**Sandalwood Homeowners Association, Inc.**

**Fine Committee Procedures**

**Purpose**

The Fine Committee is established to comply with Florida’s Homeowners Association Act and will determine whether the fine and violation imposed by the Board of Directors shall stand. Once the Board of Directors determines a violation has occurred and imposes a fine and/or suspension of use rights, the Fine Committee shall make a final determination whether to (i) uphold the fine and/or suspension of use rights or (ii) reject and overturn the Board of Director’s determination in full.

**Fine** **Committee** **Membership**

At least three (3) volunteer owners of the Association will be appointed by the Board of Directors to serve on the Fine Committee. The owners will not be Board members nor related to members of the Board of Directors nor persons residing in a Board member’s household. One (1) Board member will serve as a liaison between the Fine Committee and the Board of Directors.

**Procedures**

Every **Owner** has the right to obtain and the obligation to review and abide by the Association’s Declaration, By Laws, Articles of Incorporation, Rules and Regulations, or any other agreement, document, instrument, or provision mandated by the Board of Directors.

The Association’s representatives may investigate possible violations of the Association’s documents noted above. Violations can be one of two types:

1. Single occurrence (such as failure to pick up after one’s dog)

2. Ongoing occurrence (such as not removing a commercial vehicle for a period of days)

The Board of Directors will then decide at a duly convened meeting of the Board of Directors whether to deem the Owner in violation and whether to impose a fine or suspension of usage rights.

If the Board of Directors finds a violation occurred and decides to impose a fine and/or suspension of use rights, a Notice will be mailed via regular mail to the owner, if any, requesting payment of a monetary fine for each Occurrence violation and/or compliance. For both a Single Occurrence violation and an Ongoing occurrence violation, the total amount of the fines to be levied is limited to $1,000.00 per each category of consecutive violation(s).

The Fine Committee shall provide the Owner not less than fourteen (14) days written notice of the hearing date. (**See Notice of Hearing Form attached hereto as Exhibit “A”**).

The **Owner** shall have the right to attend the hearing and to respond to any material considered by the Fine Committee on behalf of the Association. The Owner also has the right to produce evidence on his/her own behalf, to provide written and oral argument on all issues involved, and shall have the opportunity to review, challenge, and respond to any material considered in the Notice of Levy of Fine and/or Suspension of Use Rights and Notice of Appeal Hearing.

At the hearing, the **Fine Committee** shall conduct a reasonable inquiry to determine whether the alleged violation in fact occurred and if the fine imposed is appropriate. The Fine Committee shall ratify the fine or suspension of use rights or eliminate the fine or suspension of use rights. The Owner, if any, will receive a written notice of the decision Fine Committee. (**See Fine Committee Determination Form attached hereto as Exhibit B**)

If an **Owner** fails to attend the Fine Committee Appeal Hearing, the fine or suspension of use rights, if any, may be automatically imposed. The **Fine Committee** shall ratify the fine or suspension of use rights or, if the Fine Committee does not agree with the fine or suspension of use rights, it may eliminate the fine or suspension of use rights.

**EXHIBIT “A”**

From: Sandalwood Homeowners Association, Inc.

Date:

 To:

You are entitled to a Hearing before the Fine Committee and you may present reasons to the Committee at that time as to why the fine and/or suspension should not be imposed for the following violation of the declaration, bylaws, and/or rules:

Date(s) of Violation:

Description of Violation:

In Violation of:

Proposed Fine:

 and/or suspension:

**YOUR HEARING BEFORE THE FINE COMMITTEE IS SCHEDULED FOR:**

**Date:**

**Time:**

 **Place:**

**IF YOU DO NOT APPEAR AT THE HEARING, THEN THE FINE AND/OR SUSPENSION MAY BE AUTOMATICALLY IMPOSED.**

If you have any questions, please contact:

**THE HEARING WAS CALLED TO ORDER:** Time: Date:

Location:

**MEMBERS OF THE FINE COMMITTEE IN ATTENDANCE WERE:**

**THE ASSOCIATION WAS REPRESENTED BY:**

THE **NOTICE OF INTENT TO FINE AND/OR SUSPEND USE RIGHTS** and the **NOTICE OF APPEAL HEARING BEFORE THE FINE COMMITTEE,** setting forth the issues involved are attached**.**

**THE FOLLOWING PERSONS APPEARED ON BEHALF OF THE OWNER:**

 **THE VIOLATOR DID NOT APPEAR FOR THE HEARING.**

**EXHIBIT “B”**

After being apprised of the facts and circumstances and hearing any evidence and arguments

presented on behalf of the Owner, if any:

 **The Fine Committee does not approve any fine or suspension of use rights**

 **The Fine Committee approves the following fine:**

$ per day for days for a TOTAL FINE of $

 **The Fine Committee approves the following suspension of use rights:**

For days.

Sign:

Print:

Chairman, Fine Committee

Sign:

Print:

Member, Fine Committee

Sign:

Print:

Member, Fine Committee

**THE HEARING WAS ADJOURNED AT**

 Agree

 Disagree

 Agree

 Disagree

 Agree

 Disagree