

RULES ENFORCEMENT POLICY

Clear Lake Keys Property Owners Association

The Board of Directors adopted Rules and Regulations to ensure harmony between neighbors. In the event there are individuals who have difficulty respecting the rules, the Board adopted the following enforcement policies to discourage discord and restore harmony in the community.

1.1 Violation Notice.

- a. *Reporting a Violation.* Anyone reporting a violation of the rules must notify the Association's manager or to the Board of Directors during regular business hours. No anonymous reports will be acted upon unless the information can be independently verified.
- b. *Determination of Merit.* If the alleged violation has merit, the person in violation will may be sent a courtesy notice or otherwise contacted. If the problem cannot be resolved informally, formal proceedings will be initiated with a written notice to the person.
- c. *Notice of Hearing.* A "Notice of Hearing" will be sent to the person stating the nature of the alleged violation, the provisions of the governing documents violated and their right to appear before the Board. The Notice will be sent at least 10 days in advance of the hearing.
 - i. Continuance. Upon timely written request (at least 5 days before a scheduled hearing) and for worthy cause, a party may be granted a continuance to a new hearing date. The Board cannot promise it can reschedule a hearing. In the event a person fails to appear for a hearing, the Board will review the evidence presented and makes its decision accordingly.
 - ii. Correction Prior to Hearing. In the event the violation is corrected prior to the hearing date, the Board may, if appropriate, discontinue the disciplinary proceeding.

1.2 Hearing Procedure.

- a. *Hearing in Executive Session.* All disciplinary hearings will be held in executive session. The member responsible for the alleged violation may appear in person or virtually, or may send a written response to the Board.
- b. *Attorneys.* No attorneys are entitled to attend the hearing.
- c. *Conflicts of Interest.* If a Board member has a conflict of interest in the matter (i.e., the director filed the complaint, or the complaint was filed against the director), he/she may not deliberate or vote on the Board's decision whether to impose disciplinary measures with respect to that matter.

- d. *Statement of Violation.* At the start of the hearing, the chair of the meeting will describe the alleged violation.
- e. *Presentation of Evidence.* The person accused of a violation is entitled to view evidence of the alleged violation and, in turn, present evidence, including witness testimony and documents, opposing the allegation.
- f. *Deliberation.* After receiving all evidence, the parties will be excused so the Board can discuss the evidence and make a decision whether or not a violation occurred and, if so, what action should be taken.
- g. *Failure to Appear.* If the person accused of a violation chooses not to attend the hearing, the Board must review the evidence of the alleged violation and make a decision based on the evidence.
- h. *Decision:* If the person is found to have violated the Association's governing documents, the Board may take appropriate action, such as:
 - i. Allowing the person a reasonable period of time to correct the violation.
 - ii. Imposing fines and suspending privileges.
 - iii. Seeking a remedy through the courts.
- i. *Notice of Decision:* The member will be notified of the Board's decision within 15 days following the decision.

1.3 Penalty Schedule. If the Board determines that a violation occurred, the following penalties may be imposed:

1st Violation.....courtesy notice or fine up to \$200
2nd Violation (same offense).....\$50 to \$200
3rd Violation (same offense).....\$100 to \$300
Additional Violations (same offense).....up to \$400
Safety Violation.....warning or fine up to \$500
Continuing Violation.....daily fines up to \$100 per day until cured or for a maximum of 30 days and \$3,000.

Suspension of Privileges.....suspension of common area privileges, as may be applicable, may be imposed for a period of up to thirty (30) days for a single non-continuing violation. For a continuing violation including, without limitation, delinquencies in the payment of assessments, common area privileges may be suspended for as long as the violation continues.

The Association may pursue one or more enforcement remedies simultaneously. The selection of one enforcement remedy does not preclude the Association's right to pursue any other remedies.

1.4 Reimbursement Assessment. A reimbursement assessment may be levied against individual members to reimburse the Association for expenses it incurred correcting a member's violation or repairing damage caused by the member or member's, family, guests, or invitees.