

RESOLUTION

of the

Board of Directors of

ATLANTIC PLACE CONDOMINIUM ASSOCIATION, INC

(Association Complaint Procedures)

WHEREAS, the Code of Virginia, 1950, as amended (the "Virginia Code"), was amended by statute effective July 1, 2008, to create a Common Interest Community Board ("CIC Board") and the Office of the Common Interest Ombudsman ("CICO"); and

WHEREAS, Section 54.1-2354.4 A states the CIC Board "shall establish by regulation a requirement that each association shall establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens"; and

WHEREAS, for the benefit and protection of the Association and of its individual Members, and with a goal of reducing and resolving conflicts among and/or between the Association and its Members, the Board of Directors hereby establishes these Association Complaint Procedures to meet the requirements of Sections 54.1-2354 of the Virginia Code and regulations of the Common Interest Community Ombudsman regarding Association Complaint Procedures effective July 1, 2012; and

WHEREAS, the Board of Directors will provide notice of this policy to all current Owners by mailing a copy of this Resolution to all current Owners and to all future Owners by including the Resolution in resale certificates prepared pursuant to Virginia's Condominium Act; and

WHEREAS, this Resolution shall remain in full force and effect until amended by further resolution of the Board.

NOW THEREFORE, the Board of Directors of Atlantic Place Condominium Association, Inc. does hereby adopt this Resolution in order to adopt the following Association Complaint Procedures:

1. Right to Submit Association Complaint. When any Association Member or other citizen ("Member" or "Complainant") observes or reasonably believes the Board of Directors ("Board"), the Association's Common Interest Community Manager ("Association Manager") or any individual Board Member has or is continuing to violate common interest community law or regulations, the Member shall have the right to acquire, complete and submit an Association Complaint Form. This "Right to Submit Association Complaint" excludes alleged violations of the community Governing Documents.

"Association Complaint" means a written complaint filed by a member of the association or citizen pursuant to an association complaint procedure. An association complaint shall concern a matter regarding the action, inaction or decision by the governing Board, managing agent or association inconsistent with applicable laws and regulations.

2. Association Complaint Form.

a. The Association Complaint Form shall comport substantially with the Association Complaint Form attached to this Resolution as Exhibit A, or with any form required by regulation duly promulgated by Virginia's Common Interest Community Board ("CIC Board").

b. The Association Complaint Form shall be submitted to Atlantic Place Condominium Association, Inc. c/o The Select Group, Inc. 2224 Virginia Beach Blvd, Suite 201, Virginia Beach, VA 23454, (757) 486-6000, Fax: (757) 486-6988 and/or select@theselectgroup.us The Association Complaint may be submitted to the Association:

- i. By U.S. Mail, registered or certified, return receipt requested;
- ii. By hand delivery, provided, however, the method of hand delivery must provide a means to prove delivery;
- iii. By facsimile to the Association's Managing Agent; and/or
- iv. By email to the Association's Manager.

c. The Association Complaint Form must be submitted at least fourteen (14) days prior to the next scheduled regular Board Meeting to ensure review at that meeting. If the Association Complaint Form is received less than fourteen (14) business days prior to the next scheduled regular Board Meeting, the Association Complaint Form shall be reviewed at the next subsequent regular Board Meeting.

3. Association Complaint Receipt.

a. The Association shall provide written acknowledgment of receipt of the Association Complaint ("Association Complaint Receipt") to the Complainant within seven (7) days of receipt of the Association Complaint. Such acknowledgment shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.

b. Notice of the date, time, and location that the Association Complaint will be considered shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery. Such Notice shall be mailed at least fourteen (14) days prior to the Board Meeting at which the complaint will be considered.

4. Review of the Association Complaint.

a. The Board shall review any Association Complaint Form received and shall, if necessary, consult with the Association's attorney and/or any other vendor or professional providing services to the Association to provide as complete a review as possible to arrive at its decision.

b. The Board may, but shall not be required to consult with the Member who submitted the Association Complaint Form to understand more fully the substance and/or basis of the Member's Complaint.

c. In the event the Board determines the Association Complaint is incomplete or contains insufficient information to render a decision, the Board shall cause a written request for additional information that identifies with specificity the information needed to complete the Association Complaint to be sent to the Complainant at the address provided in the Association Complaint. Such written request shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery. Should the requested information not be received at least seven (7) days prior to the Board Meeting at which the requested information will be considered the complaint shall not be given further consideration by the Board.

5. Final Determination Letter. The Board shall render a written decision and/or review of the Complaint ("Final Determination Letter") to the Member within seven (7) days of the regular Board Meeting during which the Association Complaint was reviewed.

The Final Determination Letter shall:

- a. Be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.
- b. Be dated as of the date of issuance and include specific citations to application of common interest community law or regulations that led to the Final Determination.
- c. Include the Registration Number of the Association and the name and License Number of the Common Interest Community Association Manager.
- d. Include the Complainant's right to file a Notice of Final Adverse Decision with the Common Interest Community Board via the Common Interest Community Ombudsman, along with the applicable contact information.

6. Appeal. The determination of the Board as reflected in the Final Determination Letter shall be the final decision of the Board. The Board has not adopted an appeal process and shall not hear an appeal of the Final Determination Letter.

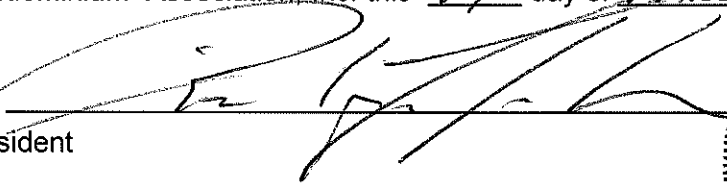
7. Should any Member need assistance in understanding the Member's rights and the processes available to common interest community Members, the Member may contact Virginia's Office of the Common Interest Community Ombudsman ("CICO") for assistance. The GIGO may be reached at the Department of Professional and Occupational Regulation, 9960 Maryland Drive, Suite 400, Richmond, Virginia 23233. The CICO's current telephone number is (804) 367- 2941. The CICO's current email address is cicombudsman@dgor.virginia.gov.

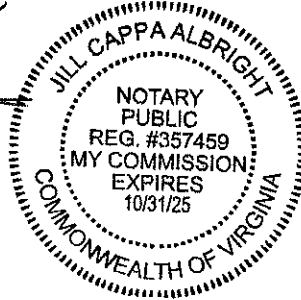
8. Complainant's Rights Description required by Section 54.1-2354.4 of the Code of Virginia, 1950.as amended. In accordance with Section 54.1-2354.4 C of the Code of Virginia, as amended, an Association Complainant may give notice to Virginia's Common Interest Community Board (the "Board") of any final adverse decision in accordance with regulations promulgated by the Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The fee shall be collected by the Director of Professional and Occupational Regulation and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, 54.1-2354.5. The 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 member. The Director shall provide a copy of the written notice to the Association that made the final adverse decision.

9. The Association Complaint Form, all attachments thereto and a copy of the Final Determination Letter ("Complaint File") shall be retained by the Association for not less than one (1) year after the Board renders a decision on the Complaint. The Complaint File shall be eligible for review and duplication solely by the Association's Board of Directors, the Association Manager and the Lot Owner(s) who submitted the original Complaint Form, provided, however, the Complaint File shall be produced upon order of an appropriate judicial or administrative body having jurisdiction over the Association.

10. The Board shall amend and restate this Association Complaint Procedures Resolution each time the name, address, telephone number and email address of the Association's Manager changes to remain compliant with Section 54.1-2354.4 of the Virginia Code.

ADOPTED, executed and deemed effective by the Board of Directors for Atlantic Place Condominium Association, Inc. this 27 day of MARCH, 2023

BY: 
President



COMMONWEALTH OF VIRGINIA
CITY OF Virginia Beach

Jill Albright Notary Public in and for the City aforesaid, in the Commonwealth of Virginia, do hereby certify that the President of Atlantic Place Condominium Association, Inc. whose name is signed to the above resolution bearing date on the 27 day of March, 2023 has acknowledged the same before me in my City aforesaid.

Given under my hand this 27 day of March, 2023

ATLANTIC PLACE CONDOMINIUM ASSOCIATION, INC.

Mailing Address:

c/o The Select Group, Inc.

2224 Virginia Beach Blvd., Suite 201

Virginia Beach, Virginia 23454 select@theselectgroup.us

ASSOCIATION COMPLAINT FORM

COMPLAINING PARTY (The Party Filing the Complaint)

Complaining Party's Name: _____

Mailing Address: _____

Address within Community: _____

Home Phone: _____

Cell Phone: _____

Email: _____

Are you a unit owner in the Association? Yes No

NATURE OF COMPLAINT

COMPLAINT INVOLVES: (Check as appropriate)

The authority of the Association/Board of Directors/Managing Agent (check all that apply), under any law or regulation, to:

- Require any person to pay a fee, charge, or assessment
- Convene in executive session

The failure of the Association/Board of Directors/Managing Agent (check all that apply), when required by law or regulation, to:

- Provide adequate notice of any meeting
- Properly convene in executive session

DESIRED ACTION:

Please state what actions you think will resolve your complaint:

I hereby certify that the statements made on this form and in any attached documents are true and complete to the best of my knowledge, information and belief. I authorize notices under the Association Complaint Procedure to be sent by electronic mail to the electronic mail address provided in this form.

Signature

Date

If, after review of the Complaint, the Board 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 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 \$25.00 filing fee, payable to the Treasurer of Virginia. 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, Virginia 23233 (804) 367-2941 cicombudsman@dpor.virginia.gov**