

BRICKSHIRE COMMUNITY ASSOCIATION, INC.

Association Complaint Procedures, Revised March 26, 2024

Policy Resolution 2024-2

WHEREAS, the Code of Virginia, 1950, as amended (the “Virginia Code”), was amended by statute effective July 1, 2008, to create a Common Interest Community Board (“CIC Board”) and the Office of the Common Interest Ombudsman (“CICO”); and

WHEREAS, Section 55-530.E states the CIC Board “shall establish by regulation a requirement that each association shall establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens”; and

WHEREAS, for the benefit and protection of the Association and of its individual Members, and with a goal of reducing and resolving conflicts among and/or between the Association and its Members, the Board of Directors hereby establishes these Association Complaint Procedures to meet the requirements of Sections 55-530.E and F of the Virginia Code and regulations of the Common Interest Community Ombudsman regarding Association Complaint Procedures; and

WHEREAS, the Board adopted a Complaint resolution in 2012 and believes it is in the best interests of the Association to update it.

NOW THEREFORE, the Board of Directors does hereby replace any previous Association Complaint Procedure resolutions, in all regards, with adoption of Policy Resolution 2024-2, pertaining to Association complaint procedures:

1. Right to Submit Complaint. When any Association Member (“Complainant”) observes or reasonably believes the Board of Directors (“Board”), the Association’s Common Interest Community Manager (“Association Manager”) or any individual Board Member has or is continuing to violate any provision of the Association’s Declaration, Architectural Guidelines, Articles of Incorporation, Bylaws, and/or Rules and Regulations (collectively, “Governing Documents”), the Member shall have the right to complete and submit a Complaint Form.
2. Complaint Form.
 - a. The Complaint shall comport substantially with the Complaint Form attached to this Resolution as Exhibit A, or with any form required by regulation duly promulgated by the CIC Board. The Board reserves the right to update the Complaint Form from time to time without having to redo this entire resolution. Complainants may obtain the current Complaint Form from management. To the extent the

Complainant has knowledge of the law or regulations applicable to the Complaint, the Complainant shall provide that reference, as well as the requested action or resolution.

- b. The Complaint Form shall be submitted to the Association:
 - (i) By U.S. Mail, registered or certified, return receipt requested c/o Association Manager, 11000 Kentland Trail, Providence Forge, VA 23140; or
 - (ii) By hand delivery c/o Association Manager, 11000 Kentland Trail, Providence Forge, VA 23140; *provided, however*, the method of hand delivery must provide a means to prove delivery; or
 - (i) By email to the Association's Manager. The email address of record for the Association's Manager may be found at mybrickshire.com. If sent by email, it is the Complainant's obligation to confirm receipt of the Complaint.
- c. The Association shall provide written acknowledgment of receipt of the Association Complaint to the Complainant within seven (7) days of receipt of the Association Complaint. Such acknowledgment shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Complaint, or by electronic means provided the sender retains sufficient proof of the electronic delivery.

3. Review of the Association Complaint.

- a. The Board and/or the Association Manager shall review any Complaint Form received and shall, if necessary, consult with others to provide as complete a review as possible to arrive at its decision.
- b. The Board and/or the Association Manager may, but shall not be required to, consult with the Complainant who submitted the Complaint Form to understand more fully the substance and/or basis of the Complaint.
- c. In the event the Board or management determines the Complaint is incomplete or contains insufficient information to render a decision, a request for additional information that identifies with specificity the information needed shall be sent to the Complainant at the address provided in the Complaint. Such written request shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the

Complaint, or by electronic means if the Complainant has consented to receiving communications regarding the Complaint electronically. The sender shall retain sufficient proof of the electronic delivery. If the Complainant does not provide the additional documentation or information requested within 14 days of the request, the Complaint shall be deemed withdrawn and no further action shall be taken by the Association.

4. Notice of the date, time, and location where the Complaint will be considered shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided or delivered by electronic means, if the Complainant has consented to receiving communications regarding the Complaint electronically. The sender retains sufficient proof of the electronic delivery. Such notice shall be sent at least 10 days in advance of the meeting or hearing.
5. At the meeting or hearing where the Complaint will be considered by the Board, the Board shall have the right to consider and rule on the Complaint without hearing anything additional from the Complainant.
6. Final Determination Letter. The Board shall make best efforts to render a written decision of the Complaint (“Final Determination Letter”) to the Member within seven (7) days of the after the Board renders a decision on the Complaint.
The Final Determination Letter shall:
 - a. Be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Complaint or by electronic means if the Complainant has consented to receiving communications regarding the Complaint electronically. The sender sha; retain sufficient proof of the electronic delivery.
 - b. Be dated as of the date of issuance and include specific citations to applicable Governing Documents, laws or regulations that led to the Final Determination.
 - c. Include the Registration Number of the Association and the name and License Number of the Association Manager.
 - d. Include the Complainant’s right to file a Notice of Final Adverse Decision with the Common Interest Community Board via the Common Interest Community Ombudsman, along with the applicable contact information.
7. Should any Member need assistance in understanding the Member’s rights and the processes available to common interest community Members, the

Member may contact Virginia's Office of the Common Interest Community Ombudsman ("CICO") for assistance. The CICO may be reached at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233. The CICO's current telephone number is (804) 367- 8510. The CICO's current email address is cic@dpor.virginia.gov.

8. The Complaint Form, all attachments thereto and a copy of the Final Determination Letter shall be retained by the Association for not less than one (1) year after the Board renders a decision on the Complaint.
9. This resolution may be updated administratively to reflect any changes in mailing addresses or other contact information without a formal vote of the Board.

**BRICKSHIRE COMMUNITY ASSOCIATION, INC.
ASSOCIATION COMPLAINT FORM**

You must use this form to file a complaint. Please complete, sign, and date this form and send it by mail, email, or hand-delivery to the Association's Manager:

Brickshire Community Association, Inc.
11000 Kentland Trail, Providence Forge, VA 23140
barcia@evernest.co

Name of Complainant(s): _____

Address: _____

Phone: (Home) _____ (Work) _____

(Mobile) _____ (Email) _____

Preferred method of communication (select one): _____ Paper _____ Electronic

Please describe the nature of your complaint, including relevant times, dates and locations, and the specific provision of state law and/or regulations that you believe has been violated (please attach all documents and communications supporting your complaint - you may use additional pages):

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

Explain what you want the Association to do in response to your complaint:

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 no less than one year from the date of the Association's final decision.

To be completed by Association representative only.

Received By: _____

Date: _____