



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Abigail D. Spanberger
Governor

Laura V. McClintock
Director

Jessica K. Looman
Secretary of Labor

July 16, 2026

Complainant: Connie Berhane
Association: Reid's Prospect Residential Association
File Number: 2026-02881

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Connie Berhane ("Complainant"), submitted a complaint to Reid's Prospect Residential Association ("Association") dated December 19, 2025, with additional filings to the Association on February 17, 2026, and March 10, 2026. The Association provided a response to Complainant's complaint dated March 17, 2026. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated April 3, 2026, and the NFAD was received by our Office on April 7, 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 a total of three allegations against the Association in her original December 19, 2025, complaint and subsequent filings. The first allegation concerns a violation of the Association bylaws regarding the improper combination of separate petitions. The second allegation concerns the Complainant's contention that the 2025 meeting and Association election results should be invalidated. The third argument concerns the Complainant's contention that the Association violated the governing documents and infringed upon its members' rights. Later, on February 17, 2026, the Complainant cited that Virginia Codes § 55.1-1813 and § 55.1-1815 of the Virginia Property Owners' Association Act ("POAA") and § 13.1-842, and § 13.1-860 of the Virginia Nonstock Corporation Act ("VNCA") were violated.

This Office may only address violations of common interest community laws and regulations.¹ It is not authorized to interpret violations of the Association's governing documents nor non-common interest community statutes, such as the VNCA.² Additionally, as stated above, this Office will not consider the allegations related to procedural violations in adjudicating the original complaint which are contained within the subsequent filings made by the Complainant following her original complaint, as she has not filed a separate complaint with the Association. Furthermore, this Office, in accordance with 18 VAC 48-70-90, will not consider any subsequent documents submitted by the Complainant after her complaint to the Association that contains further analysis of her original claims, as the Association was never on notice of this information at the time that it made its decision on March 17, 2026.

Lastly, Va. Code § 55.1-1813 was repealed back in 2023, as the Association noted in its response of March 17, 2026.³ As a result, this Office will only consider whether the Association violated the POAA, specifically Va. Code § 55.1-1815. Should the Complainant wish to pursue the additional allegations, she is encouraged to speak with counsel about what remedies may exist for her in a court of appropriate jurisdiction.

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

² See Va. Codes §§ 13.1-804 through 13.1-945.

³ See POAA, Va. 2023 Acts of Assembly, cc. 387 and 388.

1. Did the Association violate Va. Code § 55.1-1815 as the Complainant alleges?

The Complainant contends that the Association violated the POAA, specifically Va. Code § 55.1-1815. The Complainant never cites directly how the language of Va. Code § 55.1-1815 directly applies to the concerns that she has raised in her three filings and only explains how Va. Code § 55.1-1815 applies directly to her fact pattern upon her cover letter to this Office. However, as that letter is not to be considered, under 18 VAC 48-70-90, this Office must only consider the vaguely pleaded argument that was submitted prior to the Association's March 17, 2026, response.⁴

It appears that the Complainant feels that Va. Code § 55.1-1815 may somehow be applicable to prove her assertion that the Association did not properly notice a meeting at which directors were subsequently removed. Va. Code § 55.1-1815(G) states that

Meetings of the association shall be held in accordance with the provisions of the bylaws at least once each year after the formation of the association. The bylaws shall specify an officer or his agent who shall, at least 14 days in advance of any annual or regularly scheduled meeting and at least seven days in advance of any other meeting, send to each member notice of the time, place, and purposes of such meeting. In the event of cancellation of any annual meeting of the association at which directors are elected, the seven-day notice of any subsequent meeting scheduled to elect such directors shall include a statement that the meeting is scheduled for the purpose of the election of directors.⁵

The Association responded that it believes that it complied with the above requirements for the special meeting of November 19, 2025, by noticing the time, place, and purpose of the meeting. ("As the petitions request, the purpose of the Special Meeting is to conduct a vote to determine whether the to remove all five members of the Board of Directors ("Board")"). Based on the documentation in the record and in reading the entirety of the record, this Office finds that the Association complied with the POAA, specifically Va. Code § 55.1-1815, as it provided a sufficient though discrete purpose that complied with the requirements of Va. Code § 55.1-1815(G).⁶

Conclusion

Based on the foregoing, this Office finds that the Association did not violate the POAA, specifically Va. Code § 55.1-1815.

Required Actions

No action is required of the Association.

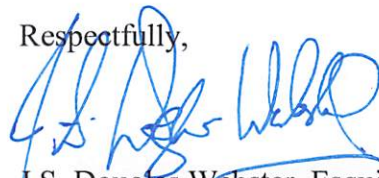
Please contact me if you have any questions.

⁴ 18VAC48-70-90.

⁵ Va. Code § 55.1-1815(G).

⁶ *Id.*

Respectfully,



J.S. Douglas Webster, Esquire,
CIC Ombudsman

Compliance & Investigation Division