



# COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Terence R. McAuliffe  
Governor

July 11, 2014

Maurice Jones  
Secretary of  
Commerce and Trade

Jay W. DeBoer  
Director

Complainant: Karl Golovin  
Association: Unit Owners Association of Country Club Green Condominium  
File Number: 2014-03755

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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 Association dated March 24, 2014. The Association provided consideration of the Complaint on May 15, 2014 and issued its final determination May 20, 2014. Complainant submitted a Notice of Final Adverse Decision to the Office of the Common Interest Community Ombudsman dated June 13, 2014 and received June 16, 2014, well within the 30-day timeframe required by law and regulations. A cover letter and exhibits were included with the NFAD, but were not considered as part of this Determination, as they were not part of the original Complaint submitted to the Association.

## Determination

The Complainant alleges in his Complaint that the Association has failed to provide a method of communication that complies with §55-79.75:1 of the Code of Virginia. Specifically, the Complainant believes that the bulletin boards utilized in the lobbies of the condominium buildings are ineffective and do not meet the standard of a "reasonable, effective, and free method, appropriate to the size and nature of the condominium" of communication. According to the Complaint submitted to the Association, the bulletin boards do not have glass covers, items can be removed, and the majority of unit owners are absentee owners. The Complainant notes that the "nature" of the condominium is to be taken into consideration when meeting the standard created by the Condominium Act and believes that the only methods that would be suitable in light of the absentee nature of

the unit owners would be either a monthly newsletter or a method of electronic communication utilizing the Association's website.

Appropriate methods of communication for associations have long been an area of confusion. Common interest community law does not provide an enormous amount of guidance, and allows associations, to a great extent, to determine what method of communication is most suitable for their particular circumstances. Bulletin boards are currently used in many condominiums and property owners' associations, and appear to meet the requirements under the law. While the Complainant's contention that the majority of absentee owners alters the nature of the condominium is understandable, the law itself does not state that it is the nature of the unit owners that must be taken into consideration, instead it states that it is the nature of the condominium. Condominium is defined by the Condominium Act as

"real property, and any incidents thereto or interests therein, lawfully submitted to this chapter by the recordation of condominium instruments pursuant to the provisions of this chapter. No project shall be deemed a condominium within the meaning of this chapter unless the undivided interests in the common elements are vested in the unit owners."

Unit owner is defined in the Condominium Act as:

"one or more persons who own a condominium unit, or, in the case of a leasehold condominium, whose leasehold interest or interests in the condominium extend for the entire balance of the unexpired term or terms."

The Complainant's argument that the bulletin boards are not in compliance with the Condominium Act because they do not take into consideration the nature of the condominium is not valid. Had the legislature intended for the nature of the unit owners to be taken into consideration, it would have included the term "unit owners" rather than "condominium" in its requirements related to the required method of communication as set forth in §55-79.75:1.

The Complainant's suggestions for alternative methods of communication have merit, and the Association, in its Final Determination noted that it intends to either "augment the existing Country Club Green website...or... establish a presence on social media." It appears that in the future, the Association will be implementing a method of communication that more closely matches the Complainant's vision of an appropriate method of communication. However, the method of communication currently in place is sufficient to meet the requirements of the Condominium Act. I do not find that the final decision issued by the Association to be in conflict with laws or regulations governing common interest communities.

Required Actions

No action is required.

Sincerely,



Heather S. Gillespie  
Common Interest Community Ombudsman

cc: Board of Directors  
Unit Owners Association of Country Club Green Condominium