

## MISSION VIEJO ENVIRONMENTAL ASSOCIATION

### VIOLATION ENFORCEMENT AND FINE POLICY

Violation of the Associations' governing documents (CC&Rs, Bylaws, Architectural Guidelines, Rules and Regulations) by owners, tenants, or other residents or guests may result in the imposition of enforcement measures including fines, special assessments, and suspension or revocation of membership privileges after due process as determined by the Board of Directors.

In accordance with the Association's governing documents, the Board has adopted the following enforcement procedures and list of fines for infractions of the governing documents on September 19, 2019.

If the Board of Directors of Mission Viejo Environmental Association ("Association") receives a complaint from an owner/resident in writing (see attached Violation Report Form) or observes that an alleged violation of the Association's governing documents has taken place, then the following steps shall be taken:

1. Notice of Violation. In its discretion, the Board may send a letter to the owner of the residence explaining the nature of the violation and the date upon which the alleged violation must be cured to avoid further action.
2. Notice of Hearing. If the violation is not cured within the timeframe set forth in the Notice of Violation letter, or, depending on the nature and severity of the violation, the Board decides to proceed directly to a hearing, a Notice of Hearing will be sent to the owner of the residence. The Notice of Hearing will include the following information per Article XI, Section 3 of the Bylaws: (a) the alleged violation, (b) the provision of the Association's governing documents that was allegedly violated, (c) a list of sanctions that may be imposed (i.e., fines and/or suspension of privileges), and (d) the time, date and place of the Board meeting at which the violation will be addressed in a hearing in executive session. The Notice of Hearing shall be sent at least ten (10) days prior to the scheduled hearing date. (Bylaws, Article XI, Section 3.)
3. Conduct of Hearing. On the date and at the time set forth in the Notice of Hearing letter, the Board of Directors will meet in executive session, regardless of whether or not the alleged violating owner is in attendance, to discuss and evaluate the evidence that has been presented by the complaining party, the alleged violating owner (either by written statement, evidence, or personal testimony) and any witnesses. The alleged violating owner shall have an opportunity to address the Board in his or her defense. If not in attendance, the owner may submit a written statement and/or other evidence/documentation for the Board's consideration. If the owner intends to be represented by legal counsel, then the owner must give the Board at least seven (7) days advance notice prior to the hearing, so the Board may have the Association's legal counsel attend the hearing as well.
4. Disciplinary Action. If the Board of Directors, after evaluating all the evidence presented, finds that a violation has occurred, then the Board may impose disciplinary action against the violating owner by (a) levying a monetary penalty in accordance with the Association's Fine Schedule, (b) suspending the owner's membership privileges, and (c) taking any other disciplinary or corrective action authorized by the governing documents; however, this does not relieve the owner's obligation to pay all assessments levied by the Association or to

otherwise comply with the governing documents. Any such suspension shall be for a period of time not exceeding thirty (30) days for each non-continuing violation, but in the case of a continuing violation may be imposed for so long as the violation continues. (Bylaws, Article XI, Section 1.)

5. Written Findings. The Board of Directors shall provide the owner with a written notice of its decision and any disciplinary action imposed against the owner within fifteen (15) days after the Board’s decision. (Civil Code Section 5855(c).)

6. Internal Dispute Resolution. If the violation is not cured, the Association may proceed with “meet and confer” procedures pursuant to Civil Code Section 5915, to gain the owner’s compliance.

7. Legal Action. If the violation is not cured after Internal Dispute Resolution is offered, the matter may be turned over to the Association’s attorney to commence legal action (alternative dispute resolution and/or litigation). Depending on the nature and severity of the violation or other special circumstances, the Board may refer the matter to legal counsel at any time during the enforcement process and forego any of the processes outlined above.

8. Family Members, Tenants or Guests. Owners are responsible for the conduct of their family members, tenants and guests, and may be subject to disciplinary action/fines for their violations of the governing documents.

9. Damage to Common Area. Owners are responsible for costs incurred by the Association to repair damage to the common area caused by the owner and/or the owner’s family members, tenants or guests. Such amounts may be assessed against the responsible owner, after notice and hearing, pursuant to the CC&Rs. (Article VII, Section 1.)

### **FINE SCHEDULE**

After Notice and a Hearing, the following monetary penalties may be imposed against an owner for violations of the Association’s governing documents:

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|---|--|
| 1. First violation fine:                  | up to \$100.00   |
| 2. Second violation fine:                 | up to \$200.00   |
| 3. Third and subsequent violations fines: | up to \$400.00   |
| 4. Continuing violations:                 | up to \$ 50.00 per day for each day<br>the violation continues |

A second, third and subsequent violation is the same violation of the governing documents within a 12-month period of time.

A continuing violation is a violation that has never been cured and is ongoing.

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VIOLATION REPORT

The purpose of this form is to report an alleged violation of the Association's governing documents. Please note that as the reporting party, you may be called as a witness at a hearing before the Board and the alleged violating member may be given the opportunity to examine this report or ask questions of you as part of his or her due process rights. Your signature on this Violation Report indicates your willingness to be present at a hearing for purposes of determining whether a violation has occurred.

I. Reporting Party:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

II. Description of alleged violation (fill in as completely as possible)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

III. Description of Alleged Violator

Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Address: \_\_\_\_\_

Additional Witness:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature of Reporting Party: \_\_\_\_\_ Date \_\_\_\_\_

Once completed, please return this report to the Association, c/o management.

**THE ALLEGED VIOLATOR MAY HAVE A RIGHT TO A COPY OF THIS REPORT.  
THE ASSOCIATION DOES NOT GUARANTEE THAT THIS REPORT WILL REMAIN  
CONFIDENTIAL.**