

**Franklin Farm Foundation  
Policy Resolution 32**

**Foundation Complaint Procedures**

WHEREAS, the Code of Virginia, Section 55-530E required the Common Interest Community Board (CICB) to 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, in compliance with Code of Virginia, Section 55-530E, the CICB has adopted regulation 18VAC48-70-40, (Establishment and adoption of written association complaint procedures) that requires the Franklin Farm Foundation to establish and adopt a complaint procedure within 90 days of July 1, 2012.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Trustees has adopted the following Franklin Farm Foundation complaint procedures in accordance with the requirements contained in CICB regulations.

**PART I – General**

**Section 1. Definitions.** The following words, terms, and phrases, when used in this policy resolution have the following meanings as stated in Section 55-79.41 of the Code of Virginia.

a. "Adverse decision" or "final adverse decision" means the final determination issued by the Foundation pursuant to the Foundation 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 Foundations complaint procedure have been exhausted.

b. "Foundation complaint" means a written complaint filed by a member of the Foundation or citizen pursuant to the Foundation complaint procedure.

c. "Foundation complaint procedure" means the written process adopted by the Foundation to receive and consider Foundation complaints from members and citizens.

d. "Foundation governing documents" means collectively the applicable organizational documents, including the Franklin Farm Declaration of Covenants and Restrictions, Supplemental Declarations, articles of incorporation, and bylaws. Foundation governing documents also include current and effective policy and administrative resolutions.

e. "Complainant" means a Foundation member or citizen who makes a written complaint pursuant to a Foundation complaint procedure.

f. "Record of complaint" means all documents, correspondence, and other materials related to a decision made pursuant to a Foundation complaint procedure.

**Section 2. Subjects allowed when Filing a Complaint.** A Foundation complaint shall concern

matters regarding the action, inaction, or decision by the Board of Trustees inconsistent with applicable laws and regulations.

### **Section 3. Complaint Procedure Availability.**

- a. To ensure availability to all members of the Foundation and citizens, this policy resolution (the Foundation complaint procedure) and Complaint Form will be available for downloading on the public side of the Foundation web site, [www.franklinfarm.org](http://www.franklinfarm.org) .
- b. The Foundation complaint procedure shall be included in the Homeowner Resale Packet.
- c. The availability of the Foundation complaint procedure shall be published annually in the September issue of the *Almanac*.

## **PART II – Process**

**Section 1. Procedures to File a Complaint.** All complaints submitted to the Foundation must be in writing using the Foundation Complaint Form, Appendix A to this resolution. The complaint form should be mailed or hand delivered to the Foundation office at 12700 Franklin Farm Road, Oak Hill, VA 20171. The Complaint Form can also be sent as an email attachment to [FOUNDATION@FRANKLINFARM.ORG](mailto:FOUNDATION@FRANKLINFARM.ORG). The following items must be attached to the Complaint Form.

- a. Specific supporting documents, correspondence and other materials related to the complaint.
- b. To the extent that the Complainant knows of any Franklin Farm Foundation regulation applicable to the complaint, the Complainant shall provide a reference to it.
- c. To the extent the Complainant has knowledge of the law or regulation applicable to the complaint, the Complainant shall provide a reference to it.
- d. A specific statement of the action or resolution of the complaint requested of the Foundation.

**Section 2. Foundation Actions.** The following actions are required upon receipt of the Complaint Form.

- a. The Complaint Form will be date/time stamped upon receipt.
- b. The Foundation shall provide written acknowledgment of receipt of the Complaint Form to the Complainant within seven (7) days of receipt. Such acknowledgment shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided.
- c. Within three (3) working days receipt of the Complaint, the Executive Director, or in his/her absence, an officer of the Foundation shall review the Complaint Form for completeness. If additional information or material is required to process the complaint, that information and/or material will be requested in the acknowledgement letter. The Complainant should return the requested information within fifteen (15) days.

d. If after thirty (30) days the Complainant does not return the requested material, the complaint will be processed as is.

**Section 3. Complaint Hearing.** All complaints processed under this resolution will be disposed of by the Board of Trustees at the first regularly scheduled meeting of the Board after the Complaint Form is received or, if additional information has been requested of the Complainant, at the next regularly scheduled meeting of the Board after the additional material is received or thirty days after the additional information is requested. Notwithstanding the foregoing, if the Complaint Form is received within five (5) working days before the Board meeting date, Board review will be deferred to the next month board meeting.

a. Notice of the date, time and location where the complaint will be considered by the Board of Trustees will be hand-delivered or mailed by registered or certified mail to the complainant at the address provided.

b. The Board of Trustees will make a final determination and provide a written notice of the final determination to the complainant.

c. The decision of the Board of Trustees is final; there is no further appeal process available within the Foundation.

#### **Section 4. Notice of Final Determination.**

a. The written notice of the final determination will be hand-delivered or mailed by registered or certified mail, return-receipt requested, to the Complainant at the address provided within 7 days of the Board of Trustee meeting at which the final determination is made.

b. The Complainant will be provided a notice of the final determination that will be dated as of the date of the Board of Trustee meeting at which the final determination is made and may include specific citations to applicable Foundation governing documents, laws or regulations that led to the final determination, as well as the Foundation's registration number on file with the Common Interest Community Board.

### **PART III – Adverse Decision and Records**


**Section 1. Complainants Rights.** If, after the Board's consideration and review of the complaint, the Board issues a final adverse decision, the Complainant has 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 final adverse decision, and shall be accompanied by a \$25 filing fee. The filing fee may be waived if the payment of the filing fee will cause undue financial hardship to the complainant. 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)

**Section 2. Records.** The Foundation will maintain a record of complaint with respect to each Complaint Form submitted to the Foundation for two (2) years following the date of receipt of the same. If the Foundation receives a request from the Common Interest Community Board for the record of complaint related to a decision made by the Board of Trustees pursuant to this complaint procedure, the Foundation endeavors to provide the record of complaint requested within 14 days of receipt of request.

July 18, 2012  
Date

  
\_\_\_\_\_  
Paul Dykeman, President

Attest:

  
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Jerome H. Schmitt  
Executive Director

I hereby certify that a vote was duly taken and the above Resolution was adopted by a vote of two-thirds of the Trustees of the Board of Trustees at the meeting of the Board of Trustees on the 18<sup>th</sup> day of July 2012.

  
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Cindy Bogus, Secretary