



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Robert F. McDonnell
Governor

July 8, 2013

James S. Cheng
Secretary of
Commerce and Trade

Gordon N. Dixon
Director

Complainant: Dustin Drumm
Association: Wexford Conservancy
File Number: 2013-03417

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 Huntington Forest Homeowners' Association (Association) dated May 22, 2013. The Association does not appear to have provided a decision of any kind in response to the Complaint. The Complainant submitted a Notice of Final Adverse Decision to the Office of the Common Interest Community Ombudsman which was received June 20, 2013 and dated June 12, 2013.

Determination

The Office of the Common Interest Ombudsman has reviewed the Notice of Final Adverse Decision. The allegations in the complaint are that the Association has assessed Complainant for a violation of the architectural guidelines. The Association appears to have properly carried out its due process responsibilities, and Complainant does not agree with the outcome.

Because the submitted material clearly indicates that the controversy centers on the assessments that resulted from an alleged violation of the architectural guidelines of the association, this office has no authority to provide a Determination as the jurisdiction of this office only extends to possible conflicts with common interest community laws or regulations. This is not a Complaint that was appropriate for submission through the Association's mandated complaint procedure, nor was it appropriate for subsequent submission as a Notice of Final Adverse Decision. While it appears the Association never provided Complainant a final decision in response to the submitted Complaint, no fault can be found for such an omission, as the Complaint appears to have been incorrectly submitted.

The only option this office has is to close the file and suggest that the Complainant attempt to work further with the Association to resolve this matter.

Required Actions

No action is required of either party. If either party has any questions regarding this determination, you are welcome to contact me.

Sincerely,



Heather S. Gillespie
Common Interest Community Ombudsman

cc: Board of Directors
Wexford Conservancy