



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Robert F. McDonnell
Governor

March 21, 2013

James S. Cheng
Secretary of
Commerce and Trade

Gordon N. Dixon
Director

Complainant: Joyce A. Schmidt
Association: Montebello Condominium Unit Owners Association
File Number: 2013-02171

The Office of the Common Interest Community Ombudsman has been designated to review final adverse decisions and determine if they may be in conflict with laws or regulations governing common interest communities. Such determination is within the sole discretion of the Office of the Common Interest Community Ombudsman and not subject to further review.

Complaint

Complainant submitted a complaint to the Montebello Condominium Unit Owners Association (Association) on November 1, 2012. The complaint submitted alleged that the Association had removed bulletin boards from the premises of the condominium and the removal resulted in a lack of communication thus violating §55-79.75:1 of the Virginia Condominium Act.

Determination

The Office of the Common Interest Ombudsman (OCICO) has reviewed the Notice of Final Adverse Decision (NFAD). The allegations in the complaint are that the Association has violated a provision contained in the Virginia Condominium Act. The Complainant specifically alleges that the Association has removed bulletin boards in garage level elevator lobbies. The Association responded to the Complainant's submitted complaint with its Final Determination, which was dated February 1, 2013. In that determination, the Association stated that its website owners' forum provided a sufficient method of communication to satisfy the requirements of §55-79.75:1 of the Virginia Code. The documents submitted with the NFAD were not sufficient to allow the Ombudsman to determine if, in fact, the owners' forum on the Association website was an appropriate method to meet the requirements of the Code. However, after discussing the matter with the General Manager for the condominium Manju Gulati, it appears that the owners' forum is a reasonable method of communication.

The Owners' Forum is uncensored and available to every owner in the association. In the event that an owner does not have use of a computer in his or her unit, a computer is available in the Community Center for use by owners, and the staff at the front desk of

the Community Center will assist anyone who wishes to use it. The computer is available during Community Center hours which are 5:30 am to 10:00 pm. Owners can, of course use their own computers or can access the website using other free methods, for example, through the local library. The Association also provides an open forum at every meeting and ensures that agendas and meeting packets are available in advance of all meetings. Based on the information I have obtained it appears that the Association provides "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 organ regarding any matter concerning the unit owners' association."

The OCICO does not find that there has been a violation of of any law or regulation governing common interest communities.

Required Actions

No action is required of either party. If either party has any questions regarding this determination, you are welcome to contact me. This Determination is final and there will be no further review.

Sincerely,



Heather S. Gillespie
Common Interest Community Ombudsman

cc: Board of Directors
Montebello Condominium Unit Owners Association