



# COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Robert F. McDonnell  
Governor

March 28, 2013

James S. Cheng  
Secretary of  
Commerce and Trade

Gordon N. Dixon  
Director

Complainant: Linda Solomon  
Association: Founder's Walk Condominium  
File Number: 2013-02234

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*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.*

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## Complaint

Complainant submitted a complaint to the Founder's Walk Condominium dated October 26, 2013. The complaint submitted alleged that the Association had not fully reimbursed Complainant for damages suffered as a result of an earthquake that struck on August 23, 2011. The Association provided Complainant a response dated November 1, 2013, wherein it denied Complainant's request for a reimbursement of substantially more than had been provided to Complainant.

## Determination

The Office of the Common Interest Ombudsman (OCICO) has reviewed the Notice of Final Adverse Decision (NFAD). There was no allegation contained in the Complaint that indicated a violation of laws or regulations governing common interest communities. Complainant set forth 13 bullet points, none of which contained any reference to common interest community law or regulations, nor did any of the bullet points appear to indicate a possible violation of common interest community law or regulations. The association's initial response to the Complaint was to provide a partial reimbursement, noting that the amount was based on standard, builder grade, replacement costs. The Association did not reimburse Complainant for a new water heater that Complainant had purchased and installed.

In a letter dated November 6, 2012, Complainant responded to Association's decision with a request for a "Notice of Final Decision," and stated that Association was not operating in accordance with the Bylaws or guidance given to homeowners. The Association provided a response to Complainant's November 6 letter on January 24, 2013,

after a January 22, 2013 meeting of the Board of Directors. The Board voted to deny the Complainant's request for additional sums.

Based on the entirety of the Notice of Final Determination, the OCICO does not find that there has been a violation of any law or regulation governing common interest communities.

#### Required Actions

No action is required of either party. I would suggest that the Association make certain it is extremely clear in its responses to complaints in the future. Based on the NFAD submitted to this office, the Complainant appears to either have been given an additional opportunity to argue its case by submitting a follow up letter about the initial response from the Association or the Association did not sufficiently state in its initial response to the Complainant that its first response was, in fact, the Final Determination. I suggest this only to ensure that there is no confusion in the future as to whether a complainant has received a final determination and what the date of that final determination might be.

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  
Founder's Walk Condominium Association