

**POTOWMACK CROSSING II CONDOMINIUM**  
**POLICY RESOLUTION NO. 14-3**

(Procedures Related to the Submission and Resolution of Violation Complaints)

**WHEREAS**, Article III, Section 2 of the By-Laws of Potowmack Crossing II Condominium (“By-Laws”), as recorded among the land records of City of Alexandria, Virginia in Book Number 1508, page number 577, *et seq.*, empowers the Board of Directors (“Board”) of Potowmack Crossing II Condominium (“Association”) to govern and manage the business and affairs of the Association, to adopt and publish rules and regulations, and to provide for the operation of all the property and services of the condominium; and

**WHEREAS**, Section 55-530(E) of the Virginia Code requires that the Association establish reasonable procedures for the resolution of written complaints from the members of the Association or other citizens; and

**WHEREAS**, Section 18VAC 48-70-10, *et seq.*, of the Virginia Administrative Code requires that the Association enact the written complaint procedures required by Section 55-530(E) of the Virginia Code and outlines the requirements of said complaint procedures; and

**WHEREAS**, for the benefit and protection of all owners, the Board of Directors deems it desirable to adopt a policy resolution to come into compliance with newly enacted provisions of the Virginia Administrative Code, requiring all complaints to be submitted to the Association’s Board of Directors in writing and establishing reasonable procedures governing the resolution of these written complaints so as to comply with the requirements of the governing documents and Virginia law;

**NOW THEREFORE, BE IT RESOLVED THAT** the Board duly adopts the following Complaint Policy procedures:

1. **Complaint Must Be in Writing.** The Association is only required to act on written complaints submitted to the Association’s Management, Management-witnessed violations, or Board-witnessed violations, in accordance with the procedures set forth in this Resolution. The Board or Management, in their sole discretion, may choose to act on all verbal complaints on a case-by-case basis; provided, however, that the Complainant subsequently completes and submits the Association's written Complaint Form to Management.
2. **Complaint Form.** In order to properly submit a formal complaint upon which the Association will act, all residents, owners and any other party must submit a written complaint on the form attached hereto as Exhibit A, to the Association’s management office and to the attention of the Association’s Board of Directors.
3. **Where Complaints Should be Sent.** All written complaints shall be sent either via United States Postal Service mail, hand-delivery, or facsimile using the following information, unless otherwise advised and requested by the Association’s Board:

Potowmack Crossing II Condominium  
c/o Delbe Property Management  
5125 MacArthur Blvd.  
Suite 430  
Washington, DC 20016  
FAX: (202) 237-0348

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4. **Required Information.** All complaints shall include the following information or shall be deemed invalid, at the Board's sole discretion:
  - 1) The name and address of the Complainant;
  - 2) The nature of the alleged violation;
  - 3) The time, date and place of the alleged violation;
  - 4) The name and address of the suspected violator, if known;
  - 5) Any other information the Complainant deems relevant for the Board's review;
  - 6) A statement explaining why any of the above-referenced information was not included in the written complaint, if necessary; and
  - 7) The signature of the Complainant.
  
5. **Acknowledgment of Receipt.** Upon receipt of a valid written complaint, the Association, through its Board, will provide written acknowledgment of receipt of the complaint within seven (7) days, by either certified mail or hand-delivery. Acknowledgement may be sent via electronic means if the Complainant has consented to receive electronic communication from the Association or such method of communication is consistent with established Association procedure.
  
6. **Incomplete Complaint.** If the Association deems the complaint to be incomplete, the Association shall notify the Complainant either via hand-delivery, first class mail or electronic means, within seven (7) days of receipt of the submission and state the additional information the Complainant needs to provide to the Association in order for the Association to process the complaint. The Complainant shall have an additional thirty (30) days in which to provide the requested information. If the additional required information is not received within the 30 day time frame, the Association shall notify the Complainant via certified mail or hand-delivery that a valid written complaint was not received and the matter is deemed closed. If the additional information is received within the 30 day time frame, the Association shall send acknowledgement of receipt as identified in Section 5 above and commence with investigation described in Section 7 below.
  
7. **Investigation Period.** Upon receipt of a valid written complaint, the Association shall then take such appropriate action to investigate and resolve the complaint. The Board may contact the Complainant via e-mail or other written correspondence in order to conduct its investigation. The Complainant is obligated to cooperate with the

Association's investigation. If the Complainant does not cooperate, the Association may close the matter for failure to cooperate.

8. **Conclusion of Investigation.** The Association will conclude its investigation within thirty (30) days of its receipt of the valid written complaint, unless the Association deems that more time is necessary to conclude the investigation. Once the investigation is complete, the Association shall proceed as set forth under paragraph 9 or 10 below, depending upon the type of alleged violation.

9. **Matters Not Involving a Unit Owner/Resident's Alleged Failure to Comply with Association Governing Documents, Policies, Rules or Regulations**

**A. Notice.** If the complaint does not involve a Unit Owner/Resident's alleged failure to comply with the Association's governing documents, or duly-adopted policies, rules or regulations, the Board of Directors shall notify the Complainant of the time, place and location where the matter will be considered by the Board. Such notice shall be hand-delivered or sent via certified mail. Notice may be sent via electronic means if the Complainant has consented to receive electronic communication from the Association or such method of communication is consistent with established Association procedure.

**B. Hearing.** The Board shall conduct a hearing on the subject of the alleged complaint. The Complainant may present any evidence deemed relevant to the subject of the complaint. The Board of Directors may question the Complainant, or any other person(s) it believes may have information relevant to the subject of the complaint. After all parties have finished presenting evidence, the Board shall meet in executive session to consider the evidence presented.

**C. Notice of Final Determination.** Following the conclusion of the hearing, the Board shall send the Complainant a Notice of Final Determination by certified mail, return receipt requested or hand-delivery, within seven (7) days after the hearing date. The Notice of Final Determination shall notify the Complainant of the Board's decision, the provisions in the governing documents, or rules and regulations upon which the Board relied in reaching its decision, the registration number of the Association, and shall notify the Complainant of his or her right to file a Notice of Final Adverse Decision as set forth in paragraph 11 below. If applicable, the name and license number of the common interest community manager involved will be provided.

10. **Matters Involving a Unit Owner/Resident's Alleged Failure to Comply with Association Governing Documents, Policies, Rules or Regulations**

**A. Notice.** If the complaint involves a Unit Owner/Resident's alleged failure to comply with the Association's governing documents, or duly-adopted policies, rules or regulations, and the Association determines that there is sufficient evidence to establish probable cause that such a violation may exist, the Association will initiate an enforcement action against the appropriate party in accordance with its governing documents to ensure due process in enforcement cases. In such cases, the Complainant shall receive a copy of the notice of violation. The notice will be dated as of the date of issuance and shall include specific citations to applicable Association governing

documents, laws, or regulation that led to the final determination, as well as the registration number of the Association.

**B. Hearing.** A hearing will be called in accordance with the Association's due process policy regarding rules and procedures in enforcement cases.

**C. Notice of Final Determination.** Following the conclusion of the hearing, the Board shall send the Complainant a Notice of Final Determination by certified mail, return receipt requested or hand-delivery, within seven (7) days after the hearing date. The Notice of Final Determination shall notify the Complainant of the Board's decision, the provisions in the governing documents, the Virginia Condominium Act, or rules and regulations upon which the Board relied in reaching its decision, the registration number of the Association, and shall notify the Complainant of his or her right to file a Notice of Final Adverse Decision as set forth in paragraph 11 below. If applicable, the name and license number of the common interest community manager involved will be provided.

Additionally, the Association shall send a separate Notice of Hearing Result to the Unit Owner alleged to be in violation within seven (7) days after the hearing date. The Complainant will receive a copy of the Notice of Hearing Result.

11. **Referral to Ombudsman.** The Notice of Final Determination shall advise the Complainant of his or her right to file a Notice of Final Adverse Decision rendered by the Association, to the applicable Office of the Common Interest Community Ombudsman:

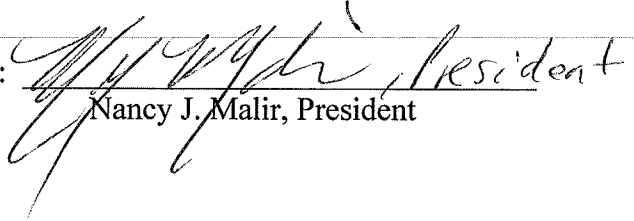
Virginia Common Interest Community Ombudsman  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233-1463  
Phone: 804-367-2941  
Email: [CICOmbudsman@dpor.virginia.gov](mailto:CICOmbudsman@dpor.virginia.gov)

12. **Record Keeping.** The Association shall maintain a record of the complaint for no less than one year from the date that the Association takes action on said complaint.
13. **Availability.** A copy of these procedures shall be made available to all owners and citizens upon request and on the Association's website.
14. **Resale Disclosure Packet.** A copy of these procedures shall be included in any resale disclosure packet issued after the effective date below.
15. **Annual report.** The Association shall certify with each annual report filing that the

Association complaint procedure has been adopted and is in effect.

The effective date of this Resolution shall be June 1, 2014.

POTOWMACK CROSSING II CONDOMINIUM

By:  President  
Nancy J. Malir, President

**Exhibit A  
COMPLAINT FORM  
POTOWMACK CROSSING II CONDOMINIUM**

(To comply with Section 55-530 of the Virginia Code and 18 VAC 48-70-10, *et seq.*)

You may use this form to file a complaint concerning the Potowmack Crossing II Condominium, (the "Association"). Should you choose to file a complaint using this form, please complete, sign and date this form and mail or fax it to the Association's common interest community manager at the address below:

Potowmack Crossing II Condominium  
c/o Delbe Property Management  
5125 MacArthur Blvd.  
Suite 430  
Washington, DC 20016  
FAX: (202) 237-0348

**Name of Complainant(s):**

\_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone: (Home)** \_\_\_\_\_ **(Work)** \_\_\_\_\_

**(Mobile)** \_\_\_\_\_ **(Email)** \_\_\_\_\_

**Preferred method of communication:** \_\_\_\_\_ **Writing** \_\_\_\_\_ **E-mail**

**Please describe the nature of your complaint and cite any provisions of the Association Documents or applicable statute or regulations that is the basis for your complaint (please attach all documents and communications supporting your complaint – you may use additional pages):**

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Name and address of persons who are the subject of complaint:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Description of relief being sought by Complainant or requested action:**

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**Be advised, the Association may elect not to take action on any complaint which does not conform to the above-referenced delivery requirements or include the requested information on this form.**

**The Association will provide written acknowledgement of receipt of the form within seven (7) days via certified mail, hand-delivery, or electronic means, if applicable. If additional information is required, you will be notified in accordance with Section 6 of this Policy Resolution.**

**The Association will begin investigation of your complaint when it has received a valid written complaint.**

**The Association will conclude its investigation within thirty (30) days of its receipt of your valid written complaint. Once investigation is concluded, you will be notified of when and where your matter will be reviewed by the Board (or other body, if applicable).**

**After the Board has made its final determination, the Board will send you a written Notice of Final Determination within seven (7) days of the decision by either certified mail, hand-delivery, or electronic means, if applicable.**

**Once you have received a Notice of Final Determination, you have the right to contact the Office of the Common Interest Community Ombudsman. In accordance with the Common Interest Community Board's ("CIC Board") rules and procedures and Virginia Code § 55-530, you may give notice to the CIC Board of any final adverse decision which your Association may make regarding your complaint. You must file the notice within thirty (30) days of the final adverse decision. Your notice must be in writing on forms prescribed by the CIC Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$ 25.00 filing fee. The CIC Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause you undue financial hardship. For more information or to submit a complaint to the Common Interest Community Ombudsman, please contact the Office of the Common Interest Community Ombudsman at:**

Virginia Common Interest Community Ombudsman  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233-1463  
Phone: 804-367-2941  
Email: CICOmbudsman@dpor.virginia.gov

**You must date and sign this form. Anonymous complaints will not be accepted.**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**The Association will maintain a record of your complaint for one year from the date upon which it takes action to resolve your complaint.**

*To be completed by Association representative only*

**Received by:** \_\_\_\_\_

**Date:** \_\_\_\_\_

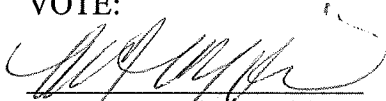
**RESOLUTION ACTION RECORD**

Duly adopted at a meeting of the Board of Directors held April 22, 2014.

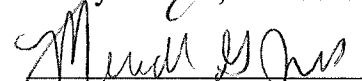
Motion by: Katharine Pilkington Seconded by: Meredith Jones

VOTE:


YES NO ABSTAIN ABSENT

  
Nancy J. Malir, President

X \_\_\_\_\_

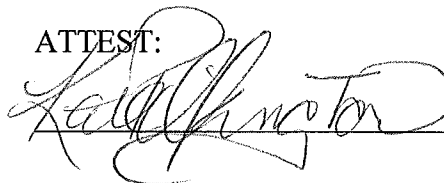
  
Meredith Jones, Secretary

X \_\_\_\_\_

  
Katharine Pilkington, Treasurer

X \_\_\_\_\_

ATTEST:

  
Date 23 April 2014

Resolution effective: June 1, 2014.



**CERTIFICATE OF MAILING OR DELIVERY**

I hereby attest that this Policy Resolution was mailed and/or hand-delivered to the addresses of record of the Owners on this 5<sup>th</sup> day of May, 2014.

**POTOWMACK CROSSING II  
CONDOMINIUM**

5/5/14  
Date

  
Scott Burka, Manager