



COMMONWEALTH of VIRGINIA
Department of Professional and Occupational Regulation

Robert F. McDonnell
Governor

April 17, 2013

James S. Cheng
Secretary of
Commerce and Trade

Gordon N. Dixon
Director

Complainant: David D. Schein
Association: Brandermill Community Association
File Number: 2013-02500

The Office of the Common Interest Community Ombudsman has been designated to review final adverse decisions and determine if they may be in conflict with laws or regulations governing common interest communities. Such determination is within the sole discretion of the Office of the Common Interest Community Ombudsman and not subject to further review.

Complaint

Complainant submitted a Complaint to the Association dated February 15, 2013. The Association provided a Final Determination to Complainant dated March 4, 2013. This office received the Notice of Final Adverse Decision (NFAD) on March 13, 2013, with additional documents being submitted in the days following in order to bring the NFAD into compliance with the requirements under the Common Interest Community Ombudsman Regulations (Regulations).

Determination

The Office of the Common Interest Ombudsman (OCICO) has reviewed the (NFAD) in its entirety. Complainant submitted a cover letter with the Notice of Final Adverse Decision (NFAD) that was not part of the original complaint. This office does not utilize such additional information in its consideration of NFADs as the NFAD is intended to provide a review solely of the original complaint and the final determination made by the Association.

Complainant outlined 15 separate allegations concerning the actions of the Association. The Complainant submitted no documentation of any of the allegations contained in the NFAD and the bulk of the allegations are well outside the purview of this office as they are not allegations related to violations of laws or regulations governing common interest communities. Several of the allegations appear to allege possible violations of the laws or regulations governing common interest communities, however, without any support for the allegations or evidence tending to prove the alleged violations it is impossible for this office to conclude that there has been any violation by the Association of laws or regulations governing common interest communities.

In its Final Determination, the Association "respectfully disagreed" with all of the allegations contained in the Complaint. .

Based on a lack of documentation or any other form of evidence that might lead to a different finding, the OCICO does not find that there has been a violation of any law or regulation governing common interest communities.

Required Actions

No action is required of either party. If either party has any questions regarding this determination, you are welcome to contact me. This Determination is final and there will be no further review.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather S. Gillespie".

Heather S. Gillespie
Common Interest Community Ombudsman

cc: Board of Directors
Brandermill Community Association