

September 10, 2025

Complainant: Hakki Cinel
Association: Stoneridge Knoll Condominium Association, Inc.
File Number: 2025-02077

OFFICE OF THE COMMON INTEREST COMMUNITY OMBUDSMAN
DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

On February 21, 2025, Hakki Cinel (“Cinel” or “Complainant”) submitted a Notice of Final Adverse Decision (“NFAD”) to the Office of Common Interest Community Ombudsman (“Office”) for review. The NFAD is based on Cinel’s complaint to the Stoneridge Knoll Condominium Association, Inc.’s Board of Directors (“Board”) on August 19, 2024. The Board issued a final decision on January 30, 2025. Therefore, the NFAD was timely filed and within the jurisdiction of this Office, which has been designated to review final adverse decisions and determine if the decisions conflict with laws or regulations governing common interest communities.

Issues Raised

The Complainant raises two issues in his complaint that are properly before this Office, specifically that the Board: (1) did not provide information that he requested; and (2) was not in compliance with the provisions to have a reasonable, effective and free method for lot owners to communicate amongst themselves and board members. The Complainant also complained to the Board, but he did not expressly list on his association complaint form, an issue with receiving notices of meetings. Finally, Cinel raised an issue about repairs to his unit, but those complaints are not properly before this Office. The Office’s determination for the two issues properly before the Office are discussed below.

Authority

In accordance with its regulations, the Common Interest Community Ombudsman (CICO), 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 CIC 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 CIC 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 NFAD, in accordance with CIC 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

As noted above, the Complainant presents two issues in his NFAD complaint. The determinations of the Office are discussed more fully below and are based on a review of the materials submitted with the NFAD. Each section will address whether the Board’s actions were consistent with the applicable common interest laws or regulations. In addition, though not properly raised by the Complainant in his association complaint, this determination will discuss, generally, the rights of association members to receive notices of meetings upon their written

request so that the parties here may resolve any outstanding issue in that regard amongst themselves.

- 1. Associations must make records available to an association member who is in good standing so long as the records are not exempted from production.*

The Complainant alleges that he requested documents regarding several matters: (1) requests for proposals (RFPs) and bids associated with the balcony and elevator upgrade projects; (2) a list of names for the nominating/election committee and a list of members interviewed by this committee; and (3) copies of notifications sent to the community regarding the election process. The Virginia Condominium Act (“VCA”) gives every unit owner in good standing the rights of access to all books and records kept by the association on behalf of the unit owners’ association subject to some exceptions.¹ To be proper, the request must be submitted to the association only during reasonable business hours and the request must be in writing.² Though it is not an issue here, we note that an association may only impose costs if it provides notice to an association member in advance and it charges the actual costs for the copying of the requested records in accordance with its costs schedule.³

The Board, in its decision letter to the Complainant, stated that it “fully responded to the issues [Cinel] raised” via a letter by a former board president dated October 7, 2024. Indeed, the documents submitted with this NFAD included what appeared to be documents responsive to each of the categories listed above. It is not possible for this Office to determine if the Board made a full disclosure to the Complainant. There is no evidence, though, that the Complainant should be barred from receiving all the records that he requested, if they exist. There is no assertion that Cinel is not in good standing with the association. Nor did the Board appear to impose any copying costs on the Complainant prior to producing the records found in this submission. Therefore, the Board’s compliance is dependent on assuring that it has provided the Complainant with all the records he has sought that are not properly exempt from production.

- 2. The Board’s obligations to not “approve” communications concerning association matters amongst or by association members.*

The second issue raised by the Complainant is that the Board was out of compliance with the provisions related to providing a reasonable, effective, and free method for association members to communicate amongst themselves and with the board of directors. Specifically, Cinel asserts that the Board removed his posts of May 3, 2024, from the community website. Condominium associations are required to establish “a reasonable, effective, and free method, appropriate to the size and nature of the condominium, for unit owners to communicate among themselves and with the executive board regarding any matter concerning the unit owners’

¹ See, Va. Code §§55.1-1939 and 55.1-1945.

² See, Va. Code § 55.1-1945(B).

³ *Id.* at § 55.1-1945(E).

association.”⁴ Additionally, the VCA provides that “the executive board shall not require prior approval of the dissemination or content of any material regarding any matter concerning the unit owners' association.”⁵

There are two instances of possible concern here. In its decision letter to Cinel, the Board stated that “[t]he Association is required to ‘approve’ of submissions to Building Link before each communication is posted; however, the post is automatically approved” by the Board or its manager without prior review of the content. Here, the Board stated that the Cinel’s posts were “temporarily ‘lost’ ... before they were recovered.” As noted above, the statute does not permit executive boards to require prior approval of communication by unit owners among themselves and with the executive board “regarding any matter concerning the unit owners’ association.” So, the Board’s statement that it is “required to ‘approve’ of submissions” suggests that the Board is not complying with this portion of the statute, even though it follows up by stating that “the post is automatically approved” by either the manager or a board member each day or during weekends, respectively. The Board needs to ensure that its actions are consistent with all of the provisions of Va. Code § 55.1-1950.

3. The provision of notice of meetings.

As noted above, the complainant did not properly raise this issue in his association complaint. Thus, it would be improper for the Office to determine whether the Board was compliant with his request to be provided with notices of meetings as permitted by statute. Therefore, the following information is intended to help the parties resolve this issue amicably and, ideally, without another complaint/NFAD.

The VCA requires associations to provide notice of any meeting by the Board or any of its subcommittees if requested by a unit owner.⁶ This request must be made in writing, include the unit owner’s contact information, and should be renewed each year if the unit owner desires to continue receiving meeting notices.⁷ In his NFAD complaint, Cinel stated that he made a request to the Board on July 17, 2024, for notice of committee meetings. Since that request, Cinel states he did not receive any notice of committee meetings although the minutes of Board meetings indicated that there were committee meetings that took place. The Board, though, did not address this issue in its January 30, 2025, decision, and it appears that was justified as this complaint issue was not expressly set out by Cinel.

It is this Office’s hope that the parties have already resolved this issue. If not, hopefully, the above information regarding the statutory provisions for providing notice of meetings to association members will prove helpful to the parties in reaching an appropriate, constructive resolution.

⁴ See, Va. Code §55.1-1950.

⁵ *Id.* at § 55.1-1950(B).

⁶ See, Va. Code § 55.1-1949(B)(2).

⁷ *Id.*

Determination and Required Actions

Based upon the information in the record, including the original complaint, its accompanying documents, as well as the NFAD, this Office makes the following determinations and required actions:

- (1) It is not clear whether the Board has provided the Complainant with all the records he has requested. If not, the Board should identify any records that Cinel has not received and produce those records to him within fifteen (15) days of the date of this Determination;
- (2) The Board should review its procedures and processes for “approving” community posts to ensure that it is compliant with the provisions of Va. Code §55.1-1950 so that members have a reasonable, effective, and free method to communicate among themselves about association matters; and
- (3) Given the provisions of Va. Code §55.1-1949(B)(2), this Office encourages the parties, to the extent they have not already done so, to review the statutory provisions so they can reach a constructive resolution to provide meeting notices to the Complainant.

If the Complainant is dissatisfied with this determination, or part thereof, the Complainant may seek remedies in civil court.



R. Thomas Payne II, Esquire
Interim CIC Ombudsman

RTP II/bt

cc: Board of Directors, Stoneridge Knoll Condominium Association, Inc.