



ADMINISTRATIVE PROCEDURE FOR ALLEGED VIOLATIONS OF GOVERNING DOCUMENTS

Members of the Walnut Creek Mutual Fifty are subject to restrictions in the Governing Documents. Those documents include the CC&Rs, Bylaws, and Policies and Procedures (i.e., Rules) and describe the Board's and Members' responsibilities. One such responsibility is the Mutual's requirement to enforce the Governing Documents. The Board always regrets taking such measures and would prefer to minimize them whenever possible. But when it cannot, the Board has approved the following procedure, so both Directors and Member understand the enforcement process.

1. The Owner receives a written "Notice of Violation" identifying the alleged violation, the provisions in the Governing Documents violated, and the setting of a hearing to provide the Owner an opportunity to appear before the Board to discuss the matter and contest the evidence. The Notice will be delivered by U.S. First-Class Mail or by Email (if such method of notice was expressly consented to by the Owner).
2. Before the meeting, the Owner may submit written documentation to the Board Services Coordinator.
3. The Owner may appear in person at the hearing or submit a written response beforehand. Regardless, the Board meeting will take place.
4. The hearing will occur in person or via video conference (e.g., Zoom). The meeting will happen in a closed executive session with the Board. The meeting, all discussions, and outcomes will be confidential.
5. If the Board determines that a violation occurred, it may impose a fine and suspend the Owner's privileges.
6. After the meeting, the Board will send the Owner its decision via U.S. First-Class Mail or by Email (if such method of notice was expressly consented to by the Owner).
7. If the original hearing for a rules violation was before a rules committee, the committee's decision may be appealed. The Board will determine the manner and time in which an appeal may be made, i.e., in writing within 15 days of the notice of the committee's decision. The member's request for appeal should state why they believe the committee made a wrong decision. The committee can then submit a letter to the Board responding to the Owner's claims. The Board can either review the matter and decide on the disputed issue or hear it. If a hearing occurs, it will be in person or via video conference (e.g., Zoom) and in a closed executive session with the Board. The meeting, all discussions, and outcomes will be confidential.
8. If the original hearing and decision were by the Board instead of a rules committee, there is no appeal. However, the Board may reconsider its decision if the Owner presents new or different facts not presented in the original hearing.
9. In the case of a continuing breach, where an Owner fails to cease or remedy a violation after notice from the Board, the Board may deem such a continuing violation. It may impose separate and successive sanctions for each such violation without holding further hearings for each sanction.
10. At any time during the process, the Board may ask the Mutual Operations Division to make a site visit, take photographs, and get estimates of the cost to resolve the violation.