



# COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Terence R. McAuliffe  
Governor

Maurice Jones  
Secretary of  
Commerce and Trade

April 4, 2014

Complainant: Theresa Dowgwillo  
Association: Meadows of Culpeper Homeowners Association  
File Number: 2014-002591

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*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.*

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## Complaint

The Complainant submitted a complaint to the Association dated January 15, 2014. The Association provided a Notice of Final Determination (Notice) to the Complainant dated January 30, 2014. The Notice of Final Adverse Decision (NFAD) was received by this Office on March 4, 2014. While this was slightly beyond the 30-day submission period, the delay was due to inclement weather and thus no fault of the Complainant.

## Determination

The Complainant has alleged that the President of the Association has violated the Property Owners' Association Act by misusing documents she obtained as a result of her position as President. In addition, the Complainant alleged that the President did not meet her fiduciary and ethical obligations as a Director and President, that the President defamed the Complainant, and that the President violated the Virginia Nonstock Corporation Act.

Based on the information provided in the NFAD, the original complaint appears to have not been appropriate for submission through the Association Complaint Procedure and therefore the NFAD is not one for which a Determination can be provided. Under the Common Interest Community Ombudsman Regulations, an Association Complaint is defined as "a written complaint filed by a member of the association or citizen pursuant to an association complaint procedure. An association complaint shall concern a matter

regarding the action, inaction, or decision by the **governing board, managing agent, or association** inconsistent with applicable laws and regulations.”

The Complaint submitted to the Association and included in the NFAD had no allegations related to action, inaction or decision by the governing board, managing agent or association. Instead, the Complaint and the NFAD were related to the actions of one member of the Board of Directors. As such, this office has no authority to provide a Determination since the subject matter of the Complaint does not fall under our jurisdiction.

Required Actions

None.

Sincerely,



Heather S. Gillespie  
Common Interest Community Ombudsman

cc: Board of Directors  
Meadows of Culpeper Homeowners' Association