

**Community Rules Violation Panel and Appeal Procedure****ADUE PROCESS**

This rule constitutes Golden Rain Foundation's (GRF) published policy of due process, as required by law, governing the Foundation's enforcement policy.

**1. INTERNAL DISPUTE RESOLUTION (IDR) PROCESS FOR RESIDENT CONDUCT VIOLATIONS**

Alleged violations by a MEMBER, AUTHORIZED RESIDENT (AR), QUALIFIED PERMANENT RESIDENT (QPR), or VISITOR of any rule stated in the GOVERNING DOCUMENTS will be assessed in the following manner:

- 1.1** Violations of Member Rules of Conduct, 30-5093-1, will be initially reviewed by the GRF EXECUTIVE DIRECTOR and/or the GRF PRESIDENT, who may choose to:
  - 1.1.1** Issue a warning letter to the MEMBER stating the conditions in which the MEMBER will not be referred to the COMMUNITY RULES VIOLATION (CRV) PANEL; or
  - 1.1.2** Refer the MEMBER and transmit all official information concerning the violation to the BOARD OF DIRECTORS (BOD) for final judgment;
  - 1.1.3** Refer the MEMBER and transmit all official information concerning the violation for the CRV PANEL's initial review.

**2. INITIAL ACTIONS**

- 2.1** The MEMBER OR QPR charged with the violation can pay the fine. The citation or violation notice letter will list the potential fines or sanctions.
- 2.2** If a violation is contested in writing to the CRV PANEL within ten (10) days of the issue date of the citation or letter, the assessment of any fines or penalties will be suspended until the appeals process is completed.
- 2.3** If the fine is not paid, nor a violation contested in writing within ten (10) days of the issue date of the citation or letter, the CRV PANEL will review the incident, make findings, and communicate its decision to the person charged with the violation.

**3. INITIAL APPEAL**

- 3.1** A MEMBER or QPR has the right to contest the "rules violation":
  - 3.1.1** Issued to them, or to a RENTER/LESSEE (R/L), or VISITOR who enters the community through the MEMBER or QPR's authorization.
  - 3.1.2** or issued to those who enter the community through the authorization of the R/L, or visitor associated with the MEMBER or QPR's residential unit.

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- 3.2** An initial appeals hearing will be scheduled for the next CRV PANEL meeting consistent with proper notification procedures. The appealing MEMBER or QPR may choose to attend the hearing in person or may submit a written statement concerning the rule violation notice to the CRV PANEL.
- 3.3** The MEMBER or QPR appealing the citation will be presented with a written notice at least ten (10) days prior to the hearing.

**4. NOTICE OF HEARING**

The written COMMUNITY RULES VIOLATION NOTICE (citation or letter) serves as written notice of the violation and hearing (Civ. Code §5855). The following items will be set forth in the written notice:

- 4.1** Description of violation, including time and location of violation and possible sanctions or monetary penalties;
- 4.2** The date, time, and place of the hearing;
- 4.3** A statement that the individual cited for a violation has a right to attend the hearing and present evidence. (Civ. Code §5855(b).); and
- 4.4** Notification that a "Failure to Respond" will result in the CRV PANEL assessing the alleged violation using only the evidence the panel holds at the time of the hearing.

**5. THE COMMUNITY RULES VIOLATION PANEL**

- 5.1** A Community Rules Violation panel will regularly meet to assess and rule on the merits of the violation complaint.
- 5.2** Each CRV panel will consist of five serving directors of the GRF Board chosen from a pool of panelists appointed by the GRF president and approved by the GRF Board of Directors.
- 5.3** The panel will be moderated by a GRF Director appointed by the GRF President, who shall participate in the deliberations and vote on the panel's judgment. In the moderator's absence, the GRF President may designate another GRF Director to temporarily fill the moderator's position with the approval of the panel's moderator; a serving panelist who perceives a conflict of interest may recuse themselves from individual judgments. A majority of votes from the panelists deliberating on a decision is needed to issue a judgment against a Member.

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**6. CRV PANEL HEARING DEFENSE**

- 6.1** A MEMBER or QPR cited for a violation has the right to examine any evidence relating to their citation prior to the scheduled date of their hearing before the CRV PANEL.
- 6.2** MEMBER or QPR appealing a CRV violation has the right to submit their defense in writing rather than, or in addition to, appearing before the CRV PANEL. (Corp. Code 95 §7341(c)(3).)
- 6.3** Representation/Observers
  - 6.3.1** The CRV PANEL Session is a closed meeting. The MEMBER or QPR may request an open hearing.
  - 6.3.2** Lawyers

Under the provisions of Civil Code Section 5910(f), the MEMBER or QPR can request in writing to be assisted by a lawyer hired at their own expense. The hearing for the person requesting a lawyer's assistance may be delayed for a month in order to schedule the GRF lawyer's appearance.
  - 6.3.3** Interpreters

Upon written request at least ten (10) business days prior to the hearing, a MEMBER or QPR appealing a CRV violation notice may be accompanied by an interpreter. The request should specify the language required.
  - 6.3.4** Observers

A MEMBER or QPR appealing a CRV violation notice can be accompanied by a single observer who cannot participate in the appellant's defense beyond their stated role as observer or interpreter.
  - 6.3.5** A MEMBER or QPR appealing a CRV violation notice can be accompanied and assisted during the hearing process by the MEMBER's agent or attorney-in-fact whom the MEMBER or QPR has designated to serve as their representative in such disciplinary matters.

**7. RESOLUTION**

- 7.1** If, without prior notification to the CRV panel, the person who requested the appeal does not appear at the scheduled meeting or provide a written defense, the panel will assess the validity of the citation based upon the evidence or testimony the panel has received.
- 7.2** Notice of Decision

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- 7.2.1** The CRV panel shall make "findings" to support the panel's decision regarding the alleged violation. Findings may allow for issuing a warning letter or upholding, amending, or vacating the citation.
- 7.2.2** Notice of the panel's decision must be issued by first-class mail within 15 business days following the CRV PANEL's decision (Civ. Code §5855(c); Corp. Code §7341(c)(2).) The letter of decision shall identify the violation by date and/or number, the panel's findings, and the results of the hearing.

**8. FINAL APPEAL**

- 8.1** A person may appeal, in writing, the CRV PANEL's decision to the GRF BOD. The BOD must receive the request for a final appeal within 25 days after the scheduled date of the initial appeal hearing.
  - 8.1.1** The Appeals Panel of the GRF BOD will comprise a quorum of the BOD. The Appeals panel will be moderated by the GRF PRESIDENT.
  - 8.1.2** A majority of the GRF BOD of Directors, or the majority of the quorum reviewing a case, shall be necessary to confirm the judgment of the CRV PANEL.
- 8.2** The BOD Appeals Hearing will be conducted with the procedure listed in sections 6 and 7 above.
- 8.3** BOD decision to uphold, alter, or waive any sanction will be final.
- 8.4** Notice of the BOD's decision must be issued by first-class mail to the appealing MEMBER or QPR within 15 business days following their appeal hearing date.

**9. FAILURE TO RESPOND**

- 9.1** A failure to respond to a properly adjudicated VIOLATION OF COMMUNITY RULES judgment may be cited as an additional violation:
- 9.2** It is a failure to respond when a violator, who within 10 days from the date of the CRV violation, has not:
  - 9.2.1** Paid the resulting fine;
  - 9.2.2** Submitted a written request for any remaining appeal within the provisions of this rule;

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- 9.3** It is also deemed a failure to respond when a MEMBER or QPR:
- 9.3.1** Has not paid any resulting fine; or requested a final appeal in writing to the BOD within 25 days after the CRV's initial appeal hearing; or
  - 9.3.2** Within 25 days after the BOD has issued a final decision on an appeal, has not paid the fine affirmed by the CRV PANEL.
- 9.4** A MEMBER or QPR deemed to have failed to respond will be issued a letter by first-class mail calling them to attend an additional hearing before the CRV PANEL.
- 9.5** A MEMBER or QPR cited for failure to respond will have the same capacity to respond to the CRV PANEL in person or in writing, as outlined in Section 6 above. However, the MEMBER or QPR's statements shall only address issues involved with their failure to respond.
- 9.6** The CRV PANEL shall assess the failure-to-respond charge using the same criteria as outlined in Section 7 above.
- 9.7** The CRV PANEL shall provide the non-responding MEMBER or QPR who has failed to respond with written notice of its decision within fifteen (15) days following the hearing.
- 9.8** Sanctions for Failure to Respond

The MEMBER or QPR who has completed the appeal processes within the procedures and time periods defined and has not paid any resulting fines shall be liable for additional sanctions.

- 9.8.1** The CRV PANEL, at its discretion, may determine to impose on the non-respondent an additional monetary fine, of no more than 50 percent of the unpaid fine at the time of the failure-to-respond hearing.
- 9.8.2** To avoid the imposition of these sanctions, all outstanding fines imposed by the CRV panel and liable to be collected under the due process outlined above must be paid within 25 days after the date of the CRV hearing on the MEMBER or QPR's failure to respond.
- 9.8.3** If the non-respondent has not paid the total fine by that date, the CRV PANEL may issue an additional letter citing the MEMBER or QPR's failure to respond, and the MEMBER or QPR may be subject to further penalties.
- 9.8.4** The judgment of the CRV PANEL concerning sanctions for failure to respond will be considered final.

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Document History

Adopted:	26 Nov 19	Amended:	26 Jan 21	Amended:	24 Aug 21
Amended:	22 Nov 22	Amended:	28 Nov 23		

<b>Keywords:</b>	Rules of Conduct	Fine	Appeal	Parking	Violation
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