

## **"COMPLAINT PROCEDURE"**

**WHEREAS**, Article VII, Section 3.1.2., of the Bylaws establishes the powers of the Board of Directors and Article 3.5 grants the Board the right to propose rules which if passed by 51% of a quorum of the voting power of the Association shall be adopted, and Article 3.9 establishes Notice and Hearing Procedures; and

**WHEREAS**, It is for the benefit and protection of the Members of the Brittany Landing Bay Homeowners' Association that the Board of Directors establish and operate by a procedure which assures due process in cases where there is questionable compliance by a Member, his family, his guests or tenants with regard to the provisions of the Declaration of Rules; and,

**WHEREAS**, It is the intent of such procedures that all differences between owners and all violations be dealt with in the best interests of all Members of the Association without unnecessary resort to legal formalities or judicial penalties; then,

**NOW, THEREFORE, BE IT RESOLVED**, that the procedure for handling complaints relative to alleged infractions of the Declaration or Rules is and shall be as follows:

1. Complaints alleging violations of the CC&Rs, the Bylaws, Articles of Incorporation or any published Association Rules or Board Resolutions, may be initiated by any owner or by the Board of Directors.
2. Complaints shall be made in writing to the Association Manager and shall include the following:
  - a. Nature of CC&Rs provision or Rule violation,
  - b. Time, date and place of violation,
  - c. Duration of violation if relevant,
  - d. Name and address of alleged violator.
3. The Association Manager shall write the person named in the complaint advising him or her of the nature of the violation and that if the prohibited activity or use is not discontinued within ten (10) days of the date of the letter, the matter will be presented to the Board of Directors for hearing which may result in monetary penalties and/or suspension of voting rights and right to use the Common Area.
4. If the person named in the complaint does not respond or fails to remedy the violation, the Association Manager will make a follow-up call or send a second letter.
5. If compliance is not obtained within fifteen (15) days from the original letter, the matter will automatically refer to the Board of Directors for a hearing.

6. The person named in the complaint shall be given not less than fifteen (15) calendar days written notice of the hearing and the proposed suspension or fine and the reasons therefore. The hearing shall be public and counsel may represent the alleged violator.
7. The Board of Directors shall render its decision at the hearing or not more than five (5) days thereafter. The Board of Directors may impose monetary penalties for each such violation (not to exceed \$50.00 for each violation) and may also suspend the voting rights and right to use the Common Area for a period not to exceed thirty (30) days as provided in Section 10.2 of Article X of the Declaration. The decision shall be in writing and shall be final. The suspension or fine shall be imposed no sooner than five (5) days after the hearing before the Board of Directors.
8. Any monetary penalties imposed by the decision may be collected and enforced in the manner provided by Articles 10.2, 6.4, 6.6.1, 6.6.2, and 6.6.3 of the Declaration for collection and enforcement of assessments.