

The Sanctuary at Oak Creek Homeowner's Association, Inc.

RESOLUTION OF THE BOARD OF DIRECTORS FINE COMMITTEE - CHARTER

ESTABLISHING A FINE COMMITTEE AND APPOINTING MEMBERS

WHEREAS, the Declaration, Bylaws, Rules and Regulations, and Chapter 720, Florida Statutes, authorize the Association to enforce the Governing Documents; and

WHEREAS, the Board of Directors desires to establish a Fine Committee to review alleged covenant and rule violations and perform such duties as are delegated to it by the Board in connection with the Association's enforcement procedures;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby establishes the Fine Committee and adopts the following provisions governing its authority and operation:

1. **Purpose:** The Fine Committee is established as an independent committee of owners to review alleged violations of the Governing Documents that have been referred to it by the Board of Directors and/or the Association's management.
2. **Appointment of Members** – The Board hereby appoints the following individuals to serve on the Fine Committee:

Position	Name
Chairperson	
Member	
Member	
Alternate Member	

Fine Committee members shall serve at the pleasure of the Board and may be removed, replaced, not utilized, or supplemented by subsequent Board action.

Fine Committee members are required to sign and adhere to the Oath of Office and Code of Conduct that shall be provided by the Association.

3. **Membership Requirements:**
 - a. All Fine Committee members must be owners within the Association.
 - b. No member of the Board of Directors, officer of the Association, management representative, attorney for the Association, or agent of the Association may serve on the Fine Committee.
 - c. The Fine Committee shall consist of no fewer than three (3) eligible members participating in any hearing.

4. Jurisdiction and Authority:

- a. The jurisdiction of the Fine Committee shall be strictly limited to determining:
 - i. Whether the alleged violation occurred; and
 - ii. Whether the violation was cured before the hearing.
- b. The Fine Committee shall make findings solely upon the evidence presented during the hearing and the materials provided by management and the parties.
- c. The Fine Committee shall have no authority to:
 - i. Determine, waive, reduce, increase, suspend, or modify any proposed/levied fine;
 - ii. Establish payment plans;
 - iii. Grant extensions to comply;
 - iv. Interpret, amend, or create Association policies;
 - v. Grant variances or exceptions;
 - vi. Direct management, the Board, vendors, or legal counsel;
 - vii. Determine collection actions; or
 - viii. Exercise any authority not specifically granted by this Resolution.

5. No Independent Investigation:

- a. The Fine Committee shall not independently investigate alleged violations.
- b. Fine Committee members shall not:
 - i. Conduct independent inspections of lots, homes, or common areas for purposes of gathering evidence;
 - ii. Gather evidence outside the hearing process;
 - iii. Conduct interviews or communications with witnesses outside the hearing process; or
 - iv. Rely upon personal observations or information not presented as evidence during the hearing.
- c. The Fine Committee's decision shall be based exclusively upon the evidence and testimony presented during the hearing.

6. Conflicts of Interest:

- a. Any Fine Committee member who has a personal, family, business, financial, neighbor, or other relationship that could reasonably create an actual or perceived conflict of interest regarding a violation matter shall immediately disclose the conflict and recuse himself or herself from participation in that matter.
- b. The remaining qualified members may hear the matter provided the Fine Committee maintains the minimum number of eligible members required by law and this Resolution.

7. Hearing Procedures:

- a. Owners shall be provided an opportunity to present evidence, testimony, photographs, invoices, contracts, permits, correspondence, and other relevant documentation concerning the alleged violation.
- b. Following presentation of the evidence, the Fine Committee may deliberate privately and shall vote whether:

- c. The violation occurred; and
- d. The violation was cured before the hearing.

8. Minutes and Written Findings:

- a. The Fine Committee shall maintain written minutes or a written decision form for every hearing.
- b. The written record shall include:
 - i. Date of hearing;
 - ii. Property address;
 - iii. Names of Fine Committee members participating;
 - iv. Description of the alleged violation(s);
 - v. Findings of the Fine Committee;
 - vi. Whether the violation was cured before the hearing; and
 - vii. The Fine Committee's vote.
- c. The written findings shall be signed by the participating Fine Committee members.

9. Delivery of Decision to Management:

- a. Immediately following the hearing, and no later than the next business day, the Fine Committee Chairperson shall provide the signed minutes or decision form to the Association's manager or designated representative.
- b. The purpose of this requirement is to ensure that any required post-hearing notices, including a fine imposition notice, may be prepared and sent within seven (7) days following the hearing in accordance with the Association's Enforcement Policy and applicable law.

10. Effective Date:

- a. This Resolution shall become effective immediately upon adoption and shall remain in effect until modified or rescinded by the Board of Directors.

[SKIP TO THE NEXT PAGE FOR SIGNATURES]

ACCEPTANCE OF APPOINTMENT TO THE FINE COMMITTEE

I understand that appointment to The Sanctuary at Oak Creek Homeowner's Association, Inc.'s Fine Committee is a position of trust requiring fairness, impartiality, professionalism, and respect for the rights of all Owners. I understand that, unlike the Board of Directors, the Committee does not establish policy or determine what the Association's restrictions should be, but instead applies the Governing Documents, Enforcement Policy, and authority delegated by the Board of Directors based solely upon the evidence presented during properly noticed hearings.

I have read and understand the Committee Member Code of Conduct and acknowledge the duties associated with serving on the Fine Committee. I agree to faithfully perform those duties with fairness, consistency, professionalism, and impartiality, and to exercise only the authority delegated to the Committee by the Board of Directors.

This writing confirms my acceptance of my appointment to The Sanctuary at Oak Creek Homeowner's Association, Inc.'s Fine Committee and my agreement to uphold the responsibilities described herein.

Signature: _____

Print: _____

Date: _____

Fine Committee Code of Conduct

The Board of Directors of The Sanctuary at Oak Creek Homeowner's Association, Inc. ("Association") wishes to ensure that all covenant enforcement hearings are conducted fairly, professionally, consistently, and in accordance with the Association's Governing Documents, Enforcement Policy, Committee Resolution, and Chapter 720, Florida Statutes.

Members of the Fine Committee serve an important quasi-judicial role in the Association's enforcement process. The Committee is not charged with creating policy, determining whether the Governing Documents should be changed, or deciding whether the Board's enforcement decisions are fair or advisable. Rather, the Committee's role is intentionally limited and exists to provide an independent review before a proposed fine or suspension becomes effective.

Accordingly, in nearly every hearing, the Committee's responsibility is to answer two questions:

- 1. Did the alleged violation occur?**
- 2. If so, was the violation cured prior to the hearing?**

If the Committee determines that the violation occurred and was not cured before the hearing, the Committee should approve the proposed fine or suspension in accordance with the Association's Enforcement Policy and applicable law. If the Committee determines that the violation did not occur, or that the violation was timely cured before the hearing, the proposed fine or suspension should not be approved.

The integrity of the Association's enforcement process depends upon each Committee Member remaining impartial, exercising only the authority delegated, and making decisions based solely upon the evidence presented during the hearing. To promote those goals, the Board adopts the following Code of Conduct.

Committee Members Shall:

1. Keep every hearing focused on the two issues assigned to the Committee—whether the alleged violation occurred and whether the violation was cured prior to the hearing.
2. Conduct all hearings fairly, impartially, respectfully, and professionally.
3. Treat every Owner with courtesy, dignity, patience, and respect regardless of personal opinions or prior interactions.
4. Approach every hearing with an open mind and refrain from reaching a conclusion until all evidence has been presented and deliberations have concluded.
5. Base all findings solely upon the testimony, documents, photographs, and other evidence properly presented during the hearing.
6. Apply the Governing Documents, Enforcement Policy, and Board-adopted policies consistently to all Owners.
7. Exercise only those powers specifically delegated to the Fine Committee.
8. Disclose any actual or potential conflict of interest and recuse themselves whenever their impartiality could reasonably be questioned.

9. Respect the authority reserved to the Board of Directors regarding policy decisions, legal determinations, enforcement strategy, settlement, interpretation of the Governing Documents, and requests for variances or reasonable accommodations.
10. Promptly execute hearing minutes or written findings following each hearing and deliver them to Association management in accordance with the Committee Resolution and Enforcement Policy.

Committee Members Shall Not:

1. Predetermine the outcome of any hearing before all evidence has been presented.
2. Conduct independent investigations or rely upon evidence not properly presented during the hearing.
3. Exercise authority beyond that delegated to the Committee by the Governing Documents, the Committee Resolution, the Enforcement Policy, or applicable law.
4. Allow personal relationships, prior interactions, or personal opinions to influence their decision.
5. Advocate for or against any party appearing before the Committee. The Committee's role is to impartially evaluate the evidence presented.
6. Engage in conduct that would reasonably call into question the fairness, impartiality, or integrity of the Committee's proceedings.

Hearing Conduct

1. Hearings shall be conducted in a respectful and orderly manner.
2. Owners shall be provided a reasonable opportunity to present testimony, evidence, and other relevant information concerning the alleged violation.
3. Committee Members may ask questions solely for clarification of the evidence presented.
4. Committee deliberations shall occur only after all evidence has been received.
5. Committee findings shall be limited to determining whether the alleged violation occurred and whether the violation was cured before the hearing.
6. The Committee Members shall faithfully perform the responsibilities assigned to the Committee while remaining fair, impartial, and professional throughout the hearing process.

Signature: _____

Print: _____

Date: _____