



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

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Governor

Jessica K. Looman
Secretary of Labor

Laura V. McClintock
Director

June 16, 2026

Complainant: Chris Beckford
Association: South Run Regency
File Number: 2026-02105

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Chris Beckford (“Complainant”), submitted a complaint to the South Run Regency Homeowners’ Association (“Association”) dated September 18, 2025. The Association provided a response to Complainant’s complaint dated December 17, 2025. The Complainant then submitted a Notice of Final Adverse Decision (“NFAD”) to the Office of the Common Interest Community Ombudsman (“Office”) dated December 18, 2025, and the NFAD was received by our Office on December 29, 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 three allegations against the Association. As described more fully below, the allegations concern inadequate notice by the Board of the Association of meetings, in violation of Va. Code §55.1-1815(G) and Va. Code § 55.1-1816, inadequate open meeting and participation by the Board of the Association, in violation of Va. Code § 55.1-1816, § 55-510.1 (which is the previous statute citation, now codified as Va. Code § 55.1-1816), and an allegation that the Association did not have transparency in its budget process. This determination will address each separately.

The Complainant also alleged in his appeal to this Office that the NFAD took an unreasonable amount of time to be rendered. However, this Office will not be considering that argument, it occurred after the NFAD, and there is no evidence that the Association was on notice (or could have been on notice) of that argument. Thus, the Complainant must file a complaint regarding the unreasonableness of the length of time that it took to receive an NFAD in response to his original complaint with the Association.

1. Did the Association Provide Adequate Notice of Meetings

The Complainant contends that that the Association violated Va. Code § 55.1-1815(G) and Va. Code § 55.1-1816, which are part of the Virginia Property Owners' Association Act ("POAA"). The allegation from the Complainant contends that the Association only provided five days' advance notice for a meeting of the Open Space Committee of the Association, which is less than the notice time limit required by the POAA.

The Complainant is correct that the Association failed to comply with the POAA. Under Va. Code § 55.1-1815(G), the Association is required to have bylaws which specify that an officer of the board, or his agent, shall

at least 14 days in advance of any annual or regularly scheduled meeting and at least seven days in advance of any other meeting, send to each member notice of the time, place, and purposes of such meeting. In the event of cancellation of any annual meeting of the association at which directors are elected, the seven-day notice of any subsequent meeting

scheduled to elect such directors shall include a statement that the meeting is scheduled for the purpose of the election of directors.¹

The Open Space Committee appears to be a subcommittee of the Association's Board, based on the information in the record. The Association acknowledges that the Open Committee's meeting set for September 18, 2025, was noticed to Association members on September 13, 2025.² This provided only five days' notice, not the seven days required by the POAA. Thus, the Association clearly violated the provisions of the POAA with regard to the notice of the September 18, 2025, meeting.

2. Did the Association Provide an Open Meeting for the September 18, 2025, Open Space Committee Meeting?

The Complainant contends that while the agenda for the above committee meeting includes a Resident Open Forum, insufficient notice prevents meaningful participation and risks decision being made by the committee without adequate input. The Complainant also argues that the venue is too small to hold the committee meeting in question, given the number of homes served by the Association. As expressed above, the Association clearly violated the seven-day notice provision in the POAA for committees and subcommittees.³ When it comes to the meeting setting, however, the POAA is silent.⁴

While the POAA is silent, a best practice for any Association would be to ensure that the meeting space it chooses is conducive to the size of the community and set to occur at a time that would reasonably allow the Association members it serves to attend. The information in this case raises questions of whether that was the case. The Association serves a community of over 500 members. For some reason, it chose to have a committee meeting at which budget and spending items were discussed (these are usually topics of great interest in communities, and thus, tend to be well attended) at a café at 9:30 a.m. There is no indication whether the café had a banquet or meeting room, and 9:30 a.m. does not suggest, unless the community is mostly made up of retirees, that the meeting was held at a place and time that would make association member participation convenient. Thus, it appears that the Association may have room to improve when scheduling meetings of this nature if it wants to better serve its community.

While the complainant did not provide the seating capacity of the current venue, or provide any evidence demonstrating that the venue was actually improper, the Association should always be evaluating ways that it can make meetings more accessible and transparent for its membership. If the committee has outgrown the venue, the Association is encouraged to provide alternative means to participate, such as electronic means, or to seek a more suitable venue to accommodate its membership in the spirit of good governance. However, in the instant case, this Office finds no violation of any provision of the POAA.

¹ See Va. Code § 55.1- 1815(G); *see also* Va. Code § 55.1- 1816.

² It is unclear how the Association failed to cite Va. Code § 55.1-1815(G)'s notice requirements despite the Complainant expressly referencing that Code section in his complaint. This error becomes troubling when the Association further states in its decision that there is no 14-day notice for committee meetings. We would encourage the Association to become more familiar with this very basic but important statutory provisions for Associations to follow.

³ See Va. Code § 55.1- 1815(G); *see also* Va. Code § 55.1- 1816.

⁴ *Id.*

3. Did the Association Provide Adequate Notice for Budget Discussion/ Approval?

The Complainant's final allegation is that the membership of the Association should receive advance notice of the meeting and an opportunity to review and/ or object to the proposed budget and should have been given 10-14 days' notice of the meeting. This appears to be more of a request that an allegation, so a determination of compliance by this Office is not called for here. Generally, in the experience of this Office, it would be highly unusual for a common interest community not to discuss its budget at a regularly scheduled full meeting of its board. As noted above, Va. Code § 55.1-1816(G) requires at least 14 days' notice for such meetings. Further, the POAA provides that:

at least one copy of all agenda packets and materials furnished to members of an association's board of directors or subcommittee or other committee of the board of directors for a meeting shall be made available for inspection by the membership of the association at the same time such documents are furnished to the members of the board of directors or any subcommittee or committee of the board of directors.⁵

These statutory provisions exist to ensure that Association members have a full opportunity to monitor and participate in the governance of the community. We encourage associations to look at these not as obstacles to be avoided but rather the standards to be followed to permit open, transparent governance of the community.

Conclusion

As discussed above, we find that the Association violated the POAA by disregarding the seven-day notice requirement for committees set forth in Va. Code § 55.1-1816(G). Specifically, the notice provided for the September 18, 2025, meeting of the Open Space Committee of the Association should have issued on September 11, 2025, or earlier. There is no violation with regard to the location of this meeting, but we would encourage the Association to ensure that it does its best to conduct its meeting at sites and times that are conducive and convenient to permit its association members to attend.

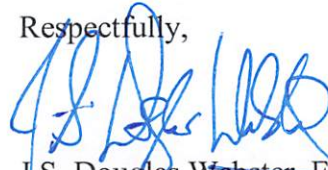
Required Actions

The Association's Board of Directors should familiarize itself with the meeting notice requirement of the POAA within fourteen (14) days of the receipt of this Determination to ensure that all future meetings are properly noticed to the association members. We further suggest that the Association Board of Directors and its various Committees consider in advance the venues for their meetings to ensure that the membership is adequately served to foster transparency and openness in the spirit of good governance.

Please contact me if you have any questions.

⁵ See Va. Code § 55.1-1816(B).

Respectfully,



J.S. Douglas Webster, Esquire,
CIC Ombudsman

Compliance & Investigation Division