



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

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Secretary of Labor

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Director

August 3, 2026

Complainant: Debra Williams
Association: The Villages at Rippon Landing
File Number: 2026-03402

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Debra Williams ("Complainant"), submitted a complaint to The Villages at Rippon Landing Homeowners' Association ("Association") on February 23, 2026. The Association provided a response to the Complainant's complaint dated April 29, 2026. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated May 22, 2026, and the NFAD was received by our Office on May 27, 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 presents four allegations against the Association. As described more fully below, the Complainant first alleges that the Association Board failed to provide adequate notice of an Association meeting, in violation of the Virginia Property Owners' Association Act ("POAA"), Va. Code § 55.1-1816(B). Second, the Complainant alleges that the Association violated Va. Code § 55.1-1816(C) by improperly convening an executive session. Third, the Complainant argues that the Association Board failed to respond to a record request, in violation of Va. Code § 55.1-1815(B). Lastly, the Complainant alleges that the Association improperly amended its own rules with respect to books and records requests, in violation of Va. Code § 55.1-1819. This determination will address each separately.

1. Did the Association violate the meeting notice provisions of the POAA?

In her complaint, the Complainant contends that the Association did not provide adequate notice of the November 20, 2025, meeting of the Association. The Complainant states that she knows a meeting was held because there are meeting minutes, even though no notice was provided to the members of the Association. The information submitted with the NFAD contains an agenda for the November 20, 2025, meeting of the Board, which has the date, time, and a Zoom web link to join the meeting.

In its response, the Association does not respond to the allegation that the November 20, 2025, meeting was not properly noticed. Instead, it argues that notice of a November 23, 2025, meeting was given to the membership via email on November 21, 2025. This email does not include the time or place. The Association admitted that the email was "partially deficient under the POA Act."

Pursuant Va. Code § 55.1-1816(B)

Notice of the time, date, and place of each meeting of the board of directors or of any subcommittee or other committee of the board of directors shall be published where it is reasonably calculated to be available to a majority of the lot owners.¹

¹ Va. Code § 55.1-1816(B).

It is clear from the evidence and from the admission made by the Association that the notice requirements of the POAA were violated with respect to the November 23, 2025, meeting, and it did not expressly deny that the November 20, 2025, meeting was also not properly noticed.² As a result, this Office finds that the Association violated the POAA, specifically Va. Code § 55.1-1816(B). We would recommend that the Association properly notice another Association meeting and ratify with a new vote the actions taken from previously improperly noticed meetings in order to ensure transparency and provide a forum for the membership to be heard on the issues of which the membership may have not been made aware due to improper notice. The Association should also ensure that all future meetings covered by the POAA are properly noticed to its association members.

2. Did the Association violate the executive session provisions of the POAA?

The Complainant contends that the Association improperly convened an executive session during its meeting of November 23, 2025, in order to undertake a detailed review of the Cardinal 2026 Management Agreement, a review of the 2025 budget, and a review of the tentative budget for 2026.

In its response, the Association improperly cites Va. Code § 55.1-1819, which covers enforcement and adoption of rules, rather than Va. Code § 55.1-1816(C), but then cites the language of Va. Code § 55.1-1816(C). Virginia law requires that associations cite the specific common interest community laws or regulation that led to its determination.³ While this may have been a scrivener's error, the Association is cautioned to ensure that it properly cites the statutes and regulations upon which its decision rests.

With that said, the Association states that it convened the executive session in order to discuss the management company contract and its subsequent impact on the budget. However, the Association states in its response that there may have been discussion which moved into a larger discussion of budgetary needs. However, there is no additional evidence of how far outside the scope lawful executive session the Association Board delved.

Under Va. Code Va. Code § 55.1-1816(C)

The board of directors or any subcommittee or other committee of the board of directors may (i) convene in executive session to consider personnel matters; (ii) consult with legal counsel; (iii) discuss and consider contracts, pending or probable litigation, and matters involving violations of the declaration or rules and regulations; or (iv) discuss and consider the personal liability of members to the association, upon the affirmative vote in an open meeting to assemble in executive session. The motion shall state specifically the purpose for the executive session. Reference to the motion and the stated purpose for the executive session shall be included in the minutes. The board of directors shall restrict the consideration of matters during such portions of meetings to only those purposes specifically exempted and stated in the motion. No contract, motion, or other action adopted, passed, or agreed to in executive session shall become effective unless the board of directors or subcommittee or other committee of the board of directors, following the executive session, reconvenes in open meeting and takes a vote on such contract, motion,

² *Id.*

³ See 18VAC48-70-50.

or other action, which shall have its substance reasonably identified in the open meeting. The requirements of this section shall not require the disclosure of information in violation of law.⁴

Executive sessions to engage in discussions about contracts are expressly permitted.⁵ Discussions about the contract's impact on an Association budget has sufficient nexus with the contract to be permitted as well. However, this Office warns the Association that it can be very easy to have "discussion creep" in an executive session, so the Association should guard against discussions progressing to where there is not sufficient nexus between the topic and the stated reason for the executive session, as this such straying discussions are not permitted in executive sessions.⁶

The Association appears to admit in its response that the discussion moved to broader budget needs. If those discussions do not meet one of the enumerated allowances that permit an Association Board to convene an executive session, it is not permitted by the POAA.⁷ The minutes of the November 23, 2025, meeting indicate that there was "a detailed review of the Cardinal 2026 Management Agreement," as well as "a review of the 2025 Budget" and "a review of the tentative budget for 2026." These are very broad topics and the minutes do not state that the motion made to convene executive session stated the purpose of the executive session, as required.⁸ Based on the totality of the information, the Office finds that the Association violated the POAA with respect to discussing topics that were not permitted to be discussed in executive session. This Office suggests that the Association Board review the provisions of Va. Code § 55.1-1816(C) in order to ensure that they are complying with the POAA with respect to the convening of executive sessions.

3. Did the Association fail to respond to a records request, in violation of Va. Code § 55.1-1815.

In her third allegation, the Complainant asserts that the Association has not made accessible certain books and records to her. The Complainant states that she submitted a request on January 6, 2026, to inspect books and records. However, the Complainant contends this request was not responded to until February 10, 2026, and it was not completely filled.

In its response, the Association states that it did not believe that the records request was made for a proper purpose, as required by Va. Code § 55.1-1815, because the Complaint made her request on behalf of the Board of Directors of Powells Run Village Condominium Association, a sub-association of the Association, but not a member of the Association. The Association also stated that the Complainant's request was to be provided with copies of records electronically, rather than the Complainant requesting to merely inspect the records. The Association advised that it still filled the request on February 3, 2026, in spite of alleged deficiencies in the request.

Va. Code § 55.1-1815(B) states that:

⁴ Va. Code § 55.1-1816(C).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

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.⁹ (Emphasis added).

This Office will not address whether the Complainant was attempting to access these records for a proper purpose, because the Association waived that objection when it filled the request on February 3, 2026. However, this Office wants to remind the Association that the term, “proper purpose,” should be broadly construed. So long as the requesting party is a member of the Association in good standing, their participation in another entity is not an absolute bar or a presumed “improper purpose” in determining whether they may exercise their rights under the POAA.¹⁰ The Association must evaluate each request and the merits of the purpose thereof to determine whether the purpose is proper.

In the instant case, the Complainant requested that the documents be provided to the Powell Run Village Board, rather than to just herself. It is unclear whether any or all members of the Powell Run Board are specifically members of the Association in good standing, but if the Complainant was in good standing, the Association should comply with the provisions of Va. Code § 55.1-1815, and at least grant her access to the requested documents, provided they are not exempt from examination under Va. Code § 55.1-1815(C).¹¹

⁹ Va. Code § 55.1-1815(B).

¹⁰ *Id.* This is especially the case here, as the Association admits that the entity is a sub-association of the Association. Given that relationship, it is puzzling to suggest that a subordinate entity has not proper purpose to seek documents from its parent entity.

¹¹ See Va. Code § 55.1-1815(C).

The Association, being managed by a management company, had five business days to fill the Complainant's request.¹² However, by its own admission, it did not fill the request until February 3, 2026, which is after the five-business-day requirement.¹³

The Complainant further contends that she did not receive any contracts in effect for 2026, as requested in her January 6, 2026, document request. The Association, contending that its document production to the Complainant was a "courtesy," states that the Association would be happy to provide this information to the Complainant in response to an official request. However, this response is misplaced. The Association was happy to provide some of the information to the Complainant (and apparently also to the Board of Directors of Powells Run Village Condominium Association), albeit late. The Association determined that the record examination request was bona fide to the extent that the Association produced some of the documentation requested. Under these circumstances, it should have either produced the 2026 contract information, produced an invoice to the Complainant for the reasonable costs and labor to copy the requested 2026 contracts as allowed under Va. Code § 55.1-1815(E), or set up a time for the Complainant to examine the records within five days of receiving the written request.¹⁴

However, this Office cannot say whether there are 2026 contracts that are responsive to that request. While this Office cannot state that the POAA was violated because we do not know if there are any existing 2026 contracts, to the extent that they do exist, and to the extent that they do not fall under an exemption to examination under Va. Code § 55.1-1815(C), the Association should produce the completed contracts for examination within five business days of the receipt of this determination.¹⁵ However, if the Complainant wants copies of those contracts, the Association is entitled to charge the Complainant for the reasonable copy and labor costs incurred.¹⁶

4. Did the Association improperly amend its rules, in violation of Va. Code § 55.1-1819?

Lastly, the Complainant alleges that the Association improperly amended its rules pertaining to requests to examine books and records, in violation of Va. Code § 55.1-1819. The Complainant alleges that the Association is now requiring that all requests for records and books be submitted by certified mail and email addressed to Powell's Run, the Master Association Attorney, and the Master Association Board of Directors.

In its response, the Association stated that the POAA does not control the Association's internal procedures for the adoption of its rules and regulations, and thus, this is outside the scope of authority of this Office.

Va. Code § 55.1-1819 concerns the adoption and enforcement of rules with respect to common areas.¹⁷ This does not apply to rules and regulations which cover document examination requests.¹⁸ It is

¹² See Va. Code § 55.1-1815(B)(2).

¹³ *Id.*

¹⁴ See Va. Code § 55.1-1815(E).

¹⁵ See Va. Code § 55.1-1815(C).

¹⁶ See Va. Code § 55.1-1815(E).

¹⁷ See Va. Code § 55.1-1819.

¹⁸ See *Id.*; See also Va. Code § 55.1-1815.

not a patent violation of Va. Code § 55.1-1819 (or Va. Code § 55.1-1815, for that matter), to have some rules on how to submit a document examination request, in order to ensure that the request reaches the proper party to set up a time for the examination to take place and/or retrieve the responsive documents. However, overly restrictive or complicated document request procedures infringe upon the right of an Association member to inspect books and records.¹⁹ While not patently unlawful, the requirement that a records request be sent via certified mail to multiple parties, intentionally or not, creates a chilling effect and frustrates the goals of Va. Codes §§ 55.1-1807 and 55.1-1815. Further, a process such as this is the antithesis of good governance, as it imposes a fee not contemplated by the POAA (certified mail) and unnecessary delays given the recent timely delivery issues currently plaguing the U.S. Postal Service. The Association is reminded that conducting its business in the sunlight should be a primary goal, and it should promulgate policies to meet that end.

Conclusion

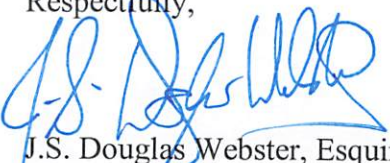
Based on the foregoing, this Office finds that there was a violation of the POAA, Va. Code § 55.1-1816(B), as a result of allegation one. This Office finds that there was a violation of the POAA, Va. Code § 55.1-1816(C), with respect to allegation two. This Office finds that there is insufficient evidence to find a violation of Va. Code § 55.1-1815 with respect to allegation three. Lastly, this Office finds that there was no violation of Va. Code § 55.1-1819 with respect to allegation four.

Required Actions

We would recommend that the Association properly notice a new Association meeting at which it ratifies with a new vote, the actions taken from any previously improperly noticed meetings. Furthermore, we recommend that the Association Board review the provisions of Va. Code § 55.1-1816(C), to ensure that executive sessions are being properly convened for lawful reasons contained within the statute. Additionally, the Association should produce for examination for the Complainant any existing 2026 contracts, to the extent that they exist, within five business days of the receipt of this determination. Lastly, this Office recommends that the Association review its record examination request procedure to ensure that it is complying with the spirit of transparency codified within Va. Codes §§ 55.1-1807 and 55.1-1815 and is not imposing unnecessary barriers or delays on the association members whom the Association serves.

Please contact me if you have any questions.

Respectfully,


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

¹⁹ See § 55.1-1807; see also Va. Code § 55.1-1815.