



## GRIEVANCE/FINE PROCEDURE

1. Disputes among neighbors are not the concern of the Board, unless a violation of the Declaration, Rules and Regulations, or federal, state, or local laws involving Associations are involved. Personality conflicts are not under the purview of the Board.

2. All communications regarding the condition and operation of the Association and concerning these Rules and Regulations, including changes requested, shall be directed to the Board. Proposed changes in the Rules and Regulations shall be submitted in writing.

3. Fines are to be assessed for any violation of the Rules and Regulations as determined in the sole and exclusive discretion of the Board (subject to any requested notice and opportunity to be heard pursuant to state law). Fines may also be imposed for any violation of the Declaration in the Board's sole and exclusive discretion. The following is current fine schedule:

First Violation            \$100.00 per violation, per occurrence, per day  
(i.e. if two dogs of one Owner each leave two piles of dog droppings on a Common Area in violation of the Rules and Regulation, that Owner shall be fined \$400.00 per day the droppings are not removed.)

Second Violation        \$200.00 per violation, per occurrence, per day

Third Violation         \$300.00 per violation, per occurrence, per day

Further Violations      At the Board's discretion, but not less than \$300.00 per violation, per occurrence, per day.

(A violation includes not obtaining written Board approval prior to taking action under the Declaration or these Rules and Regulations, or acting in violation of a Board decision, per day for each day Board approval was not forthcoming, or each day that one acts in violation of Board rules .)

If there is a speeding violation, or other rules violation which by its nature, occurs only at one time, and said violation is repeated, the First Violation is \$100.00, the Second Violation is \$200.00, the Third Violation is \$300.00 and thereafter the fine shall be doubled for every subsequent violation.

There are other additional fees (which are not fines but administrative charges).

4. All fines imposed will be assessed within a reasonable period and will be placed on the Owner's Assessments as a special assessment within 30 days, or at the time of the next

assessment (whichever is earlier) pending the outcome of any request for Notice and Opportunity to be Heard.

5. Fines are due immediately upon assessment pending final order from the Hearing Board. If the fine, or any part of any special or regular Assessment is not paid when due, it is handled as a delinquent assessment under the Declarations, and an additional \$50.00 shall be added as a late charge for each month until all of the Assessment, fines, late fees, interest and attorney's fees and costs of collection (all of which are Assessments) are paid in full. Partial payments or payments shall be deemed payment on account. In addition, a default interest rate of 1% per month on all amounts owing shall be assessed as well. Collection of any fine will be performed as a collection of any Assessment, pursuant to the Condominium Declarations.

6. The Board is authorized and empowered to investigate, hear and determine complaints concerning violations by any owner, tenant or occupant of the Declaration, Bylaws, rules, regulations or enforcement procedures ("Governing Documents") or of any decision of the Board made as provided in the Governing Documents. The Board is further authorized and empowered to impose a fine as may be allowed herein in an amount not to exceed the maximum rate established by resolution of the Board on any person who it finds to have violated the Governing Documents.

### **COMPLAINT PROCESS**

The complaint process shall be undertaken substantially as follows:

If by an Owner these two steps are recommended but not required:

a. Make personal contact with the party to make them aware that you are being disturbed and ask them to discontinue the offensive behavior.

b. If you do not feel comfortable making personal contact, please report the offensive behavior by phone to Property Manager and follow up by submitting a formal complaint in writing.

If by a Board Member or Property Manager:

c. The Board and/or Property Manager will promptly investigate the claim (and will determine if it should proceed with or without a written complaint), and if the complaint is substantiated, the Property Manager will send a letter to the offending party indicating that they have violated the Declaration, Bylaws, or Rules ("Governing Documents") and/or Board or Hearing Board Decision. The letter shall identify the specific provisions of the Governing Documents or decision of the Board which the respondent is alleged to have violated. The letter shall state as many of the specifics as are available regarding time, date, location, nature of violation, persons involved, etc. The letter shall also state the efforts which were made to resolve the matter informally, if any, and that fines will be imposed if said behavior is not stopped. No warnings need be given. The distribution of these Rules and Regulations is sufficient warning/notice of the rules and fines.

### **RIGHT TO APPEAL**

Within fifteen (15) days of service on or delivery to the respondent of the letter, the person accused of the violations (“respondent”) may deliver a request for an appeal to the Board, as the respondent’s opportunity to be heard. In such case, imposition of the fine will be suspended pending determination of the appeal by way of a hearing before the Board. Service or delivery of the letter shall occur by leaving same with the respondent personally, by leaving same with a person of suitable age and discretion at the respondent’s residence, or shall be deemed to occur three (3) days after deposit of the letter in the first class mail addressed to respondent at his or her last address known to the Association, or the Unit address. The request for appeal will not be deemed to have been delivered until actual receipt by the Association’s Secretary or the Association’s managing agent. A failure of the respondent to respond to the letter within fifteen (15) days will constitute a waiver of the respondent’s right to notice and opportunity to be heard, and respondent will be deemed to have admitted to the facts contained in the letter.

### **DEFAULT**

Failure of one party to appear at the scheduled hearing, where that party prior to the hearing has failed to show good cause when the hearing should be re-scheduled, does not preclude the Board from proceeding with the hearing, receiving evidence from and hearing arguments by the other party and making a decision in the matter. Upon failure of the respondent to appear, the Board may, in its discretion, reinstate the fine or fines. A failure of the respondent to appear constitutes a waiver of the respondent’s right to notice and opportunity to be heard, and respondent will be deemed to have admitted to the facts contained in the letter.

### **HEARING PROCEDURE**

1. The hearing shall be heard pursuant to Section 15.5 of the Declaration by a Hearing Board. The Association’s attorney may or may not be present at the hearing Board’s sole and exclusive discretion. The respondent shall appear in person or by a duly authorized representative. The President, or in his or her absence, the Vice President, shall preside over the conduct of the hearing and shall make any necessary evidentiary rulings. The hearing shall be informal. At the beginning of the hearing the President shall explain the rules and procedures by which the hearing is to be conducted.
2. The order of proceedings shall be as follows:
  - a. Each party to the proceeding is entitled to make an opening statement.
  - b. Each party is entitled to produce evidence, witnesses and testimony. The other parties are entitled to cross-examine any witnesses and the opposing party.
  - c. Each party is entitled to make a closing statement.
  - d. Any member of the Board may question any party or witness. The Board members may, on their own motion, call additional witnesses or secure tangible evidence.
  - e. Each party has the right to representation by counsel at his or her own expense. Respondent must advise the Association at least five days in advance of intent to bring their own counsel. Failure to do so shall allow the Board to continue the hearing until the Association’s counsel can be present.

f. Either party or the Board may cause the hearing to be transcribed at his / her or their own expense.

3. Decision and Order:

a. As soon as possible, but in no case more than ten (10) days after the close of the hearing, the Board shall meet in executive session to deliberate and reach a decision. The decision of the Board shall be in writing and, if a violation is found, shall state the particular violation(s) found.

b. Upon a decision that a violation has occurred, the Board may order that the respondent shall do or refrain from doing any act necessary to cause the respondent to comply with the provisions of the Governing Documents and/or any decision of the Board. The order of the Board shall become effective ten (10) days after it is served on the respondent in the manner provided above, unless the Board otherwise provided in its order.

c. The Board may provide in its order for the imposition of a reasonable fine not to exceed the maximum amounts set from time to time by resolution of the Board. The fine may include a daily fine in the event that the respondent does not comply with the order of the Board, including the payment of the fine, within the allotted time. The Board may also provide in its order that the non-prevailing party shall reimburse the costs of the Association in connection with the proceeding. Any fine or charge so imposed by the Board shall be the personal obligation of the person against whom it is imposed, shall constitute a lien upon the condo, owned or occupied by that person, and may be collected in the manner provided in the Declaration in the same manner as for assessments.

d. The decision of the Board shall be served on each party to the matter forthwith in the manner provided above. A copy of the decision and order shall be sent to the Secretary of the Association and shall be included in the books of the Association.

4. Failure to comply with a provision of the Governing Documents or a Board Decision, or to comply with a decision of the Board following notice of a violation and an opportunity for a hearing, shall be sufficient grounds for an action to recover sums due for damages, which shall include any fines levied by the Board and any costs incurred by the Association in connection with the proceeding before the Board, maintainable by the Association (acting through the Board on behalf of the owners). Such failure shall further be grounds for the issuance of injunctive relief in such an action. Nothing contained in the Declaration shall be deemed or construed as a waiver of the Association's right to bring an action as provided in this Section without first exhausting the Association's internal enforcement procedures in cases where the Board deems immediate legal action to be necessary or appropriate. In any action brought as provided in this Section, the prevailing party shall be entitled to recover as part of its judgment a reasonable sum for its attorney fees, costs and expenses of proceeding. All Assessments are collected pursuant to the Declarations.