

MARLBANK COVE ASSOCIATION, INC.

Policy Resolution No. 20- 01

(Complaint Procedure)

WHEREAS, in accordance with Virginia Code, MARLBANK COVE ASSOCIATION, INC. ("Association") is required to have a written process for resolving Association complaints from members and citizens. The Association's Complaint Procedure shall conform to the requirements set forth in the Code, the Common Interest Community Ombudsman Regulation ("CICB Regulations"), and the Association's Articles of Incorporation, Amended, Restated and Consolidated Declaration of Restrictive Covenants and Amended and Restated Bylaws ("Governing Documents"), which shall not be in conflict with the Code or the Regulations.

WHEREAS, it is the intent of the Board of Directors to adopt a Complaint Procedure and Complaint Form that comply with the Virginia Code, the CICB Regulations, and the Governing Documents.

NOW THEREFORE, it is hereby **RESOLVED** that the Board of Directors of MARLBANK COVE ASSOCIATION, INC. hereby adopts the following policy:

A. DEFINITIONS. Unless otherwise defined in this Complaint Resolution, the words, terms or phrases used in this Complaint Resolution shall have the same meanings as defined in the CICB Regulations and/or in the Governing Documents.

B. COMPLAINT FORM. A member of the Association, resident, or third party alleging that an action, inaction or decision of the Association, the Board of Directors ("Board"), or the Managing Agent is inconsistent with state laws or regulations governing common interest communities must submit a formal written complaint ("Complaint") using the Complaint Form attached hereto as Exhibit A to the Board for formal action or consideration of the complaint as described in Section "F" below.

C. INSTRUCTIONS AND ATTACHMENTS. A completed Complaint Form must include a description of the specific facts and circumstances relevant to the individual's Complaint, and the specific action, result or resolution that is being requested. The individual submitting the Complaint Form ("Complainant") should provide on the Complaint Form a reference to the law or regulation that has been allegedly violated or is otherwise applicable to the Complaint. The Complainant must also attach to the Complaint Form a copy of any documents that the Complainant believes support the validity of the Complaint (not including laws, regulations or the Governing Documents).

A copy of these complaint procedures (including the required Complaint Form) will be available upon request from the Association by contacting the Association's Managing Agent.

D. MAILING TO BOARD OF DIRECTORS. The fully completed, signed and dated Complaint (including the Complaint Form and all attachments) shall be mailed to the attention of the Association's Managing Agent at the following address:

Marlbank Cove Association, Inc.
c/o Dana Shotts-Neff
Chesapeake Bay Management, Inc.
603 Pilot House Drive, Suite 300
Newport News, VA 23606

E. NOTICES TO COMPLAINANT. All written acknowledgments or other notices required by these procedures to be provided by the Association to the Complainant shall be mailed by U.S. mail to the Complainant at the address provided on the Complaint Form, or by email if the Complainant has previously provided the Association with the Complainant's written consent to communicate with him/her by electronic transmission. The Managing Agent shall retain in the Association's records copies of notices and acknowledgments mailed or emailed in accordance with Section "H" below.

F. RECEIPT OF COMPLAINT. Within seven (7) days of receipt of a Complainant's Complaint Form, the Board, through the Managing Agent, shall provide the Complainant with written acknowledgment of the Association's receipt of the Complaint.

Incomplete Complaint. If it appears to the Board or the Managing Agent that the submitted Complaint is missing the required minimum information, then the acknowledgment of receipt shall include notice to the Complainant of the identified problem(s) with the Complaint and advise the Complainant that he/she will need to submit a revised/corrected Complaint before it can be accepted and forwarded to the Board for consideration.

Forwarding to the Board. If it appears to the Board or Managing Agent that the submitted Complaint includes the required minimum information, then on the same day that acknowledgment of receipt of the Complaint is sent to the Complainant, the Managing Agent shall provide the Board with a copy of the Complaint for consideration.

D. FORMAL ACTION - Consideration of Complaint by Board. All completed, signed and

dated Complaints forwarded to the Board shall be considered by the Board at their next scheduled regular or special Board meeting, unless otherwise notified, and the Board shall decide what action, if any, to take in response to the Complaint.

1. Notice to the Complainant. The Managing Agent shall provide the Complainant with notice of the date, time and location of the Board meeting at which the matter will be considered by the Board. This notice may be combined with the acknowledgment of receipt referenced in Section "D" above.

2. Board's Decision on Complaint. The Board shall make a final determination on the Complaint by an appropriate vote of the members of the Board at the meeting pursuant to the Association's Governing Documents. The Board's action at the meeting shall fall into one of the following two categories:

(a) A decision that there is *insufficient information* on which to make a final determination on the Complaint or that *additional time is otherwise required* to make a final determination, in which case the Board shall postpone making a final determination on the Complaint until a later scheduled meeting, of which the Complainant shall be notified. The Board, if needed, shall make a written request for additional information from the applicable party(s) specifying a deadline by which time the additional information must be received by the Board; or

(b) A *final determination* on the Complaint, indicating whether the Complainant's requested action or resolution is, or is not, being granted, approved or implemented by the Board. A final determination may include, for example, a decision that no action will be taken on the Complaint due to the Complainant failing to timely provide additional requested information. No appeal process is available. The Board's decision is final.

G. NOTICE OF FINAL DETERMINATION. After the final determination is made, the Complainant will be provided with written notice of the Board's final determination from the Managing Agent. The notice of final determination shall be dated as of the date of issuance and include:

1. Specific citations to applicable provisions of the Association's Governing Documents, laws or regulations that led to the final determination; and
2. The Association's registration number as assigned by the CICB, and if applicable, the name and CICB-issued license number for the Managing Agent; and

3. Notice of the Complainant's right to file a "Notice of Final Adverse Decision" with the CICB via the CIC Ombudsman (providing the applicable contact information).

H. RECORDS. The Managing Agent shall retain, as part of the Association's records, in the individual homeowner's file, a record of each Complaint (including the Complaint Form and attachments, related acknowledgments and notices, and any action taken by the Association's Board in response to such Complaint) for a period of at least one (1) year from the date of the Board's final determination on the Complaint.

On the following page is Exhibit A, the Complaint Form, which is hereby made part of this Complaint Resolution. The Complaint Form contains instructions on how it is to be filed.

I. EFFECTIVE DATE. This Policy Resolution was duly adopted by the Board of Directors and shall become effective on August 20, 2020.

MARLBANK COVE ASSOCIATION, INC.

By:  _____
Board President

MARLBANK COVE ASSOCIATION, INC.
c/o Chesapeake Bay Management, Inc.
603 Pilot House Drive, Suite 300
Newport News, VA 23606
(757) 534-7751

ASSOCIATION COMPLAINT FORM

Approved by the Board of Directors: August 20, 2020
Effective Date: August 20, 2020

Pursuant to the Code of Virginia, the Board of Directors ("Board") of the Marlbank Cove Association, Inc. ("Association") has established this complaint form for use by persons who wish to file written complaints with the Association regarding, the action, inaction or decision by the Board, Managing Agent or Association which is allegedly inconsistent with the applicable laws and regulations.

Legibly describe the complaint in the area provided below, as well as the requested action or preferred resolution of the issues described in the complaint. Please include references to the specific facts and circumstances at issue and the provisions of the Virginia law(s) and/or regulations that support the complaint. If there is insufficient space, please attach a separate sheet of paper to this Complaint Form. Also, 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.

_____	_____
Printed Name	Signature
_____	_____
Date	Phone Number

Mailing Address: _____

Preferred Method of Communication: _____ Writing _____ E-mail

If Email, provide your Email address: _____

If, after the Board's consideration and 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 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
Phone: 804-367-2941
E-mail: CICOmbudsman@dpor.virginia.gov