

NOTICE OF FINAL ADVERSE DECISION

A complainant may give notice to the Common Interest Community Board, via the Common Interest Community Ombudsman, of any final adverse decision issued by a common interest community and resulting from an association complaint process.

As defined in 18 VAC 48-70-10, a final adverse decision means the final determination issued by an association pursuant to an association complaint procedure that is opposite of, or does not provide for, either wholly or in part, the cure or corrective action sought by the complainant. Such decision means all avenues for internal appeal under the association complaint procedure have been exhausted.

Any Notice of Final Adverse Decision must be received by this office within **30 DAYS** of the date of the final adverse decision. Notices of Final Adverse Decision must be complete at the time of filing. It is the responsibility of the individual filing the Notice of Final Adverse Decision to ensure that it is complete.

A complete Notice of Final Adverse Decision consists of:

- a copy of the association complaint;
- a copy of the final adverse decision;
- a reference to the laws and regulations the final adverse decision may have violated;
- any supporting documentation related to the final adverse decision;
- a copy of the association complaint procedure; and
- a filing fee or a request for waiver of filing fee.

Anonymous Notices of Final Adverse Decision will NOT be accepted.

FEE FOR FILING A NOTICE OF FINAL ADVERSE DECISION

Complainant must submit a \$25 filing fee with the Notice of Final Adverse Decision. The Notice of Final Adverse Decision will not be considered complete until the filing fee has been received by the Department of Professional and Occupational Regulation. The Office of the Common Interest Community Ombudsman will not begin reviewing the Notice of Final Adverse Decision until the Notice of Final Adverse Decision is complete and the filing fee has been received (or a waiver has been granted).

WAIVER OF FILING FEE

The Common Interest Community Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the complainant. A *Waiver of Filing Fee Request Form* must be completed and submitted with the Notice of Final Adverse Decision in order for a waiver to be considered. The *Waiver of Filing Fee Request Form* can be obtained online at <https://www.dpor.virginia.gov/CIC-Ombudsman>. If a waiver is requested, the Common Interest Community Ombudsman will not review the Notice of Final Adverse Decision until the waiver has been granted or a filing fee of \$25 has been submitted by the Complainant.

The Notice of Final Adverse Decision should consist of only the documents required, as listed above. The original association complaint submitted to an association should not be amended nor should additional information be added. Additional information provided with the Notice of Final Adverse Decision that was not included in the original association complaint submitted through an association complaint procedure will not be considered.

WHAT HAPPENS WHEN YOU FILE A NOTICE OF FINAL ADVERSE DECISION?

When a complete Notice of Final Adverse Decision (NFAD) has been received in the required timeframe, the Office of the Common Interest Community Ombudsman will review the NFAD, and if the final decision from the association is in conflict with the laws or regulations governing common interest communities, the Common Interest Community Ombudsman may provide the complainant and the association with information concerning such laws or regulations. The Office of the Common Interest Community Ombudsman may request additional information from the association, if needed, prior to finalizing a determination.

The determination of whether the final adverse decision may be in conflict with Virginia laws or regulations governing common interest communities shall be a matter within the sole discretion of the Common Interest Community Ombudsman whose decision is final and not subject to further review. This determination shall not be binding upon the complainant or the association.

NOTICE OF FINAL ADVERSE DECISION FORM INSTRUCTIONS

1. Completely fill out all items on the NFAD form;
2. Include a copy of each of the following:
 - ✓ the association complaint that is the basis for the NFAD;
 - ✓ the final adverse decision received from the association;
 - ✓ the laws and regulations the final adverse decision may have violated;
 - ✓ any supporting documentation related to the final adverse decision; and
 - ✓ a copy of the association complaint procedure
3. Include a check in the amount of \$25 made payable to the Treasurer of Virginia;
4. If a waiver of the filing fee is requested, include the Waiver of Filing Fee Request Form;
5. Sign and date the NFAD form at the bottom of the page.
6. Submit the completed Notice of Final Adverse Decision to:
Department of Professional & Occupational Regulation
Office of the Common Interest Community Ombudsman
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1485

NOTE: 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 once a case is closed.

Processing of the Notice of Final Adverse Decision will be conducted in a timely manner. It is the responsibility of the individual submitting the Notice of Final Adverse Decision to ensure that it is complete. The 30-day deadline for submitting a Notice of Final Adverse Decision cannot be extended under any circumstance. If the Notice of Final Adverse Decision is submitted and found to be incomplete, no review will be made and it will be returned to the complainant if the deadline for submission has passed. If time remains in the filing deadline, the complainant may be notified of any missing documents and can submit those documents if done so within the deadline for submission. The Office of the Common Interest Community Ombudsman cannot guarantee immediate review of a NFAD.



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

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| 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 | _____ |
| | Mailing Address | _____ _____ |
| | | _____ |
| | | City _____ State _____ Zip Code _____ |
| | Telephone Number | _____ |
| | Email Address | _____ |
| | City/County | _____ |
| Date of Final Adverse Decision | _____ | |

| | | |
|--------------------------------|------------------------|---------------------------------------|
| ASSOCIATION INFORMATION | Association Name | _____ |
| | Contact Name | _____ |
| | Address | _____ _____ |
| | | _____ |
| | | City _____ State _____ Zip Code _____ |
| | Telephone Number | _____ |
| | Email Address | _____ |
| Management Company* | _____ | |
| | <i>* if applicable</i> | |

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 _____

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