



DC RANCH ASSOCIATION INC.

VIOLATION APPEAL POLICY

Board Approved and Effective Immediately on 08/09/2016

- When a written notice of violation is sent to a Homeowner, the notice will include a statement notifying the Homeowner that they have a "RIGHT TO APPEAL" according to ARS-33-1803.

When a Homeowner desires to appeal the violation notice or the imposition of a fine or other penalty, the Homeowner must provide the Board of Directors via Ranch Association staff a **WRITTEN** notice (in the form of an email or letter) that they are requesting an appeal of the violation notice or penalty. Such notice of appeal must be received within **10 business days** of the notice of violation or penalty.

- The request for appeal should:
 - fully explain the circumstances that caused the deviation and/or violation of the governing documents.
 - include any pertinent backup information to support the appeal.
 - include what corrective action the Homeowner plans to take, if any.
- All decisions of the Board are final. This Violation Appeal Policy is independent of the Homeowner's right to petition the State Real Estate Department for an administrative hearing concerning the enforcement of alleged violation(s) pursuant to A.R.S. 32-2199.01 and/or A.R.S. 41-212198.01.
- The Homeowner who provides the notice of appeal will be informed in writing of the appeal hearing date and time. The appeal process may be completed in writing and does not require the homeowner be present unless requested by the homeowner or the Board of Directors.
- Unless otherwise requested by the Homeowner, all appeals shall be heard in Executive Session.
- If a Homeowner desires that the appeal be held in Open Session, the Homeowner must state this preference in their appeal request and provide notice no less than 10 business days prior to a regularly scheduled Open Session Board Meeting.

The typical appeal hearing will proceed as follows, but the chairperson of the Board of Directors meeting may handle the appeal hearing in any manner deemed most effective, in the chairperson's sole discretion:

- The chairperson of the meeting will introduce all parties.
- Only individuals who are listed as the legal Homeowner on the deed to the property, or any person designated by the Homeowner in writing as the Homeowner's representative, are permitted to attend the appeal meeting (if held in Executive session).
- The Homeowner who is appealing in person will be asked to state their case and present any documentation that is applicable. The Homeowner is not entitled to ask questions of the Board of Directors or any member of the DC Ranch Association management team.
- Each Board Member will have the opportunity to ask the Homeowner specific questions regarding the information presented in the appeal.
- Upon completion of the question and answer period, the meeting chairperson will state that the appeal has been heard and the Board will make its decision in a closed session. The written notice of the Board's decision will be given to the Homeowner within 10 business days.
- Unless otherwise stated, if the appeal is denied, the Homeowner must bring the violation into compliance or have an agreed-upon plan to come into compliance within the time period required by the Association. If no compliance date is specified, the Homeowner has 10 business days from the date of the Board's response.

At any time, as determined in the sole and absolute discretion of the Board, the Association may choose to forego any courtesy or violation letters in favor of other enforcement tools available, including, but not limited to, deactivation of transponders, loss of privileges or immediate action by its legal counsel. Due to their serious nature, for violations involving the health, safety or welfare of the community, the Board is likely to make use of these other enforcement tools. The Board reserves all remedies, including the right to bring an action for injunctive relief, the cost of which shall be billed to the Homeowner. Nothing in this appeal policy shall limit this right in any way.