



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

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Governor

Jessica K. Looman
Secretary of Labor

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Director

June 23, 2026

Complainant: Bhavesh and Amishi Bhagat
Association: Big Springs Farm Community Association
File Number: 2026-01760

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainants, Bhavesh and Amishi Bhagat (collectively, "Complainants"), submitted a complaint to the Big Springs Farm Community Association ("Association") dated June 13, 2025. The Association provided a response to Complainants' complaint dated November 12, 2025. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated December 5, 2025, and the NFAD was received by our Office on December 10, 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"). 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 Complainants present a single allegation. The Complainants contend that they have requested examination of books and records, but the Association has not provided an adequate response to their request. The Association responds that the Complainants did not properly cite specific provisions of the Association's governing documents that have been violated. Secondly the Association contends that the Complainants are not authorized to receive the requested information because he has an "outstanding complaint that was reviewed by a previous Board but remains unresolved."

1. Did the Complainants File their Complaint Properly and did the Association Properly Respond?

The Complainants contend that the Association refuses to give them certain documents that they have requested on several occasions. In their complaint, the Complainants are requesting: (1) all meeting minutes of the Association from 2013 to present, (2) financial budget and all details of cash inflows from Association dues and non-Association sources (inflows that are non-dues related) and legal and maintenance expense information from 2013 to present, and (3) ARB approvals and requests and the details of projects of the Board members and all ARB member names from 2013 to present.

The Association has responded that the complaint did not properly cite any provisions of the Association's governing documents and was therefore not a formal complaint, pursuant to Section 55-530(E) of the Code of Virginia. However, the referenced section of the Code of Virginia was repealed in 2019 and replaced with Va. Code § 54.1-2354.4.¹ In response to Va. Code § 54.1-2354.4, regulations were promulgated on the common interest community complaint procedure.² Among those regulations is 18VAC48-70-50(6), which states, in part, that

In addition, to the extent the complainants have knowledge of the law or regulation applicable to the complaint, the complainants will provide that reference.³

¹ See 2019 Va. Acts. Ch. 712; see also Va. Code § 54.1-2354.4.

² See 18VAC48-70-50.

³ 18VAC 48-70-50(6).

It is true that the Complainants did not specifically cite the exact statute that was violated, but their complaint was adequately specific and reasonably worded so that the Association should have reasonably understood what statute (Va. Code § 55.1-1815, of the Virginia Property Owner's Association Act ("POAA")) was applicable to the complaint in the instant case. If the Association did not know, it certainly could have requested additional information regarding what under what provision(s) the Complainants were complaining in the manner provided by 18VAC48-70-50(7). We consider it a best practice for governing bodies of associations to work proactively with association members to address or resolve issues.

Furthermore, the Association's NFAD is deficient because it (1) failed to properly cite the common interest community laws and regulations that led to the final determination, (2) did not provide the registration number of the association, (3) did not provide the required statement of the complainants' right to file a notice of adverse action with this Office, and (4) did not provide the appropriate contact information, as required.⁴

This Board response falls well short of what is required by statute and regulation when responding to a complaint. Furthermore, while not a common interest community regulatory or statutory violation, the NFAD was issued nearly five months after the complaint was filed by the Complainants. This Office strongly cautions the Association to follow the regulations and statutes of the POAA.

2. Are the Complainants Authorized to Receive the Requested Information at this Time?

The NFAD from the Association indicates that the Complainants are "not authorized to receive the requested information at this time." The NFAD goes on to cite that there is an "outstanding complaint against the complainant that was reviewed by a previous Board and remains unresolved." The Association fails to make a specific citation to any regulation or statute concerning this assertion, which is required by 18VAC48-70-50(10).⁵

Presumably, the Association is referencing the requirement under the POAA, specifically Va. Code § 55.1-1815, which states, in part, that

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...(Emphasis added),⁶

The definitions of the POAA do not discretely define what "good standing" is.⁷ Good standing, however, generally refers to the Association member not owing the Association money or the Association member being under additional enforcement, aside from that which may be related to the open complaint. The Association response states that there is an outstanding complaint against the Complainant(s) that was

⁴ See 18VAC 48-70-50(10)-(11).

⁵ See 18VAC 48-70-50(10).

⁶ Va. Code § 55.1-1815(B).

⁷ See Va. Code § 55.1-1800.

reviewed by a previous Association Board and that as of the date of the November 12, 2025, Association response, remains “unresolved.” However, there is no information to explain how this prior enforcement action/ complaint remains unresolved, i.e., whether it is open because of appeal or because of outstanding fines that have not been paid by the Complainants. If the document request is, however, related to this underlying enforcement action, the Complainants should be viewed as in good standing, because the enforcement action has not yet fully concluded. Thus, the Complainants would be entitled to have their document request fulfilled.

Conclusion

Based on the foregoing, we find that the Association should have reasonably inferred what statutory violation was being alleged to have been violated, based on the clarity of the complaint. If it did not know, the Association should have utilized its regulatory authority under 18VAC48-70-50 and requested additional information. Furthermore, as stated above, the numerous violations of law and regulation regarding the format and contents of the NFAD demands that the Association undertake the additional, remedial actions which are described below.

Required Actions

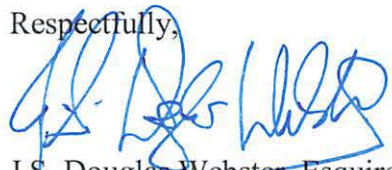
It is recommended that the Association:

1. Comply with the complaint response requirements of 18VAC48-70-50; and
2. Provide access to the books and records, unless the Association can demonstrate that the Complainants have either an unresolved violation or outstanding fines/ fees, that is not related to the request for books and records in the current case.

Additionally, this Office recommends that the Association Board seek training on the POAA and Common Interest Community complaint process within 60 days of receipt of this decision.

Please contact me if you have any questions.

Respectfully,



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