



# COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

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Governor

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Director

June 30, 2026

Complainant: Robert Capon  
Association: Turnberry Tower Condominium Unit Owners' Association  
File Number: 2026-02229

## **DETERMINATION - NOTICE OF FINAL ADVERSE DECISION**

### Introduction

The Complainant, Robert Capon ("Complainant"), submitted a complaint to the Turnberry Tower Condominium Unit Owners' Association ("Association") dated September 15, 2025. The Association provided a response to the Complainant's complaint dated December 23, 2025. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated January 18, 2026, and the NFAD was received by our Office on January 20, 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 a single allegation to be considered in this decision. That allegation concerns the Complainant's contention that the Association violated the Virginia Condominium Act ("VCA"), specifically Va. Code § 55.1-1950, by prohibiting member-to-member communication via the bulletin board as a permitted use for BuildingLink, the Association's online portal. There is an additional amendment request made by the Complainant, which concerns a previous complaint. However, that amended allegation is discussed by this Office in CICO Decision 2026-01334. The Complainant's new allegation is discussed in more detail below.

*1. Did the Association violate the VCA with respect to the BuildingLink policies regarding member-to-member communication?*

The Complainant contends that the Association violated the VCA because the Association's updated policy for BuildingLink no longer allows members to post Association news on the bulletin board of the website. The Complainant also argues that because members are permitted to opt in and out of the portal, not every member's contact information is available to be contacted.

The Association responded on December 23, 2025, contesting the Complainant's assertion that the limitations imposed on BuildingLink violated the VCA. The Association responded that the changes that were made to the BuildingLink Communications Policy were made to clarify the practice of the Association Board and Management to refer owners to the owner directory on BuildingLink as their designated communication method for compliance with Va. Code § 55.1-1950. The Association also stated that this change was made in response to the concern by the Association members that the Neighborhood Net area of BuildingLink would be unregulated and would devolve into "uncivil content" and allow a forum for information that is not relevant to the membership. The Association stated that members were also concerned about being overwhelmed by notifications.

The Association further points out that the Owner Directory on BuildingLink is voluntary, but that a member can access the member's contact information if they have chosen to make it available, to create email group messages, and thus communicate member-to-member.

The VCA, at Va. Code § 55.1-1950, states that

A. The executive board shall establish a reasonable, effective, and free method, appropriate to the size and nature of the condominium, for unit owners to communicate among themselves and with the executive board regarding any matter concerning the unit owners' association.

B. Except as otherwise provided in the condominium instruments, the executive board shall not require prior approval of the dissemination or content of any material regarding any matter concerning the unit owners' association.<sup>1</sup>

As used in Va. Code §55.1-1950, “method” is not defined but should be construed broadly to permit various ways to promote communication among association members.<sup>2</sup> The requirements are only that the “method” be “reasonable, effective, and free” as well as “appropriate to the size and nature of the condominium.” As this Office has held in prior decisions, the mere publication of a directory of voluntary homeowners, absent more affirmative acts by the Association to establish a discrete method of member-to-member communications, is not sufficient to meet the requirements of the VCA.<sup>3</sup> While the Association Board does not need to necessarily use BuildingLink as a method of communicating with the membership and as a method of allowing members to communicate with each other, the Association does need to establish a method of communication that aligns with Va. Code §55.1-1950, and allows and facilitates member-to-member communication.

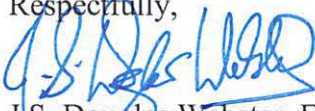
### Conclusion

Based on the foregoing, this Office has determined that the Association has failed to comply with the VCA, specifically § 55.1-1950, with respect to its member-to-member communication methods.

### Required Actions

The Association must address its compliance with § 55.1-1950 and establish a method of communication that meets the requirements of the statute within 60 days of receipt of this decision.

Respectfully,



J.S. Douglas Webster, Esquire,  
CIC Ombudsman

Compliance & Investigation Division

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<sup>1</sup> Va. Code § 55.1-1950. We note, anecdotally, that we have seen “method” range from physical bulletin boards to electronic forums.

<sup>2</sup> *Id.*

<sup>3</sup> See CICO Decision 2022-00092.