



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

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Governor

Jessica K. Looman
Secretary of Labor

Laura V. McClintock
Director

July 6, 2026

Complainant: Yolanda Montgomery
Association: Dominion Valley Homeowners' Association
File Number: 2026-02409

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Yolanda Montgomery ("Complainant"), submitted a complaint to the Dominion Valley Homeowners' Association ("Association"), dated January 16, 2026. The Association provided a response to Complainant's complaint dated February 4, 2026. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated February 9, 2026, and the NFAD was received by our Office on February 10, 2026.

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

The Complainant, who is a director of the Association Board, presents several allegations that the Association violated the Virginia Property Owners' Association Act ("POAA"), specifically Va. Code §§ 55.1-1815 and 55.1-1816, regarding open meetings and the availability of those materials to the membership related to that meeting. Specifically, the Complainant contends that she believes that the Board held a "pre-meeting" prior to the December 4, 2025, regular Association Board meeting, in which officer slates, liaison appointments, governance motions, and various meeting flow items were discussed.

The Complainant further alleges that she was excluded from a meeting that was not properly noticed, which was held on December 10, 2025, between the President and Vice-President of the Association Board, and Community Management Corporation ("CMC"). The Complaint alleges she was not informed of the date and time of the December 10, 2025, meeting, nor was it disclosed that substantive decisions on the direction of the Association were made during that meeting, which violates the spirit of Va. Code § 55.1-1816. The Complainant also cites that this is a violation of § 13.1-865, which is part of the Virginia Nonstock Corporation Act ("VNCA"). However, the VNCA is not a common interest community statute or regulation, and thus, this Office does not have the authority to address whether a violation of the VNCA occurred.¹ This determination will address each separately.

The Complainant further alleges that the Complainant was not informed prior to the January 15, 2026, special meeting of the Association, that some committees were being dissolved or merged. Further, during this meeting, the Complainant contends that committee liaisons were selected from a pre-determined list of candidates from the improper meeting that occurred before the December 4, 2025, meeting, and that they were all males. Furthermore, it is alleged that the pre-December 4, 2025, meeting was admitted to by Vice President Jerud Hanson.

The Complainant also alleges that information was disclosed from an Association Board executive session regarding a personnel matter from the wife of a member of the Board. The Complainant alleges that this constitutes a violation of the executive session safeguards "inherent" in Va. Code § 55.1-1816.

¹ See 18VAC48-70-10. Nevertheless, we maintain that utilizing methods under the VNCA to meet that are insistent with the applicant CIC laws and regulations regarding meetings is not a best practice of governance since it cloaks an association's decision making in the shadows rather than in the sunlight of association member awareness and participation.

Each of these allegations is discussed in further detail below.

1. The Complaint Alleged that an Association Board Meeting Occurred Prior to its noticed December 4, 2025, Board Meeting, in violation of the POAA.

The Complainant contends that the Association Board violated the POAA when some Association Board members met prior to the December 4, 2025, scheduled Association Board meeting. The prior meeting occurred without adequate notice of the time, date, and place to the membership of the Association (including some other members of the Association Board).² In its February 4, 2026, response, the Association admitted that some Association Board members met for the purposes of operating the Association in a more “effective and beneficial way.” Regardless of intent, the POAA requires that meetings of the Association Board be properly noticed, giving the date, time, and place where the meeting will occur. The reasoning behind this statute is to require association boards to conduct business in an open and transparent manner. In the instant case, this did not occur and the Association Board acted unlawfully in violation of the POAA.³ The Board is admonished for this improper meeting and instructed to conduct its meetings and substantive communication in accordance with Virginia Law.

2. The Complaint Alleged that the December 10, 2025, Meeting Between the President and Vice-President of the Association and CMC Violated Va. Code § 55.1-1816.

The Complainant alleges that the President and Vice President of the Association met with the CMC, presumably the Association management company, on December 10, 2025, without providing notice to the other Board members of the time, place, and location. The Complainant acknowledged that this meeting with CMC did not constitute a meeting as there was no quorum. As there was no quorum, there was no meeting; thus, there was no violation of the POAA, specifically Va. Code §55.1-1816(B).⁴

With that said, we strongly caution this Association to consider how its business practices are being perceived. When decisions appear to be made in the shadows, members and non-members alike assume that those involved are acting with scienter. This Office recommends that the Association Board leadership consider how their actions are viewed by other Association Board members and the membership at large.

3. Allegations of Association Board Wrongdoing at the January 15, 2025, Association Special Meeting

In her third allegation, the Complainant asserts that the January 15, 2026, meeting approved the so-called unlawful actions from the December 4, 2025, meeting. It was also asserted by the Complainant that existing committees were dissolved or merged without notice. Furthermore, it was noted by the Complainant that all the liaisons appointed appeared from a list and all the liaisons that were appointed were men. The Association has already admitted unlawful conduct related to the use of pre-meetings, in

² See Va. Code § 55.1-1816(B)

³ *Id.*

⁴ *Id.*

violation of § 55.1-1816(B).⁵ It is unclear just how much effect that these meetings had on the slate of liaisons. However, we remind the Association Board that any meeting that occurs in violation of Virginia law exposes the Association Board to liability. More importantly, it is poor governance. With that said, aside from the lack of notice, there is not any additional, verifiable violation of the common interest community statutes or regulations that can be addressed with the third complaint. To the extent that the Complainant is alleging gender discrimination or any other civil offense against the Association, it is the recommendation of this Office for her to speak with her attorney about what remedies may exist in a court of appropriate jurisdiction.

4. Allegations of a Breach of Duty and Confidentiality Regarding Personnel Matters in the Executive Session of December 4, 2025.

Finally, the Complainant alleges that a breach of duty occurred by the Association Board, when it retired to executive session to discuss a personnel matter. Following the closure of the executive session, the Complainant alleges that the Vice-President of the Association gave advance notice to his wife about the impending termination of a CMC employee. This Complainant appears to contend this is a violation of the POAA, specifically Va. Code § 55.1-1816. It is true that executive sessions are authorized in the POAA for personnel matters, under Va. Code § 55.1-1816(C)(i), but this Code section does not make it unlawful to disclose information discussed in an executive session.⁶ The Association Board may, however, wish to consider, and even discuss with its counsel, whether sharing information discussed in an executive session to those not on the Association Board renders the information from such session available to all association members, and not just those related to Association Board members.

The executive session provisions exist to protect both the Association Board and individuals, and the Complainant is not wrong that it provides safeguards to speak freely on sensitive matters. While such disclosure might result in Board or Association liability, the mere act of disclosing confidential information cannot be said to be a violation of the POAA, because it is not enumerated therein.⁷

With that said, we would remind the Association Board that executive sessions exist for a reason—to protect confidentiality and promote open dialogue on sensitive matters. This Office cannot say specifically if any civil duty was breached, but we do admonish Board members to consider what they say about the dialogue in an executive session before they speak, and to always discuss such a matter with counsel, should they have any questions.

Conclusion

In reviewing the full record, it is clear that the Association Board violated the POAA when certain Association Board members had a pre-meeting sometime prior to the December 4, 2025, meeting, as a notice and date and time of the meeting were not provided to other Board members or Association members. Many of the other allegations may have remedies in other forums, but not through this Office.

Required Actions

⁵ See § 55.1-1816.

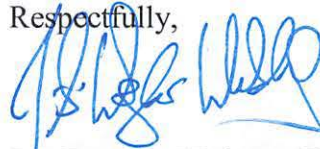
⁶ See *Id.*

⁷ *Id.*

In the instant case, it is notable that the main remedy that we would suggest, which is training of the Board in proper meeting procedures, has been undertaken by the Board on January 22, 2026, according to the NFAD. Furthermore, the Association Board has agreed to review the actions of the December 4, 2025, Board meeting.

Please contact me if you have any questions.

Respectfully,



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