

Siena Owners' Association

C/O C & C Property Management

DISCLOSURE REGARDING HEARING PROCEDURE AND FINES

1. **Notice and Hearing Procedures.** The following notice and hearing procedures will be used whenever the Board meets to consider an alleged violation which could result in disciplinary action against a Member.
 - a. **Notice of Hearing.** Notice of the hearing will be sent at least ten (10) days prior to the hearing and will be given either personally or by prepaid first-class mail to the most recent address shown in the Association's records. The notice shall contain, at a minimum, the date, time, and place of the meeting, the nature of the alleged violation for which a Member may be disciplined, and a statement that the Member has a right to attend and may address the Board at the meeting.
 - b. **Opportunity to Be Heard.** Members have the right to send a letter, send a representative, or appear in person to present evidence as to why they should not be disciplined. Members also have the right to bring an attorney with them to advise them or to speak on their behalf. The hearing will be held in executive session unless the member requests otherwise.
 - c. **Rescheduled Meetings.** Upon timely, written request and for worthy cause, an accused party may be granted a continuance to a new hearing date. In the event a person fails to appear for a hearing, the Board will review the evidence presented and make its decision accordingly.
 - d. **Correction of Violation.** In the event the violation is corrected prior to the hearing date, the Board may, if appropriate, discontinue the proceedings.
 - e. **Notice of Decision.** Within fifteen (15) days of the Board's decision, the Member will be given written notice of the decision.
 - f. **Conflicts of Interest.** If members of the Board have a conflict of interest (i.e., they filed the complaint, or the complaint was filed against them) such persons may not vote on the issue.
2. **Remedies for Enforcement.** To enforce the governing documents, the Board may impose one or more of the remedies described below as it deems appropriate to be effective. The selection of one remedy does not preclude the Association's right to pursue others.
 - a. Warning letters
 - b. Monetary penalties
 - c. Suspension of membership privileges
 - d. Alternative dispute resolution (arbitration or mediation)
 - e. Litigation

Failure to pay fines within thirty (30) days may result in legal action to collect the fines. If the Association is forced to retain an attorney to ensure compliance, collect fines, etc., the owner shall be liable for those attorney fees and all related expenses in addition to the fines.

3. **Fine Schedule.** Violation of the association's governing documents may result in a warning letter, fine, suspension of privileges and/or continuing fines as the Board may determine to be appropriate to the situation and as provided for in the fine schedule below. In addition to fines, the Board may file a lawsuit seeking judicial relief. The imposition of penalties and suspension of privileges will be subject to notice and hearing procedures.
 - a. **1st violation, Warning Letter and/or a fine of up to \$50.00**
 - b. **2nd violation, same offense: \$100.00**
 - c. **3rd violation, same offense: \$150.00**
 - d. **Additional violations, same offense: up to \$200.00**
 - e. **Safety violations may receive a warning or a fine up to \$250.00, depending on the violation**
 - f. **Continuing violations: fines up to \$100 per day may accrue until the violation is cured**

The Association may pursue one or more remedies simultaneously. The selection of one remedy does not preclude the Association's right to pursue others.