



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Abigail D. Spanberger
Governor

Jessica K. Looman
Secretary of Labor

Laura V. McClintock
Director

March 24, 2026

Complainant: Douglas Lee
Association: Cedar Grove Community Homeowners Association
File Number: 2025-03022

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Douglas Lee ("Complainant"), submitted a complaint to Cedar Grove Community Homeowners Association ("Association"), dated February 13, 2025. The Association provided a response to the Complainant's complaint dated May 2, 2025. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman dated May 28, 2025, and the NFAD was received by our Office on June 4, 2025.

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"). A 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 or Issues to be Decided

The Complainant alleges that on December 13, 2024, he requested to inspect the financial books and accounts of the Association. However, the Complainant alleges that he has still not been able to view the financial books of the Association and that the Association is requiring a fee in order for the Complainant to access the financial books of the Association. These two allegations are discussed in further detail below.

1. Did the Association Provide the Complainant Access to the Financial Records of the Association?

The Complainant contends that he has not been permitted to view the Association's financial books. In its NFAD of May 23, 2025, the Association claims that it has provided the Association books and records requested in the complaint previously, and in accordance with Va. Code § 55.1-1815, which is a part of the Virginia Property Owners' Association Act ("POAA").¹ Under that provision

The association shall keep detailed records of receipts and expenditures affecting the operation and administration of the association. All financial books and records shall be kept in accordance with generally accepted accounting practices. The association shall maintain individual assessment account records. The association shall maintain a record of any recorded lien at least as long as the lien remains effective.²

Furthermore, Va. Code § 55.1-1815 states, in part, that

Subject to the provisions of subsection C and so long as the request is for a proper purpose related to his membership in the association, all books and records kept by or on behalf of

¹ See Va. Code § 55.1-1815

² Va. Code § 55.1-1815 (A)

the association shall be available for examination and copying by a member in good standing or his authorized agent...”³

However, this office has searched the evidentiary record and can find no evidence which either supports the Association’s claim that the financial records requested by the Complainant were provided to him or which supports the Complainant’s claim that they were not previously provided. Thus, this office cannot say that the POAA was violated by the Association.

2. Is the Association’s Fee Schedule for Access to the Financial Books that the Complainant Seeks Lawful?

As above, and pursuant to the Virginia POAA, specifically Va. Code §55.1-1815, homeowners have the right to inspect and/ or obtain all the books and records of the Association, with some limiting exceptions.⁴ In the instant case, the Association appears to admit that it is charging fees in at least some cases, to provide access to the information that the Complainant is seeking. In its NFAD of May 2, 2025, the Association writes, in part that, “the Board is committed to working with you (Complainant),” and that in that spirit, and that “upon receipt of the records request form, the Association will provide access to the requested Association books and records at no charge.” Such language is indicative that, in a normal situation, the Association is charging for mere access, as opposed to copying.

A similar determination has been previously made by this office in the matter of Dierdorff v. Heritage Hunt Homeowners Association, Inc.⁵ In that determination, the CICO writes that

While Subsection (E) of Va. Code § 55.1-1815 permits an association to impose fees for its actual costs, it is only when the member request copies. It states:

Prior to **providing copies** of any books and records to a member in good standing under this section, the association may impose and collect a charge, reflecting the reasonable costs of materials and labor, **not to exceed the actual costs of such materials and labor**. Charges may be imposed only in accordance with a cost schedule adopted by the board of directors in accordance with this subsection. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all members in good standing, and (iii) be provided to such requesting member at the time the request is made. Va. Code §55.1-1815(E). (Emphasis added).⁶

As in the cited decision, the instant case carries no exemption or limitation, under Section B or C of Va. Code § 55.1-1815, as the financial records are not subject to withholding by the Association.⁷ Thus, the Board cannot deny the Complainant his right to the examination/ inspection of the financial books for the sole reason of non-payment of fees. The imposition of fees for labor and copying can only

³ Va. Code § 55.1-1815 (C)

⁴ See Va. Code § 55.1-1815

⁵ See CICO Decision 2024-02313

⁶ *Id.*, at 3

⁷ See *Id.*; see also Va. Code § 55.1-1815

be in such a case where the Association is providing copies to an Association member, such as the Complainant. Here, however, as in the cited decision, the Complainant is only requesting inspection-NOT COPYING. However, in the NFAD of May 2, 2025, the Association agreed to allow the Complainant access to his requested documentation, without imposition of the unlawful fees, so there is no evidence now that Virginia POAA is being violated as it pertains to this complaint itself.

Conclusion

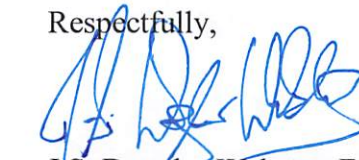
Based on the foregoing, this office finds that there is not sufficient evidence to make a finding as to whether the Complainant actually received his requested information. If the has not provided the requested information, it should do so within 14 days of receipt of this decision. Furthermore, this office finds that based on the NFAD, the Virginia POAA was not violated as to the Complainant's complaint, because the Association has agreed to allow the Complainant to view the requested financial books without imposing a fee. However, the Association is reminded that imposition of fees for merely reviewing Association records is contrary to the Virginia POAA.

Required Actions

It is recommended that the Association re-examine its cost schedule, policies, and process flow for requests to examine Association documents to ensure that it does not violate the Virginia POAA.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in blue ink, appearing to read 'J.S. Douglas Webster', is written over the typed name.

J.S. Douglas Webster, Esquire,
CIC Ombudsman
Compliance & Investigation Division