

# **Oleander Pines**

## **Violations Hearing Committee Guidelines**

**Process:** The following steps should be followed by the Fines Committee:

1. The Violations Hearing Committee shall consist of at least 3 members and not more than 5 members who shall be appointed by a majority vote of a quorum of the Board of Directors. Members of the Violations Hearing Committee shall not be officers, directors, or employees of the Association.
2. If the alleged violating Homeowner requests a hearing, the Violations Hearing Committee shall conduct a hearing on the date, time, and location as provided to the Homeowner with at least 14 days notice. If the meeting is rescheduled, the alleged violating Homeowner should be provided at least 14 days' notice of the rescheduled meeting. Service of all Notices and letters shall be in accordance with paragraph 2 of the HOA Violations and Fines Procedure Policy.
3. At the hearing, the HOA Board of Directors or its representative shall present evidence of the alleged violation(s) and amount of the proposed fine(s). Such evidence may be documentary and/or by witness testimony.
4. The alleged violating Homeowner may appear at the hearing to present evidence regarding the violation(s) and fine(s). The homeowner shall be allowed to present witnesses at the hearing. All witnesses shall be subject of Direct and Cross-examination.
5. The Violations Hearing Committee shall act independently of the Board of Directors. Documentation in support of the fine (pictures, letters, etc.) may be sent to the Violations Hearing Committee prior to the hearing with copies to be provided to the alleged violating Homeowner. The Violations Hearing Committee shall conduct the hearing, not the Board of Directors or its representative. The Chairperson of the Violations Committee shall conduct the meeting and rule on all evidentiary and procedural issues.
6. After reviewing all of the information and testimony presented, the Violations Hearing Committee shall determine whether the proposed fine should be imposed. A decision of a majority of the Violations Hearing Committee shall be based on a preponderance of the evidence and shall be binding.
7. The Violations Hearing Committee shall render its decision within 3 days of the conclusion of the hearing. Once a decision has been made, the Violations Hearing Committee shall notify the Board of Directors, in writing, within 2 days of its decision. The Board of Directors shall then notify the homeowner of the decision and establish a deadline for payment and compliance.
8. The Violation Hearing Committee shall prepare minutes of the hearing, which shall contain the Committee's decision and a written statement of the basis for the Committee's decision.
9. The Violations Hearing Committee should maintain a file on all recommendations and supporting documentation and provide a copy of said file to the HOA Secretary, who shall serve as the official custodian of such files.