

January 22, 2025

Office of Common Interest Community Ombudsman
Department of Professional and Occupational Regulation
9960 Maryland Drive, Suite 400
Richmond, VA 23233-1485

Re: Notice of Final Adverse Decision
Belmont Bay Homeowners Association
Woodbridge, VA 22191

Dear Ombudsman,

As a resident of Belmont Bay Homeowners Association in good standing, I hereby file a complaint of the Notice of Adverse Decision. The BBHOA Board members are Julius Williams, President; Bill McDow, Frim Nowicki, Angad Singh, and Renee Hightower.

Mr. Angad Singh, a Board member, has sounded alarm about the Board's lack of transparency before. Upon noticing the recent violations to VA POAA 55.1-1816 C and 55.1-1807 on December 5, 2024 when the Board held a meeting with M&S without proper notice to residents, I took the following actions:

- 12/13/24 Following the BBHOA Standard Operating Procedure, I filed a formal complaint with a signed letter given in person to Mr. Michael Modesitt, General Manager, BBHOA Office. The letter requested that BBHOA Board issue a response by 1/6/25.
- 12/17/24 Receiving no acknowledgement to the complaint, I followed it up with an email to Mr. Julius Williams, President of the Board and cc'd all Board members.
- 1/3-4/25 Called all Board members to remind them about the complaint and the deadline. Reached all members except one.
- 1/10/25 Sent another email to all Board members.
- 1/15/25 Withheld filing a CIC Complaint as planned after further conversation with Mr. Modesitt to have a meeting with Mr. Julius Williams. Met with Mr. Williams and Modesitt at 11 am. Mr. Williams did not seem to be interested in meeting notice

requirement nor paid attention to the complaint. I demanded a written response letter by pm or the complaint would be filed with OCIC. A letter was received by 3 pm from Mr. Williams.

1/16/25

I sent a responding email to Mr. Williams stating that it appears that the Board tried to gloss over the violations and did not take any remediation to address the concerns. Instead, the Board tried to categorize the meeting as a special meeting after the fact to try to circumvent the notice requirement and the timing of entry of the meeting date onto the Web Event Calendar as justification for adequate notice to residents was also questionable. Besides, BBHOA SOP specifically identifying email as the communication means for meeting notices and Event Calendar is not mentioned in the procedure.

It may be appropriate to mention the current affair of the rezoning request by M&S in Belmont Bay. The Board of BBHOA has been meeting with M&S frequently. The importance of this meeting was that M&S offered BBHOA three land parcels trying to obtain the support by the Board. Such information should not be concealed from the residents whose property values and quality of life could be impacted.

Further, the meeting was held on December 5, 2024 and BBHOA SOP requires that the meeting minutes be made available to residents within two weeks. The meeting details and the land offer have not been revealed to residents yet and it has been six and half weeks.

In addition to a lack of transparency, the actions by the Board constitute misrepresentation and concealing information and I respectfully request the Office of CIC Ombudsman to investigate so that the rights of the Belmont Bay residents are protected.

Respectfully,



KP Lau

552 Marina Landing Lane, Woodbridge, VA 22191

Attachments:

- 1. Form F491**
- 2. Check of \$25**
- 3. Complaint letter to BBHOA, 12/13/24**
- 4. Email to the Board, 12/17/24**
- 5. 2nd email to the Board, 1/10/25**
- 6. The Board's response to complaint, 1/15/25**
- 7. Letter to the Board, 1/16/25**
- 8. Angad Singh's email to the Board, 1/8/24**
- 9. BBHOA SOP 1-2018, Guideline for Meetings of the Board of Directors**
- 10. BBHOA SOP 2-2018, Belmont Bay Board Transparency**
- 11. BBHOA Complain Form**
- 12. BBHOA Email Procedure & Instruction**



Department of Professional and Occupational Regulation

Department of Professional and Occupational Regulation

9960 Mayland Drive, Suite 400

Richmond, VA 23233-1485

cicombudsman@dpor.virginia.gov

www.dpor.virginia.gov

Office Use Only
<input type="checkbox"/> \$25 Received
Staff Initials _____

Office of the Common Interest Community Ombudsman

NOTICE OF FINAL ADVERSE DECISION

Fee \$25.00*

NOTE: Anonymous Notices of Final Adverse Decision cannot be accepted. By law, all Notices of Final Adverse Decision and any accompanying documents received by the Department of Professional and Occupational Regulation are subject to public disclosure

SECTION I - REQUIRED INFORMATION

COMPLAINANT INFORMATION

Name KP Lau

Mailing Address 552 Marina Landing Lane

Woodbridge VA 22191
City State Zip Code

Telephone Number 703-819-7276

Email Address kplau205@comcast.net

City/County Woodbridge, Prince William County

Date of Final Adverse Decision 1/15/25

ASSOCIATION INFORMATION

Association Name Belmont Bay Home Owners Association

Contact Name Julius Williams

Address 567 Harbor Side Street

Woodbridge VA 22191
City State Zip Code

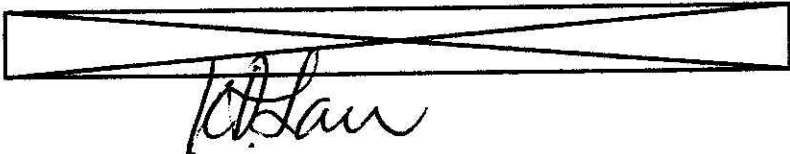
Telephone Number 703-494-0377

Email Address jwilliams@belmontbayhoa.com

Management Company* CMC-Management Company
* if applicable

SECTION II - SIGNATURE

I understand that this Notice of Final Adverse Decision will not be complete until I have submitted all required documents and the filing fee. A Request for Waiver of Filing Fee may be submitted in lieu of the filing fee, but this will delay review of my Notice of Final Adverse Decision, and there is no guarantee that I will be granted the waiver.

Signature  Date 1/22/25

check # 5029 - trust 1/22/25

* A Complainant must submit a \$25 filing fee or a completed Waiver of Filing Fee Request Form.

December 13, 2024

Mr. Julius Williams
President, the Board of Directors
Belmont Bay Homeowner Association
567 Harborside Street
Woodbridge, VA 22191

Re: Board's Actions in violation of Virginia Property Owner Association Act

Dear Mr. Williams,

As a resident of Belmont Bay HOA in good standing, I am contacting you to demand prompt acknowledgement and remediation by the Board of BBHOA regarding Board's recent actions in violation of the BBHOA Standard Operating Procedure and the Virginia Property Owners Association.

As a former Board president, I am pointing out the violations in good faith with the Board.

1. Executive Session:

Recently I made a request to use the HOA meeting room by the Board of Concerned Citizens United for Belmont Bay, a civic non-profit organization. Contrary to the longstanding practice of allowing Belmont Bay residents, sub-associations and non-profit organizations to use the meeting room, the request was rejected.

Mr. Williams stated that the Board had discussed the request in executive session and decided that the HOA room can only be used by HOA affiliated committees. Since the request was made in advance but no response was given until the time of the meeting. Mr. Williams granted an exception for the meeting to take place.

In response to a request for the voting record, Mr. Modesitt, GM of HOA, explained that the Board had discussed the issue in executive session, but no vote was taken. Further, he stated that executive session is not recorded and is not reviewable by the residents.

In accordance with BBHOA SOP and VA POA Act 55.1 1816 C, Meetings of the Board of Directors, "the executive session of board of directors is restricted to consider only personnel matters, consult with legal counsel, discuss and consider contract, pertain to a probable litigation and matters involving violations on rules and regulations. Even for issues that are allowed to be considered in the executive session shall become effective unless the Board following the executive session

reconvenes in open meeting and take a vote. In such case a record should be available for residents to review.”

Regardless of whether rejecting the request is arbitrary, capricious or biased or not, the fact is that a decision was made by the Board in violation of the SOP and the VA code.

2. Notice of Board Meeting:

On December 5, 2024, the Board convened a meeting with Miller & Smith, the developer, at 2 pm without giving notice to residents about the meeting.

The right of the residents is protected under the VA POA Act, 55.1-1807, Statement of Lot Owner Right. “The residents of BBHOA have the right to have notice of any meeting of the board of directors, to make a record of such meeting by audio or visual means, and to participate in any such meeting. All meetings of the board of directors shall be open to all members. The Board shall not use work sessions or other informal gathering to circumvent the opening requirement. Minutes of the board of directors shall be recorded and shall be available.”

Considering that M&S has an outstanding Belmont Bay rezoning request, any communication between the BBHOA and the developer would potentially impact the community and the residents. Therefore, any meeting between the BBHOA Board of Directors and the developer is of special interest to the residents and must be open to all residents with appropriate advanced notice. As for the record of the meeting for December 5, 2024, it should be available for residents’ review.

During the election campaign, you have stressed for the Board to increase transparency, I hope these violations are oversight and not intentional. Nevertheless, I expect to receive a response by January 6, 2025. If the Board ignores this complaint and takes no remediation action, I will have no choice but take this issue to the Common Interest Community Ombudsman to make sure the rights of the Belmont Bay residents will be protected.

Lastly, in accordance with BBHOA resolution 7&8, I would request that this letter be published in BBHOA’s weekly eBlast as a special interest item to the residents and be posted on BBHOA’s web bulletin Board.

Respectfully yours,



KP Lau

552 Marina Landing Lane
Woodbridge, VA 22191

ATTACHMENT 4

From: kplau205@comcast.net
Subject: BBHOA Complaint
Date: December 17, 2024 at 10:27 PM
To: Julius Williams jwilliams@belmontbayhoa.com
Cc: BBHOA Directors boardofdirectors@belmontbayhoa.com, Michael Modesitt mmodessitt@cmc-management.com

Julius,

Attached is the complaint letter that I hand delivered to Mike.

Happy Holidays!

KP

|

**KP Letter Dated
12_13_24.pdf**



From: kplau205@comcast.net
Subject: Re: BBHOA Complaint
Date: January 10, 2025 at 10:12 AM
To: Julius Williams jwilliams@belmontbayhoa.com
Cc: BBHOA Directors boardofdirectors@belmontbayhoa.com, Michael Modesitt mmodesitt@cmc-management.com, Chris Chipman csc@comptondueling.com, KP Lau kplau205@comcast.net

Julius,

In my complaint letter dated December 13, 2024, I specifically requested that the Board of BBHOA to respond to my complaint by January 6, 2025. As of today, January 10, 2025, I have not received any response, not even a confirmation of receipt of the complaint.

My intent of the complaint is for the Board to be aware of the violation of VA POA Act and to take remediation action that would ensure the Board of BBHOA will operate in a transparency manner in conformance with the BBHOA SOP and all other applicable laws in the future. As I stated in my complaint that if the Board of BBHOA doesn't not take remediation action, I would have no choice but to pursue the issue further by filing my complaint with VA CIO Ombudsman in order to protect the rights of all residents of BBHOA. Once it is filed, the local press will also be contacted. The names of all Board members may be publicized for violatin VA laws.

I have tried to call each of the Board members to flag the consequence since then and was able to reach Renee Hightower, Bill McDow and Angad Kara. Frim Nowicki did not return my call and you told me that you were busy and would call back but did not.

I respectfully urge your serious consideration for the Board to take remediation including posting the complaint on the BBHOA web Bulletin Board by January 13, 2025 and sharing the information the Board had discussed with M&S with residents of BBHOA.

Respectfully yours,

KP Lau
552 Marina Landing Lane

On Dec 17, 2024, at 10:27 PM, kplau205@comcast.net wrote:

Julius,

Attached is the complaint letter that I hand delivered to Mike.

Happy Holidays!

KP

**KP Letter Dated
12_13_24.pdf**

52 KB





January 15, 2025

Mr. KP Lau
552 Marina Landing Lane
Woodbridge VA 22191

**VIA: EMAIL
FIRST CLASS MAIL
CERTIFIED MAIL**

RE: Response to Letter Dated December 13, 2024

Dear Mr. Lau,

First, I would like to thank you for taking the time this morning to meet with me via Zoom so that I could better understand your concerns. I also would like to apologize again for not responding to your concerns sooner.

That said, I would like to confirm that we received your letter, go over our conversation this morning, and provide a better description of the responses to your concerns.

Regarding the Executive Session held on October 23, 2024, the Board of Directors did not motion or call for any vote related to any topic legally discussed within the Executive Session. However, the Board reviewed a new Resolution drafted by Legal Counsel that would regulate all outside entities using any Belmont Bay Homeowners Association Facilities. This resolution has been placed on the agenda for the next regularly scheduled Board of Directors meeting on Wednesday, January 22, 2025.

The second concern you brought to my attention was regarding sufficient notice of the Special Meeting with Miller & Smith, Thursday, December 5, 2024. This special meeting was at the request of Miller & Smith, with the Board of Directors confirming the meeting on Friday, November 29, 2024. Regrettably, the Board Members did not confirm the meeting until after the Belmont Bay Homeowners Association weekly "eBlast" to all members had already been sent that Friday. However, the notice was placed on the Association's website calendar that Friday, November 29, 2024, and is reasonably available to all owners of record.

I'm hopeful that I've been able to address your concerns and answer them to your satisfaction and understanding. Notwithstanding, the Board will discuss your letter and address any questions or concerns that you may have at its next meeting on January 22, 2025, and welcomes you to attend. As a longstanding volunteer of our HOA, my goal and unwavering commitment to the Board of Directors is to ensure open communications and transparency with the ownership and the Board. Moving forward, I look forward to working with you and all members to ensure this important goal is met.

Sincerely,
Julius R. Williams
Julius Williams
President, Belmont Bay Homeowners Association, Inc.

cc: BBHOA Board of Directors

From: kplau205@comcast.net 
Subject: Re: Response letter
Date: January 16, 2025 at 5:24 PM
To: Julius Williams jwilliams@belmontbayhoa.com
Cc: Michael Modesitt MModesitt@cmc-management.com, BBHOA Directors boardofdirectors@belmontbayhoa.com, Chris Chipman csc@comptondueling.com

Hi Julius,

Thank you for meeting me yesterday and the resulting response letter to my complaint . I must say that I was disappointed that you did not show up in person after Mike and I changed the meet time a couple of times to accommodate both of our schedules. I was dumbfounded that you actually thought that I was the one who set up the meeting. It was disconcerting to me especially after my two letters and my personal phone call to you. The fact is that the Board did not acknowledge my complaint for over 31 days until yesterday.

It appeared to me that you did not pay attention to the complaint nor was interested in the meeting notice requirement as stipulated in the VA POAA. You also told me that you have a full time job in justifying your lack of prompt attention to matters relating to the position as the president of the Board.

If one cannot devote the necessary time as demanded by the position of president of BBHOA, then one must reset the priority. It is only fair to the residents of the BBHOA.

I raised the issue of the Executive Session because you told me that the Board had decided in an Executive Session not to allow any non-profit organizations or sub-associations to use the BBHOA meeting room. If the Board did not take any action in an Executive Session as claimed now and the issue was not discussed in an open Board meeting, then I am not sure under what authority, on behalf of the Board, you would reject my request and others to use the meeting room.

In the past, all non-profit organizations and sub-associations of BBHOA were not only allowed to use the facility but encouraged to because the fees from the residents are the source of funding for the HOA office. I also have to remind you that when you allowed us to use the meeting room after I questioned the lack of timely response from you, you stated that you were "sticking your neck out to make the exception despite the Board's decision."

According to your letter that a resolution will be placed on the agenda of the next Board meeting, it is in direct contrast to your statement that the Board had agreed to reject the use of the meeting room by any organization that is not affiliated with the BBHOA. I am confused because I am not sure which version is the fact.

As for the meeting with Miller & Smith, I know for certain that the meeting took place without the announcement by eBlast which is normally the case. As for the entry of the meeting on the Event Calendar, I contend that the Event Calendar was never been used as announcement notice for meetings. I also believe that it did not meet the time requirement for advance notification anyway. I reached this conclusion based on my conversation with the on-site manager and other Board members because your confirmation for the meeting to take place did not happen until the following week.

It is also important to note that the meeting is now categorized as a Special Meeting after the complaint was filed. But the entry to the Event Calendar did not categorize it as a special meeting. Regardless, the Board should be cognizant of the requirements of the VA POAA announcement of any Board meeting that is not considered an emergency in nature.

You told me that you were not familiar with the requirement of meeting announcements in the VA POAA. Since the Board has had many quarterly meetings with M&S who has a rezoning request under review by the County, this meeting should not be billed as a special meeting and the fact is that it was not communicated to other Board members as a special meeting. When the residents were not notified of a meeting of this kind, it unnecessarily created the appearance of the Board trying to circumvent the residents' input especially when the developer had offered land parcels to the BBHOA in an effort to solicit BBHOA's support for the rezoning request.

Furthermore, the Board still has not issued the meeting minutes with M&S nor released the offer details by the developer to the residents except to a selected few after the complaint was filed. Lastly, I have requested a copy of the map covering the land parcels on 1/8, but the Board has again ignored the request.

I hope the Board as a whole will revisit the meeting notice requirement by VA law and take remediation efforts immediately. As I stated in my complaint letters, if you, as president, do not admit a mistake has been made, despite members of the Board having made pronouncements to the contrary, and continue to ignore the requirements of the VA POAA, I will file my complaint with the Office of the Common Interest Community Ombudsman against you and other Board members to ensure residents' rights are being protected. I hope every Board member understands the seriousness of this issue and the consequence of glossing over it by inaction.

Sincerely,

KP Lau
552 Marina Landing Lane

On Jan 15, 2025, at 2:55 PM, Michael Modesitt <MModesitt@cmc-management.com> wrote:

Hi KP,

Attached please find the response to your letter. Please let me know if you have any further questions.

Thanks,

Mike

Sincerely,

Michael G. Modesitt, CMCA®, AMS®
General Manager
Belmont Bay Homeowners Association
567 Harbor Side Street
Woodbridge, VA 22191
Ph: 703-494-0440
Fax: 703-494-0377

Mmodesitt@cmc-management.com

-----Original Message-----

From: "asingh@belmontbayhoa.com" <asingh@belmontbayhoa.com>
 Sent: Sunday, December 8, 2024 3:06pm
 To: "Michael Modesitt" <MModesitt@cmc-management.com>
 Cc: "BBHOA Board of Directors (boardofdirectors@belmontbayhoa.com)"
 <boardofdirectors@belmontbayhoa.com>
 Subject: RE: BBHOA Board & M&S Meeting Confirmed

Mike and Board Members,

I've been slammed with work, and family that I haven't really looked at my email carefully. I knew our next Board meeting wasn't until next year. And most (if not all) of you have my cell phone so a quick text wouldn't be out of the question.

I am literally just finding out about this meeting now, and someone had 'heard' about it and asked me. There was no indication in any eBlast, or any email saying we were going to have a Board meeting (even if it would go into executive session immediately).

We need to cut this out. If the Board of Directors are to meet—we must abide by the statutory requirements of the POA and make sure our homeowners are given proper notice and an open forum be setup prior or post the meeting. We can't say that we are for transparency and yet have closed meetings like this. While I don't believe it was intentional, but we have to allow homeowner attendance especially considering there was not anything sensitive that couldn't be shared with the community.

Lastly, as a blanket statement, it would be very rare for me to attend a Board of Director meeting during business hours. While my attendance to this meeting was not super important, but just to put that out there for potential future meetings.

Thank you,
 Angad

-----Original Message-----

From: "Michael Modesitt" <MModesitt@cmc-management.com>
 Sent: Wednesday, November 27, 2024 12:40pm
 To: "BBHOA Board of Directors (boardofdirectors@belmontbayhoa.com)"
 <boardofdirectors@belmontbayhoa.com>
 Subject: BBHOA Board & M&S Meeting Confirmed

Julius and all,

I've just confirmed the meeting with Miller & Smith for next Thursday, December 5th at 2:00pm here in the office.

Have a wonderful Thanksgiving!

Mike

Sincerely,

Michael G. Modesitt, CMCA®, AMS®
 General Manager
 Belmont Bay Homeowners Association
 567 Harbor Side Street

Belmont Bay Homeowners Association Standard Operating Procedure (SOP) Guidelines

Reference Number: 1-2018

Topic: Guidelines for Meetings of the Board of Directors

Preamble: A primary way of communicating information and resolving issues is meetings of the Board of Directors, committees, sub-committees, special task forces and advisory groups. It is the intent of the HOA that all information and matters be as transparent as possible. Except as required by emergencies or discussions which must be held in Executive Session, all meetings of these groups, shall be open to all members of the HOA. Work sessions or other informal gatherings should not be used to circumvent the open meeting requirement, unless these sessions are held to obtain information/data that would be presented at an open meeting in which minutes are taken that would be available to all HOA members. Further, all actions taken on these reports have to be taken in open session and duly noted as such. It is expected that all minutes of the meetings of the BOD and other groups shall be recorded and shall be available to all HOA members.

General Guidelines - BOD:

1. In order to maintain maximum transparency and consistency, the BOD shall hold at least one regular meeting every three (3) months at a specific time and place, which shall be announced at the first meeting of the year. Any change to the announced time/place for any meeting will be updated in the email blast and posted on the Belmont Bay Website at least 72 hours prior to the meeting. It is the intent that the BOD normally acts on resolutions/motions only at these meetings.
2. The BOD may have other meetings, which shall be announced at least 72 hours prior to the meeting. The time, place, and purpose of these meetings shall be included with the announcements, which will also be announced in the email blast and posted on the Belmont Bay Website. These meetings will normally be for information gathering or organizational purposes and only on rare occasions will resolutions/motions be voted on.
3. It is the intent of the BOD to follow the above procedures; however, there may, from time to time, be a need for more urgent meetings which do not allow for 72 hours prior announcement and/or meetings which because of the situation, must be held in Executive Session. In the event such a meeting is required, or actions are taken as appropriate in an emergency meeting, or action is taken without a meeting by the BOD as may be appropriate, such actions will be announced at the next scheduled BOD meeting. Also, as required by State law, when a motion is adopted, passed, or agreed to in Executive Session, it will be ratified following the Executive Session, in an open meeting.
4. The agenda for each meeting shall be developed by the Board President with the assistance of the Board Secretary and the Managing Agent as requested by the Board of Directors and Committee Chairs shall submit proposed resolutions/motions and topics to the Board Secretary and the Managing Agent not less, than seven (7) days prior to the meeting at which they are to be introduced. Additional topics may be added at the meeting during the time the Directors

act to approve the agenda. The Managing Agent will have the responsibility of ensuring that meeting information is posted on the Belmont Bay Website and published in the email blast.

Suggested Meeting Protocol:

- Call to Order
- Approval of Agenda
- Approval of Previous Meeting(s) Minutes
- Special Presentations (optional)
- Resident Comments
- Board Comments
- Committee Reports
- Matters for Board Decision
- Matters for Board Discussion
- Matters for Board Review and Information
- Executive Session

**Belmont Bay Home Owners Association
Standard Operating Procedure (SOP)
Guidelines**

Reference Number: 2-2018

Topic: Belmont Bay Board Transparency

Preamble: By Virginia State law, all meetings of an HOA's Board of Directors, committees, sub-committees and task forces shall be open to all members of record of the HOA. Notice of meetings shall be published in a timely manner and minutes of meetings shall be recorded and available to members. Exception to the foregoing is a meeting in Executive Session for discussing personnel and/or contract matters, discussion of legal matters, pending or probable litigation, and matters involving violations of the Declaration of Covenants.

General Guidelines: In order to foster transparency in Belmont Bay meetings, the following procedures are to be followed by the Board, committees, sub-committees and task forces:

1. Agenda for all meetings should be as detailed as possible and published (Belmont Bay website; email blast and other communication outlets) a minimum of three (3) days prior to the meeting.
2. Meetings of the BOD- see SOP 1-2018.
3. Minutes of open meetings as well as Executive Sessions of the BOD will be promptly written and reviewed to allow for formal approval at the BOD meetings. The Managing Agent in coordination with the BOD Secretary will ensure that all open meeting minutes are published on the HOA website within two weeks of that meeting.
4. The BOD requires that draft minutes of the open meetings of committees, sub-committees, task forces and advisory groups be recorded and published on the BB website within two (2) weeks of that meeting date. Formal approval if needed would be done at the next announced meeting. If corrections need to be made of prior minutes they will be done at that time and noted in that meeting's minutes.
5. Maximum use of HOA communication facilities should be implemented using the Belmont Bay Newsletter, Email Blast, and BB Website.
6. Use of Email- The Supreme Court of Virginia has decided that e-mail exchanges between members of boards and committees is permissible if the ultimate decisions are made in open meetings open to the public. The HOA BOD recognizes that email is quickly replacing many other forms of communication because it is a fast, effective, inexpensive way to inform and communicate with others. E-mails also provide an accurate depiction of the information that was exchanged. In the interest of transparency in BOD and Committee operations, the following guidelines should be followed:

- a. Email may be used to set up meetings and develop agendas.
 - b. Email should only be used for critical/ time sensitive decisions (requires unanimous approval of all Directors/Committee members).
 - c. Email may be used to request information, ideas, comments, suggestions.
 - d. Email may be used to report status of action items, send reminders, etc.
 - e. Email should NOT be used to debate the pros and cons of issues.
 - f. Email should be respectful of one another
 - g. Email should NOT be threatening.
7. Members of the Board of Directors will, from time to time, have discussions with committees, groups and individual residents outside of official meetings. In these situations, Board Members should refrain from debating policy pros and cons of issues that are, or could be, before the Board for a decision. Such interactions should be limited to providing information and for seeking the views of others.

BELMONT BAY HOMEOWNERS ASSOCIATION, INC.

COMPLAINT FORM

You may use this form to file a complaint concerning Belmont Bay Homeowners Association, Inc. (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:

Belmont Bay Homeowners Association
570-A Harbor Side St., Woodbridge, VA 22191
Fax: 703-494-0377
E-Mail: belmontbayhoa@gmail.com

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 Virginia Code that is the basis for your complaint (attached additional sheets as necessary):

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

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.

Upon receipt of your complete, written complaint, the Association will begin investigation of your complaint. The Association will maintain a record of your complaint for one year from the date upon which it takes action to resolve your complaint.

The Office of the Common Interest Community Ombudsman ("Office"), is a governmental body, which may assist you in using the complaint procedures set forth in the Association's governing documents, as well as the Virginia Property Owners' Association Act. In accordance with the Common Interest Community Board's ("CIC Board") rules and procedures and Va 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 30 days of the final adverse decision. Your notice must be in writing on forms prescribed by the Commonwealth Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$ 25 filing fee. The Commonwealth 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:

**Department of Professional and Occupational Regulation
9960 Mayland Drive
Suite 400
Richmond, Virginia 23233-1463**

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

Signature: _____

Date: _____

To be completed by Association representative only

Received by: _____

Date: _____

“IV. Email (E-Blast) Procedure & Instructions:

Weekly CMC Management E-mail Blast (E-Blast): CMC is encouraged to send out a weekly email as a supplement to the Newsletter on each Friday. Homeowners/Committees may request information to be added. Information proposed to be included must be forwarded by email to info@belmontbayhoa.com no later than the previous Thursday of each week by 12:00 pm. Outside organizations are not permitted to advertise businesses per se, but a notice related to an event going on nearby or in the community that is of general interest to members may be included. Reasonable judgment is to be exercised by CMC management, and prior screening by the Board is not required.

Contents of E-Blast:

- The HOA meeting schedule, updated each week and including meetings scheduled for that month.
- Board announcements (if any)
- Onsite Office closures (if any)
- Social Committee current calendar and any flyers they may want include
- Other Committee information or announcements
- Covenants Reminders (Covenants Corner)
- Town Sq link
- Facebook link
- Newsletter link
- Current Budget link
- Other events or announcements:
 - Meeting notices of the Woodbridge Civic Association relevant to BBHOA member interests
 - Meeting notices or updates regarding the PWC Board of Supervisors concerning matters relevant to BBHOA member concerns
 - Notice of events that would be of general interest to membership being sponsored in the community's geographical confines. Such notices are appropriate even if the event is sponsored by a commercial enterprise, provided the e-blast announcement of same does not endorse either the event or the sponsor. Such notices may contain the name of the sponsor (e.g., Freedom Boat Club, Social Committee, Toys for Tots, etc.) but may not go beyond general description of the event and the place and time.
- The E-Blast will conclude with the email address for comments or questions from members (info@belmontbayhoa.com) and the disclaimer below (regarding “unsubscribe” instructions):

“Click on UNSUBSCRIBE to no longer receive emails from Belmont Bay HOA. Please be aware that the updates enclosed in this email is for the Belmont Bay Homeowner Association. Some items may not apply to residents residing in the sub-associations. Please consult with your management company or Board of Directors on specifications related to your sub-association. To find your point of contact you may click here to be directed to the Associations Contact page.”

(Continued)

Other Special Announcements:

- **The Board may direct placement in the E-Blast of special announcements regarding matters of concern or interest. The same are to be approved by the Board as a whole either electronically, with unanimous consent, or by vote at a regularly scheduled meeting open to the membership**
- **CMC Management may send out special announcements regarding Holiday Greetings/Reminders (parking, trash schedule etc.) Weather announcements (snow or flooding).**
- **Committees approved by the Board may seek placement of special announcements relating to their regular business via email, Facebook, or similar media. Requests are to be made to the webmaster (Currently Debbie Gregory) for all such communications and the same may be published upon review and approval of CMC management.**

BELMONT BAY HOMEOWNERS ASSOCIATION, INC.

ADMINISTRATIVE RESOLUTION NO. 09

(Procedures for Receiving and Reviewing Complaints)

WHEREAS, the Virginia Property Owners' Association Act ("Act") and Article IV, Section 4.01 of the Association's Bylaws authorizes the Board of Directors to exercise all powers of the Association, except such as are by the laws of Virginia, the Articles of Incorporation, the Declaration or the Bylaws, conferred upon or reserved to the members of the Association; and

WHEREAS, in the exercise of the said authority, the Board of Directors intends to hereby establish policies and procedures for receiving, considering and resolving complaints about actions, inactions or decisions by the Association, the Association Board of Directors or the Association's Management Agent consistent with requirements of 18 VAC 48-70-30.

NOW, THEREFORE, BE IT RESOLVED THAT the following complaint policies and procedures.

A. All complaints shall be in writing on the Complaint Form attached hereto as **Exhibit "A,"** the instructions on which are incorporated into and made a part of these complaint policies and procedures and shall be submitted to Community Management Corporation, the Association's Management Agent at 4840 Westfields Blvd., Suite 300, Chantilly, Virginia 20151 ("Management Agent").

B. The Management Agent, shall hand deliver a written acknowledgement of receipt of each properly completed and submitted Complaint Form to the complainant at the time of receipt or by certified or registered mail not later than seven days or receipt of the complaint.

C. Promptly upon receipt, Management Agent shall review each Complaint Form and attachments received to determine if they contain sufficient information to evaluate and act upon the complaint. In the event that the Complaint Form, together with any attached documents, is insufficient to evaluate and act upon, Management Agent shall request of the complainant, within seven (7) days of receipt of the Complaint Form, such additional information or documentation as is necessary in order to do so.

D. If the complainant fails to provide such additional requested information or documentation within fifteen (15) days of Management Agent's request, the Board of Directors, in its sole discretion, may either address the complaint on the basis of the available information or consider the complaint resolved and the complaint process shall be closed. In the event the complaint is deemed resolved under the provisions of this paragraph, Management Agent shall mail to the complainant by certified mail within seven (7) days of the Board's decision notice of that decision and that the complaint process with respect to the complaint has been closed.

E. When the Complaint Form, together with any attached documents and any requested additional information is complete and provides sufficient information to process the complaint, the complaint shall be considered by the Board of Directors at the next regular or special meeting that is convened at least two (2) weeks thereafter. Written notice of the time, date and location of the Board meeting at which the complaint will be considered shall be provided to the complainant by hand delivery, certified mail or electronic means, provided Management Agent

retains sufficient proof of electronic delivery within a reasonable period of time prior to the Board meeting.

F. The Board of Directors shall dispose of the complaint by taking such action as the Board deems appropriate to grant the relief sought, including without limitation issuing sanctions, modifying practices or dismissing the complaint. Within seven (7) days after the Board of Directors makes a final determination with respect to the disposition of the complaint, Management Agent shall provide written notice of the final determination to the complainant by hand delivery, certified mail or electronic means, provided Management Agent retains sufficient proof of electronic delivery.

G. The notice of final determination shall be dated as of the date of issuance and include specific citations to applicable association governing documents, laws or regulations that led to the final determination and shall include the registration number of the Association and the license number of the common interest community manager. The notice of final determination shall include a statement that the complainant has the right to file a Notice of Final Adverse Decision with the Common Interest Community Board via the Ombudsman and that the Ombudsman may be contacted at (804) 367-2941 or cicombudsman@dpor.virginia.gov.

H. Management Agent shall maintain a record of each complaint received and the disposition of the same for one year from and after the date of issuance of the notice of final determination.

I. The policies and procedures set forth in this Resolution shall apply to all complaints received after the date of adoption hereof.

This Administrative Resolution was duly adopted by the Board of Directors at a duly called meeting of the Board of Directors on this 12th day of July, 2012.

BELMONT BAY HOMEOWNERS ASSOCIATION, INC.

Original Signature on File

By: _____
Stephen P. Caruthers, President

Original Signature on File

By: _____
Donald J. Creasy, Secretary

EXHIBIT "A"

**BELMONT BAY HOMEOWNERS ASSOCIATION, INC.
c/o Community Management Corporation
4840 Westfields Blvd., Suite 300, Chantilly, Virginia 20151
(703) 631-7200**

ASSOCIATION COMPLAINT FORM

INSTRUCTIONS

This complaint form is for use by persons who wish to file written complaints with the Belmont Bay Homeowners Association, Inc. ("Association") regarding the action, inaction or decision by the Association, its Board of Directors or management agent believed to be inconsistent with applicable laws and regulations.

Legibly describe the complaint in the area provided below, as well as the requested action or resolution of the issues described in the complaint. Please include references to the specific facts and circumstances at issue and the provisions of Virginia laws and regulations that support the complaint. If there is insufficient space, please attach a separate sheet of paper to this complaint form. Please attach any supporting documents, correspondence and other materials related to the complaint.

Sign, date and print your name and address below and submit this completed form to the Association at the address listed above.

COMPLAINT

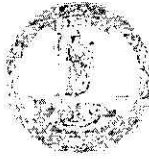
Printed Name	Signature	Date
Mailing Address	Unit Address	E-mail Address
		Phone Number

Contact Preferences: Phone E-mail Other

If, after the Association's consideration and review of the complaint, the Board of Directors issues a final decision adverse to the complaint, you have the right to file a notice of final adverse decision with the Common Interest Community Board (CICB) in accordance with the regulations promulgated by the CICB. The notice shall be filed within 30 days of the date of the final adverse decision, shall be in writing on forms provided by the Office of the Common Interest Community Ombudsman (Ombudsman), shall include copies of any supporting documents, correspondence and other materials related to the decision, and shall be accompanied by a \$25 filing fee. The Ombudsman may be contacted at:

Office of the Common Interest Community Ombudsman
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233
804/367-2941
CICOmbudsman@dpor.virginia.gov

For Association Use Only: Received by: _____ Date: _____



Glenn A. Youngkin
Governor

G. Bryan Slater
Secretary of Labor

COMMONWEALTH of VIRGINIA
Department of Professional and Occupational Regulation

Brian P. Wolford
Director

February 4, 2025

Via U.S. Certified Mail and E-mail

Board of Directors
Belmont Bay Homeowners Association
567 Harbor Side Street
Woodbridge, VA 22191

**Re: Belmont Bay Homeowners Association
File No. 2025-01854**

Enclosed, please find a Notice of Final Adverse Decision recently received by this office. We are providing this copy pursuant to the requirement set forth in 18 VAC 48-70-110 of the Common Interest Community Ombudsman Regulations.

Please alert our office if there is any discrepancy between the complaint submitted to the Association and the Notice of Final Adverse Decision received by this office. We base the determination provided by our office only on the actual Complaint submitted to the Association and not a later or different version of that Complaint. Apart from any possible discrepancy, no response is necessary or expected.

Once we make a determination as to the allegations contained in the Notice of Final Adverse Decision, both the Complainant and the Association will receive a copy of that Determination.

Please feel free to contact our office at cicombudsman@dpor.virginia.gov or 804-367-2941 if you have any questions.

Sincerely,

Benjamin Tyree
Administrative Assistant
Office of the Common Interest Community
Ombudsman

Cc: KP Lau