



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: John Martel
Association: Lake Holiday Association
File Number: 2026-02405

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, John Martel ("Complainant"), submitted a complaint to the Lake Holiday Association ("Association") dated December 11, 2025. The Association provided a response to Complainant's complaint dated January 13, 2026. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated February 3, 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 or Issues to be Decided

The Complainant presents four separate allegations. All of the allegations brought under this complaint concern the Complainant's assertion that Committee Chair of the Architectural Committee of the Association attempted to establish committee policy and set himself up as sole decision maker. The first allegation concerns the Complainant's assertion that the actions of the Architectural Committee Chair constitute a violation of parliamentary procedure. However, this Office is only able to render decisions, based on common interest statute and regulation.¹ This may be an argument for a court of appropriate jurisdiction, but the Complainant is unable to seek relief through this Office.

The second allegation concerns the allegation by the Complainant that neither the governing documents of the Association, nor the prior committee precedent grant the Architectural Committee Chair the authority to create or impose standard operating procedures unilaterally. As above, this argument does not contain or allege a specific violation of any common interest community statute or regulation, and as a result, is beyond the authority granted to this Office to adjudicate.²

The third allegation from the Complainant's complaint concerns a putative violation of due process by promulgating procedures without proper notice, deliberating, and voting. As before, while this argument may be appropriate for a court of competent jurisdiction, it is not within the jurisdictional bounds of this Office, as no common interest community statute has been alleged to have been violated.³

The final allegation from the Complainant concerns the Complainant's contention that the Architectural Committee Chair is acting "ultra vires," or beyond the scope of its authority. The bounds of the Chair's authority may be spelled out in the governing documents of the Association or in some other guidance document. However, as previously stated, while this allegation may be appropriate for a court of competent jurisdiction, it is not within the scope of authority for this Office to adjudicate such a claim.⁴

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

² *Id.*

³ *Id.*

⁴ *Id.*

This Office finds that the Association did not violate the Virginia Property Owners' Association Act ("POAA").⁵ However, we did want to bring attention, however, to fact that that the Association's NFAD is deficient because it failed to provide the required statement of the complainants' right to file a notice of adverse action with this Office, and provide the appropriate contact information, as required.⁶ This Office reminds the Association that it must adhere to the regulatory requirements in issuing an NFAD.

Conclusion

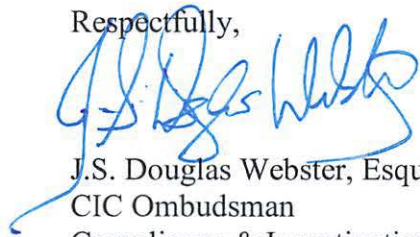
Based on the foregoing, the Association did not violate the POAA.

Required Actions

It is suggested that the Association review the provisions of 18VAC48-70-50 to ensure that the Association's NFADs contain the language required by Virginia law.

Please contact me if you have any questions.

Respectfully,



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

⁵ The Complainant, in his submission to the Office, identified Va. Code § 55.1-1815, but because this was not alleged to the Respondent in the association complaint, as we have indicated, it is not properly before the Office for a determination here. This Code section, however, is the correction Code section regarding access to records under the Property Owners' Association Act. Further, the Respondent would be well served to review its provisions to ensure its compliance therewith so that it can avoid a properly stated NFAD in the future.

⁶ See 18VAC48-70-50(11).