



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Abigail D. Spanberger
Governor

Jessica K. Looman
Secretary of Labor

Laura V. McClintock
Director

July 13, 2026

Complainant: Michele Marquis
Association: Northampton Place Unit Owners' Association
File Number: 2026-02521

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Michele Marquis ("Complainant"), submitted a complaint to Northampton Place Unit Owners' Association ("Association"), dated December 8, 2025. The Association provided a response to Doe's complaint dated February 11, 2026. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated February 27, 2026, and the NFAD was received by our Office on March 3, 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 an 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 several allegations regarding the Association. The Complainant alleges several violations of the Association Policies (Policies 11, 13, 14), the FirstService Management Agreement, the Association Bylaws, and she also alleges a violation of the Virginia Condominium Act (“VCA”) and “basic requirements of fair governance and due process.” As this Office may only make determinations of common interest community laws and regulations, only the alleged violations of the VCA will be discussed in this document.¹ The Complainant made allegations that the following provisions of the VCA were violated: Va. Code § 55.1-1900; Va. Code § 55.1-1919 (2 allegations); Va. Code § 55.1-1949; Va. Code § 55.1-1956; Va. Code § 55.1-1957; Va. Code § 55.1-1962. The following will be discussed in further detail below.

1. Did the Association violate the VCA, specifically Va. Code § 55.1-1900?

In her complaint, specifically allegation number 6, the Complainant contends that the Association violated Va. Code § 55.1-1900. The Complaint states that she never received notice of a noise complaint that named her unit, which then appeared months later in the Board materials. The Association responded that this claim did not pertain to common interest community law or regulations.

Va. Code, § 55.1-1900, pertains only to the definitions utilized in the VCA.² There appears to be no nexus between any of the definitions in Va. Code § 55.1-1900, and the claim that the Complainant has made in allegation 6, in which she has also put in parenthesis “fair enforcement.”³ Thus, this Office finds no information in the evidentiary record that indicates that the Association violated Va. Code § 55.1-1900.

2. Did the Association violate the VCA, specifically Va. Code § 55.1-1919?

The Complainant makes two allegations that Va. Code § 55.1-1919, was violated. The first allegation concerns the Complainant being barred from interacting with on-site staff before receiving any

¹ See Va. Code § 54.1-2354.3; *see also* 18VAC48-70-10.

² See Va. Code § 55.1-1900.

³ *Id.*

written complaint or evidence. The Complainant also writes, in parenthesis “notice and opportunity to be heard.”

Va. Code, § 55.1-1919 pertains specifically to the assignment of, and conversion to, common elements. It has no nexus to being afforded an opportunity to be heard upon being barred from interacting with staff related to this case. Furthermore, the notice and opportunity to be heard provision of the VCA, found at Va. Code § 55.1-1959, relates specifically to violations related to the rules and regulations established by the Association.⁴ Based on the information in the record, it appears this matter is related to an allegation that the Complainant has harassed an employee of the Association management company rather than a violation with respect to the common elements governed by the Association.⁵ Based on the foregoing, we do not find that the Association has violated Va. Code § 55.1-1919 or any notice and hearing provision of common interest community law or regulation.

Complainant’s allegation number 3 also asserts that the Association violated Va. Code § 55.1-1919. In that allegation, the Complainant states that, “I was notified of a December 10 hearing without being provided evidence or a meaningful time to prepare.” As above, the section of the VCA that she cited has no nexus to the Complainant being afforded an opportunity to be heard related to a hearing. Additionally, as previously stated, the notice and opportunity to be heard provision of the VCA, pursuant to Va. Code § 55.1-1959, relates specifically to violations related to the rules and regulations of the Association.⁶ Based on the information in the record, it appears this matter is related to an allegation that the Complainant has harassed an employee of the Association management company, rather than a violation with respect to the rules and regulations that govern by the Association.⁷ Based on the foregoing, we do not find that the Association has violated Va. Code § 55.1-1919 or any notice and hearing provision of common interest community law or regulation.

3. Did the Association violate the VCA, specifically Va. Code § 55.1-1949?

The Complainant, in allegation number 4, asserts that the Association violated Va. Code § 55.1-1949 regarding the meeting procedures of the Association’s Board of Directors.⁸ Specifically, the Complaint alleges that the Association Board held a closed session discussing the Complainant without allowing the Complainant to attend.

Under Va.Code § 55.1-1949(C), the Association Board may retire to an executive session to discuss, among other topics, seek consultation with legal counsel, and/ or discuss probable or pending litigation.⁹ The response from the Association indicated that the executive session was convened in order to consult with legal counsel. There is no evidence in the record to indicate that the Association improperly convened the executive session. Instead, it was proper for the Complainant to be excluded from that executive session, as that session was purportedly convened to discuss her conduct related to the previously mentioned harassment matter involving her and an employee of the Association’s

⁴ See Va.Code § 55.1-1959.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ See Va.Code § 55.1-1949.

⁹ See Va.Code § 55.1-1949(C).

management company. As a result, this Office finds that there is no information in the record to support that the Association violated the VCA, specifically Va. Code § 55.1-1949.

4. Did the Association violate the VCA, specifically Va. Code § 55.1-1956?

The Complainant's allegation number 7 contends that the Association violated Va. Code § 55.1-1956, which focuses on powers of the Association regarding common interest elements.¹⁰ The Complaint appears to allege that there is excessive spending, lack of Board voting, and improper extension of voting timelines, along with a proposed policy that contradicts the Association Bylaws related to "AED Installations, tree removal, and fireplace policy issues." However, no evidence was presented to further explain how any of these bullet points submitted by the Complainant were violations of state law or regulation, as required.¹¹

Based on the information provided in the Complainant's complaint, and in reading Va. Code § 55.1-1956, this Office finds no information that to support a violation of Va. Code § 55.1-1956.

5. Did the Association violate the VCA, specifically Va. Code § 55.1-1957?

The Complainant's fifth allegation contends that the Association violated Va. Code § 55.1-1957, which concerns notice of pesticide application.¹² The Complaint alleges that the Complainant received five copies of the first notice, and three copies of the second notice, which she alleges is being done to intimidate her and waste Association resources. Based on the information provided in the Complainant's complaint, and in reading Va. Code § 55.1-1957, there are no violations of the notice requirements for pesticide applications. Thus, this Office finds that there is no violation of Va. Code § 55.1-1957.

6. Did the Association violate the VCA, specifically Va. Code § 55.1-1962?

Lastly, the Complainant's second allegation asserts that the Association violated Va. Code § 55.1-1962. Va. Code § 55.1-1962 concerns the designation by a unit owner of an authorized representative (a real estate licensee) to vote as the association member's proxy. The Complaint alleges that she was retaliated against for asking questions about the AED placement, tree removal, compliance with FSR spending authority, and façade project oversight. The Complainant's complaint appears to allege wrongdoing by the Association that must be remedied in a court of appropriate jurisdiction, rather than through this Office. However, based on the information provided in the Complainant's complaint, and in reading Va. Code § 55.1-1962, there is no explaining how the Association may have interrupted the Complainant's rights under Va. Code § 55.1-1962. As a result, this Office finds that there is no violation of Va. Code § 55.1-1962.

Conclusion

Based on the foregoing, this Office finds that the Association did not violate the VCA.

¹⁰ See Va. Code § 55.1-1956.

¹¹ See Va. Code § 54.1-2354.3; see also 18VAC48-70-10.

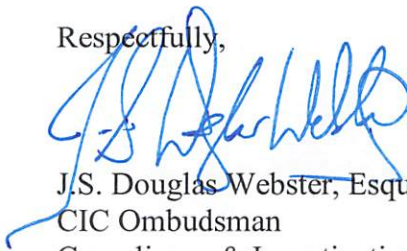
¹² See Va. Code § 55.1-1957.

Required Actions

No action is required of the Association.

Please contact me if you have any questions.

Respectfully,



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