

v.8 05/13/16

Wyndtree Phase V-Village 8 Association, Inc. ("Glenfield")

FINE REVIEW COMMITTEE: STATEMENT OF PURPOSE, PROCEDURES, AND POLICIES

PURPOSE:

The Fine Review Committee ("FRC") has only one purpose: to ensure that any fine the Board of Directors (the "Board") has decided to impose upon an Owner of property in Glenfield is subjected to an independent review by the members of the FRC, including providing the Owner an opportunity to contest the fine or its amount at a hearing held for that purpose. To ensure the FRC's independence, FRC members are not permitted to be directors, officers or employees of Glenfield and are not permitted to be related, in any way, including marriage, to a director, officer or employee of Glenfield. As a further guarantee of independence, no member of the FRC is permitted to serve on a committee that investigates and documents an Owner's violation of the use restrictions and prohibited activities set forth in Glenfield's Declaration of Covenants, Conditions, and Restrictions ("DCCR"), its By-Laws, and its Rules and Regulations. Moreover, no member of the FRC is permitted to be related, in any way, including marriage, to a member who serves on a committee that investigates and documents an Owner's violation of use restrictions and prohibitions. These restraints protect against the possibility that an FRC member would depend upon his or her own previous work or the work of a relative when reviewing a fine. And last, to further prevent self-interest from contaminating the decisions of the FRC, no Owner who is more than thirty (30) days delinquent in monies owed to Glenfield or more than ten (10) days delinquent in resolving his or her violation of a use restriction shall be permitted to serve on the Committee.

A fine of an Owner is initiated by the Board of Directors. Upon the fine's adoption, the Board--not the FRC-- will send a notification of the fine and the reason for the fine to the Owner by certified and regular USPS mail. That Board notice will also include the FRC's "Notice of Hearing Before the Fine Review Committee." That notice will state that the Owner(s) who has been fined must make a request to the FRC, within seventeen (17) days of the date of the Board's notice of fine, to be placed on the schedule of hearings for the date indicated in the FRC's notice. If the owner makes no such request to the FRC within the specified time, the Owner(s) will have waived the right to a hearing. Even in the absence of a hearing request, the FRC will examine the Board's reasons for imposing the fine, whether the information it relied upon is correct, whether fair notice that a fine may be imposed was given the Owner, and whether the notice of fine sent by the Board complied with the necessary requirements for such a notice.

After the hearing, the FRC will discuss the arguments and evidence of the Board and of the Owner and make one of a number of possible determinations with respect to the fine, including, but not limited to, full approval or full disapproval.

Note that the FRC has no power to impose fines upon an Owner. That is solely the Board's responsibility and decision. The FRC does have the power to approve, reduce, impose conditions upon, or disapprove a fine and that power must be respected by the Board.

To enable Owners to quickly and efficiently make a request for a hearing before the FRC and to ask questions, the FRC has established a dedicated e-mail address: ghoafinerevcomm@gmail.com.

PROCEDURES

1. Within three (3) days of its mailing a notice of fine to an Owner, the Board shall provide a copy of that notice and its enclosures, together with all documents in the Board's file relating to the fine including, but not limited to, the investigation and documentation of the violation and any correspondence, including emails, between the Owner and the Architectural Control and Use Restriction Committee or the Board. Upon receipt of this information, the FRC shall open a file on the matter so that the FRC will be in a position to respond to an Owner's request to be placed on the hearing schedule. That request must be made to the FRC within seventeen (17) days of the date of the Board's certified and regular mail notice to the Owner that a fine has been imposed. If a request is not made within that time, the Owner will be deemed to have waived the right to a hearing.

2. The FRC will review the Board's file to: (1) ensure that there is sufficient apparent reason for imposing a fine; (2) ensure that the Board or the Architectural Control and Use Restriction Committee ("ACURC") provided the Owner(s) fair warning of the possibility of a fine and the reason for a fine; (3) read any Owner responses to the Board and to ACURC; (4) note the date of the Board's decision to fine and the amount of the fine; and (5) ensure that the Board's notification of fine letter to the Owner(s) contains all necessary elements, including a hearing notice to the Owner(s) prepared by the FRC.

3. If an Owner has requested a hearing, a report of the Owner's contentions and evidence at the hearing, as well as the Board's evidence and contentions, shall be made by the FRC. If the Owner fails to appear at the hearing, that fact will be noted on the Hearing Report Form.

4. On the basis of the Board's file, any information submitted by the Owner, and the hearing (if the Owner requested one), the FRC will deliberate and make one of several possible decisions including, among others, approval of the fine without change, approval with change in the amount or conditions of the fine, temporary suspension of the fine, and disapproval of the fine. The FRC's decision will be delivered to the Board and mailed by regular USPS mail to the Owner within ten (10) business days of the hearing or, if no hearing be requested, within ten (10) business days of the FRC's consideration of the matter.

POLICIES

1. No member of the FRC is permitted to be a director, officer, or employee of Glenfield or to be related in any way, including by marriage, to any director, officer, or employee of Glenfield.

2. No member of the FRC is permitted to serve on a committee that investigates or documents an Owner's violation of the use restrictions and prohibited activities set forth in Glenfield's DCCR, By-Laws, and Rules and Regulations. Furthermore, no member of the FRC is permitted to be related in any way, including marriage, to a member of a committee that conducts such investigations or documentation of violations of use restrictions and prohibited activities.

3. All members of the FRC must be in good standing with the Wyndtree Phase V-Village 8 Association, Inc. ("Glenfield"). "Good standing" means that the member must not be delinquent for more than thirty (30) days in any monies owed to Glenfield, that any notice of violation pending against the member for more than ten (10) days has been corrected or is in the process of being corrected, and that the member's right to use common areas has not been suspended. A member not in good standing will be dismissed automatically and his or her replacement will be chosen by the Board of Directors.

4. **NOTE: On May 12, 2016 the Glenfield Board of Directors amended this section to read: The FRC will schedule hearings on an as-needed basis, preferably when a cost-free conference room in a nearby location is available. [The original and now replaced language read: The FRC will establish a set schedule (e.g., the second Tuesday of the month) of hearing dates, at least one evening per month, except in the month of July when no hearings will be scheduled.]**

SIGNIFICANT FLORIDA STATUTES AND SIGNIFICANT ARTICLES OF THE DCCR AND BY-LAWS:

Florida Statute 720.305(2): "The association [synonymous with "Homeowners association"] may levy reasonable fines of up to \$100 per violation against any member or any member's tenant, guest, or invitee for failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. A fine may be levied for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may not exceed \$1,000 in the aggregate unless otherwise provided in the governing documents....In any action to recover a fine, the prevailing party is entitled to recover reasonable attorney fees and costs from the nonprevailing [*sic*] party as determined by the court."

Florida Statute 720.305(2)(b): "A fine or suspension may not be imposed without at least 14 days' notice to the person sought to be fined or suspended [from use of common areas or facilities] and an opportunity for a hearing before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed. If the association imposes a fine or suspension, the association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner...."

DCCR: Article III, Section 3 ("Prohibition of Certain Activities"); Article IX ("Use Restrictions"); Article XI, Section 2 ("Enforcement")

By-Laws: Article IX (“Committees”)

This Statement of Purpose, Procedures, and Policies governing the conduct of the Fine Review Committee was adopted unanimously by the Committee on May____, 2015.

Signatures of the members of the Fine Review Committee:

Mitchel B. Axler

Chiara DeLosh

Malinda Fusco