Appeals Process for Administrative Fines Appeals Committee

1) **Report of Infraction/Complaint:** Infractions and complaints will be reported in writing to the Permitting and Inspections Department (“P&I”).

2) **Investigation:** The P&I will investigate the infraction or complaint.

3) **Initial Notification:** If P&I determines that an infraction has occurred, a letter will be mailed by certified mail return receipt requested (“CMRR”) to the member explaining the infraction, referencing the specific covenant, policy or rule which was violated, and stating the date by which the infraction must be resolved. The member will have 30 days from the date of the letter to come into compliance.

4) **Optional Extension Notification:** If P&I determines that the member is expeditiously pursuing resolving the violation but for justifiable reason cannot correct the infraction in such 30 day period, P&I may at its option extend the 30 day period for a reasonable amount of time. In such case, P&I will send a letter by CMRR to the member of the extension and will state the date for correcting the violation.

5) **Penalty Notice:** If the member does not come into compliance within the 30 day period (or the extended period if applicable), the member will be notified by letter mailed CMRR by P&I of the monetary penalty and the right to contest such penalty (“Penalty Notice”). If the member desires to contest the penalty by appeal to the Administrative Fines Appeals Committee (“Appeals Committee”), the member must give written notification of same to the P&I. The member may give such notice to P&I by hand delivery or by letter mailed CMRR and such notice must be received by the P&I within 30 days of the date of the Penalty Notice.

6) **Hearing Request:** When a notice is received by P&I from the member requesting a hearing before the Appeals Committee, P&I will notify all Appeals Committee members. The Appeals Committee will expeditiously determine, and report to the P&I, the date or dates when the Appeals Committee is able to meet to hear the member’s appeal. After consultation with the member, P&I will give written notice by CMRR to the member of the date of the Appeals Committee hearing, which notice will be given at least 10 days prior to the hearing date.

7) **P&I Investigation Packet:** Upon mailing the hearing date notice, P&I will send to the Appeals Committee the time and date of the hearing and copies of all applicable information relating to the infraction and P&I’s investigation, including, without limitation, all correspondence to and from the member (along with the signed return receipt copies of CMRR) and any other parties, all relevant photos and other materials, and all P&I reports and summaries relating to the infraction.

8) **Appeals Committee Hearing:** At the Appeals Committee hearing, P&I will describe the infraction and the Appeals Committee will describe the procedures to be followed during the hearing. The P&I and the member may each make an opening statement, present evidence, witnesses and testimony, and make a closing statement. Appeals Committee members may ask questions of any party present.
9) **Appeals Committee Decision:** The Appeals Committee will make its decision based upon the information presented at the hearing. If a member fails to appear at an Appeals Committee hearing, the Appeals Committee will nevertheless make its decision based upon the information presented at the hearing.

After the hearing has concluded, the Appeals Committee will expeditiously meet to consider and render its decision. The decision will be in writing and mailed by CMRR to the member.

10) **Penalty Due:** If the member receives an adverse decision from the Appeals Committee, the penalty imposed by P&I will become payable immediately. If the penalty is not immediately paid, it will continue and be increased by the daily fine for the violation and accrue until paid in full.

11) **Personal Obligation:** All penalties are the personal obligation of the member and will be collectible as such personal obligation in accordance with the Declaration.

12) **P&I Letters:** All letters from P&I to a member will be dated no earlier than the date such letters are mailed CMRR at the Post Office.

13) **Quorum:** For all meetings of the Appeals Committee and all Appeals Committee hearings, a quorum is established as no less than a majority of the Appeals Committee members. If at any time during a meeting or hearing a quorum is not present, the activities of the Appeals Committee cannot proceed without reestablishing a quorum. In rendering a decision with respect to an Appeals Committee hearing, a majority of Appeals Committee members is required and only Appeals Committee members who were at the hearing may vote. Likewise at Appeals Committee meetings decisions can be made and actions taken only by a majority of its members.

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