

**HICKORY CLUSTER ASSOCIATION**

**TYPE: General      RE-ADOPTED: April 19, 2017      RESOLUTION NUMBER: 14**

**BOOK OF RESOLUTIONS**

**Association Complaint Procedure**

**WHEREAS**, Article IV, Section I of the Bylaws states “The affairs of the Corporation shall be managed by its Directors.” Therefore, the Board of Directors may do all such acts and things except as by law, by the Virginia Property Owners Association Act, by the Declaration, or by these Bylaws, may not be delegated to the Board of Directors by the Lot Owners; 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 Board of Directors, or the Management Agent consistent with requirements of Section 55-530.E. of the Code of Virginia, as amended, and 18 VAC 48-70-30, *et seq.*

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

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 must be accompanied by all supporting documentation as necessary for the Association to make a determination on the complaint. The Complaint Form and any supporting documentation shall be submitted by hand-delivery during normal business hours or by certified or registered mail, return receipt requested, to Hickory Cluster Association, c/o TWC Association Management, Inc., Attn: Management Agent, 397 Herndon Parkway, Suite 100, Herndon, Virginia 20171.

B. 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 to the address provided by the complainant not later than seven (7) days from 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) business 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 or registered mail return receipt requested to the address provided by the complainant, 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, including without limitation taking remedial action, modifying practices, or dismissing the complaint if warranted. 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 or registered mail return receipt requested to the address provided by the complainant, 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 if applicable. 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](mailto:cicombudsman@dpor.virginia.gov).

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

I. A copy of this Resolution shall be included as an attachment to each resale certificate or Association disclosure packet.

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

This General Resolution was duly adopted by the Board of Directors at a duly called meeting of the Board of Directors on this 19th day of September, 2012.

YES NO ABSTAIN ABSENT

X

PRESIDENT:



Gregory Gallardo

X

SECRETARY:



Michael L. Poss

X

AT LARGE:

John Rowley

X

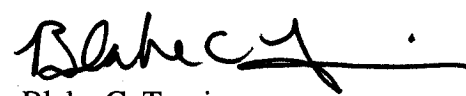
AT LARGE:



Michael W. Smith

X

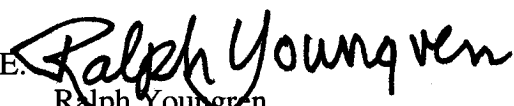
AT LARGE:



Blake C. Travis

X

AT LARGE:



Ralph Youngren

AT LARGE:

Vacant

**EXHIBIT "A"**

**HICKORY CLUSTER ASSOCIATION**  
c/o TWC Association Management, Inc.  
Attn: Management Agent  
397 Herndon Parkway, Suite 100, Herndon, Virginia 20171  
(703) 437-5800

**ASSOCIATION COMPLAINT FORM**

INSTRUCTIONS

This complaint form is for use by persons who wish to file written complaints with **HICKORY CLUSTER ASSOCIATION** ("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 and completely 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, if you know, the provisions of any 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 all supporting documents, correspondence and other materials related to the complaint that will be necessary for the Association to make a determination.

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 complainant, 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 thirty (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](mailto:CICOmbudsman@dpor.virginia.gov)

*For Association Use Only:* Received by: \_\_\_\_\_ Date: \_\_\_\_\_