

COMPLAINT AND VIOLATION PROCEDURE
FOR
M-24 RANCH ASSOCIATION

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HANDLING OF COMPLAINTS OR VIOLATIONS

M24 Ranch Association is made up of neighbors who seek to comply with the Association's governing documents and to resolve issues amongst themselves to allow acceptance of one another. We rely on neighbors to work amongst themselves. However, when there are violations of M24 Ranch's governing documents, the Board must take the following steps so that the community can exist in peace and harmony and to protect and preserve the amenities of the Association and the property values of members.

- Step 1.** Any Member claiming a violation must complete, sign, and submit an Alleged Violation Report to the Board of Directors at a Board meeting, or to the Association's manager during regular business hours. No anonymous Alleged Violation Reports will be considered.
- Step 2.** Determine if the alleged violation is a violation of the governing documents; and, if so, proceed with Step 3. At the Board's sole discretion, a warning notice may be sent to the respondent/offender prior to proceeding with Step 3. If no action is taken, indicate why further action was not taken in the minutes. To respect Member privacy, discussion will be conducted in executive sessions.
- Step 3.** Send a Notice of Hearing to the Member stating the alleged violation and the Member's right to attend a hearing with the Board of Directors with at least 10 days' notice by any means authorized under Civil Code § 4040 for individual delivery. The hearing must take place before fines or other disciplinary measures can be taken by the Board.
- Step 4.** All hearings with board members shall be held in executive session. The affected Members may bring witnesses or written evidence to present their case.
- Step 5.** The Board may impose any of the following against a Member who violates the governing documents:
 - a. Seek any legal remedy, including, without limitation, imposing a lien and/or foreclosure on the member's property, where allowed by law;
 - b. Impose monetary fine(s); and/or
 - c. Correct (or cause to be corrected) the violation and assess the member for the costs and expenses of doing so, including attorneys' fees when allowed by law.
- Step 6.** The member will be notified on any action rendered by the Board of Directors within 15 days after the decision.

COMPLAINT OR VIOLATION REPORT

Date: _____

1. **Person Making Report (Complainant)** Name: _____
Address: _____
Phone No: _____

2. **Time, place and nature of alleged violation (fill in)**

Date: _____ Time: _____ Location: _____

Nature of Violation: _____

3. **Description of Violator (Respondent)**

Name: _____
Phone: _____
Address: _____

4. **Additional Witnesses**

Name: _____
Address/Phone: _____
Name: _____
Address/Phone: _____

5. **Other Evidence (Photographs, Documents, Etc.) Supporting the Violation**

6. **Specific Governing Document Violated (Cite exact provision of Declaration of Covenants, Bylaws, Rules or Regulations violated)**

7. **Original Complainant**

The person making this complaint acknowledges that he or she must appear as a witness at any formal hearing or the Board may refuse to consider the alleged violation, unless the violation can be independently corroborated.

(Signature)

NOTICE OF HEARING

To Member: _____

Please be advised that you are given notice that the Board of Directors will hold a hearing on:

(Date)
(Time)
(Place)

to consider the complaint or violation report filed against you or to discuss your alleged violation. Please note that based on the finding at the meeting, a monetary fine or other discipline may be assessed against you should it be found you are violating the Association's governing documents. The alleged violation is:

You may attend the hearing and be heard orally or in writing before the Board members and to present any witnesses or other evidence on your behalf.

The hearing will be held in executive session whether you are present or not and whether you contest the alleged violation or not. Please note that the Board may impose legal remedies, fines, or damages, against you even if you do not appear.

Please acknowledge your receipt of this notice and indicate, by checking the box indicating whether you will contest the alleged violation or not.

Very truly yours,

BOARD OF DIRECTORS

I acknowledge receipt of this notice and:

I will not oppose the alleged violation.

I will oppose the alleged violation.

Dated: _____

Signed: _____

PROCEDURE FOR MEMBER HEARING

1. Statement of alleged violation(s) of the CC&R's by board member.

2. Procedure:
Complaining party states his/her case (including the Board, where appropriate)
Rebuttal by the alleged violator

3. If the complaining party is a director, who has a personal stake in the dispute, such director may not be a decision maker in the hearing.

4. The matter will be taken under submission with a determination within 35 days after the hearing. Notice to member within 15 days of imposing disciplinary action, if any. No notice is necessary if the Board takes no disciplinary action. The accuser is not entitled to any notice of action taken or not taken.

5. Adjournment.

Documentation

Name of Member: _____ Phone Number: _____

Address: _____

Factual Findings on Issues: _____

Board ruling on any remedies, fines, etc. to be imposed:

Additional Comments: _____

Date: _____ By: _____

SIGNATURE OF CHAIRPERSON

FINE SCHEDULE

1. Violation of Standing Rules After notice and a hearing, if the Board finds a violation of the Standing Rules and other association regulations (excluding CC&R's, By-Laws, and Articles of Incorporation), a fine ranging from \$0 to \$25 may be imposed for each separate violation.
 - (a) If a Member violates the same provision of the governing documents more than once within a 12-month period, the Member will be subject to fines ranging from \$25 to \$50 for the second offense and will be subject to fines for the third and subsequent violations of up to \$100 each.
 - (b) For continuous violations: A fine of up to \$5.00 per day for every day of the violation, whether consecutive or not, until the violation is remedied, subject to a maximum fine of \$100 per month.

2. Violation of CC&R's, By-Laws, and Articles of Incorporation After notice and a hearing, if the Board finds a violation of the CC&R's, By-Laws, and Articles of Incorporation, a fine ranging from \$0 to \$500 may be imposed for each separate violation.
 - (a) If a Member violates the same provision of the governing documents more than once within a 12-month period, the Member will be subject to fines ranging from \$500 to \$1,000 for the second offense and will be subject to fines for the third and subsequent violations of up to \$2,000 each.
 - (b) For continuous violations: A fine of up to \$100.00 per day for every day of the violation, whether consecutive or not, until the violation is remedied, subject to a maximum fine of \$3,000 per month.

3. Unless prohibited by other governing documents and if allowed by law, the Board may take legal action or correct, remedy or cure a violation, and seek a reimbursement assessment against the Member, or file a memorandum of costs or motion for attorneys' fees, to recover costs, expenses and attorneys' fees incurred by the Association.

4. If a violation is found which causes the Association to incur a financial obligation or expense, then the Member responsible for the violation will be subject to a reimbursement assessment in the amount of the obligation or expense incurred by the Association after proper notice and a hearing.

5. These fines do not apply to the collection of Assessment Dues which is addressed elsewhere in the governing documents.