

## FINES, RULES AND REGULATIONS

### 1. Fines

A fine not to exceed \$500.00 may be imposed for violating any of the covenants Contained in Article III of the Declaration of Restrictions for Assateague Pointe.

### 2. Complaint

The Environmental Control Committee (ECC) shall prepare a written complaint Against any property owner who is alleged too have violated the covenants contained in Article III of the Declaration.

The written complaint shall contain:

- A. Name and Address of the Complainant;
- B. Name and Address of the property owner committing the violation who Will be referred to as the Defendant;
- C. Nature of the violation;
- D. Location and time that the violation occurred
- E. Location, date and time of hearing before the ECC.

### 3. Service

Those individuals authorized by the ECC shall serve the complaint on any Defendant alleged to have committed a violation.

The complaint may be served by personal delivery to the defendant or by certified mail requesting "restricted delivery- show to whom, date, address of delivery".

If good faith efforts to serve the Defendant have not succeeded, then service may be made regular mail to Defendant's last known address and posting of the complaint at the property where the violation has occurred or is occurring.

### 4. Hearing

The ECC shall hear the complaint. At the hearing, the Complainant shall present It's case first. The Defendant shall present its case second. The Complainant and the Defendant shall have the right to cross-examine the other party's witnesses. The rules of evidence shall not apply and the hearing shall be held informally.

After the hearing, the ECC shall make a decision of not guilty or guilty. If a guilty decision is rendered, the ECC may assess a fine not to exceed \$500.00 which shall be enforceable and collectible against the Defendant in the same manner as assessments by the Association.

#### 4. Hearing

A Complainant or Defendant may request a postponement of the hearing if just cause exists. If just cause exists, the hearing shall be postponed to another date.

If a Complainant or Defendant fails to attend the hearing without just cause: the ECC shall make its decision based on the evidence presented at the hearing.

#### 5. Appeal

Complainant or Defendant may appeal any decision of the ECC to the Board of Directors within (10) days of the decision of ECC.

The appeal may be filed by the Complainant or Defendant by mailing or delivery of a letter to the Board of Directors at the Assateague Pointe office. If mailed, the postmark of the letter shall be the date of filing. If delivered, the date of delivery of the letter shall be the date of filing. If the appeal is filed too late, the decision of the ECC shall be final and appeal shall be dismissed.

Upon receipt of the appeal letter, the Board of Directors shall schedule a date and time for the appeal as soon as possible. The appeal shall be heard de novo by the Board of Directors. At the appeal hearing, the Complainant shall present its case first. The Defendant shall present its case second. The Complainant and Defendant shall have the right to cross-examine the other party's witnesses. The rules of evidence shall not apply and the hearing shall be held informally.

After the appeal hearing, the Board of Directors shall make a decision of not guilty or guilty. If a guilty decision is rendered, the Board of Directors may assess a fine not to exceed \$500.00 which shall be enforceable and collectible against the Defendant in the same manner as assessments by the Association. The decision of the Board of Directors is final and not subject to further appeal.

A Complainant or Defendant may request a postponement of the appeal hearing if just cause exists. If just cause exists, the hearing shall be postponed to another date.

If a Complainant or Defendant fails to attend the appeal hearing without just cause, the Board of Directors shall make its decision based on the evidence presented at the appeal hearing.

#### 6. Dismissal

At any time before a final decision by the Board of Directors, a complainant may dismiss the complaint and all proceedings shall terminate.

