



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Abigail D. Spanberger
Governor

Jessica K. Looman
Secretary of Labor

Laura V. McClintock
Director

April 21, 2026

Complainant: Stanley B. Rediger
Association: Four Seasons at Historic Virginia Association
File Number: 2026-00993

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Stanley Rediger ("Complainant"), submitted a complaint to the Four Seasons at Historic Virginia Association ("Association"), dated July 14, 2025. The Association provided a response to the Complainant's complaint, dated August 26, 2025. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office"), dated September 4, 2025, and the NFAD was acknowledged as received by our Office on September 8, 2025.

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 an 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 presents four (4) allegations against the Association. As described more fully below, the allegations concern the Association's request by Cedrus Group, a property developer, to support one or more data centers adjacent to the community in question. In the first allegation, the Complainant alleges that the Association improperly convened an executive session, in violation of the Property Owners' Association Act ("POAA"), specifically Va. Code § 55.1-1816, and Va. Code §55.1-1807.¹ In the second allegation, the Complainant alleges that the Association Board failed to provide certain documents and other information that it utilized to render a decision as to whether to support the data center(s), in violation of the Virginia POAA, specifically Va. Code § 55.1-1816.² In the third allegation, the Complainant alleges that the Association Board failed to properly disclose to the Association members a lawsuit to which the Association was a party, pursuant to Va. Code § 55.1-1807.³ Lastly, the Complainant alleges that the Board provided the requested endorsement of support to Cedrus Group without securing an affirmative vote from membership of the Association, in violation of its Declaration. Our determination for each allegation is set forth more fully below.

1. Complainant Alleges Improper Executive Session, in Violation of the Virginia POAA.

The Complainant contends that the Board met at least once with the Cedrus Group, beginning in January of 2025, in Violation of Va. Code§ 55.1-1807 and § 55.1-1816, because no notice was provided of the meeting(s), nor are there minutes, meeting packets, or any other documentation, as required by § 55.1-1816.⁴ In its response, the Association denies that a meeting took place during January of 2025, but does acknowledge that there was a an executive session that took place on February 13, 2025. The

¹ See Va. Code § 55.1-1816; Va. Code §55.1-1807

² See Va. Code § 55.1-1816

³ See Va. Code §55.1-1807

⁴ See Va. Code § 55.1-1816 (A)

Association states that due to the scheduling availability of the Cedrus Group executives and Association Board members, the meeting was “impromptu.” The Association also states in its response that the Board met in executive session on February 13, 2025, because of an ongoing lawsuit that Cedrus’s client had with the Association.

Pursuant to Va. Code § 55.1-1816 (B)

Notice of the time, date, and place of each meeting of the board of directors or of any subcommittee or other committee of the board of directors shall be published where it is reasonably calculated to be available to a majority of the lot owners.

...

Notice, reasonable under the circumstances, of special or emergency meetings shall be given contemporaneously with the notice provided to members of the association's board of directors or any subcommittee or other committee of the board of directors conducting the meeting.⁵

Furthermore, Va. Code § 55.1-1807(3) states that a lot owner who is in good standing has the right to “have notice of any meeting of the board of directors, to make a record of any such meeting by audio or visual means, and to participate in any such meeting in accordance with the provisions of subsection G.”⁶

Based on the response by the Association, we find that the Virginia POAA was violated, as there is no evidence of notice of time, date, or location of the February 13, 2025, Association Board meeting with Cedrus ever occurred.

For the Association Board to have gone into executive session on the date of February 13, 2025 to discuss pending or probable litigation, which would be a permitted act under the statute, a motion must be made in an open meeting and that motion must specifically state what the purpose of the executive session is, prior to the Board retiring into an executive session.⁷ This did not occur, as there was never an open meeting on February 13, 2025, from which to retire to executive session.

Furthermore, it appears that Cedrus Group and the Association Board members spoke not only of the pending lawsuit, which would be permissible under the executive session exceptions of Va. Code § 55.1-1816(C), but also extensively about the solicitation of the Association by Cedrus Group of support for the putative data center(s). However, under Va. Code § 55.1-1816(C), “The board of directors shall restrict the consideration of matters during such portions of meetings to only those purposes specifically exempted and stated in the motion.”⁸

⁵ Va. Code § 55.1-1816 (B).

⁶ Va. Code § 55.1-1807(3).

⁷ See Va. Code § 55.1-1816 (C).

⁸ *Id.*

Because of these factors, we find that there is substantial evidence to believe that a violation of the Virginia POAA occurred with respect to the February 13, 2025, executive session held by the Association Board.

The Ombudsman also makes note that the Complainant referred to a January 2025 meeting, which the Association denies such a meeting in its response. However, the town hall slide deck provided by the Complainant that was apparently presented by Cedrus Group at an Association meeting makes reference explicitly to at least one meeting that was held in January of 2025. The response from the Association does not address this discrepancy in its response, other than to deny the meeting occurred, but it acknowledged an executive session or other meeting without notice occurred with respect to the same subject matter and in the same manner as the February 13, 2025, meeting. That meeting would also be in violation of the Virginia POAA, for the same reasons stated above.

2. Complainant Alleges Improper Withholding of Materials Presented that were Utilized to Render a Decision to Support the Special Use Permit Advocated by Cedrus Group for the Data Center(s).

In his complaint to the Association, the Complainant alleges that the Association Board did not properly document Association member issues, nor respond to complaints or questions about the data center support request. Furthermore, the Complainant alleges that the Association Board did not provide to the membership, its analysis, and supporting materials, for how it reached its final decision with respect to the solicitation of endorsement from Cedrus Group. The Complainant draws the conclusion that:

“the Board could not have asserted these detailed analyses without obtaining supporting documentation which should have been summarized, included in the meeting packet and shared with members.”

As above, Va. Code 55.1-1816(B) reads, in part:

Unless otherwise exempt as relating to an executive session pursuant to subsection C, at least one copy of all agenda packets and materials furnished to members of an association's board of directors or subcommittee or other committee of the board of directors for a meeting shall be made available for inspection by the membership of the association at the same time such documents are furnished to the members of the board of directors or any subcommittee or committee of the board of directors.⁹

The Complainant confirms that with respect to the July 2, 2025, Association meeting, he received a Board packet including the agenda and resolution to endorse, and the endorsement agreement, which was confirmed by the Association's response. The response from the Association further stated that Board members conducted research, attended meetings, had conversations, and otherwise documented the issue themselves. Furthermore, the response goes on to say that emails with concerns and additional information were discussed at length during the board meeting.

⁹ Va. Code § 55.1-1816 (B)

In analyzing the information contained in the record with the Complainant's allegation, there is simply not enough evidence in the record to indicate that agenda packets and materials were furnished to Association Board members prior to being viewed by the Association membership at-large or being concealed from the Association membership entirely. There is nothing in the aforementioned statute that prohibits a board member from doing their own research or collecting their own evidence in order to gain the knowledge necessary to render a decision on any issue. However, there can be a circumstance where a Board member who circulates information and resources to other Board members could pierce the veil of "own research," triggering the record production requirements of the Virginia POAA. There is simply not enough information in this case record, however, to say that such a situation occurred.

The Complainant's assertion that the Board's detailed analysis could not have been rendered, but for the furnishing of additional, and unknown, documentary material, is not in itself evidence of wrongdoing under the Virginia POAA. Thus, this office cannot say that there was a violation of Va. Code § 55.1-1816 (B), as the Complainant alleges.

3. *Complainant Alleges that the Association Board withheld from the Association Membership Notice of, and Information Concerning, a Lawsuit Involving the Association, and that the Association Should have Disclosed this information to the Board Membership.*

The Complainant's third allegation concerns the failure of the Association Board to disclose to the general membership of the Association the existence of a lawsuit to which the Association was a named party. In its response, the Association responded that it was, in fact, served with a copy of a lawsuit to which it was a party on May 8, 2023. However, the Association admits that even though the Association has known of this suit since May of 2023, disclosure of this lawsuit has only been in the Association's resale packets since "at least January of this year." Furthermore, the Association responds that this disclosure was provided to any resident who requested it since at least January of 2025.

There is no prohibition under the Virginia POAA for the Association Board telling the Association membership that it is being sued.¹⁰ However, under the provisions of the Virginia POAA, Va. Code §55.1-1807, there is also no right of a lot owner to have affirmative, proactive disclosure of a lawsuit of which the Association is a party, other than being allowed access to all books and records kept on behalf of the Association.¹¹ However, that record access access is limited by the provisions of §55.1-1815, which provides that:

C. Books and records kept by or on behalf of an association may be withheld from inspection and copying to the extent that they concern:

...

3. Pending or probable litigation. For purposes of this subdivision, "probable litigation" means those instances where there has been a specific threat of litigation from a person or the legal counsel of such person;¹²

¹⁰ See Va. Code § 55.1-1815; see also Va. Code §55.1-1807

¹¹ Va. Code § 55.1-1807 (1)

¹² Va. Code § 55.1-1815 (C)(3)

...

However, pursuant to the Virginia Resale Disclosure Act, Va. Code § 55.1-2310, the Association is required to provide, among other items

A statement of any unsatisfied judgments against the association and the nature and status of any pending actions in which the association is a party and that could have a material impact on the association, the owners, or the unit being sold; (Emphasis Added).¹³

While the complainant did not make this complaint to the Association, it would be remiss of the Office not to point out likely noncompliance with the Resale Disclosure Act, which applies to any contract ratified after July 1, 2023. The Association's statement that it was aware of this lawsuit in December 2023 but that it was not added to the Association's resale packet until or about January of 2025, is troubling. While we find that the Association did not violate Va. Code § 55.1-1807, as alleged by the Complainant, we do encourage the Association, as a best practice, to ensure that it fully complies with the provisions of the Resale Disclosure Act.

4. *Complainant Alleges that the Association Board withheld from the Association Membership Notice of, and Information Concerning, a Lawsuit Involving the Association, and that the Association Should have Disclosed this information to the Board Membership*

The Complainant's final allegation concerns a dispute between the Complainant and the Association over the authority and rights granted to the Association Board through the Declaration which established the Association. However, this issue does not fall within the scope of jurisdiction of this office. The CICO laws and regulations limit the type of cases that this office may handle. 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 determination through this office. Common interest community law jurisdiction is limited to the Virginia Condominium Act, the Property Owners' Association Act, and the Virginia Real Estate Cooperative Act.¹⁴

The issues raised in the Complainant's fourth allegation are governed by the association's governing documents, which this office can neither interpret nor enforce. As such, this office makes no determination of the Complainant's fourth allegation.

Conclusion

Based on the foregoing, we find that the Association violated the POAA, specifically Virginia Code §55.1-1807 and Va. Code §55.1-1816 and the Complainant's first allegation to be founded with

¹³ Va. Code §55.1-2310 (13).

¹⁴ See 18 VAC 48-70-130; *see also*, Va. Code §54.1-2354.

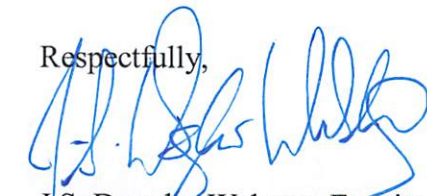
respect to the unlawful executive session that was held on February 13, 2025, and in any other executive session held without adequate notice, and concerning subject matter criteria that was not eligible to be taken into executive session. Regarding the Complainant's second allegation, we find that there is insufficient evidence to find that the Association violated the document inspection provisions of the POAA, specifically Va. Code §55.1-1819. Regarding Complainant's allegation number three, we find that there is evidence that the Association may have failed to comply with the Virginia Resale Disclosure Act, specifically Va. Code §55.1-2310 (13), but we do not find a violation of the POAA. Lastly, regarding the Complainant's fourth allegation, this office is unable to adjudicate and interpret the Association's governing documents as a matter of law, so we decline to do so here.

Required Actions

Upon receipt of this decision, this Office strongly recommends that the Association conduct all of its meetings, both open meetings and executive sessions, in accordance with the POAA. The Association should pay special attention to ensure that they provide the notice required by the POAA, as well as provide access to the agenda and other materials which are furnished to Board members. Upon receipt of this decision, the Association is further encouraged to ensure that information required to be in a resale certificate is promptly and properly documented and disclosed, in accordance with the Virginia Resale Disclosure Act.

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 printed name.

J.S. Douglas Webster, Esquire,
CIC Ombudsman

Compliance & Investigation Division