

AP PROCEDURAL STEPS FOR HANDLING COMPLAINTS OF INFRACTIONS OF THE RESTRICTIVE COVENANTS AND/OR THE RULES & REGULATIONS

1. Each *written* and *signed* complaint (letter or email) received by the Chairman or a member of the Adjudicatory Panel will result in a case file being started by the AP for documenting the process. If the alleged violation is continuing and in the public view, photographic and/or video evidence may be gathered as part of the file. In those instances where the written complaint is vague, not readily observable or is not substantiated by multiple complainants, the AP should make reasonable effort to interview the complainant to obtain sufficient information for AP deliberation.
2. In a regular scheduled meeting of the AP, a called meeting by the Chair, or an electronic meeting, the Panel will review the complaint and other relevant facts and documentation. At this juncture the Panel may find the complaint has no basis and agree that no further action is warranted. In such instances, the Panel's decision may be communicated to the complainant for potential appeal to the Association's Board of Directors. In those instances where the Panel finds the complaint to be valid, the Panel will decide, by majority vote, on the most likely approach to resolve the particular issue. The Chairman, or designee, will notify the resident/owner of the formal complaint and the AP's judgement of the validity. Depending on the nature and urgency of the violation, notification may be verbal (face-to-face or phone, followed by a note to the record), email or by registered mail.
3. In whatever form the communication takes place, the resident will be advised of the known facts of the violation and the specific applicable covenant or rule/regulation. The resident will be given a time frame established by the AP to either remedy the violation or to respond to the AP (mail, email or at a scheduled AP meeting) with acceptable reasons for not acting. Further, the resident will be made aware of the possible imposition of sanctions (including monetary fines) for failure to correct the violation or to respond within the time frame. The AP will review any timely response from the resident and render a binding decision. Written notification of the Panel's final decision should be sent to the resident within 5 days of the panel's deliberations. If the AP imposes sanctions, the resident will be advised that a formal appeal of the decision may be scheduled with the Association's Board of Directors sitting in closed session. When monetary sanctions are imposed, a copy of the letter should be immediately provided to the Association Treasurer, who will, in turn, communicate same to the Associations accounting firm for billing purposes. If sanctions imposed include denial of use of the Association amenities, the committees/members responsible for those amenities will be notified in writing.
4. If the resident elects to appeal the decision of the AP to the Association Board of Directors, all relevant case file records and AP minutes will be shared with the Board.