



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Abigail D. Spanberger
Governor

Jessica K. Looman
Secretary of Labor

Laura V. McClintock
Director

August 10, 2026

Complainant: James and Debbie Paggett
Association: Yorkshire Downs Master Association
File Number: 2026-03424

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, James and Debbie Paggett ("Complainants"), submitted two complaints to the Yorkshire Downs Master Association ("Association") dated March 31, 2026, and April 18, 2026. The Association provided a response to Complainants' complaint dated May 14, 2026. The Complainants then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated May 26, 2026. and the NFAD was received by our Office on June 1, 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 Complainants present two complaints but a single allegation against the Association. As described more fully below, the allegation concerns whether the Association properly posted a notice of pesticide application in common areas, as required by Va. Code § 55.1-1818 of the Virginia Property Owners' Association Act ("POAA"). This allegation is explained in further detail below.

1. Did the Association violate Va. Code § 55.1-1818 when it did not post notice of herbicide application in common areas?

The Complainants contend that the Association violated the POAA when it did not post notice of pesticide application on two occasions, in violation of Va. Code § 55.1-1818, leading to the complaints of March 31, 2026, and April 18, 2026. In its response, the Association states that no pesticides were applied to the common areas, but it did apply an herbicide as part of routine maintenance. Va. Code § 55.1-1818 states that:

The association shall post notice of all pesticide applications in or upon the common areas. Such notice shall consist of conspicuous signs placed in or upon the common areas where the pesticide will be applied at least 48 hours prior to the application.¹

The POAA does not define the terms "pesticide" or "herbicide." However, Virginia Title 3.2, which covers Agriculture, Animal Care, and Food, has defined "pesticide" as

(i) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, bacteria, weeds, other forms of plant or animal life, bacterium, or viruses, except viruses on or in living man or other animals, which the Commissioner shall declare to be a pest; (ii) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; and (iii) any substance intended to become an active ingredient in any substance defined in clause (i) and (ii).²

¹ Va. Code § 55.1-1818.

² Va. Code § 3.2-3900.

It further defines “herbicide” as, “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.”³

By the statutory definition contained within the Va. Code, herbicide is a type of pesticide. As a result, the Association should have posted a notice of all pesticide applications, including herbicide, in or upon the common areas. Based on the evidence in the record, they failed to do so or failed to instruct their contractor to do so. As a result, this Office finds that the Association acted contrary to the POAA, when it had its contractor spray herbicide without posting notice of such herbicide application at least 48 hours in advance.⁴ This Office instructs the Association to review the provisions of Va. Code § 55.1-1818 and ensure that all pesticide application upon common areas, including herbicide, be noticed with postage signage at least 48 hours prior to application.

Conclusion

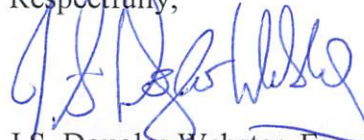
Based on the foregoing, this Office finds that the Association violated the provisions of Va. Code § 55.1-1818.

Required Actions

The Association shall review the provisions of Va. Code § 55.1-1818 and ensure that all pesticide application upon common areas, including herbicide, is properly noticed with postage signage at least 48 hours prior to application.

Please contact me if you have any questions.

Respectfully,



J.S. Douglas Webster, Esquire,
CIC Ombudsman

Compliance & Investigation Division

³ *Id.*

⁴ *See* Va. Code § 55.1-1818.