

Sugar Sands Condominium Association

Documents Violation Process

Pursuant to Section 17.3 of the Declaration of Condominium, the Association is empowered to levy fines for violation of the provisions in the Sugar Sands Condominium Association's documents (Declaration, By-laws, Articles of Incorporation, or The Rules We Live By). The process sequence for this is provided below.

1. A violation is recognized by the association when an owner, renter, the condo manager, or the board of directors provides a written and signed statement describing the violation to the office. The name of the owner or renter filing the statement shall not be provided by the office to anybody except the board or as directed by the board unless officially requested in writing by an owner. The board shall not divulge the name of the person filing the statement unless it has been officially requested by an owner in writing and then only to that owner. The statement shall contain a description of the violation, date and time of the violation, names of people doing the violation if known, building and unit numbers of person doing the violation if known, and other information as deemed appropriate.
2. On receipt of a violation statement, the condo manager shall determine if, in his opinion, it is a violation. If, in his opinion, it is not a violation; he will discuss it with the person filing the statement. If the person agrees then the statement with a note stating the mutual decision will be filed in the unit file and the Directors Binder and no further effort is required. If the person does not agree with the manager, then the issue will be brought to the board. The board will direct any further action to be taken.
3. If the manager agrees it is a violation, the manager will contact the offending unit owner involved and attempt to get the violation corrected immediately. Contact will be made by phone if possible and by certified letter if necessary. A written record of the contact and results will be kept by the manager and filed with the violation statement. Both the statement and the contact record shall be put in the director's binder in addition to being filed in the association files. If the violation is corrected, no further effort is required unless it is a reoccurrence.
4. If this is a reoccurrence by the same owner for the same type of violation, the manager shall contact the owner by phone to attempt to get the violation corrected in a timely manner. The manager shall also send the owner a certified letter and bring the violation to the board for consideration of further action.
5. If the violation is not corrected; due either to inability to contact the owner, get an owner response, the owner refuses to correct the violation or is unable to correct the violation, or

etc., the manager shall bring the violation to the board for consideration of and direction for further action.

6. When the violation goes to the board, the board may decide that no further action is required, additional steps to get the violation corrected should be taken before consideration of a fining action, or that the violation should immediately be sent to a Grievance Committee for a hearing for a fine.
7. The Grievance Committee shall consist of a Chairman and two (2) other members as decided from time to time by the presiding Board Member in residency. The chairman and the members shall each have one (1) vote. None of the committee members shall be a current board member, employee of the association, or spouse of a board member or employee. The condo manager shall support the committee as required.
8. The Grievance Committee shall notify the party against whom a fine is sought of the date of his hearing opportunity by certified letter. The letter shall provide written notice of the hearing date not less than fourteen (14) days if in-state and nineteen (19) days if out-of-state before the hearing. The letter shall provide a statement of the date, time, and place of the hearing; a statement of the provisions of the Declaration, By-Laws, Articles of Incorporation, or The Rules We Live By which have allegedly been violated; and a short and plain statement of the matters asserted by the Association.
9. At the hearing the party against whom the fine may be levied shall have an opportunity to respond, to present evidence, and to provide written and oral argument on all issues involved. The party shall have an opportunity at the hearing to review, challenge, and respond to any material considered by the committee.
10. At the hearing the committee shall determine if a fine is to be levied or not and determine the amount of the fine, within the constraints of the condo documents, if a fine is levied. The party shall have an opportunity to respond to the amount of fine if one is levied.
11. The committee shall provide, in a timely manner, minutes of the hearing to the Board of Directors. These minutes, at a minimum, shall contain the decision to fine or not and the amount of the fine if one is levied.
12. A certified letter regarding the committee decision as to fine or not and the amount of the fine if one is levied shall be sent to the party. The letter shall include the date by when the fine is due to be paid to the association. The due date shall be 30 days after the notice of the committee decision is provided to the party. The letter will be signed by the presiding Board Member in residency.