



## Common Interest Community Board

### Guidance Document: Regarding what Certified Principal/Supervisory Employee Applicants must submit when Certain Personal Adverse Financial History is Disclosed

Adopted December 3, 2014

#### I. Issue

The Common Interest Community Manager Regulations at 18VAC48-50-35 H require an applicant for certification to provide all relevant information for the seven years prior to application on any outstanding judgments, past-due tax assessments, defaults on bonds, or pending or past bankruptcies, all as related to providing management services as defined in § 54.1-2345 of the *Code of Virginia*.

#### II. Applicable Regulation and Statute

##### **18VAC48-50-35 H**

The applicant for certification shall provide all relevant information for the seven years prior to application on any outstanding judgments, past-due tax assessments, defaults on bonds, or pending or past bankruptcies, all as related to providing management services as defined in § 54.1-2345 of the *Code of Virginia*. The applicant for certification shall further disclose whether or not he was the subject of any adverse disciplinary action, including revocation of a license, certificate, or registration within the seven-year period immediately preceding the date of application.

##### **§ 55.1-2345. Definitions.**

"Management services" means (i) acting with the authority of an association in its business, legal, financial, or other transactions with association members and nonmembers; (ii) executing the resolutions

and decisions of an association or, with the authority of the association, enforcing the rights of the association secured by statute, contract, covenant, rule, or bylaw; (iii) collecting, disbursing, or otherwise exercising dominion or control over money or other property belonging to an association; (iv) preparing budgets, financial statements, or other financial reports for an association; (v) arranging, conducting, or coordinating meetings of an association or the governing body of an association; (vi) negotiating contracts or otherwise coordinating or arranging for services or the purchase of property and goods for or on behalf of an association; or (vii) offering or soliciting to perform any of the aforesaid acts or services on behalf of an association.

### **III. Policy**

The Board authorizes staff to approve applicants for principal or supervisory employee certification who disclose personal adverse financial history in accordance with 18VAC48-50-35 H, provided all other entry requirements are met, as follows:

1. For past-due tax assessment, the applicant provides proof of an installment agreement or payment plan with the Internal Revenue Service or other applicable taxation authority. Such installment agreement or payment plan shall not be in default.
2. For an outstanding judgment, the applicant provides proof of an installment plan to satisfy the judgment and proof that payments pursuant to the established installment plan are current.
3. For an active bankruptcy, the applicant provides proof of a payment plan established by a bankruptcy court. Such payment plan shall not be in default.

An applicant unable to provide documentation in accordance with this policy that is acceptable, or discloses adverse financial history not related to a past-due tax assessment, outstanding judgment or bankruptcy shall be afforded the opportunity to have the application considered by the Board through an informal fact-finding conference pursuant to the Administrative Process Act (Chapter 40 of Title 2.2 of the *Code of Virginia*).