Jessica K. Looman
Secretary of Labor

Laura V. McClintock
Director

August 14, 2026

Complainant: Courtney Christensen
Association: Inlet Cluster Homeowners' Association
File Number: 2026-03543

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Courtney Christensen ("Complainant"), submitted a complaint to the Inlet Cluster Homeowners' Association ("Association") dated March 31, 2026. The Association provided a response to Doe's complaint dated May 12, 2026. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated May 29, 2026 and the NFAD was received by our Office on June 9, 2026.

Authority

In accordance with its regulations, this Office, as designee of the Agency Director, is responsible for determining whether a "final adverse decision may be in conflict with laws or regulations governing common interest communities." (18 Va. Admin. Code ("VAC") § 48-70-120) The process of making such a determination begins with receipt of a NFAD that has been submitted to this office in accordance with § 54.1-2354.4 of the Code of Virginia of 1950, as amended ("Va. Code") and the Common Interest Community Ombudsman regulations ("Regulations"). An NFAD results from an association complaint submitted through an association complaint procedure. The association complaint must be submitted in accordance with the applicable association complaint procedure and as specifically set forth in the Regulations, "shall concern a matter regarding the action, inaction, or decision by the governing board, managing agent, or association inconsistent with applicable laws and regulations."

Under the Regulations, "applicable laws and regulations" pertain solely to common interest community laws and regulations. Any complaint that does not concern common interest community laws or regulations is not appropriate for submission through the association complaint procedure, and we cannot provide a determination on such a complaint. Common interest community law is limited to the Virginia Condominium Act, the Property Owners' Association Act, and the Virginia Real Estate Cooperative Act.

The only documents that will be considered when reviewing a NFAD, in accordance with Regulation 18 VAC 48-70-90, are the association complaint submitted by a complainant to the association (and any documents included with that original complaint), the final adverse decision from the association, and any supporting documentation related to that final adverse decision. Other documents submitted with the Notice of Final Adverse Decision cannot be reviewed or considered. Further, this Determination is final and not subject to further review or appeal pursuant to Va. Code § 54.1-2354.4(C).

If within 365 days of issuing a determination that an adverse decision is in conflict with laws or regulations governing common interest communities we receive a subsequent NFAD for the same violation, the matter will be referred to the Common Interest Community Board to take action in accordance with Va. Code §54.1-2351 or § 54.1-2352 as deemed appropriate by the Board.

Determination

The Complainant presents a single allegation against the Association. In her formal complaint of March 31, 2026, she contends that the Association failed to follow its own process for the approval and subsequent reimbursement related to the installation of electrification in a common area, specifically a dock. The Complainant alleges that the Board failed to follow Va. Code § 55.1-1819 of the Virginia Property Owners' Association Act ("POAA"). Our determination regarding this issue is discussed below.

- 1. Did the Association violate Va. Code § 55.1-1819 with respect to the Association's decision to approve reimbursement for the electrification of a common area?*

The Complainant contends that the Association violated Va. Code § 55.1-1819 when it approved to reimburse Dominion Energy for the electrification of the common area dock. However, she does not state exactly how the Association violated Va. Code § 55.1-1819. This section of the POAA concerns the granting of authority to an Association Board to establish, adopt, and enforce rules and regulations.¹ It also grants enforcement powers and confers procedural due process rights for members who break rules and regulations.²

What it does not do is require the Association Board to follow its own rules and regulations.³ This case rests purely on whether the Association Board followed its own rules, regulations, and governing documents. Interpreting these rules, regulations, and governing documents is not within the scope of authority of this Office.⁴ This Office recommends that if the Complainant wishes to seek remedy for an alleged violation by the Association Board of the Association's governing documents, rules, or regulations, that she seek counsel about what remedies may exist to her in a court of appropriate jurisdiction.

With that said, this Office does wish to point out deficiencies in the Association's response to the complainant. In its response, the Association is required to have specific citations to common interest

¹ Va. Code § 55.1-1819.

² *Id.*

³ *Id.*

⁴ See Va. Code § 54.1-2354.3; *see also* 18VAC48-70-10.

community laws or regulations that led to the final determination.⁵ The Complainant cited an alleged violation of Va. Code § 55.1-1819, so an analysis of why that statute is inapplicable to the instant case should have been part of the Association's determination. Instead, the determination by the Agency does not address the applicability of Va. Code § 55.1-1819 at all. Furthermore, the Association's response must include the registration number and that was also missing from the Association's final determination.⁶ This Office would suggest that the Association review 18VAC48-70-50 to ensure that its complaint responses comply with Virginia law.

Conclusion

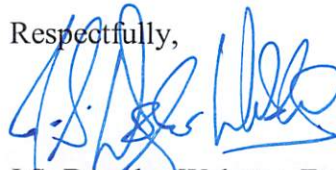
Based on the foregoing, this Office finds no violation of Va. Code § 55.1-1819 occurred.

Required Actions

No action is required related to the facts of the case. However, this Office strongly suggests that the Association review its responsibilities for responding to complaints in order to be compliant with 18VAC48-70-50.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in blue ink, appearing to read "J.S. Douglas Webster", is written over the typed name.

J.S. Douglas Webster, Esquire,
CIC Ombudsman
Compliance & Investigation Division

⁵ See 18VAC48-70-50.

⁶ *Id.*