



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Abigail D. Spanberger
Governor

Jessica K. Looman
Secretary of Labor

Laura V. McClintock
Director

August 14, 2026

Complainant: Brian Mangiapanella
Association: Round Hill Owners' Association
File Number: 2026-03425

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Brian Mangiapanella ("Complainant"), submitted a complaint to Round Hill Owners' Association ("Association") dated March 22, 2026. The Association provided a response to the Complainant's complaint dated May 19, 2026. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated May 24, 2026, and the NFAD was received by our Office on June 1, 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 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 one core allegation against the Association. As described more fully below, the allegation concerns the Complainant's contention that he made a request for records but that those records were not provided by the Association, in violation of the Virginia Property Owners' Association Act ("POAA"), specifically Va. Codes §§ 55.1-1815 and 55.1-1816. The following will address this allegation in more detail. The letter to this Office also appears to levy additional allegations upon the Association. However, as the Association was not put on notice of those additional allegations, this Office will not consider them as we may only issue determinations based on complaints of which the Association is already on notice.

1. *Did the Association violate the record release provisions of the POAA, specifically Va. Codes § 55.1-1815 and § 55.1-1816?*

The Complainant contends that the Association violated the POAA when it failed to provide records to which he was entitled under the POAA. The Association contends in its response that it does not have to generate new records, but only to produce the responsive records that it already has in its possession. Secondly, the Association responds that the Complainant is not in "good standing" and thus not authorized to receive records, as he has been named as a defendant in an ongoing lawsuit in Loudoun County Circuit Court, for which the Association seeks various costs and fees.

On December 11, 2025, the Complainant sent the Association a series of questions for the Association Board members to answer. These questions are formed more like interrogatories than a request for documents. In fact, the Complainant said, "please provide below questions to all RHOA Board members. Please notify me once all board (sic) members have been provided the questions. Thank you, (sic)." While the Association appears to have understood that the Complainant was seeking answers to questions that may require disclosure of documents, the formatting of the request itself by the Complainant does not specifically state that this is a document request.

The same day, the Association manager directed the questions to the Association Board for their review, and she also directed the Complainant to the TownSquare document section of the Association's portal for documents.

The Complainant further clarified on December 12, 2025, that “Just for clarification, many of the questions I have below cannot be answered by looking at the documents you referenced. I would still like a response from the Board.” While the Complainant sought a response from the Board to his questions, under the POAA, the Board is not required to create documents or respond in writing to questions under Va. Code § 55.1-1815(B).

The Association manager responded, in part, to the Complainant’s December 12, 2025, clarification the same day, and stated that, “some of the information you have requested may be privileged...” The Complainant then responded that he is, “not seeking privileged communications or legal advice, but rather seek factual explanations, financial data, and policy-level decisions of the Board that are directly related to budgeting, contracts, reserves, and expenditures.”

On December 16, 2025, the Association manager remitted some documents and answers from the Association Board to the Complainant. On December 28, 2025, the Complainant emailed the new Association manager with an additional series of questions for the Association Board to answer. Again, this email was not framed as a document request but took the form of a request to respond to interrogatories. On December 21, 2025, the Association manager confirmed that the questions have been sent to the Association Board. The Complainant asked for a status update on January 22, 2026, from the Association manager, and the Association manager emailed back on January 28, 2026, that the Board believes that they have sufficiently provided responses to the Complainant’s request.

On February 22, 2026, the Complainant made a records request, under Va. Code § 55.1-1815 for his member file, his account ledger, his violation notices, hearing notices, and enforcement actions, and any board determinations, votes, or internal communications that reference his status as a member, “not in good standing.” On February 24, 2026, the Association manager confirmed that this request has been forwarded to the Association Board.

On March 4, 2026, the Complainant again emailed the Association manager, seeking confirmation of his current homeowner/member status with the Association, and whether he is in good standing with the Association with respect to his account, and whether he has any outstanding violations, fines, assessments, or enforcement actions associated with his property. On March 5, 2026, the Association manager responded that the Complainant’s account is up to date and that there are no violations of architectural design standards.

It appears that the Association did not produce any documents with respect to the Complainant’s February 22, 2026, request, and the complaint was filed on March 22, 2026.

Under Va. Code § 55.1-1807

Every lot owner who is a member in good standing of a property owners' association shall have the following rights:

1. The right of access to all books and records kept by or on behalf of the association according to and subject to the provisions of § 55.1-1815, including records of all financial transactions¹

...

Furthermore, Pursuant to Va. Code § 55.1-1815(B)

B. Subject to the provisions of subsection C and so long as the request is for a proper purpose related to his membership in the association, all books and records kept by or on behalf of the association shall be available for examination and copying by a member in good standing or his authorized agent, including:

1. The association's membership list and addresses, which shall not be used for purposes of pecuniary gain or commercial solicitation; and
2. The actual salary of the six highest compensated employees of the association earning over \$75,000 and aggregate salary information of all other employees of the association; however, individual salary information shall not be available for examination and copying during the declarant control period.

Notwithstanding any provision of law to the contrary, this right of examination shall exist without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time and location and (ii) upon five business days' written notice for an association managed by a common interest community manager and 10 business days' written notice for a self-managed association, which notice reasonably identifies the purpose for the request and the specific books and records of the association requested.²

This section of the Virginia Code references books and records held by the Association.³ There is no provision within the POAA that compels the Association to create additional books and records in order to satisfy a records request, or in this case, a series of questions. Thus, the Complainant is not entitled to compel the Association to make any document, answer any question, or perform any action aside from releasing the appropriate documents. Thus, we find that, to the degree that the Association Board did not respond to the litany of questions to which the Complaint requested the Association answer, the Association Board is not compelled to respond under Va. Code § 55.1-1815⁴, as doing so would be forcing the creation of documents or records, which is outside the scope of the POAA.

¹ Va. Code § 55.1-1807.

² Va. Code § 55.1-1815(B).

³ *Id.*

⁴ See Va. Code § 55.1-1815.

However, the Association must respond and fill the request made by the Complainant on February 22, 2026. The Association claims that the Complainant is not in good standing, but the mere fact that the Complainant has an open case against the Association in the Loudoun County Circuit Court does not automatically confer ill standing. Being of good standing refers to whether the Complainant does not have any fee arrearages or closed enforcement matters (i.e., that have exhausted due process), where the Association member has not paid fines or remedied the underlying deficiency. Merely having an open court case where penalties *might* be rendered in favor of the Association is simply not sufficient to terminate the Complainant's rights under Va. Code § 55.1-1807.⁵ While the Association is correct that Va. Code § 55.1-1819 does not confer due process rights to the Complainant related to his standing, he is nonetheless entitled to remain in good standing, absent a demonstration that he is in arrears in his Association fees or has outstanding enforcement matters. The record suggests that the Complainant is neither in arrears on his fees nor is he the subject of any active Association violations/enforcement.

Additionally, this Office finds that the request made by the Complainant on February 22, 2026, is not subverting the discovery process, so much as it asking the Association to perform a standard function to which the Complainant is entitled, pursuant to the rights he has granted under Va. Code § 55.1-1807. Regardless of whether the document request overlaps with the lawsuit between the Complainant and Association, that is not grounds to abridge the statutory rights conferred to him by the POAA, as there are no express provisions in the POAA that support this position. The Association is, of course, allowed under Va. Code § 55.1-1815(C) to withhold information that is protected by attorney-client privilege or work-product doctrine, etc., but absent those restrictions, the Association should allow the Complainant examination of the books and records he requested on February 22, 2026, to the extent they are in existence.

Furthermore, this Office finds that the Complainant being able to assess his Association payment status and compliance/enforcement status is a valid purpose, for purposes of Va. Codes §§ 55.1-1807 and 55.1-1815. As the Complainant's document request of February 22, 2026, was not filled within five business days, as required by Va. Code § 55.1-1815(B), this Office finds that the Association acted contrary to law.⁶ However, the Association did not act contrary to law to the extent it did not answer the Complainant's questions as creating written responses/ records is not within the scope of the record examination provision of Va. Code § 55.1-1815.

Lastly, the Complainant refers to a violation of Va. Code § 55.1-1816. That code section of the POAA refers to the open meeting requirements of the Association Board. However, there is no discussion by the Complainant about how the Association specifically violated Va. Code § 55.1-1816. As such, this Office finds no violation of Va. Code § 55.1-1816 as there is insufficient evidence of a violation contained within the record.

Conclusion

Based on the foregoing, this Office finds that as the Complainant's document request of February 22, 2026, was not filled within five business days, as required by Va. Code § 55.1-1815, that the Association acted contrary to the POAA, specifically Va. Code § 55.1-1815. However, the Association

⁵ See Va. Code § 55.1-1807.

⁶ Va. Code § 55.1-1815(B).

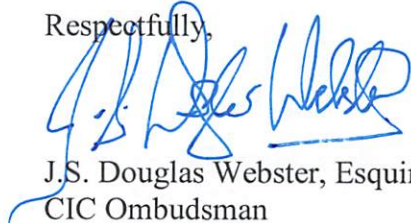
did not act contrary to law to the extent that it did not answer the Complainant's questions as creating written responses/records is not within the scope of the record examination provision of Va. Code § 55.1-1815. Furthermore, there was insufficient evidence to conclude that the Association violated Va. Code § 55.1-1816 in any way.

Required Actions

Within five business days of the receipt of this determination, the Association must respond to the Complainant's request of February 22, 2026, and allow him to view any records or books that are not otherwise protected under the provisions of Va. Code §55.31-1815(C).

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 typed name.

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