



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Abigail D. Spanberger
Governor

Jessica K. Looman
Secretary of Labor

Laura V. McClintock
Director

June 15, 2026

Complainant: Paul DiPlacidi
Association: 2000 Clarendon Condo Unit Owners' Association
File Number: 2026-01786

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Paul DiPlacidi ("Complainant"), submitted a complaint to the 2000 Clarendon Condo Unit Owners' Association ("Association") dated August 3, 2025. The Association provided a response to the Complainant's complaint dated December 2, 2025. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated December 8, 2025, and the NFAD was received by our Office on December 12, 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"). 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 very 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.

Discussion

The Complainant presents one allegation against the Association. As described more fully below, the allegation concerns “remediation sessions” that the Association Board is having with its management company. The Complainant alleges that these remediation sessions have not been authorized or voted upon.

1. Did the Association Violate the Virginia Condominium Act (“VCA”) by Conducting “Remediation Sessions?”

The Complainant contends that the Association Board was conducting certain meetings, which were characterized as “remediation sessions.” It was alleged by the Complainant that these meetings were never voted on and that the existence of these meetings has not been disclosed to the broader membership of the Association in any open meeting.

In response to the Complaint, the Association, in its response, highlights the fact that the Complainant did not allege a specific code section violation of the VCA. It further responded that any communication from the Board outside of a noticed meeting was limited to obtaining and/ or sharing information for predatory or administrative purposes.

The VCA, pursuant to Va. Code § 55.1-1949, sets forth the requirements to have meetings, including executive sessions, which are closed to the general Association membership.¹ Executive sessions are authorized for specific topics, such as personnel matters, discussing legal matters with counsel, discussing contracts, and discussing violations of the condominium instruments or rules and regulations.² In order to have such an executive session, a motion would have to be made from an open meeting for the Board to retire to executive session.³

The VCA further advises that,

¹ See Va. Code § 55.1-1949.

² See Va. Code § 55.1-1949 (C).

³ *Id.*

All meetings of the unit owners' association or the executive board, including any subcommittee or other committee of such association or board, shall be open to all unit owners of record. The executive board shall not use work sessions or other informal gatherings of the executive board to circumvent the open meeting requirements of this section”⁴

In the instant case, there is no discrete information in the record that states what is being discussed in these “remediation sessions,” or “work groups.” The Condominium Manager states that the Board is using these sessions to transact business or make binding decisions. The Manager further states that the meetings, “have been mentioned at every open meeting since May, and recording of those meetings are available for review.” The Manager also claims that the matters discussed in these sessions are included in the President, Vice President, Treasurer, and Management reports, which are shared at open meetings.

In a separate email, the Condominium Manager further clarifies that the Association Board is, “using work sessions to ensure directors have the same facts, hear vendor and legal input, and speak candidly. That process improves how the Board communicates, even when members ultimately disagree on a specific issue”

Based on the vagueness of the statements by all parties regarding the form and function of these meetings, this Office cannot point to a specific instance where the VCA has been violated by the Association. Furthermore, the Complainant did not cite a specific violation of the VCA, and this Office will not attempt to guess which specific provision he believes has been violated. Furthermore, this Office does not interpret or render decisions on putative violations of governing documents of an Association.⁵

However, it is the concern of this Office that these meetings, while well-intentioned, provide a forum to violate the VCA’s open meeting and notice requirements, if such meetings are not strictly policed.⁶ Meetings of the Board should always be conducted in a transparent and open manner, even when weighing the bona fide goal of allowing members to speak candidly. Such a statement could be viewed as insinuating that the goal of these meetings is to circumvent the open meeting requirements for the purpose of Board members being able to express positions more freely. This office does not infer scienter in such goals, and thus, finds no violation of the VCA. That said, the Association Board, its counsel, and its management company, are all encouraged to ensure that the parameters of Va. Code § 55.1-1949 are respected by the Board in all assemblages to prevent any future violations of the VCA.

Conclusion

Based on the foregoing, this Office finds no violation of the VCA.

Required Actions

No action is required of the Association.

⁴ See Va. Code § 55.1-1949(B).

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

⁶ See Va. Code § 55.1-1949.

Please contact me if you have any questions.

Respectfully,



J.S. Douglas Webster, Esquire,

CIC Ombudsman

Compliance & Investigation Division