

THE CORMORANT LANDING OWNERS ASSOCIATION, INC.

**RESOLUTION ESTABLISHING ENFORCEMENT COMMITTEE AND PROCESS FOR LEVY AND IMPOSITION
OF
FINES AND SUSPENSIONS**

THIS RESOLUTION is made this 14 day of July, 2020 by the Board of Directors of THE CORMORANT LANDING OWNERS ASSOCIATION, INC., a Florida Corporation not-for-profit ("Association").

WHEREAS, Section 720.305 of the Florida Statutes mandates that each owner, tenant, and invitee comply with Chapter 720 of the Florida Statutes, the governing documents of the community, and the rules of the association and further provides that actions at law or equity may be brought against any of the foregoing parties for failing to comply; and

WHEREAS, Section 720.305 further provides that the Association may levy fines not to exceed \$100.00 per day for each violation up to \$1,000.00 in the aggregate, and may suspend, for a reasonable period of time, the right of any member, tenant, guest, or invitee to use common areas and facilities (hereinafter referred to as "Violating Party") for failing to comply with the Declaration of Easements, Covenants, Conditions, Restrictions and Limitations for Cormorant Landing ("Declaration"), Articles of Incorporation, Bylaws, or reasonable rules and regulations (collectively referred to as "Governing Documents"); and

WHEREAS, Article IV, Section 1 of the Declaration provides that the Association shall have the right to assess fines, suspend the voting rights and the right to use the Common Area of an Owner for any infraction of the Declaration, the Bylaws, or the Association Rules and Regulations for the duration of the infraction; and

WHEREAS, Article VIII, Section 2 of the Declaration provides the Association the authority to adopt rules or amend previously adopted rules and regulations governing the details of the operation, use, maintenance and control of the Parcels and Common Areas, and any facilities or services made available to the Owners; and

WHEREAS, Article VIII, Section 3(b) of the Declaration provides that upon violation of any of the Rules or Regulations adopted, or upon violation of any of the provisions of the Declaration by an Owner, or his family members, invitees, tenants, or guests, the Association may levy fines against the Owner and his Parcel as determined by the Board of Directors, suspend the use and privileges of the Owner, his guests, invitees, and tenants, or suspend the voting rights of the Members; and

WHEREAS, the Board of Directors of the Association has recognized that while some members, tenants, guests, and invitees occasionally and apparently without intent violate the covenants, restrictions, and rules and regulations of the Association and quickly remedy same, there are certain other members,

tenants, guests, and invitees exhibiting a continued disregard of the covenants, restrictions, and rules and regulations of the Association; and

WHEREAS, the Board of Directors of the Association recognizes the substantial extra management time and effort needed, volunteer time and effort needed, and the additional costs incurred for site inspections, providing multiple notices to, and holding hearings for those that exhibit a continued disregard of the Governing Documents; and

WHEREAS, the Board of Directors has established a committee of at least three (3) members (hereinafter referred to as "Enforcement Committee") who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director or employee; and

WHEREAS, which Enforcement Committee has the authority to confirm or reject a fine or suspension levied by the Board of Directors, or a properly authorized delegate of the Board of Directors ("Fining Authority"), it being understood that the Enforcement Committee has the authority to (1) confirm, approve and impose fines or suspensions levied by the Board of Directors, or a properly authorized delegate of the Board of Directors, it being understood that the Enforcement Committee may reject a levied fine or suspension pursuant to Section 720.305 of the Florida Statutes and (2) disapprove fines levied by the Board of Directors; and

WHEREAS, the Board of Directors desires to establish a uniform fining and suspension policy and procedure for immediate implementation by the Association, through its Board of Directors, the Fining Authority, and the Enforcement Committee, as well as any authorized agent, such as any management company, Community Association Manager ("CAM"), or legal counsel; and

WHEREAS, the Board of Directors, at its discretion, may adopt further forms and procedures to assist the Board of Directors, Fining Authority, or Enforcement Committee so that a relatively uniform process may be followed.

NOW, IT IS RESOLVED that the Board of Directors, hereby evidences the passage of this Resolution to provide notice to all members, tenants, guests, and invitees of the following fining policy and procedure:

1. The Board of Directors or the delegated Fining Authority, being the individual appointed by a majority vote of the Board of Directors at a duly noticed meeting where a quorum is met, shall notice violations of the Association's Governing Documents and provide written correspondence to any party in violation. It is specifically contemplated that the Fining Authority shall be a delegation of the authority to levy a fine or suspension as set forth in Section 720.305(2) of the Florida Statutes.
2. Upon discovery of a violation, the Violating Party will be sent a courtesy notice in writing detailing the nature of the violation, the applicable provision in the Governing Documents, and the timeframe for compliance ("**First Notice**"). Such courtesy notice will further include notice that a fine and/or suspension may be levied if the violation continues after fourteen (14) days. Advise the Violating Party that if the violation is not cured, the Board

may levy a fine not to exceed \$100.00 per day per violation, up to \$1,000.00 in the aggregate, and/or that a suspension may be levied.

3. If a violation remains after the fourteen (14) day time period has lapsed, a second written notice (“**Second Notice**”) shall be sent to the Violating Party and shall:
 - a. Cite the specific provision(s) of the Governing Documents violated;
 - b. Include a demand to cure the violation
 - c. Provide a timeframe for compliance (10 days or as Board may determine)
 - d. Advise the Violating Party that the Board may levy a fine not to exceed \$100.00 per day per violation, up to \$1,000.00 in the aggregate, and/or that a suspension may be levied.

4. If the violation remains after the cure period provided in the Second Notice, the Board of Directors, at a duly noticed meeting of the Board, may vote to levy a fine or suspension on open violations that have not been cured. If the Board votes to levy a fine, the Board shall cause a written notice to the Violating Party (“**Fining Hearing Notice – Intent to Impose Fine/Suspension**”), which shall:
 - a. Advise that a fine or suspension has been levied by the Board. If fine, include amount of fine levied
 - b. Provide the date, time, and location of the hearing before the Enforcement Committee; and
 - c. Be mailed no later than fourteen (14) days prior to the scheduled Enforcement Committee Hearing.

The Fining Hearing Notice may be sent by a member of the Board of Directors, the Fining Authority, or an agent of the Association, including but not limited to the Association’s CAM or attorney, after receiving direction to do so by the Board of Directors or Fining Authority, and shall be sent via U.S. Mail or hand delivery to the address furnished by the Violating Party to the Association for the purposes of receiving correspondence from the Association. If no such address has been furnished, notice shall be deemed to be properly sent once placed in the mail and addressed to any location where the Violating Party may reasonably receive the notice given the information reasonably available to the party sending the notice; provided, however, that a Violating Party shall have no right to object to the adequacy of notice if that party fails to furnish an address to the Association.

5. At the Hearing, the Violating Party may provide testimony as to why the fine or suspension should not be confirmed. The Enforcement Committee may ask questions of the Violating Party as part of the hearing process, and may consider any evidence presented by a Violating Party.

6. A Violating Party desiring to be represented by legal counsel at the Hearing must provide at least seventy two (72) hours’ notice to the Association in advance of the Hearing. The purpose of this provision is to afford the Association the opportunity to have legal counsel present on behalf of the Association.

7. Members of the Board of Directors, the Fining Authority (if not a Board member), the Association's CAM, and any other individual with information regarding the violation giving rise to the fine or suspension may appear at the Fining Hearing. Such individuals shall provide all information and documentation, and may provide testimony, in support of the fine imposed by the Board of Directors. Thereafter, such individuals shall only comment during the Fining Hearing if questioned by either a member of the Enforcement Committee or the Violating Party. It is the intent of this provision that individuals appear to verify evidence used in support of the fine, and to answer any questions asked by the Enforcement Committee or Violating Party, but to otherwise not influence the determination of the Enforcement Committee.
8. The Enforcement Committee shall, by a majority vote, make a determination as to whether a fine and/or suspension should be confirmed or rejected. If a majority of members of the Enforcement Committee appearing at the Hearing where a quorum of the Enforcement Committee is present agree as to a course of action, a written recommendation will be provided by the Chairperson to the property management company and/or Board of Directors that the levied fine and/or suspension is confirmed or rejected. If the proposed fine or suspension levied by the Board is approved by the Committee, the fine payment is due **5 days** after the date of the committee meeting at which the fine is approved. The association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any tenant, licensee, or invitee of the parcel owner.
9. A member is jointly and severally liable with a violating tenant, guest, or invitee for any fines imposed as a result of a violation of the governing documents by any tenant, guest, or invitee. If a fine is not paid, the Association shall have the authority to file a suit for damages to collect such fine, with the prevailing party entitled to reimbursement of reasonable attorneys' fees and costs incurred. A fine of less than \$1,000 may not become a lien against a parcel.
10. Any reference to days in this resolution shall be calendar days.

IN WITNESS WHEREOF, the duly authorized officers of the undersigned Association have executed and attest to this Resolution this 16 day of July, 2020.

THE CORMORANT LANDING
OWNERS ASSOCIATION, INC.

By: James H. Bowen III
James H. Bowen III, President

By: Cheryl Hubbs
Cheryl Hubbs Secretary
Treasurer

STATE OF FLORIDA
COUNTY OF Duval

The foregoing was acknowledge before me by means of physical presence or online notarization, this 16th day of July, 2020, by James Bowen and

Cheryl Hubbs, as President and ^{Treasurer} Secretary of THE CORMORANT LANDING OWNERS ASSOCIATION, INC., respectively, who are [] personally known to me or [] who have produced _____ as identification.

WITNESS my hand and official seal in the County and the State last aforesaid this 16th day of July, 2020.

Donna L. Overman
Notary Public, State of Florida
At Large



DONNA LOVERMAN
Commission # GG 238995
Expires August 15, 2022
Bonded Thru Budget Notary Services

[DATE]

[OWNER NAME]
[STREET]
[CITY, STATE ZIP]

**RE: Courtesy Notice of Violation – [LIST VIOLATION(S) HERE]
The Cormorant Landing Owners Association, Inc.**

Dear [Name of Owner/Tenant/Guest]:

The Board of Directors for The Cormorant Landing Owners Association, Inc. (“Association”) and pursuant to authority delegated by the Board of Directors, the Enforcement Committee is responsible for enforcement of the Declaration of Easements, Covenants, Conditions, Restrictions and Limitations for Cormorant Landing (“Declaration”) and governing documents. The Association is committed to maintaining the community in a manner that is enjoyable for everyone. This is accomplished through ensuring that the covenants and restrictions set forth in the Declaration are adhered to and complied with.

The purpose of this letter is to bring to your attention that the following violation(s) observed:

- [LIST VIOLATION, citation to Declaration/Bylaw/Rule provision]
 - EXAMPLE: Your lot is not being maintained in a neat manner. Specifically, your lot requires mowing and edging, with weeds pulled from plant beds. Please see (DECLARATION/RULE PROVISION).
- [ADDITIONAL VIOLATIONS MAY BE ADDED IN SAME MANNER]

You may be unaware that the Association’s Declaration of governing documents contain the above restrictions. In this regard, please feel free to contact me via email at [EMAIL ADDRESS] or at [PHONE NUMBER] with any questions you may have or to obtain copies of the Association’s governing documents.

The above violations are required to be corrected within **fourteen (14) days** of the date of this correspondence (“cure period”). Unfortunately, if the above violation(s) is/are not corrected after expiration of the cure period, you may be subject to suspension of use rights and/or a fine in an amount not to exceed \$100.00 per day and \$1,000.00 in the aggregate, subject to ultimate approval by the Association’s Enforcement Committee at a noticed meeting. It is also important to note that a fine may be imposed even if corrected before a hearing before the Enforcement Committee. Thus, you are strongly encouraged to correct the above violation(s) to avoid unnecessary fines being imposed by the Association.

Ultimately, compliance with our governing documents by all residents helps to protect the property values of the homes and serves to ensure that Cormorant Landing is an attractive and enjoyable community for everyone. We thank you in advance for correcting the above violation.

Sincerely,
The Cormorant Landing Owners Association, Inc.

As its Manager

Copy to:
Association
Owner File

SAMPLE

NOTES – NOT FOR OFFICIAL USE

Address: Verify it is being sent to Official Mailing Address if it is not the Cormorant Landing Property Address. If being sent to an off-site address, provide copy to Property address as well.

Certified Mailing, Return Receipt: Not required as time for compliance begins from expiration of cure period in Second Notice (just make sure it is mailed out as of date of letter).

Keep copy of notice in file. If possible, also have pictures documenting violation (if available) with date stamped and who took picture.

If individual willing to put name on complaint leading to violation, keep copy in file. If anonymous complaint made, also keep in file.

When following up on violation, recommend manager/board member doing inspection/follow up place dated note in file. Example: “On June 1 I followed up on outstanding yard restriction violation. I witnessed yard violation (be specific) is still present.” This helps to “back up” the fine that will probably be imposed.

SAMPLE

[DATE]

[OWNER NAME]
[STREET]
[CITY, STATE ZIP]

**RE: Second Notice of Violation – [LIST VIOLATION(S) HERE]
The Cormorant Landing Owners Association, Inc.**

Dear [Name of Owner/Tenant/Guest]:

Your are receiving this letter because The Cormorant Landing Owners Association, Inc. (“Association”) has previously brought to you attention that the following violation(s) was/were observed:

- [LIST VIOLATION, citation to Declaration/Bylaw/Rule provision]
 - EXAMPLE: Your lot is not being maintained in a neat manner. Specifically, your lot requires mowing and edging, with weeds pulled from plant beds. Please see (DECLARATION/RULE PROVISION).
- [ADDITIONAL VIOLATIONS MAY BE ADDED IN SAME MANNER]

As of the date of this letter, you have failed to correct, or continue to repeat, the violation(s). Therefore, demand is hereby made for you to immediately correct the violation(s) within **ten (10) days** of the date of this correspondence (“cure period”). If the above violation(s) is/are not corrected after expiration of the cure period, the Board of Directors may levy a suspension of use rights and/or a fine in an amount not to exceed \$100.00 per day per violation, up to \$1,000.00 in the aggregate, beginning the day after the cure period expires, subject to ultimate approval by the Association’s Enforcement Committee at a noticed meeting. It is also important to note that a fine may be imposed even if corrected prior to the hearing before the Enforcement Committee. Thus, you are strongly encouraged to correct the above violation(s) to avoid unnecessary fines being imposed by the Association.

If you feel that you have corrected the outstanding violation(s), you must immediately contact the Association to ARRANGE FOR AN INSPECTION / VERIFY THAT THE VIOLATION HAS BEEN RESOLVED. I may be reached via email at [EMAIL] or at [PHONE NUMBER].

The Association would prefer to resolve this matter through your cooperation. The Association is committed to maintaining the community in a manner that is enjoyable for everyone. This is accomplished through ensuring that the covenants and restrictions set forth in the Declaration are adhered to and complied with. Ultimately, compliance with our governing documents by all residents helps to protect the property values of the homes and serves to ensure that Cormorant Landing is an attractive and enjoyable community for everyone. We thank you in advance for correcting the above violation.

Sincerely,

As its [Manager / Committee Member]

Copy to:
Association
Owner File

SAMPLE

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Address: Verify it is being sent to Official Mailing Address if it is not the Cormorant Landing Property Address. If being sent to an off-site address, provide copy to Property address as well.

Certified Mailing, Return Receipt: Not required as time for compliance begins from expiration of cure period (just make sure it is mailed out as of date of letter).

Keep copy of notice in file. If possible, also have pictures documenting violation (if available) with date stamped and who took picture.

If individual willing to put name on complaint leading to violation, keep copy in file. If anonymous complaint made, also keep in file.

When following up on violation, recommend manager/board member doing inspection/follow up place dated note in file. Example: “On June 1 I followed up on outstanding yard restriction violation. I witnessed yard violation (be specific) is still present.” This helps to “back up” the fine that will probably be imposed.

SAMPLE

[DATE]

**VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED & REGULAR U.S. MAIL
[INSERT CERTIFIED MAILING NUMBER]**

[NAME]
[STREET]
[CITY, STATE ZIP]

**RE: NOTICE OF INTENT TO IMPOSE FINE AND/OR SUSPENSION AND
ENFORCEMENT COMMITTEE HEARING
[DATE, TIME, LOCATION OF ENFORCEMENT COMMITTEE HEARING]
THE CORMORANT LANDING OWNERS ASSOCIATION, INC.
Property Address: [INSERT]**

Dear [Name of Owner/Tenant/Guest]:

On [DATE OF COURTESY NOTICE] and [DATE OF SECOND NOTICE] the Association sent you a Courtesy Violation Notice and Second Notice regarding (LIST OUTSTANDING VIOLATION(S)). Based upon [AN INSPECTION OF YOUR PROPERTY ON [DATE] / COMPLAINTS RECEIVED / (HOWEVER OBSERVED)], it has been determined that the following violation(s) nonetheless remain outstanding:

- [LIST VIOLATION, CITE Declaration/Bylaw/Rule Being Violated (cite language of rule in addition to section/paragraph)]
- [ADDITIONAL VIOLATIONS MAY BE ADDED IN SAME MANNER]

Pursuant to the Resolution Establishing Enforcement Committee and Process for Imposition of Fines and Suspensions (“Resolution”) adopted by The Cormorant Landing Owners Association, Inc. (“Association”) Board of Directors (“Board”) on [DATE RESOLUTION WAS EXECUTED], a fine may be imposed in the amount of up to \$100.00 per day (up to \$1,000.00 in the aggregate) per outstanding violation and/or your use of the common areas may be suspended. As required by the Resolution, notice was provided to you giving you an opportunity to correct the outstanding violation(s). The time period to cure the violation has expired.

On [DATE OF BOARD MEETING], at a duly noticed meeting, the Board of Directors levied a suspension and/or fine in the amount of [\$ INSERT FINE AMOUNT – BE SPECIFIC WITH DATES AND \$ AMOUNT/DAY]. (*NOTE: IF MULTIPLE VIOLATIONS, ADVISE THAT THE FINE AMOUNT IS PER VIOLATION (SO, IF TWO (2) VIOLATIONS, ADVISE THAT TWO (2) FINES HAVE BEEN LEVIED), IF SUSPENSION, INCLUDE THAT AS WELL)

As provided for in the Resolution, the fine(s) will not be imposed until there is a hearing before the Enforcement Committee, which committee is made up of at least three (3) Members who are not Board members, officers, or employees of the Association, or any spouse of a Board member, officer, or employee. At the hearing, you will be presented with an opportunity to address the Enforcement Committee and present any evidence as to why you believe that the fine levied above should not be approved. The role of the Enforcement Committee is to either approve or reject the fine that has been levied. **The Enforcement Committee Hearing is scheduled for [DATE, TIME, LOCATION].** If you do not appear it is assumed that you do not object and the Enforcement Committee will make its determination after review of the file materials submitted by the Association in support of the fine [OR SUSPENSION].

If you feel that you have corrected the outstanding violation(s), you must immediately contact the Association to ARRANGE FOR AN INSPECTION / VERIFY THAT THE VIOLATION HAS BEEN RESOLVED. I may be reached via email at [EMAIL] or at [PHONE NUMBER]. Please note that a fine may still be imposed for the number of days that the violation remained uncured. The above-referenced hearing will still be held even if the violation is corrected as the Enforcement Committee will determine whether to approve the fine levied by the Board of Directors, and thus you should still plan on attending even if you correct the outstanding violation(s). To avoid incurring an even greater fine, you are encouraged to immediately correct all outstanding violations.

Ultimately, compliance with our governing documents by all residents helps to protect the property values of the residences and serves to ensure that Cormorant Landing is an attractive and enjoyable community for everyone. We thank you in advance for correcting the above violation(s).

Sincerely,
The Cormorant Landing Owners Association, Inc.

As its Manager

Copy to:
Association
Owner File

NOTES – NOT FOR OFFICIAL USE

Address: Verify it is being sent to Official Mailing Address if it is not the Cormorant Landing Property Address.

Certified Mailing, Return Receipt: Please send Certified, Return Receipt requested AND a copy to the official address by regular mail. Copy should go to the Cormorant Landing Property if the Cormorant Landing Property is not the primary mailing address.

Date of Enforcement Committee Hearing: This should be no sooner than fourteen (14) days from the date of the correspondence. Err on the side of providing 20+ days.

Owner Contact and Request to Reschedule Hearing: Generally attempt to provide accommodation on owner request if the 1st request. Arbitrators have gone against Associations which did not reschedule on a 1st request – this most likely would hold with a Court as well. If a second request, should only be under extreme circumstances (contact counsel).

Keep copy of notice in owner file. If possible, also have pictures documenting violation (if available) with date stamped and who took picture. The most important picture to have is of violation existing at the time the violation letter was sent and at or near time that fine was levied, as well as the status of property going into hearing.

If owner willing to put name on complaint regarding violation, keep copy in file. If anonymous complaint made, also keep in file.

When following up on violation, recommend manager/board member doing inspection/follow up place dated note in file. Example: “On June 5, I followed up on outstanding pet restriction violation. I witnessed pet on owner’s property and going in and out of owner’s residence.” This helps to “back up” the fine that will probably be imposed.

THE CORMORANT LANDING OWNERS ASSOCIATION, INC.

FINING HEARING PROCEDURE AND CHAIRPERSON’S WRITTEN REPORT OF ENFORCEMENT COMMITTEE’S DETERMINATION

This document is intended to (1) provide the Enforcement Committee (“Committee”) for The Cormorant Landing Owners Association, Inc. (“Association”) with a standard process to follow when conducting violation hearings; (2) ensure that hearings, and the resulting decisions, are administered in a consistent fashion; (3) allow for the Committee to approve, or disapprove a levied fine by the Association and implement modifications hereto in order to better facilitate a prompt and fair adjudication; and (4) provide a template for the Chairperson to complete pursuant to the Committee’s determination to approve or disapprove a fine.

During the Fining Hearing, the Chairperson of the Enforcement Committee is responsible for ensuring that the steps outlined below are met. The Chairperson conducts the meeting with at least two other Committee members present. The Fining Hearing process should flow as outlined below:

Step	Action	<input checked="" type="checkbox"/>								
1	Call the meeting to order. Take roll of all attending – confirm that at least a quorum of the Committee is present (i.e., if three (3) member Committee, that at least two (2) Committee members are present). Assure the alleged violator was given proper notice of the meeting.	<input type="checkbox"/>								
2	Explain that: <ol style="list-style-type: none"> a. The Committee will hear discussion on the complaint(s) and a decision will be made to either approve or deny the fine levied. b. The Chairperson will create and submit a written determination to the Board whether the levied fine is confirmed or rejected. To draft and complete such determinations/reports, the Chairperson may utilize the CAM or staff employed by the Association. c. The CAM or Fining Authority will then provide written notice to the Violating Party of the Committee’s decision. 	<input type="checkbox"/>								
3	Review Florida statutes (Ch. 720) with all parties as to the authority provided the Association. <table border="1" style="width: 100%; margin-top: 5px;"> <thead> <tr> <th align="center">Item</th> <th align="center">Reference</th> </tr> </thead> <tbody> <tr> <td>The authority to levy a fine for non-compliance.</td> <td>Florida Statute § 720.305.</td> </tr> <tr> <td>The amount allowed for the fines.</td> <td>Article VIII, Section 3 (b) of the Declaration permits the Association to levy fines. Pursuant to Florida Statute § 720.305 a fine may reach, but not exceed, \$1,000.00 in the aggregate for each violation.</td> </tr> <tr> <td>The parameters to which the hearing committee must adhere.</td> <td>Confirm that Committee composed of members who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee.</td> </tr> </tbody> </table>	Item	Reference	The authority to levy a fine for non-compliance.	Florida Statute § 720.305.	The amount allowed for the fines.	Article VIII, Section 3 (b) of the Declaration permits the Association to levy fines. Pursuant to Florida Statute § 720.305 a fine may reach, but not exceed, \$1,000.00 in the aggregate for each violation.	The parameters to which the hearing committee must adhere.	Confirm that Committee composed of members who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee.	<input type="checkbox"/>
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4	Review the complaint(s) with all parties. The CAM or Fining Authority may, upon request of the Committee, provide to the Committee an oral, written, pictorial and/or other media description of the history of its inspection(s), complaint(s) received and other relevant information regarding the violation, violation notice, relevant oral and written communications with the party subject to Committee proceedings, and related timelines.	<input type="checkbox"/>								
5	Open the floor for discussion: <ol style="list-style-type: none"> a. Give the Violating Party an opportunity to respond to the complaints. b. Allow the Committee members to ask questions of the Violating Party and/or the CAM or Fining Authority. c. Do not allow unrelated issues to interrupt the hearing. 	<input type="checkbox"/>								
6	Instruct the Committee members that each day any violating event occurs beginning from the expiration of the cure period in the Second Notice (or specific dates found by the Board as set forth in Notice of Intent to Impose fine) represents a violation fine levied and that the Committee can approve or reject (disapprove) any or all of the days for which fines have been levied.	<input type="checkbox"/>								
7	Instruct the Committee members that they have two optional ways to proceed. They can decide to: <ol style="list-style-type: none"> 1. Approve Fine; OR 2. Reject Fine 	<input type="checkbox"/>								
8	Adjourn the meeting by a motion and a vote.	<input type="checkbox"/>								
9	After the Committee meeting, the Chairperson shall provide a written report to the Board and the CAM or Fining Authority as to the result of the hearing and whether each levied fine and/or suspension is approved or rejected. To draft and finalize such reports, the Chairperson may utilize the CAM or Association staff.	<input type="checkbox"/>								

Chairperson's Written Report of Enforcement Committee's Determination

Owner(s)/Tenant(s)/Guest(s)/Invitee(s): _____

Associated Property Address: _____

1. A Fining Hearing was held to discuss a fine levied upon _____ ("Violating Party") by the Association's Board of Directors/Fining Authority pursuant to an alleged violation of the Governing Documents.
2. On _____, 20____, the Association/Fining Authority sent to the Violating Party a courtesy notice in writing detailing the nature of the alleged violation and the timeframe for compliance.
3. On _____, 20____, the Association/Fining Authority sent the Violating Party a Second Notice at least fourteen (14) days after the courtesy notice was issued without the alleged violation being corrected.
4. On _____, 20____, the Association/Fining Authority sent the Violating Party a Fining Hearing Notice – Intent to Impose Fine/Suspension at least ten (10) days after the Second Notice was issued without the alleged violation being corrected.
5. A fine in the amount of _____ per day was imposed against the Violating Party beginning on _____, 20____ (should be same date as the day after the cure period in the Second Notice expire, unless fine was levied starting at a later date).
6. On _____, 20____, at _____ a.m./p.m. at _____, the Enforcement Committee held the Fining Hearing at least fourteen (14) days after the issuance of the Fining Hearing Notice.
7. During the Fining Hearing, the Violating Party (mark one) _____ was not present / _____ was present and given the opportunity to provide testimony and/or other evidence as to why the fine should not be approved.
8. The Enforcement Committee's determination is set forth below (mark one):

Enforcement Committee	Approve	Disapprove
Chairperson	<input type="checkbox"/>	<input type="checkbox"/>
Committee Member #1	<input type="checkbox"/>	<input type="checkbox"/>
Committee Member #2	<input type="checkbox"/>	<input type="checkbox"/>

The Enforcement Committee hereby (mark one):

- _____ Approves the fine
 _____ Disapproves the fine

Notes:

***Notice to Property Management:** The property management company shall send the Violating Party a notice of the Enforcement Committee's decision and follow up with appropriate invoices, billings, and collections as then or subsequently may be appropriate or necessary, and advise the Board of Directors of the Enforcement Committee's decision as soon as practicable.

 Chairperson

 Signature

 Date

THE CORMORANT LANDING OWNERS ASSOCIATION, INC.

SCHEDULE I – FINING SCHEDULE

(Schedule to Resolution Establishing Enforcement Committee and Fining Process)

First Violation (\$50.00/day)

Violations will be subject to an initial fine of \$50.00 per day, up to and including \$1,000.00 in the aggregate, for each day that the violation continues. This amount shall only be applicable to first-time violations or a repeat violation if the first violation was previously corrected but repeated after the expiration of twelve (12) months following the correction of the first violation. Repeat violations, which are violations that recur within twelve (12) months following the previous violation of a substantially similar nature, are subject to fines in the following amounts.

Second Violation (\$100.00/day)

Any violation that is a repeat violation shall be subject to an increased fine of \$100.00 per day for each day that the violation continues, up to and including \$1,000.00 in the aggregate.
