



THE QUARTERLY ASSESSMENT

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www.chadwickwashington.com

What's That Up in the Air? It's a ... Drone!

By Michael A. Sottolano

Can they fly THAT in my community?!? Unmanned Aerial Systems ("UAS"), more popularly known as drones, were once only the stuff of fantasy and science fiction but are now emerging as a technological force with many varied applications. With an estimated one million drones sold over the 2015 holiday season, state and federal governments are grappling with how to deal with the myriad of legal and practical issues the proliferation of this technology presents.

How could drones affect your community? What are your association's rights to restrict or prohibit use of UAS in your community?

There are many potential and beneficial applications of UAS operations for community associations. How could drones benefit your community? The following are just some of the ways UAS could potentially be implemented by your association:

- Monitoring for security or of work performed by contractors in the community, such as landscapers, builders, and painters, to confirm the work is performed timely and correctly;
Inspection of hard to access areas. For example, if equipped with appropriate sensors, drones could be used to inspect for air leaks



around windows, doors, and on the roof; and

- Detecting covenant violations and inspection to confirm architectural modifications are constructed in accordance with the plans or specs approved. For violations of a habitual or dangerous nature (and in hard to observe or access areas) drones could provide great assistance in detecting and documenting violations.

Can your association utilize this technology and not run afoul of state or federal regulations? More importantly, should your association utilize this technology in its operations?

There are many concerns associated with drone use. They generally fall into one of three categories: (1) safety, (2) noise, and (3) privacy.

The Federal government and several states, including

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Connubial Concerns

By Daniel B. Streich

Can husband and wife co-owners serve concurrently on a community association board of directors? We respond to this question when it is periodically raised by our association clients.

We note at the outset that there is no statutory bar in either the Virginia Condominium Act (Va. Code 55-79.39, et seq.) or the Virginia Property Owners' Association Act (Va. Code 55-508, et seq.) which would prevent husband and wife co-owners from serving concurrently as Board members. Thus, if such a prohibition were to exist, it would have



to be set forth in your association's documents, typically either the articles of incorporation or bylaws for a homeowners' association, or the bylaws for a condominium association.

When a community association is considering this particular issue, it is instructive to

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Public Shaming & Possible Ramifications

By Sotia M. Kyriacou

A common question raised by community association board members is whether the board or association can release to the membership a list of members who are delinquent in their assessment payments. The goal in doing so, of course, is to encourage timely payment of the assessment obligation and thereby discourage delinquencies. On first thought, and absent any restrictions in the association's governing documents, such public shaming may seem both gratifying to the membership as a whole and likely to discourage delinquencies. But whether one

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Virginia, have proposed or enacted legislation regulating or restricting UAS operations in order to reduce potential abuse.

The *recreational* use of drones is currently not highly regulated by the Federal government, provided the drone's operator: (1) has registered her drone (and herself) with the Federal Aviation Administration ("FAA"); (2) does not operate his drone in a careless or reckless manner so as to endanger the life or property of another; and (3) does not fly in certain restricted areas of airspace. Additionally, the FAA strongly recommends that recreational operation of drones be restricted to flights below 400 feet, users obtain permission if they intend to operate a drone within five miles of an airport, UAS be 55 pounds or lighter, be operated within the sight of their operator, and not be flown near people or stadiums.

*Commercial* drone usage is, ostensibly, regulated closely by the FAA and drone flight outdoors "in furtherance of a business purpose" is prohibited unless the operator has received special permission by the FAA and any applicable state or local agency. If granted permission by the FAA to fly a drone for commercial purposes there are, additionally, special rules which are constantly evolving that govern such drone's operation.

There are currently no Virginia state laws or regulations governing the use of drones. On July 1, 2015 the two-year moratorium on drone operation by law enforcement and other governmental agencies in the state of Virginia (subject to certain exceptions) instituted by House Bill 1616 and Senate Bill 1331 expired. Recently, however, House Bill 269 was proposed which, if adopted, would create a statutory civil cause of action with monetary penalties for invasion of privacy in situations where a drone captures, or attempts to capture, an "image, including the capture of a visual image, sound waves, or thermal, infrared, ultraviolet, or visible light waves or other electromagnetic waves" on the private property of another without the consent of the owner of such property.

So what does all this mean for community associations? Can residents legally fly drones over their lots? What about their neighbors' lots or the common areas or common elements? Can the association regulate or restrict drone use in the community? Can associations utilize

drones for monitoring, security or inspection purposes?

In Virginia, provided a drone is operated for recreational purposes and the operator complies with the federal rules and recommendations of the FAA discussed above, and any applicable local laws, then he is legally permitted to operate the UAS within the airspace of the Commonwealth. It is reasonable to conclude, however, that most associations have the authority to regulate, through rules and regulations adopted by the board, drone usage on the association's common areas or common elements and in that amount of airspace above the common areas or common elements that the association could reasonably use.

An association could also, potentially, regulate drone use on or above lots or units if applicable restrictions exist in the recorded covenants. If no regulations regarding drone use or authority for the board to adopt rules regulating or prohibiting their use on or above lots or units are found in the recorded covenants, then amending the recorded covenants could equip an association with the ability to lawfully prohibit or regulate drone use on or above lots or units. Additionally, if your association has covenants prohibiting owners from causing a nuisance or annoyance on their lot or disturbing the quiet enjoyment of others in their units, then depending upon the circumstances, an owner's drone operation could potentially be in violation of the covenants. Such instances would need to be evaluated on a case-by-case basis.

In regards to UAS use by a community association, drones equipped with cameras or other sensors may seem like a great idea, but their use by an association would likely be characterized by the FAA as use for a commercial purpose. Thus, if your association is interested in potentially implementing UAS in your community, your board of directors should first seek the advice of counsel. Special permission from the FAA may be required for the association's intended UAS use. Prior legal research and review may protect your association from inadvertently violating relevant federal law.

Additionally, before implementing drones in the community the board should consider how such use may be perceived by owners and residents. Drone use may invite allegations that the association is harassing, stalking, inflicting emotional distress or otherwise invading the privacy of those observed. This could in turn expose an association to potential tort liability; especially, if activities occurring inside another's home are observed or recorded, whether intentionally or not. There is also the concern of potential liability for an association if person or property is damaged as a result of the association's drone use (or misuse).

If your association ultimately decides that the benefits of drone use outweigh the concerns and potential liability associated therewith, the association should ensure operation of the drone is: (1) only by an adult over the age of 18 who is authorized by the association, not under the influence of alcohol or mind-altering substances and is trained in the drone's safe and proper use; (2) in accordance with any rules or recommendations promulgated by the FAA (especially those related to safety); (3) in accordance with any rules or regulations adopted by the Board; and (4) only for a proper association purpose.

While federal and state legislatures continue sorting out the issue of how to regulate drones, now is the time for your association to have a discussion regarding UAS and how to best incorporate or regulate their use in your community. Because drone laws are constantly changing and evolving, any questions regarding how to best approach (or regulate) drone usage in your community should be directed to your association's legal counsel.

## It's All About that Noise: Fairfax County Updates Its Noise Ordinance

By Olga S. Tseliak

The Board of Supervisors of Fairfax County has recently adopted revisions to its noise ordinance that became effective February 17, 2016. The updated noise regulations are aimed at protecting the peace, safety and quality of life of the citizens of Fairfax County while recognizing that there will always be certain levels of noise that occur in the normal course of daily living. The overall objective of the ordinance continues to be the prohibition of noise-generating activities at night, but allowing certain levels of daytime noise so that people can live, work, and play during the day.

Here is the summary of the changes to the Fairfax County noise ordinance and how they compare to the old ordinance:

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note the standards of conduct expected of members of an association's board of directors. Va. Code 13.1-870 (*Virginia Nonstock Corporation Act - General standards of conduct for directors*) states in pertinent part:

A director shall discharge his duties as a director, including his duties as a member of a committee, in accordance with his **good faith judgment** of the **best interests** of the corporation. (emphasis added)

Our firm takes the position that although most condominium associations are not incorporated entities, the foregoing provision of the Nonstock Corporation Act presents a standard of conduct equally applicable to the board members of an unincorporated condominium association as for the typical incorporated homeowners' association. Sometimes condominium association bylaws even have similar language, to the effect that directors "shall exercise their powers and duties in good faith with a view to the interests of the condominium project."

As the common law pertaining to corporations has developed over the decades, members of boards of directors have come to be considered fiduciaries to their corporations or organizations. The trust and loyalty expected of a fiduciary is the highest level of trust known in the law. The law expects a director of an organization such as a community association to act completely, unquestionably and irreproachably in the interests of the association. To do otherwise would be to breach that trust--and therefore the director's legal duty--to the association.

Many sophisticated and educated adults, such as those who are members of your associations, are aware of the demanding threshold of loyalty to which a board member must subscribe. That is the reason why questions usually arise when a husband and wife serve concurrently on a board of directors. Yet such service is not, as we have acknowledged above, violative of any statutory law nor is it contrary to any typical organizational directive.

Rather, the concurrent service of spouses on a board of directors is questionable more for the *appearance* of the conflict in loyalty it presents. Other members of your association will inevitably wonder if the husband and wife are managing the affairs of the association "in good faith with view to the interests of the [association]" or, conversely, whether they are seeking to advance the interests which they may perceive most advantageous to their individual household. Such a suspicion on the part of the members of the association would not necessarily be unfounded, unreasonable, or unexpected.

Thus, the potential problems or questions that may be raised by husband and wife directors are not legal in nature, but instead are more political in their overtones. Members of the association may perceive--correctly--that a husband-wife duo on the association's board could constitute a voting bloc of two votes out of the total number of director votes. On closely contested issues, or disputatious matters within the association, such a bloc could be significant, even dispositive. It therefore could be alleged--again, not without justification--that a preponderant voting share on the Association's executive organ has been arrogated to one unit or lot within the community, and that the interests of that unit or lot may not coincide with the best interests of the association as a whole. The effect of such a perception, whether accurate or not, could raise a level of suspicion and dissension within the commu-

nity which may not otherwise arise. That could make the management and conduct of the association's affairs less harmonious and consequently more difficult, and thus may not serve the best interests of the association.

It is the position of this firm that concurrent service by a husband and wife on an association's board of directors is legally permissible (unless specifically prohibited by the association's documents), but perhaps not in the best interests of the association. If the husband and wife are in fact concerned about the best interests of the association, they might realize the potential difficulty in their serving concurrently. They may therefore decide of their own volition to serve consecutively or in different capacities. An appeal to that effect made to them by the other currently-serving members of the board of directors might influence their decision.

Nevertheless, neither statutory law nor community association governing documents (typically) prohibit such concurrent service by spouses. A practical alternative to avoiding such a situation, of course, would be for other members of the community to step forward and announce their candidacies for the open board position(s). Were that to occur, the resulting vote of the community would be the plebiscitary expression of the community's opinion on the issue. If the members were to affirmatively vote to place a husband-wife pair on their board of directors, then one could reasonably presume that the association's members are unconcerned by the potential conflict of loyalty or even the appearance thereof.



## Did You Know? Properly Processing a CICB Complaint Isn't Optional

By Bradley M. Barna

Did you know that the Virginia Common Interest Community Ombudsman ("Ombudsman") has authority to review final adverse decisions from association boards of directors and make determinations as to whether those board decisions are in conflict with the laws and regulations governing common interest communities? Well, you might have known, because in the Winter 2015 issue of the *Quarterly Assessment*, my colleague, Jerry Wright, wrote a piece on the Ombudsman and some of the determinations that had recently been issued by the Ombudsman's Office. But here we are again revisiting the topic in Winter 2016, and the reason is because there's still more for you to know about the role of the Ombudsman's Office relative to community associations in Virginia.

For instance, did you know that the Ombudsman not only makes written determinations on a case-by-case basis but also issues regulations applicable to the complaint procedures of condominium and property owners associations? Those regulations are set forth in the *Virginia Administrative Code*, but they are also available on the Ombudsman's website, as are the determinations Jerry wrote about last year.

Reviewing the Ombudsman's determinations and regulations can be enormously helpful to directors and managers. After all, none of us want our associations to wind up on the wrong side of an Ombudsman determination. To illustrate how to avoid that undesirable outcome, let's take a look at some cases in which boards of directors failed to comply with the regulations established by the Ombudsman.

In a determination dated April 3, 2015, the Ombudsman considered a

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Noise-Generating Activity	New Regulation	Old Regulation
<u>Loudspeakers/Amplifiers:</u>	Prohibited between <b>10pm</b> and 7am	Prohibited between <b>11pm</b> and 7am
<u>Outdoor Construction/Remodeling, Maintenance/Improvement of Real Property</u>	Prohibited between 9pm and 7am on Sunday through Thursday, or between 9pm and 9am, on Fridays, Saturdays, and the day before a Federal holiday	Prohibited between 9pm and 7am on Sunday through Thursday, or between 9pm and 9am, on Fridays, Saturdays, and the day before a Federal holiday
<u>All other noise-generating activities</u>	Making noise that can be plainly heard in another person’s home with the doors and windows closed is prohibited between 10pm and 7am Sunday through Thursday, or between 11pm and 7am on Fridays, Saturdays, and the day before a federal holiday	No specific corresponding provision
<u>Animal Sounds/Noises</u>	Animal barking, howling, meowing, squawking or quacking is prohibited between 10 pm and 7 am when it can be heard inside a home with its doors and windows closed; OR between 7am and 10pm if these sounds can be heard for more than five minutes consecutively or non-consecutively during a 10-minute period. ( <b>Exceptions:</b> animal responding to injury or pain; protecting itself or a person from a real threat; police dogs engaged in the performance of duties)	Animals may not <i>frequently</i> howl, bark, meow, squawk or make noises that can be heard across property boundaries or through common walls within a building

**Excluded from Regulation:** Emergency work, right-of-way traffic, snow removal, Metro trains, airplanes, helicopters, mechanical equipment (heat pumps, air conditioners, and swimming pool pumps), and police or fire sirens.

**Maximum Decibel Levels:** The new ordinance sets maximum decibel levels for residential, mixed use, and commercial and industrial areas. If any activity is not expressly prohibited by ordinance, the source of the activity is subject to maximum decibel levels. Below is the chart of newly-established maximum sound levels:



Maximum Sound Levels

Use and Zoning District Classification	Time of Day	Continuous Sound (dBA – A-weighted decibel)	Impulse Sound (dB)
Residential Areas in Residential Districts	7am to 10pm	60	100
Residential Areas in Residential Districts	10pm to 7am	55	80
Non-residential Areas in Residential districts	All	60	100
Mixed Use Area	7am to 10pm	65	100
Mixed Use Area	10pm to 7am	60	80
Commercial Districts	All	65	100
Industrial Districts	7am to 10pm	72	120
Industrial Districts	10pm to 7am	65	100

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complaint that an association painted the exterior of a unit against the owner's will and at the owner's expense. Whether the association possessed the authority to do so depended entirely upon the language of that association's governing documents. But because the jurisdiction of the Ombudsman's office extends only to compliance with Virginia statutory law and regulations, the Ombudsman couldn't rule as to the substance of the complaint. She did, however, take issue with the association's complaint procedures. Apparently, the board failed to even consider the complaint, a clear violation of the Ombudsman's regulations. A closer look at that association's complaint procedures also revealed that there was no information regarding how complaints were to be delivered to the association, no information regarding necessary documentation, no information regarding requests for additional information or a timeframe to respond to such requests, and no information regarding any appeal process. All of those omitted items are required to be a part of an association's complaint process, pursuant to the Ombudsman's regulations.

In another determination, dated March 11, 2015, a board received a complaint which alleged, among other violations, that some of its meetings were being conducted in secret. The board of directors duly considered the complaint, but did so at a meeting *conducted in private, without prior notice to the complainant or the membership, i.e. a "secret" meeting*. Not surprisingly, the Ombudsman chastised the association for its failure to comply with the relevant regulations and required that its complaint procedures be brought into compliance within two weeks of the date of the determination. The (obvious) lesson learned here is that even when considering a complaint, a board of directors must comply with *Condominium Act* and *Property Owners' Association Act* ("POAA") requirements for open meetings. (Note, however, that if some portions of the meeting had pertained to subjects eligible to be discussed in executive session, the board would have been entitled to convene in executive session to discuss those subjects.)

In yet another determination, dated November 25, 2014, the Ombudsman considered a complaint regarding a board's withholding of association records pertaining to events that had occurred over six years prior to the date of the request. The board denied the request for the records on the ground that it was unreasonable to request records that were over six years old. The Ombudsman's determination ruled against the association, reminding the board that there is no "reasonableness" requirement in the regulations or in the relevant statutes (*Condominium Act* or *POAA*). The lesson learned in this instance was that the complaint procedures set forth in the regulations are not optional and do not apply only to "reasonable" requests. Even when a self-appointed community crusader is merely attempting to make life difficult for the board, the association must comply with the law and the relevant regulations. (Note, however, that if the association had in place an approved and published cost/fee schedule resolution, it could have charged the requesting member the actual costs incurred in responding to the request.)

Having seen what not to do, let's take a look at a board of directors that got it right. In a determination dated April 9, 2015, the Ombudsman considered a complaint from an association member who was concerned with the clocks in the association's common areas. Apparently at one time there had been five clocks located on the common areas, but one had become inoperable and was subsequently

removed by management. The complaining owner alleged that the decision to remove the broken clock had been made in a secret meeting. It seemed apparent to all that the complaining member's allegation of a secret meeting was merely a pretext for his actual displeasure over the fate of the stopped clock. But rather than declare the complaint absurd and ignore it or refuse to respond, the association's board followed its complaint procedure and issued a final adverse decision against the complaining owner. The board's disposition of the complaint passed the Ombudsman's scrutiny.

And so will you, if your board knows and follows the procedures required by the Ombudsman's regulations.

The complete Ombudsman's Regulations can be found at the Ombudsman's Website, at <http://www.dpor.virginia.gov/cic-ombudsman/>, under "Laws and Regulations."



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agrees with the societal change or not, debtors' prisons were abolished by law back in the 19th Century. Nor do we lock debtors into stocks in the public square, there to be pelted with spoiled vegetables or fruit, *a la* Colonial Williamsburg. As a result of both societal and judicial changes, any attempt to publicly shame a debtor may expose the association to potential liability in a defamation action.

The common law of defamation evolved to protect individuals from harm to their reputations resulting from false and derogatory statements communicated to third parties either orally or in writing. If a community association releases a list of delinquent homeowners to its membership, that would constitute a written communication, even if disseminated electronically. In Virginia, to prevail in a defamation action, the plaintiff must prove that the defendant: (1) published; (2) an actionable statement; (3) with the requisite intent. It is important to note that the standard of proof for these elements differs depending on what type of plaintiff and defendant are involved in the action, particularly whether the plaintiff is a public figure or private individual, and whether the defendant is a media publication or organization. For our purposes, we will be discussing these elements as they pertain to a private individual plaintiff and a non-media defendant.

As previously mentioned, to publish a statement means to communicate the statement to a third party either orally or in writing. An actionable statement is a false and defamatory statement (*i.e.* a statement tending to harm the individual's reputation). Statements of opinion are not actionable because they cannot be proven as true or false. Finally, in Virginia, to recover actual compensatory damages in an action by a private individual against a non-media defendant, the plaintiff must prove by a preponderance of the evidence that the publication was false and either the defendant knew it to be false, lacked reasonable grounds for believing it to be true, or acted negligently in failing to ascertain the facts on which the publication was based. Further, to recover punitive damages, the plaintiff must prove that the defendant acted with actual malice; in other words, the plaintiff must prove by clear and convincing evidence that the defendant had knowledge of the statement's falsity or published the statement with reckless disregard as to its truth. Now that we have a basic background in defamation law, let's take a look at what consequences may ensue if a com-

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munity association decides to release a list of delinquent homeowners to the public.

First, if the list is entirely accurate one hundred percent of the time, then no potential plaintiff could prevail against the association, as the list would never be a false statement. Should the list at any moment in time be inaccurate, however, then the association could be exposing itself to potential liability in a defamation suit. The possible scenarios in which the list may be inaccurate are many, but we will highlight two such scenarios.

Let's say Bob is a homeowner who is delinquent in his assessment payments. Bob's HOA releases an updated list of delinquent homeowners every Monday on its public website. On Monday, February 1<sup>st</sup>, Bob is still delinquent on his payments, and so his name is included on the weekly list. However, on Tuesday, February 2<sup>nd</sup>, Bob becomes current in his payments and is no longer delinquent. Nevertheless, his name still appears on the list because the list won't be updated until the following Monday, February 8<sup>th</sup>. For the time period between Tuesday, February 2<sup>nd</sup> and Monday, February 8<sup>th</sup>, Bob's name remains on the list even though he is no longer delinquent in his payments. Thus, during that time period, the HOA is publishing a false statement with respect to Bob, and thereby could be liable were Bob to sue for libel. If Bob brings suit, he could argue that for the period when his name was improperly included on the list, the HOA had: (1) published the list, a written statement, to the public on its website; (2) which both harmed his reputation and was false during that time period; and (3) acted with actual malice because it knew that even though Bob's name was improperly included in the list, it failed to remove his name therefrom. This could expose the HOA to liability for both compensatory and punitive damages.

Another scenario could be that the HOA inadvertently and mistakenly includes Bob's name on the list even though he is not delinquent, perhaps because of some technical error or mistake. This scenario could also expose the HOA to liability, inasmuch as the list was published, the statement made was false and defamatory, and the HOA acted negligently in including Bob's name on the list, thus exposing the HOA to potential liability for compensatory damages.

The lesson from these examples is that the risk of liability far outweighs the possibility of benefit from publishing delinquency lists. Risk of exposure to potential liability is simply too great, because there are too many opportunities for making mistakes when compiling the list. Moreover, public shaming is unlikely to foster positive sentiments between members and the Board. So, to both avoid potential legal liability and remain friendly with neighbors, the Board should think twice before resorting to public shaming.

1. Va. Prac. Tort and Personal Injury Law § 12:1.
2. *Jordan v. Kollman*, 269 Va. 569, 575, 612 S.E.2d 203, 206 (2005).
3. *Id.* at 576, 207.
4. *Gazette, Inc. v. Harris*, 229 Va. 1, 15, 325 S.E.2d 713, 724-25 (1985).
5. *Id.* at 14, 724.



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### Significance of Local Noise Ordinances to Community Associations

Every property owner is entitled to the quiet use and enjoyment of his or her property, but some of our Northern Virginia counties are densely populated areas. Life in such an environment entails accepting the reality that there will always be a certain amount of ambient noise. County noise ordinances, whether in Fairfax County or elsewhere, strike the balance between work, play and the peaceful enjoyment of one's home within a community. They can also provide helpful guidance to community associations when dealing with noise complaints. Community associations should therefore have at least a passing familiarity with their local noise ordinance. Amendments to local noise ordinances may necessitate a re-evaluation and update of association policy resolutions so as to conform with the new regulations.



## FIRM HAPPENINGS

### Awards:

As of January 2016, **Brendan Bunn** has been reappointed to the Board of Trustees for the Community Associations Institute (National) organization. He will serve a two-year term.

**Bruce Easmunt** has been elected to serve as President-Elect of the Washington Metropolitan Chapter of CAI. He will serve as President in 2017. Congratulations to Bruce.

**Bruce Easmunt** also received the Educator of the Year Award at Jump Start January earlier this year.

**Michael Sottolano** has been elected to serve as President of the Central Virginia Chapter of CAI. Congratulations to Michael.

### Recent Events:

**Allen Warren** was a co-speaker for a seminar at CAI's Community Association Law Seminar in New Orleans in January of this year. His session included tips and strategies for amending governing documents. **Wil Washington** presented on the "Case Law Update" and **Brendan Bunn** on the "Panel of Pundits."

On February 23, **Andrew Elmore** and **Michael Sottolano** participated in a Panel Discussion for the Central Virginia Chapter of CAI. They were two of the three on the panel entitled "Up in the Air," which focused on air issues in community associations, including air rights, drones, smoking and firearms.

**Brendan Bunn** was a co-presenter for "Hot Topics Debated" at the Washington Metropolitan Chapter of CAI's annual Conference and Expo on Saturday, March 12.

**Bruce Easmunt** was a presenter at the WMCCAI's Annual Conference and Expo on "Sound Community Association Investment."

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**Susie Truskey** was a co-presenter at the session: "Board Orientation: What it takes to be a good Board member," also conducted at the Washington Metropolitan Chapter of CAI's annual Conference and Expo.

**Jerry Wright** facilitated a discussion on general "Community Association Law" and presented "Attack of the Drones" at the Southeastern Virginia Chapter of CAI's Annual Trade Show and Education Expo.

#### Upcoming Events:

**Andrew Elmore** will serve as an expert on the panel "What to Do When You're Down in the Count—Crisis Management" at the Central Virginia Chapter of CAI's 2016 Community Association's Day Trade Show & Expo on March 29. Homeowner volunteers are encouraged to attend the Expo, as many educational sessions are offered.

**Jerry Wright** will co-present a Legislate Update at the Central Virginia Chapter of CAI's 2016 Community Association's Day Trade Show & Expo on March 29.

**Michael Sottolano** will co-present an educational session on enforcing covenant violations entitled "IF YOU BUILD IT (in violation of the covenants) THEY WILL COME (and make you take it down!)" at the Central Virginia Chapter of CAI's 2016 Community Association's Day Trade Show & Expo on March 29.

**Jerry Wright** will be co-presenting a Virginia Case Law and Statutory Update at the Southeastern Virginia Chapter of CAI's Annual Legal and Legislative Update on May 13<sup>th</sup>.

**Bruce Easmunt, Michael Sottolano** and **Christopher Chipman** will present an educational session on drones and community associations at this year's 2016 CAI National Annual Conference and Exposition in Orlando, FL.

**Michael Sottolano** will present an educational session on air issues affecting community associations at the Southwestern Virginia Chapter of CAI's 2016 Community Association's Day Trade Show & Expo on September 9.

#### **Announcing the 2016 Spring Seminar Series:**

We invite all Community Association Board Members and Managers to attend a free legal seminar at one of the following locations. Each Seminar addresses important issues affecting Virginia common interest communities, including condominium and property owners' associations. This year's theme will be "Top 10 FAQs," where our attorneys will identify and respond to the key issues on a variety of topics. Don't miss out.

May 17 – Fairfax	May 18 – Richmond
May 25 – Gainesville	June 2 – Roanoke
June 7 – Chesterfield	June 9 – Reston
June 14 – Fredericksburg	June 16 – Charlottesville
June 30 – Williamsburg	

#### **Welcoming to the firm, Brad Barna and Sotia Kyriacou!**

**Brad Barna** is an associate attorney in the firm's Fairfax office, having joined the firm in January 2016. A northern Virginia native, his practice is devoted to representing area community associations in such matters as corporate governance, contract law, and covenant interpretation and drafting. Brad also provides litigation services to the firm's clients.

**Sotia Kyriacou** is a new associate attorney in the firm's Fairfax office. Sotia completed her legal studies at the George Mason University School of Law, and is admitted to the Virginia State Bar. She began at the firm in January of this year and now serves our community associations practice as an attorney.



CHADWICK, WASHINGTON, MORIARTY, ELMORE & BUNN, P.C.

3201 JERMANTOWN ROAD, SUITE 600  
FAIRFAX, VA 22030  
(703) 352-1900  
FAX (703) 352-5293

201 CONCOURSE BOULEVARD, SUITE 101  
GLEN ALLEN, VA 23059  
(804) 346-5400  
FAX (804) 965-9919