



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

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Governor

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Director

March 24, 2026

Complainant: Billy and Tara McBridee
Association: Creighton Ridge Property Owners' Association
File Number: 2026-00121

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Billy and Tara McBridee (collectively "Complainants"), submitted a complaint to the Creighton Ridge Property Owners' Association ("Association") dated December 13, 2024. The Association provided a response to the Complainant's complaint dated May 27, 2025. The Complainants then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman dated June 10, 2025, and the NFAD was received by our Office on June 20, 2025.

Authority

In accordance with its regulations, the Common Interest Community Ombudsman (CICO), 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 ("POAA")

, 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 NFAD but not included with the complaint to the Association 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 Complainants present several complaints that concern the alleged governing documents of the Association. The Complainants allege that a Board member of the Association, who also is the builder and owner of several lots in the Complainants' community, has an exposed foundation of one of the newly built homes that he owns and the Complainants also allege that he is not mowing additional lots, as he required to do under the governing documents of the Association. As alluded to above, these problems are not within the jurisdiction of this Office, as they are related to the governing documents of the Association, rather than a Common Interest Community statute or regulation.¹ Remedies against the Association for violations of its governing documents, such as its declaration or by-laws, must be sought in a court of competent jurisdiction, rather through this office.

Additionally, the Complainants reference "Article 3 Chapter 55.1-1800 of the Virginia Property Owners (sic) Association Act" in their original complaint. This Office may determine compliance with the provisions of the POAA. However, the statute cited (Va. Code §55.1-1800) is only the code section which covers definitions and furthermore, it is contained in Article 1 of the POAA. Article 3 contains more substantive requirements regarding the Operation and Management of the Association, comprising twenty-six (26) separate statutes, but it is unclear from the complaint which of these statutes the board is allegedly violating what facts specifically give rise to that violation.² As such, this Office cannot take further action against the Association.

Finally, in their letter to this Office, the Complainants cite Va. Code §55.1-1819 and §55.1-1828 to request review of the Association's May 27, 2025. NFAD. While these are Common Interest Community statutes and part of the POAA, these were not cited by the Complainants in their original complaint and as a result, the Association did not respond specifically to these alleged violations. The Association must be on notice of what is being alleged specifically in the complaint in order to properly

¹ See Va Code §54.1-2354.3.

² See §§55.1-1815 through 55.1-1837.

decide the complaint, and Virginia law does not allow this Office to consider information that was not part of the final adverse decision.³ In the same vein, the additional alleged violations made by the Complainants regarding the inadequacy of notice given of the hearing must be addressed as a separate complain if the Complainants believe that a violation of Common Interest Community statutes or regulations exists.

I do, however, want to draw attention to the inadequacy of the May 27, 2025, NFAD, from the Association to the Complainants. Virginia law requires that the notice must provide specific citations to common interest community laws or regulations that led to the final determination, and the registration number of the Association.⁴ This was not on the May 27, 2025, NFAD email. There must also be language to put the Complainants on notice of their right to file a notice of final adverse decision with the Common Interest Community Ombudsman and the applicable contact information.⁵ This was not on the May 27, 2025, NFAD email.

Conclusion

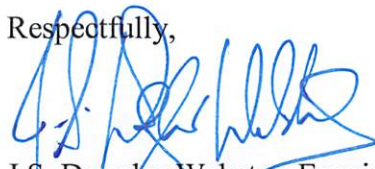
Based on the foregoing, we find that no violation of the Common Interest Community statutes or regulations occurred, but we strongly encourage the Association to review the procedures that they use to create their NFADs in response to member complaints, to be compliant with the requirements for a final adverse decision as set forth in 18 VAC 48-70-50.

Required Actions

No action is required of the Association with regard to alleged violations of the POAA. We do, however, strongly recommend that the Association review its Complaint response/ NFAD procedures in order to ensure that they are in full compliance with Virginia law.

Please contact me if you have any questions.

Respectfully,



J.S. Douglas Webster, Esquire,
CIC Ombudsman

Compliance & Investigation Division

³ See, 18VAC48-70-110.

⁴ See, 18VAC48-70-50 (10).

⁵ See, 18VAC48-70-50 (11).