David Gillette
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September 30, 2026

Winchester Landing Board of Directors
Coventry Group Community Management
2045 Valley Ave Ste 100
Winchester VA 22601

Subject: Ombudsman Decision — Records Requests and Next Steps

Dear Board Members and Coventry Group Community Management,

I received the Ombudsman's decision regarding the two complaints I filed concerning the Association's refusal to provide records.

After reading the decision carefully, my view is that this should be a significant wake-up call for the Board regarding how it handles members' records requests. To the extent Coventry advised the Board concerning these requests, I believe Coventry should also take the Ombudsman's findings and cautions seriously.

First-Notice Covenant Violation Letters (2/18/25 – 4/13/26)

Although the Ombudsman did not make a determination requiring the Association to produce the first-notice covenant violation letters, that was not because he determined that the Association was correct in withholding them. Rather, he specifically stated that his office had not seen the letters, either in camera or by other means, and therefore deferred to the Association's determination that the letters contained information wholly subject to withholding. At the same time, the Ombudsman cautioned the Association to be extremely careful in understanding the statutory limitations on withholding records under Va. Code § 55.1-1815(C) and (D).

That distinction is important.

I have, in fact, received a first-notice covenant violation letter from the Association. That letter demonstrates that the substantive information I am seeking—the alleged covenant violation—can be separated from personal information. I have never asked the Association to provide homeowners' private information. I have asked for the substance of the enforcement action. This is precisely the factual issue the Ombudsman did not have an opportunity to examine. He did not have an actual first-notice violation letter before him. The Association does, and I do. I

have attached a redacted copy of my own first-notice letter as a concrete example and to renew the request so that the Association can apply the redaction standards of § 55.1-1815(D) rather than a blanket denial under (C)(9).

My position from the beginning has been that these records can be provided with appropriate redactions. I intend to give the Association an opportunity to reconsider that request in light of the Ombudsman's decision and the actual example I provided.

Approved Architectural Applications – Fences (Lots 11, 112, 116, 166 & 179)

With respect to the architectural review applications, the decision is considerably more direct. The Ombudsman determined that an architectural review petition is not among the classes of documents appropriate for withholding under Va. Code § 55.1-1815(C)(9) and found that the Association acted contrary to Virginia law when it denied my request. The Association was ordered to fulfill that request within five business days, subject only to withholding or redaction permitted by law.

Given the nature of these records and the purpose for which I requested them, I do not expect there to be any substantive redactions. I am seeking the approved applications specifically to determine which properties the applications concern, when they were approved, and by whom. Any redaction that removes the property address, approval date, or identity of the approving body would render the production meaningless for the oversight purpose the Ombudsman already recognized as proper. If the Association believes that specific information in an application is subject to redaction under another provision of Virginia law, I expect the Association to identify the specific statutory provision supporting that redaction.

The Ombudsman also noted that the Association had not cited a provision of Va. Code § 55.1-1815(C) that would justify withholding the architectural applications and that the reasons given by the Association were not consistent with the POAA.

I would also caution the Board against taking this matter further down the path of unnecessary legal expense. The Ombudsman has now made clear that the Association's position regarding the architectural applications was contrary to Virginia law. Engaging counsel to develop another theory for withholding records the Association is required to provide would only increase the Association's costs without addressing the underlying issue. The role of the Board and its management company should be to protect the Association from unnecessary liability and expense—not to create additional liability and expense by continuing to resist lawful records requests.

Complaint Process & Records Requests

Finally, the Ombudsman found significant deficiencies in the Association's handling of my complaints. Most notably, the decision states that there was no evidence that the Board actually considered the complaints. The Association was ordered to provide training concerning its complaint process. The Ombudsman also reminded the Association that responding to a member complaint is not merely a regulatory requirement; it demonstrates "good stewardship" to the members and promotes "transparency and good governance."

That observation is particularly relevant here. These records requests were made for the purpose of homeowner oversight of how the Association is enforcing its covenants, and transparency is precisely what these requests are intended to promote.

Taken together, the decision demonstrates that the Association needs to reconsider its approach to records requests. The Ombudsman specifically recognized that I am a member in good standing and that my request was made for a proper purpose. My purpose remains homeowner oversight of covenant enforcement and Association administration.

I would strongly encourage the Board, with Coventry's assistance, to treat this decision as an opportunity to change course rather than continue an unnecessarily adversarial approach to routine records requests. The Ombudsman's decision provides the Board with a clear indication that records requests must be evaluated according to the requirements of Virginia law.

Legal Fees & Management Responsibilities

The Ombudsman also noted that the Association's response was subsequently confirmed by its counsel as the final complaint response, yet still failed to comply with 18 VAC 48-70-50. Homeowners are entitled to ask whether outside counsel was necessary for a routine records-and-complaint matter that the Board and management company should be equipped to handle correctly. What are homeowners paying the management company to handle if routine member requests require outside counsel—and the resulting response still falls short of the law?

Requested Actions

I request that the Association fulfill the architectural-review production within the five-business-day period ordered by the Ombudsman and, within the same period, reconsider the first-notice violation letters under the redaction standards of § 55.1-1815(D).

I look forward to the Association's timely compliance and to a more transparent approach going forward.

-David Gillette

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June 5, 2025

-FRIENDLY REMINDER-

[redacted]

RE: [redacted]

Dear [redacted]

Per your association's governing documents that were presented to you prior to the purchase of your home an inspection of the community is required. During a recent inspection the following was noted:

> Violation: No animals of any kind (including livestock and poultry) shall be permitted on any Lot: provided, however, that dogs, cats and other usual household pets may be kept so long as they are not kept, bred or maintained for commercial or charitable purposes or in unusual numbers: provided further that no dogs shall be permitted to run at large without restraint in said subdivision. No dog may be tied and left unattended outdoors.
>
> Association Documents cited: Deed of Dedication and Declaration of Covenants, Conditions and Restrictions, Article VI, Sec. 7, page 12
>
> Action to resolve: Cease and desist leaving your dog unattended outdoors on a leash and remove the dog bed and leash from the front of your home.

Curb appeal of a community is a joint effort between the Board and Management maintaining the common areas and homeowners maintaining their lots and homes. We appreciate your prompt attention to this matter. If you have any questions or need additional time do not hesitate to contact me directly at mark@coventrygrp.com. For a copy of your associations guidelines please visit engage.goenumerate.com/s/WinchesterLanding.

Regards,

Mark Schloemer
Community Manager