

VIOLATION & HEARING POLICY

PREPARED FOR



HOMEOWNERS ASSOCIATION

Board Approved August 19, 2014, Effective September 1, 2014

Professionally Managed by:
Professional Community Management
23726 Bircher Drive, Lake Forest, California 92630
(949) 768-7261 www.pcminternet.com

VIOLATION ENFORCEMENT POLICY

1. All violations which are reported by individual homeowners must meet the following criteria:
 - a. Violation report must be in writing.
 - b. Party making complaint (no anonymous complaints) must sign violation report.
 - c. Violation report must identify individual in alleged violation either by name or address. Physical descriptions are not sufficient for identification of individuals. Automobile descriptions and or license plate numbers are also not sufficient for identification of individual in violation.
2. Notice shall be sent to the homeowner advising the nature of the reported violation and a time limit to rectify the reported violation.
3. Failure to comply with the request to rectify the reported violation, or respond to the Board of Directors shall result in a Notice of Hearing. Such notice, requesting appearance on a specified date to be heard by the Board of Directors, shall be mailed at least ten (10) days prior to the hearing.
4. If following the opportunity for a hearing the Board of Directors determines that a violation exists, then the Board of Directors may take one or more of the following actions:
 - a. Levy a Reimbursement Assessment or penalty in the amount of \$75.00 per violation for the first thirty (30) day period of any continuing infraction; \$125.00 per violation for the second thirty (30) day period and a maximum of \$200.00 per violation for the third thirty (30) day period.
 - b. Suspend said homeowner's voting privileges;
 - c. Suspend for up to thirty (30) days or condition the homeowner's right to use any recreational facilities the Association owns, operates or maintains;
 - d. Submit the matter to legal counsel for further action. This will take place in accordance with California Civil Code. In some cases, such as commencement of construction without the requisite prior written approval, the Board of Directors may elect to proceed directly to legal action if immediate action is necessary to protect the Association's interests.

NOTE: Should a violation occur which imposes a financial obligation on the Association; the party responsible for said violation shall reimburse, by way of a Reimbursement Assessment, the Association for this financial obligation. If, for example a party damages a fence, tree or any other property, repair and replacement costs will be charged to that party.

NOTE: In addition to any or all sanctions set forth above, vehicles parked in violation of the governing documents may be subject to tow at the vehicle owner's expense per California Vehicle Code Section 22658.

5. Hearing: The hearing shall be held before the Board of Directors in Executive Session. Additionally, the following protocol shall be observed:
 - a. At such hearing the Member so charged shall have the right to present oral and/or written evidence and confront and cross-examine witnesses, if any, who are present at the hearing.
 - b. Hearings will not be rescheduled at the convenience of the Member in alleged violation. Members who do not choose to attend the hearing may submit written evidence for Board consideration.

Results: The results of the hearing, including any action to be taken, shall be delivered to the Member within fifteen (15) calendar days following the date of the hearing.

RULES AND VIOLATION REPORT

Before the Association will pursue violations that cannot be viewed during an inspection of the Community (i.e., barking dog, noise nuisance, garage storage, etc.), **two** Owners representing two separate Lots or Condominiums must first register their complaint with the applicable public agency (if the alleged activity violates a state or local Code, Regulation or Ordinance) and then submit their complaint to the Association.

Please be as specific as possible to allow the Board to expedite the process in a timely manner. All alleged violations will be evaluated to ensure they are considered an infraction as defined by the Association’s legal documents.

REPORT FILED BY:

Name: _____	Name: _____
Address: _____	Address: _____
Phone: _____ Date: _____	Phone: _____ Date: _____
Signature: _____	Signature: _____

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Name: _____	Name: _____
Address: _____	Address: _____
Phone: _____ Date: _____	Phone: _____ Date: _____
Signature: _____	Signature: _____

VIOLATION INFORMATION:

Name: _____	Address: _____	Phone: _____
(Alleged Violator’s Name)		(If Known)

Description of alleged violation: _____

(If additional space is needed, please use reverse side of form.)

Dates and times alleged violation occurs? _____

How often does the alleged violation occur? _____

PROCEDURE FOR HOMEOWNER HEARING

Procedure:

1. Introductions and hearing session procedures.
2. Statement of alleged violation by acting chairperson.
3. Invitee’s statement and presentation of oral or written evidence.
4. Review requirements, of the Association Documents.
5. Discussion and questioning of the invitee by the Board.
6. Questions and final statement by invitee.
7. Homeowner is thanked for coming and told that they will be notified of the Board’s decision within fifteen (15) calendar days.
8. Board ruling without Homeowner present.
9. Secretary instructed to render decision in accordance with By-Laws.
10. Adjournment.

DOCUMENTATION

Name of Invitee: _____ Phone Number: _____

Address: _____

Nature of Alleged Violation: _____

Board Ruling: _____

Additional Comments: _____

Date: _____