DPOR
Department of Professional and Occupational Regulation

Department of Professional and Occupational Regulation
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Office Use Only
☐ $25 Received
Staff Initials

Office of the Common Interest Community Ombudsman
NOTICE OF FINAL ADVERSE DECISION
Fee $25.00♦

NOTE: *Anonymous Notices of Final Adverse Decision cannot be accepted. By law, all Notices of Final Adverse Decision and any accompanying documents received by the Department of Professional and Occupational Regulation are subject to public disclosure*

SECTION I - REQUIRED INFORMATION

COMPLAINANT INFORMATION

Name: David Gillette

Mailing Address: 105 Maury Way

APT/Unit #	City	State	Zip Code
	Winchester	VA	22602

Telephone Number: [redacted]

Email Address: [redacted]

City/County: Frederick

Date of Final Adverse Decision*: 6/12/26

*The date of final adverse decision is the date of issuance indicated on the association's written notice of final determination.

ASSOCIATION INFORMATION

Association Name: Winchester Landing HOA Inc

Contact Name: Keila Navarro

Address: 2045 Valley Ave Ste 100

APT/Unit #	City	State	Zip Code
	Winchester	VA	22601

Telephone Number: 540-535-0816 ext 7

Email Address: [redacted]

Management Company*: Coventry Group Community Management Inc

** if applicable*

SECTION II - SIGNATURE

I understand that this Notice of Final Adverse Decision will not be complete until I have submitted all required documents and the filing fee. **A Request for Waiver of Filing Fee may be submitted in lieu of the filing fee, but this will delay review of my Notice of Final Adverse Decision, and there is no guarantee that I will be granted the waiver.**

Signature: David Gillette Date: 6/15/26

♦ *A Complainant must submit a $25 filing fee or a completed Waiver of Filing Fee Request Form.*

OFFICE USE ONLY	DATE COMPLAINT RECEIVED
	/ / mm/dd/yyyy

Notice of Final Adverse Decision

I, David Gillette, am a member of Winchester Landing Homeowners Association in good standing. I submit this Notice of Final Adverse Decision to the Common Interest Community Ombudsman regarding the Association's denial of access to association records requested under Va. Code § 55.1-1815.

I am combining two closely related association complaints into one filing because both arise under the same records-access statute, involve the same parties, concern similar categories of association records, and both were addressed in the Association's June 12, 2026 Final Adverse Decision.

Both complaints were submitted using the Association's complaint form designated as complying with § 54.1-2354.4 of the Virginia Code. This filing is therefore submitted only after use of the Association's internal complaint procedure. **[Exhibit 1]**

Association Complaints

Complaint concerning covenant violation letters

On May 11, 2026, I filed an Association complaint form alleging that Winchester Landing HOA violated Va. Code § 55.1-1815 by failing to produce first-notice covenant violation letters, with owner personally identifying information redacted, for the period February 18, 2025 through April 13, 2026. In that complaint, I requested production of the records in redacted form and asked that, if the Association continued to deny the request, it issue a Final Adverse Decision. **[Exhibit 2]**

Complaint concerning approved fence ARC applications

On June 12, 2026, I filed an Association complaint form alleging that Winchester Landing HOA violated Va. Code § 55.1-1815 by failing to produce final approved Architectural Change Request applications, showing approval dates and approving authority, for fences on Lots 11, 112, 116, 166, 171, and 179, with owner personally identifying information redacted. In that complaint, I requested production of the records in redacted form and asked that, if the Association continued to deny the request, it issue a Final Adverse Decision. **[Exhibit 3]**

Final Adverse Decision

The Association's Final Adverse Decision appears in the June 12, 2026 email from Community Manager Keila Navarro. In that email, the Association stated: "ARC applications/decisions and Violation letters will

not be provided to you". The email further stated that “only ARC applications discussed in open meetings can be disclosed to members” and that “violation letters regarding individual lots will not be disclosed to owners whose lots they do not pertain to”. Because that response expressly denies both categories of requested records, I treat it as the Final Adverse Decision for both complaints. **[Exhibit 4]**

Adverse Decision History

With respect to the covenant violation letters request, the Association first issued a post-complaint adverse decision dated April 29, 2026, asserting that the requested records were exempt as part of owners' individual lot owner/member files and that they might also be exempt as confidential records related to Board executive sessions. **[Exhibit 5]** On April 29, 2026, I submitted a written response explaining why that rationale was unsound and why redacted copies of the requested enforcement records should be produced rather than withheld in full. **[Exhibit 6]** The Association's later Final Adverse Decision **[Exhibit 4]** did not address that response and instead relied on a different explanation, stating only that “violation letters regarding individual lots would not be disclosed to owners whose lots they do not pertain to”. That shift in rationale shows that the denial is vague, unsupported, and does not justify withholding the requested records in full.

Laws Potentially Violated

I contend that the Association's denial may violate Va. Code § 55.1-1815, which governs access to association books and records. My complaints specifically relied on the principle that non-exempt portions of records must be produced rather than withheld in their entirety when redaction can address legitimately protected information.

Va. Code § 55.1-1815(D) reflects the General Assembly’s determination that association books and records should be disclosed to the maximum extent possible, with withholding in full permitted only when an exclusion applies to the entire record and otherwise redaction used to protect limited confidential material. That is why redacted production, rather than blanket denial, was required here.

Grounds For Review

This filing concerns two related records-access disputes under Va. Code § 55.1-1815. Both involve the Association’s denial of access to requested records, even though my requests sought redacted copies and expressly excluded personal identifying information rather than wholesale withholding.

Issue Presented

The issue presented is whether Winchester Landing HOA violated Va. Code § 55.1-1815 by refusing to produce redacted copies of requested association records—specifically first-notice covenant violation letters and final approved fence ARC applications—after I requested them to review the Association's covenant enforcement practices for consistency and fairness and expressly agreed to redaction of personally identifying information.

Documents Included

This filing package includes the following documents:

- Exhibit 1: Winchester Landing HOA internal complaint procedure.
- Exhibit 2: Complaint form for failure to produce covenant violation letters.
- Exhibit 3: Complaint form for failure to produce ARC fence applications.
- Exhibit 4: Winchester Landing HOA Final Adverse Decision for both complaints.
- Exhibit 5: Winchester Landing HOA post-complaint Adverse Decision for covenant violation letters.
- Exhibit 6: Response to HOA's post-complaint Adverse Decision for covenant violation letters.