

Appeals Committee Procedures



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CONTENTS

Introduction 1
Background 1
Appeals Hearing Process..... 2
Meeting Agenda and Process 2

Appeals Procedures - Introduction

The following written guidelines dictate the process and procedures by which Association members and/or their tenants and guests may request a hearing panel be convened, in order to contest the merits of an alleged rules violation under which they were cited.

Restrictive Covenants hold members responsible for their tenants and guests for compliance to SVCA CC&Rs. Tenants/guests may be issued citations on SVCA property when in violation. Members will be notified when citations are issued to their tenants/guests, and those tenants/guests may use this procedure to appeal and address issued citations. For the purpose of this procedure, the person issued the citation is referred to as the “Appellant”.

Background

SVCA Bylaws provide requirements for an established hearing process under which Appellants may contest the merits of a citation they received that alleged a violation of

- A) Restrictive Covenants,
- B) Bylaws, or the
- C) Rules and Regulations of the Association.

The hearing process provides Appellants with an opportunity for an impartial hearing, except as otherwise provided in the Bylaws or in the Restrictive Covenants. The current voting seated members of the Board of Directors (BOD) shall constitute the membership of the Appeals Committee.

The Appeals Panel Hearing is convened to hear Appellant requests for adjustments of fines and penalties levied as a result of violations, and to render judgment after review and consideration. Appellants dissatisfied with the outcome of the Appeals Panel Hearing may appeal the outcome to the BOD, whose appeal is final.

The Appeals Panel shall be composed of three (3) Board members of the Association assigned on a rotating basis, either through fixed assigned schedule or BOD availability.

This document addresses the SVCA Bylaws requirements for written guidelines and procedures by which Appellants may contest an alleged violation.

Roles and Responsibilities

Appeals Committee Secretary: Association staff person responsible for scheduling meetings, coordinating, assembling, and distributing packets, and recording actions and outcomes.

Appeals Committee Members: Current voting seated Directors of the Board.

Appeals Committee Chair: The Vice President of the BOD.

Appeals Panel: Three members of the BOD, assigned on a rotating basis.

Association staff: person presenting the events and circumstances and basis of the notice of violation.

Appeals Panel Chair: One member of the Appeals Panel who will be assigned to chair the hearing.

Appellant: Association member, tenant, or guest to whom the notice of violation was issued, and is present to contest the violation or seek an adjustment.

Appeals Hearing Process

The Appeals hearing process provides for a two-step process; 1) Appeals Panel Hearing, and 2) Full Board Appeals Hearing. Appellants who receive a notice of violation may elect to pay the fine and close the violation or contest the alleged violation.

- Appellants contesting a notice of violation must contest the violation within 30 days of issue.
- Notice of Violations not contested within 30 days from date of issue are affirmed as a violation and referred to Accounts Receivable for billing.

Appellants contesting a Notice of Violation shall contact the Appeals Secretary at the SVCA Administration Office to schedule an Appeals Panel Hearing appointment. The Appeals Secretary will provide the date and time of the next Appeals Panel Hearing, allowing for a minimum 10 business-day notice, and place the Appellant's name onto the agenda.

Meeting Agenda and Process

The agenda of each meeting is a schedule of Appellants contesting alleged violations. Each member of the Appeals Panel and the Appellant contesting will have a citation packet comprised of the following:

- Copy of Sudden Valley Notice of Violation;
- Copy of letter(s) issued to the Appellant in regards to the violation;
- Supporting documentation, any documents submitted that support why the violation was issued, extract from database showing past violations of the SVCA governance documents, photos, statements, etc.
- Documentation prior provided by Appellant in defense or denial of the citation.

The Appeals Panel Hearing will be held in non-public session, without public notice or agenda, as needed to hear requests for waiver or adjustments of fines and penalties levied as a result of the aforesaid alleged violations. All Panel deliberations will occur in closed session. The Hearing Panel's decision regarding such requests will immediately take effect unless appealed as specified herein. The Appeals Panel Chair will call each meeting to order, review the agenda, verify if the Appellant(s) are present, and address requests in order of schedule. Each appeal will adhere to the following time guidelines, in this order:

1. **2 Minutes:** Introduction of the Appeals Panel Chair, other members of the Panel, persons representing the Association, and the Appellant(s).
2. **10 Minutes:** Association staff will present the Notice(s) of Violation, discuss the events and circumstances leading up to the issuance of the citation(s), and give the basis for the Association as to the notice(s) of violation.

3. **10 Minutes:** The Appellant(s) will provide their basis for contesting the notice(s) of violation and present documentation to members of the Committee in defense of their basis.
4. **5 Minutes:** Members of the Committee will ask questions of both Administrative staff and the Appellant(s) to clarify the issues to their own satisfaction.
5. **5 Minutes:** Appellant(s) will present their rebuttal and/or ask additional questions to seek clarification on the information provided.
6. The Appeals Panel Chair will close the discussion by either giving the judgment of the Panel or by informing the Appellant that the answer will be provided within five (5) business days.
7. If the Appellant does not show for the Appeals Panel review within 10 minutes of the scheduled time, the Panel will render its decision and no full Board appeal will be allowed.

The Appellant may appeal the Panel's decision to the full Board within 30 days of receipt of the Panel's decision. The Appellant will contact the Appeals Committee Secretary, who will place the Notice of Violation Appeal Request onto the next BOD meeting agenda, allowing for a 10 business-day notice. The resulting appeal will take place at a regular Board meeting and follow the same format as an Appeals Panel Hearing, with the following exceptions:

1. The meeting will be held in open session.
2. The Board of Directors will act as the Appeals Panel, excepting Board members who sat on the initial Appeals Panel Hearing, who may neither participate nor vote.
3. All Board of Director questions will go through the Chair of the Appeal to the Appellant.
4. If the Appellant does not show for the full Board Appeal, the case will revert back to the three (3) panel decision. This decision is final.
5. The Appeals Panel Chair will ask the Appellant to leave the room, during which time the Panel will deliberate in closed session. The Appellant will be informed if a decision was made. If no decision was reached, the Panel will reconvene and the judgment will be mailed to the Appellant within five (5) business days.