



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Abigail D. Spanberger
Governor

Jessica K. Looman
Secretary of Labor

Laura V. McClintock
Director

June 18, 2026

Complainant: William Charles L. Jamison
Association: Quail Trail Estates Homeowners' Association
File Number: 2026-01237

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, William Charles L. Jamison ("Complainant"), submitted a complaint to the Quail Trail Homeowners' Association ("Association") dated March 27, 2025. The Association provided a response to Complainant's complaint dated October 2, 2025. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated October 10, 2025, and the NFAD was received by our Office on October 15, 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 Complainant presents a single allegation against the Association – that the Association President conducted a “secret meeting,” contrary to the provisions of the Virginia Property Owners’ Association Act (“POAA”), specifically Va. Code § 55.1-1815 and Va. Code § 55.1-1816. The complaint stems from the Association President’s alleged desire to construct an Adult Dwelling Unit on his property and circumvent the open meeting requirements by referring his request to the Architectural Review Committee.

Furthermore, the letter to the Ombudsman alleges a violation of the Virginia Nonstock Corporation Act (“VCNA”). However, this Office only possesses authority over the interpretation of common interest community statutes and regulations. As a result, any violation of the VCNA must be brought before a court of appropriate jurisdiction.¹ Even if this Office could hear this claim, however, as it was not alleged in the original complaint, it would be barred from review, as the additional issue would have to be determined by the Association, via a new complaint form and NFAD before being ripe for this Office to consider.

Further, the Complaint also claims that there is a misuse by the Association of the Notice of Final Adverse Decision and raises additional concerns about the complaint process. However, that issue is not ripe for adjudication through this Office, as the complaint was alleged at the time of the request to review the NFAD, thereby depriving the Association of notice of the allegation. As a result, this decision will not address the additional issues raised in Complainant’s request to review.

The Complainant asks that this Office “strike” the Association President’s “supplemental proceeding” of October 2, 2025. However, as this decision is not a civil action, this Office will consider a document relevant to the extent that it is part of the case record for which the NFAD was issued.

Furthermore, the Complainant requests that this Office answer certain questions prospectively and consider developing Frequently Asked Questions (FAQs), and to refer this matter to the Common Interest Community Board for a binding decision and sanctions. The Office declines this invitation. First, it would

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

be improper for the Office to opine what a court of law may impose after finding a violation of a CIC law because such outcomes could be as varied as the facts of a particular case. Moreover, one of the FAQs proffered by the Complainant involves the interpretation of a law – the Virginia Nonstock Corporation Act – that is outside this Office’s jurisdiction.² As for referring this matter to the Common Interest Community Board (“CIC Board”) for a “binding decision and sanctions against Voth” are beyond the Board’s authority. Voth is not a regulant of the CIC Board, and therefore, is not subject to the CIC Board’s regulations. For an association to be referred to the CIC Board under its regulations, 18VAC 48-70-120(C), the Association must receive a Notice of Final Adverse Decision for the “same violation” that was determined to be a violation in an NFAD determination issued within the previous 365 days.

1. Did the Association Violate the Open Meeting Provisions of the POAA, specifically Va. Code § 55.1-1815 and/ or Va. Code § 55.1-1816?

The Complainant contends in his March 27, 2025, Complaint that the Architectural Review Committee met without proper notice to discuss the Association President’s request for an Adult Dwelling Unit. This appears to have occurred as the Association President admitted to a “working session had between myself, Bekah, and Frank in September and October of 2024 prior to the Annual Meeting, as well as earlier this year leading up to the 10 FEB 2025 ARC/ BOA when we discussed ADUs...”³. The Association President claims that the working sessions could have been viewed as executive sessions, due to the discussions being “matters involving violations of the declarations or rules or regulations.” However, there is no evidence that the Association President utilized the proper procedure (such as requiring a motion to retire to executive session) under Va. Code § 55.1-1816(C).⁴ Furthermore, this claim is dubious as there is no evidence that the ADU had been constructed, and as such, there was no violation of the declarations or rules and regulations. It appears to be misguided sophistry in order to conceal the obvious violations of the open meeting requirements of Va. Code § 55.1-1816(C).⁵ The Board President further stated that “this community and POA has not held the common practice of strict adherence to Virginia statutes set forth in Chapter 18 of Title 55.1.”

Following what appears to be a formal response to the Complaint by the Association President on or about June 19, 2025 (Note: this document only had odd numbered pages, and was marked as Complaint Attachment E), the Complainant appealed his decision back to the Association on July 12, 2025. The Association then issued its NFAD on October 2, 2025, which found that there was a violation by the Association with respect to its February 10, 2025, Board meeting, where the open meeting requirements were not adhered to, in violation of Va. Code § 55.1-1816.

No determination was made by the Association on whether a violation of Va. Code § 55.1-1815 occurred in the final October 2, 2025, NFAD. While this was discussed vaguely in the original March 27, 2025, complaint by the Complainant, the final NFAD should have addressed what facts were relied upon and indicated the code section at issue specifically. Va. Code § 55.1-1815 was also addressed in the original

² *Id.*

³ See Complainant’s Attachment C, which is an email response from Tim Voth to the Complainant regarding his March 27, 2025, complaint.

⁴ See Va. Code § 55.1-1816(C).

⁵ See Va. Code § 55.1-1816.

June 19, 2025, response to the March 27, 2025, complaint. However, there were no specific facts that were alleged or admitted to which indicated specific violations of any section of Va. Code § 55.1-1815, aside from the admission by the Association on July 12, 2025. Presumably, the violation was related to meeting notice, but because neither the Complainant nor the Association presented facts specific to the violation, that is an educated guess by this Office. However, based on the foregoing admission by the Association, this Office concludes that based on the admission alone, a violation of Va. Code § 55.1-1815 occurred.

Furthermore, the Association contended that the Architectural Review Committee was not a subcommittee of the Association, and thus, was not subject to the provisions of Va. Code § 55.1-1816. To support its position, the Association stated in the NFAD that the Architectural Review Committee was established by the declaration of the Association, rather than by the Board of Directors.

This assertion is incorrect. The POAA defines an association's board of directors as the "executive body" of that association.⁶ The POAA further states, in part, that, "All meetings of the board of directors, including any subcommittee or other committee of the board of directors, where the business of the association is discussed or transacted shall be open to all members of record."⁷ Whether an executive board of directors or a committee is likewise created in the governing documents does not negate the responsibility of the association to ensure that it complies with the POAA.

Indeed, it strains logic and credibility to suggest that the Architectural Review Committee would have space in the Agenda of an Association Board meeting if it were fully independent of the Board of Directors. Furthermore, there is information in the record that the members of the Association Board and the Architectural Review Committee are substantially the same, if not identical. While not necessarily a problem in and of itself, there can be a perception of impropriety and confusion of authority when such entities have all the same people, but one is not a subcommittee of another. The Office outright rejects the suggestion that the Architectural Review Committee is not "any subcommittee or other committee of the board of directors" when its existence and membership are determined by the Board.

Lastly, we wanted to point out that the NFAD of October 2, 2025 was, on its face, deficient because it failed to provide the registration number of the association, nor did it 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.⁸

This Office finds that there is sufficient information in the record to determine that the Association violated the POAA, specifically Va. Code § 55.1-1815 and Va. Code § 55.1-1816. Further, our determination does not scratch the surface of the underlying concerns that this Office has in how the Association falsely asserts that the Architectural Review Committee is not subject to the POAA provisions and is allowing committees to conduct their business on behalf of the members of the Association in complete secrecy.

⁶ Va. Code § 55.1-1800.

⁷ Va. Code § 55.1-1816(A).

⁸ See 18VAC48-70-50(10)-(11).

Conclusion

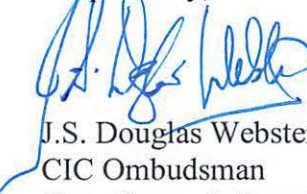
Based on the foregoing, this Office finds that the Association Board engaged in closed-door meeting on February 10, 2025, without proper notice to the association members to conduct association business in secret and possibly to the benefit of the Association president at that time. Further, the Association has wrongfully viewed its Architectural Review Committee to be outside the requirements of the POAA's meeting and notice requirements. These actions are contrary to law, specifically Va. Code § 55.1-1815 and Va. Code § 55.1-1816. Additionally, the Association's Notice of Final Adverse Decision to the Complainant was devoid of information specifically required by regulation 18VAC 48-70-50(10-11).

Required Actions

Within 60 days of receipt of this decision, it is recommended by this Office that the Board contract with a suitable expert in common interest community law and participate in training related to the POAA, and in particular the meeting notice requirements and complaint processes required by Virginia law. It is also recommended that the Association Board update its complaint process to be compliant with the provisions required under 18VAC48-70-50.

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 a horizontal line.

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