



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Abigail D. Spanberger
Governor

Jessica K. Looman
Secretary of Labor

Laura V. McClintock
Director

June 16, 2026

Complainant: Kay Perrault
Association: La Fontaine Owners' Association
File Number: 2026-00863

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Kay Perreault ("Complainant"), submitted a total of four complaints to the La Fontaine Owners' Association ("Association") dated August 5, 2025, August 6, 2025, August 7, 2025, and August 8, 2025 ("the Complaints"). 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 14, 2025, and the NFAD was received by our Office on September 26, 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 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

The Complainant presents a total of four complaints. As this Office may only address that of which the Association is also on notice, this Office will not consider any issue in the Complainant's letter to the Ombudsman that was not specifically alleged in the complaints of August 5, 2025, August 6, 2025, August 7, 2025, and/ or August 8, 2025. Each of those Complaints is discussed in more detail below.

1. Did the Complainant allege an actionable issue for this Office in her August 5, 2025, complaint?

The August 5, 2025, Complainant contends that she has been denied the location of Board meetings, locked out of Board meetings, and harassed by the Association manager. The Complainant alleges she was treated in a hostile manner when she reported that the fire hydrants remained untested, unpainted, and neglected, "for many years." The Complainant further alleged that the Association manager refused to release information on the condition of the fire hydrants to the Complainant and the Complainant subsequently reported the hydrants to the fire marshal. The Complainant further alleges that the Association has a demonstrated pattern of deliberately concealing financial and safety matters. The Complaint further goes on to cite examples of this, including property damage alleged to have been committed by a landscaping company on the Complainants (and other members') property.

The Complaint further alleges that various workers and crewmen crossing her property and on one occasion, destroyed tomato plants while pressure washing. The Complainant accuses the Association, the management company, the Board of Directors, and the attorney representing the community of abuse, harassment, and disrespect.

The Complainant also alleges that there are Association members who are grilling in violation of the Virginia Fire Protection Code and in violation of the governing documents of the Association. The Complainant also alleges that the Association manager stole pictures from her at the direction of the Board of Directors (it is unclear whether a robbery or mere larceny is being alleged). However, it appears that the Complainant is arguing that her pictures, which are described as "the photos of Board members eating on the bulletin board," were perhaps taken down, but the allegation is vague.

The Complainant further alleges a violation of Va. Code §55.1-1950, regarding the distribution of information between the Board and the Membership, in reference to the pictures being removed. Among the above allegations, this is the only one that appears to be within the realm of this office to adjudicate.¹ With respect to the remaining August 5, 2025, complaint allegations, the Complainant should speak with legal counsel about how to go about pursuing an appropriate remedy.

Va. Code §55.1-1950 of the Virginia Condominium Act (“VCA”) concerns the requirement that the Association establish a reasonable, effective, and free method for members communicate among themselves and with the executive board of the Association regarding any matter concerning the unit owners' association.² Furthermore, as otherwise provided in the condominium instruments, the executive board shall not require prior approval of the dissemination or content of any material regarding any matter concerning the unit owners' association.³

There is no evidence in this record that the Association manager removed the pictures from the Association bulletin board. To the extent that the pictures were removed from the bulletin board, it is unclear why photographs of Board members eating would be of a nature that it would concern the unit owners' association.⁴

Additionally, there may be additional provisions in the company's instruments which further limit or augment this kind of Association communication, but there is no additional evidence of this in the Association response, nor could this Office interpret it because this Office does not have the authority to interpret Association governing documents.⁵

Based on the totality of what was alleged in the August 5, 2025, complaint, this Office finds that there is no violation of the VCA, based on the information contained in the record. However, if the Association manager or Board removed the pictures from the bulletin board, they should either put the pictures back up on the board if the exception contained in Va. Code § 55.1-1950 was not met, or if the pictures did not concern the unit owners' association, the pictures should be returned to the complainant.⁶

2. Did the Complainant allege an actionable issue for this Office under the VCA in her August 6, 2025, complaint, related to a cord plugged in near the pool?

In the Complainant's second complaint, dated August 6, 2025, the Complainant alleges negligence of safety standards regarding a cord plugged in near a pool with Christmas light bulbs, for which she notified the James City Building Inspector. The Complainant further alleges that she was also unable to open the pool gate without having to kick the gate whilst pushing the button. The Complainant again

¹ See Va. Code § 54.1-2354.3; See also 18VAC48-70-10.

² See Va. Code § 55.1-1950(A).

³ See Va. Code § 55.1-1950(B).

⁴ *Id.*

⁵ See Va. Code § 54.1-2354.3; See also 18VAC48-70-10.

⁶ See Va. Code § 55.1-1950(B).

commented on the lack of supervision of various workers presumably hired by the Association, and the lack of professional and safety standards.

While the Office acknowledges the Complainant's complaint of August 6, 2025, the Complainant made no allegation of a violation of state statute or regulation concerning common interest communities.⁷ Therefore, no further action may be taken on this complaint through this Office.

3. Did the Complainant allege an actionable issue for this Office in her August 7, 2025, complaint?

In her third complaint, dated August 7, 2025, the Complainant provided a recitation of events leading up to August 7, 2025, regarding her previous complaints. The Complainant then alleged that a secret Board meeting occurred on August 6, 2025, between the President, Treasurer, and two members-at-large of the Association. The Complainant alleged that two (2) additional members were not present. The Complainant alleged that this is a violation of Va. Code §55.1-1949, which concerns open meetings of the Association.⁸

The Complaint further alleges additional safety violations, which are, as stated above, not within the purview of this Office.⁹ However, a violation of Va. Code §55.1-1949 of the VCA is within the authority of this Office.¹⁰ Under §55.1-1949(A)-(B), meetings of the Association Board must be properly noticed to members of the Association. The Association's response of August 26, 2025, contends that the August 6, 2025, meeting was properly noticed as it was posted at the community mailboxes "prior" to the meeting, and also emailed to the unit owners on July 30, 2025, seven (7) days prior to the alleged secret meeting.

There is no specific allegation from the Complainant or the Association whether this "secret" meeting was the annual meeting or a regularly scheduled meeting. The annual meeting would require 21 days of advance notice, while "any other meeting requires seven days advance notice."¹¹ Furthermore, there is no information in the record that was presented by the Complainant that indicates that this meeting was not properly noticed, or was concealed in any way from the membership, aside from her naked allegation. Further, there is also no evidence or allegation that the Complainant has not consented to electronic service.¹² As a result, this Office cannot find that a violation of Va. Code §55.1-1949 occurred with respect to the August 7, 2025, complaint.

4. Did the Complainant allege an actionable issue for this Office in her August 8, 2025, complaint?

⁷ *Id.*

⁸ See Va. Code § 55.1-1949.

⁹ See § 54.1-2354.3; See also 18VAC48-70-10.

¹⁰ *Id.*

¹¹ See Va. Code § 55.1-1949.

¹² See Va. Code § 55.1-1949(A)(3).

Finally, the Complainant filed a Complaint with the Association on August 8, 2025. In that complaint, the Complainant alleges that the Association recognizes a “distorted definition” of “Association,” which is different than that of Va. Code §54.1-2345. As above, this Office cannot address this particular complaint because it cannot consider the governing documents of the Association.¹³

The Complainant further argues that nothing in the Virginia Code empowers the Board to exclude homeowners from written complaints, or to cancel complaints, or to retaliate against complainers. It is unclear what occurred that has led to this statement from the Complainant. As no specific facts are set forth, it is impossible for this Office to determine whether this would even be within its realm to adjudicate.

The Complainant also argues that “nothing in [sic] Virginia Code allows the Association to convene in executive session with legal counsel.” This statement is factually incorrect, as the Virginia Code does allow for the Association Board to retire into executive session for purposes of consulting with counsel.¹⁴

The Complainant restates many of her complaints from the previous days’ complaints and also alleges that the complaint procedure is deliberately designed to intimidate homeowners, discourage complaints, and support and conceal abuses of the Board through the establishment of “not reasonable procedures.” However, none of these allegations are actionable by this Office.¹⁵

Conclusion

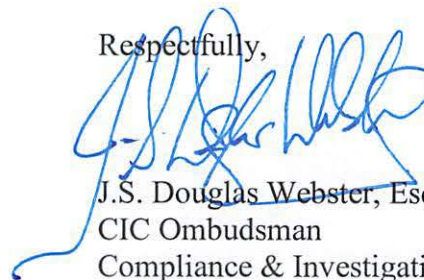
Based on the foregoing, we find that the Association has not violated any provisions of the VCA with respect to the complaints filed by the Complainant on August 5, 2025, August 6, 2025, August 7, 2025, and August 8, 2025.

Required Actions

No action is required of the Association.

Please contact me if you have any questions.

Respectfully,



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

¹³ See Va. Code § 54.1-2354.3; See also 18VAC48-70-10.

¹⁴ See Va. Code § 55.1-1949.

¹⁵ See Va. Code § 54.1-2354.3; See also 18VAC48-70-10.