



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Abigail D. Spanberger
Governor

Jessica K. Looman
Secretary of Labor

Laura V. McClintock
Director

May 5, 2026

Complainant: Stephanie Strudwick
Association: Saddlebrook Estates Community Association
File Number: 2025-03034

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Stephanie Strudwick ("Complainant"), submitted a total of eight complaints (two complaints between April 17, 2025 and May 5, 2025, one complaint on April 18, 2025, and five complaints on May 5, 2025) to the Saddlebrook Estates Community Association ("Association") dated April 17, 2025. The Association provided a response to Complainant's complaints dated May 27, 2025. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated June 11, 2025, and the NFAD was received by our Office on June 12, 2025.

Authority

In accordance with its regulations, this Office, as designee of the Agency Director, is responsible for determining whether a "final adverse decision may be in conflict with laws or regulations governing common interest communities." (18 Va. Admin. Code ("VAC") § 48-70-120) The process of making such a determination begins with receipt of a NFAD that has been submitted to this office in accordance with §54.1-2354.4 of the Code of Virginia of 1950, as amended ("Va. Code") and the Common Interest Community Ombudsman regulations ("Regulations"). An NFAD results from an association complaint submitted through an association complaint procedure. The association complaint must be submitted in accordance with the applicable association complaint procedure and as specifically set forth in the Regulations, "shall concern a matter regarding the action, inaction, or decision by the governing board, managing agent, or association inconsistent with applicable laws and regulations."

Under the Regulations, "applicable laws and regulations" pertain solely to common interest community laws and regulations. Any complaint that does not concern common interest community laws or regulations is not appropriate for submission through the association complaint procedure, and we cannot provide a determination on such a complaint. Common interest community law is limited to the

Virginia Condominium Act, the Property Owners' Association Act, and the Virginia Real Estate Cooperative Act.

The only documents that will be considered when reviewing a NFAD, in accordance with Regulation 18 VAC 48-70-90, are the association complaint submitted by a complainant to the association (and any documents included with that original complaint), the final adverse decision from the association, and any supporting documentation related to that final adverse decision. Other documents submitted with the Notice of Final Adverse Decision cannot be reviewed or considered. Further, this Determination is final and not subject to further review or appeal pursuant to Va. Code §54.1-2354.4(C).

If within 365 days of issuing a determination that an adverse decision is in conflict with laws or regulations governing common interest communities we receive a subsequent NFAD for the same violation, the matter will be referred to the Common Interest Community Board to take action in accordance with Va. Code §54.1-2351 or §54.1-2352 as deemed appropriate by the Board.

Determination or Issues to be Decided

The Complainant makes a total of eight (8) complaints against the Association. These complaints range from violations of the governing documents of the Association to violations of the Virginia Property Owners' Association Act ("POAA") for improper meetings and Board actions, allowing the Association's website to lapse, the removal of members from the Architectural Standards Committee, failure to adopt a budget in a timely manner, and having an attorney for the Association on the Board of Directors. The following are explained in more detail below.

1. April 17, 2025, Complaint regarding violations of the POAA open meetings provision

The Complainant alleges that the Association Board of Directors made a decision to remove a member of the Architectural Standards Committee without taking a proper vote. The Complainant further alleges that the Association is having informal meetings/ work sessions which are outside of the regularly scheduled meetings or special meetings and executive sessions. The Complainant cites Va. Code §55.1-1828 and Va. Code §55.1-1816 as having been violated.

The Complainant further cites the Association declaration and the Virginia Non-Stock Corporation Act ("VNCA").¹ This Office, however, only has the authority to render decisions on common interest community statutes.² Thus, this Office will not address whether there is a violation of either the declaration or the VNCA. Furthermore, the POAA, pursuant to Va. Code §55.1-1828, requires that the Association comply with its declaration, again an Association governing document. In order to determine whether the Association is in compliance with the statute, there would have to be some analysis of the Association's declaration, which, as stated above, is not permissible under the authority granted to this Office.³

¹ See Va. Code §§13.1-801 through §13.1-945.

² See Va. Code § 54.1-2354.3; See also 18VAC48-70-10.

³ *Id.*

However, the provisions of Va. Code §55.1-1816, are subject to review from this Office.⁴ Under Va. Code §55.1-1816, the Association is required to have all meetings of the Board of Directors be open to all members of records.⁵ Furthermore, there must be notice of the time, date, and place of these meetings.⁶

The Complainant alleges that the email of April 7, 2025, indicated that there had been a meeting that was not open to all membership, in violation of Va. Code §55.1-1816. The May 27, 2025, response from the Association states that they have not met out of scheduled meetings to vote on Association business. The evidence of the emails is not enough for this Office to state that there was a meeting that fell outside of the permissibility parameters of Va. Code §55.1-1816. The reason is because there could have been discussion over additional email or other non-contemporaneous means, which would not be a meeting. There is simply no information on how the conclusions in the April 7, 2025, email came to be. Thus, we cannot say that there is a violation of the POAA with respect to the first April 17, 2025, complaint. With that said, this Office encourages the Association to consider adopting a Code of Ethics, and also encourages the Association to encourage transparency from its Board to conduct their important work in the sunlight and full view of Association membership.⁷

2. April 17, 2025, Complaint regarding the Association website being offline.

The Complainant's second complaint of April 17, 2025, concerns an allegation that the Association website was not accessible to the membership, beginning in November of 2024, and was still down as of the date of the complaint. The Complainant further alleges that the website served as the central repository for Association documentation, event notification, and contained a forum for association members to communicate with each other and with the Association Board, property manager, and Officers. Furthermore, the Complainant alleges that no alternative means of communication had been set up by the Association to fill the void of the website being down.

The POAA, specifically Va. Code §55.1-1817, requires that Association Boards of Directors establish a reasonable, effective, and free method for lot owners of the Association to communicate amongst themselves and the Board of Directors regarding any matter concerning the Association.⁸

The Association responded that they do not believe that they violated Va. Code §55.1-1817. The Association responded that they admit that its website was inoperable "for a period of time," but that the Board has signed a proposal for a new website and that it should be up and running within the time frame requested in the Complaint.

Based on that admission, and no evidence of any alternative communication method having been set up by the Association, this Office finds that there was likely a violation of Va. Code §55.1-1817.⁹

⁴ *Id.*

⁵ *See* Va. Code §55.1-1816(A)

⁶ *See* Va. Code §55.1-1816(B)

⁷ Note: Va. Code §13.1-865 does allow for the Board to take actions without meeting and to do so electronically. However, in the case of an entity that is governed by the POAA, and which can function in ways that mimic municipal government, this Office advises against taking such actions as a matter of routine, in order to foster transparency.

⁸ *See* Va. Code §55.1-1817

⁹ *Id.*

Within 15 days of receipt of this decision, provided the Association has not gotten a new website online which conforms to the requirements of Va. Code §55.1-1817 this Office strongly recommends that the Association adopt and utilize an alternative communication method in order to ensure compliance with the POAA, until the new website is online and usable by Association members.

3. April 18, 2025, Complaint regarding violations of the POAA

In her third complaint, filed on April 18, 2025, the Complainant substantially alleged similar facts and POAA code sections as the first complaint filed on April 17, 2025. In this complaint, the Complainant alleges that Va. Code §55.1-1828 was violated because several provisions within the declaration of the Association were violated. As above, it is true that the POAA, pursuant to Va. Code §55.1-1828, requires that the Association comply with its declaration, again an Association governing document.¹⁰ In order to determine whether the Association is in compliance with the statute, there would have to be some analysis of the Association's declaration, which, as stated above, is not permissible under the authority granted to this Office.¹¹

Therefore, Complainant's April 18, 2025, complaint is outside the scope of this Office's Authority and, should the Complainant wish to pursue it, the complaint should be asserted in a court of competent jurisdiction.¹²

4. May 5, 2025, Complaint regarding Association declaration violations

The first of the Complainant's May 5, 2025, complaints, which also has a second complainant, Jason Strudwick ("Co-Complainant"), address only violations of the Association declaration and does not cite any common interest community statutes or regulations that have been alleged to have been violated. As was stated above, this Office only has authority to render decisions on alleged violations of common interest community.¹³ As a result, this Office is unable to render a decision on this complaint.

5. May 5, 2025, Complaint regarding the removal of the Complainant from the Architectural Review Committee

In the second complaint of May 5, 2025, the Complainant, along with the Co-Complainant, contend that both the Complainant and Co-Complainant were removed from their positions on the Association Architectural Standards Committee, and had their permissions to the online portal associated with that committee, revoked. The Complainant and Co-Complainant allege that this removal from the Architectural Standards Committee was done without a vote from the Association Board in an open meeting. The Complainant has also alleged violations of the Association declaration and the VNCA, which for the reasons previously stated, this Office will not address.¹⁴ In that same vein, this Office declines to render a decision on the alleged violation of Va. Code §55.1-1828, as interpretation of that

¹⁰ See Va. Code §55.1-1828

¹¹ See Va. Code § 54.1-2354.3; See also 18VAC48-70-10.

¹² See Va. Code § 55.1-1828(A).

¹³ *Id.*

¹⁴ *Id.*

statute would require interpretation of the declaration.¹⁵ Remedies for such violations, if desired, should be sought in a court of appropriate jurisdiction.

With respect to the alleged violation of §55.1-1816, this Office does have jurisdiction.¹⁶ As was previously discussed above, under Va. Code §55.1-1816, the Association is required to have all meetings of the Board of Directors be open to all members of records.¹⁷ Furthermore, there must be notice of the time, date, and place of these meetings.¹⁸ The removal letters of May 2, 2025, that were sent to the Complainant and the Co-Complainant, speak to the fact that a “two-thirds vote was obtained,” which seems to suggest that there was some form of Association Board communication. However, it is impossible with the information that was provided in the record, to say how that vote was obtained, or whether the letter itself was vague in its prose, and written consent of members of the Board were actually taken, as appears to have been alleged in the May 27, 2025, response by the Board. As a result, this Office cannot say that there was a violation of the POAA by the Association. However, we would again caution the Association to consider the perception of how it conducts otherwise-technically permissible activities. Operating in a manner that is transparent benefits both the Association and the members of that Association.

6. May 5, 2025, Complaint regarding an alleged violation of the POAA as a result of the Association not approving its budget in a timely manner

The third complaint levied by the Complainant against the Association on May 5, 2025, concerns the alleged failure of the Association to approve its budget in a timely manner, in violation of Va. Code §55.1-1826.¹⁹ As pointed out by the Complainant, under the POAA in Va. Code §55.1-1826, the Board of Directors of the Association is required to make available to the lot owners either annual budget of the association or a summary of such annual budget.²⁰ The Complainant alleges that the fiscal year begins on the first day of January, and this is not disputed by the Association in its response. However, it appears that the 2025 Budget was not considered for a voter until the May 21, 2025, meeting. However, none of the information provided by the Complainant indicated that the budget as proposed and/ or as summary was not made available. As such, this Office cannot say based on the information alone that the POAA was violated.

With that said, the response from the Association is vague. While they state they did not violate Va. Code §55.1-1826, they do not provide a date when the budget or budget summary was made available. This Office encourages the Association to answer complaints as specifically as possible, in the spirit of 18VAC48-70-50, and to foster transparency and accountability.

7. May 5, 2025, Complaint regarding an alleged violation of the POAA as a result of the Association requiring speaker cards to be submitted in order to speak at board meetings

¹⁵ See Va. Code §55.1-1828.

¹⁶ See Va. Code § 54.1-2354.3; See also 18VAC48-70-10.

¹⁷ See Va. Code §55.1-1816(A).

¹⁸ See Va. Code §55.1-1816(B).

¹⁹ See Va. Code § 55.1-1826.

²⁰ See Va. Code § 55.1-1826 (A).

The fourth complaint that was remitted by the Complainant to the Association on May 5, 2025, concerned the Association Board's introduction of "speaker cards" for the Homeowners Forum portion of Board meetings. The Complainant further states that these cards must be submitted prior to the start of the meeting and that the speaker will be given two minutes to speak. The Complainant alleges that this provision violates the POAA, specifically Va. Code § 55.1-1816(D). The Association, in its May 27, 2025, response, does not appear to deny that speaker cards were introduced and it classified those cards as a "reasonable rule to assist with management of the meeting and continues to allow lot owners to comment on any matter relating to the Association."

Va. Code §55.1-1816(D) states that

Subject to reasonable rules adopted by the board of directors, the board of directors shall provide a designated period during each meeting to allow members an opportunity to comment on any matter relating to the association. During a meeting at which the agenda is limited to specific topics or at a special meeting, the board of directors may limit the comments of members to the topics listed on the meeting agenda.²¹

Based on the reading of the statute and the cards as they are described in the complaint, this Office finds no inherent impermissibility with their use. However, this Office cautions the Association that the implementation of seemingly reasonable rules, which on their face, do not appear to have a chilling effect on lot owner speech, can be silencing and/ or discriminatory in practice, thus unreasonable and in violation of Virginia law.²² We would invite this Association to continue to evaluate periodically methods of facilitating orderly communication during Board meetings to ensure that the speaker cards are working for the greater membership, and to ensure it is not used to impermissibly limit public comment by the Board to tamp down and chill membership concerns during the Homeowners Forum.

8. May 5, 2025, Complaint regarding a change in registered office with the State Corporation Commission ("SCC")

The Complainant's final May 5, 2025, complaint concerns the March 16, 2023, submission of a Statement of Change of Registered Office and/ or Registered Notice by the Association Manager to the SCC. The Complainant alleges that the current Association attorney is not listed as a director on this form, and that this is a violation of Virginia law in the VNCA. As has been stated before, the VNCA is not a common interest community statute or regulation, and thus, this Office has no authority to make determinations that are based on an alleged violation of the same.²³ Should the Complainant wish to pursue this claim, she should speak with counsel about filing such a complaint in a court of appropriate jurisdiction.

Conclusion

²¹ Va. Code §55.1-1816(D)

²² *Id.*

²³ See Va. Code § 54.1-2354.3; See also 18VAC48-70-10.

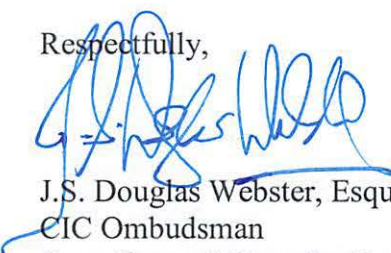
Based on the foregoing, this Office find that with respect to the first allegation, this Office finds no evidence that the Association committed a violation with respect to the open meetings provision of the POAA, pursuant to Va. Code §55.1-1828 and Va. Code §55.1-1816. With respect to the second allegation, there was evidence of a violation of the POAA as it did not have an active means to communicate with its membership, in violation of Va. Code §55.1-1816. With respect to the Complainant's third allegation, there was no evidence that the Association committed a violation of the POAA, specifically Va. Code §55.1-1828. With respect to the fourth allegation, there is no evidence of a violation of the POAA. With respect to the fifth allegation, there is no evidence of a violation of the POAA, specifically §55.1-1816, in removing the complainants from the Architectural Review Committee. With respect to the sixth allegation, there is no evidence that the Association violated the POAA by not making the budget available, though the Association could have responded in a more specific manner. With respect to Complainant's seventh allegation, regarding the use of speaker cards, this Office finds no violation of the POAA, specifically § 55.1-1816(D). Lastly, with respect to Complaint's eighth allegation, concerning the change in registered office with the SCC, this Office finds no violation of the POAA.

Required Actions

Within 15 days of receipt of this notice, if the Association website has not gone live, it is recommended that the association develop an alternative communication method with the membership of the Association in order to be compliance with Va. Code §55.1-1817. Additionally, this Office reminds the Association to conduct its business with respect to its decisions on Committee members in a method that promotes transparency and accountability. Along with that idea, this Office recommends that the Association be more specific in how it responds to complaints, providing dates and as much specific information as possible in order to appropriately address concerns from the membership. Lastly, this Office encourages the Association to periodically check in with the membership to ensure that the speaker cards are not chilling speech in a way that does not serve the members of the Association from participating in the governance of their community.

Please contact me if you have any questions.

Respectfully,



J.S. Douglas Webster, Esquire,
CIC Ombudsman

Compliance & Investigation Division