

## Chapter 12 - Section 12.04

### Compliance Committee

#### POLICY

The Rotonda West Association, Inc. is authorized by Florida Statutes 720 and 617 to organize according to the needs of the Association. The RWA By-Laws, in Article II, Section 10 requires the Board of Directors to establish certain committees mandated by Florida Statutes to facilitate the overall operation of the Association.

The Compliance Committee is a Required Standing Operating Committee mandated by Florida Statutes 720.305 to carry out the purposes stated in the Charter below. The Committee is also authorized to make recommendations to the Board of Directors as may reasonably be necessary to advance the interests of the RWA. The Board has the option of modifying the Charter at any time, consistent with Florida Statute 720.305 as it may be amended from time to time.

**Charter:** The Compliance Committee provides an opportunity for residents and/or property owners to appeal and/ or object to the proposed levying of fines and/or other sanctions prior to levy by the Board of Directors for violations of the said Chapter 720, the provisions of the Governing Documents, the Deed Restrictions, and/or the Residential Modifications Guidelines, all as properly adopted by the Board of Directors.

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Committee	

#### PROCEDURE:

### 12.04.01 ROLES AND RESPONSIBILITIES

**A. Board of Directors**

The Board of Directors shall appoint the Compliance Committee Chairman who shall then form the Committee subject to the approval of the Board of Directors,

**B. Committee Chairman**

The Committee Chairman shall select candidates for membership on the Compliance Committee and thereafter submit the names of the candidates to the Board of Directors for Approval.

**12.04.02 COMMITTEE MEMBER QUALIFICATIONS**

**12.04.01.1 Make Up of the Committee**

The Compliance Committee shall be comprised of not more than fourteen (14) residents and/or property owners. These residents may not be officers, directors or employees of the Rotonda West Association (RWA) or spouse, parent, child, brother or sister of an officer, director or employee.

Each subdivision may have no less than two (2) representatives on the Committee. Five residents will generally sit on the Committee at any given hearing . However, three (3) members will constitute a quorum.

**12.04.01.2 Disqualification of a member**

Any Committee member who is related to any resident and/or property owner appearing before the Committee or who resides in the subdivision of the appellant will be recused from hearing and/or voting on that matter.

**12.04.03 ORGANIZATION OF THE COMMITTEE**

**A. First meeting:**

At the first meeting following appointment by the Board of Directors, the Committee shall approve the Chairman appointed by the Board of Directors, shall elect a Vice-Chairman who will conduct the hearing in the absence of the Chairman, and a Recording Secretary who will call the role at the start of all meetings/hearings , call the role of the votes (if necessary),

and publish the minutes of the hearing, including any votes with regard to fining or other sanctions. Following the call of the role, minutes of the previous meeting will be reviewed and voted on. Thereafter, the minutes will become an official record of the RWA.

## **12.04.04 NOTICE OF HEARING(S)**

### **12.04.02.1 Notice**

Before any fine or other sanction(s) can be recommended to the Board of Directors by the Compliance Committee, the alleged violator shall be given the opportunity to be heard before the Compliance Committee. Notice of the hearing shall be hand delivered or mailed first class via USPS to the member at the address on record with the RWA and, if rented or leased, to the occupant at the property address at least fourteen (14) days prior to the hearing. The NOTICE shall include the following:

- (1) A specific designation of the provisions of Ch. 720, the Governing Documents, the Deed Restrictions or other rules and/or regulations which have allegedly been violated.
- (2) A short plain statement of the specific facts giving rise to the alleged violation(s).
- (3) The date of the hearing before the Compliance Committee.
- (4) The effective date of the fine (or other sanction) should the violation be upheld.
- (5) The amount of the proposed fine.

## **12.04.05 CONDUCT OF THE HEARING**

1. Members have the right to be both present and represented by counsel at the hearing. The member must notify the RWA three (3) days prior to the hearing if the member is to be represented by counsel.

2. The hearing will be called to order by the Chairman. The person designated by the RWA will present the facts and documentation underlying the alleged violation to the Committee. The member (or his/her counsel) may then question the representative of the RWA with regard to any relevant issue presented by the RWA. Members of the Committee may then question the representative of the RWA.

3. The member may then present any defense he/she may have to the alleged violation in the form of oral or documentary evidence. The member may then be questioned by the representative of the RWA with regard to any matter relevant to the alleged violation. Members of the Committee may then question the alleged violator.

4. General comments by Members or others not directly relevant to the matter before the

Committee are prohibited.

5. Following the close of testimony, the Chairman will adjourn the hearing on the violation. The eligible members of the Committee will then continue the meeting to review the evidence and determine its recommendation to the Board of Directors.

#### **12.04.06 FINDINGS AND RECOMENDATIONS**

12.04.06.1 All results of the Compliance Committee meetings/hearings shall be reported to the Board of Directors at the next scheduled Board meeting.

12.04.06.2 The Committee can make one of the following recommendations to the Board of Directors:

- a. It can recommend that the complaint be dismissed.
- b. It can report that the alleged violator has agreed to correct the violation within ten (10) days (the grace period). It can recommend that if the violator corrects the violation within the said grace period that the complaint be dismissed. In the alternative, it can recommend that if the alleged violator fails to correct the violation within the said grace period that the fine proposed then recommended by the Committee be imposed retroactively to the date of the Board of Directors meeting which granted the grace period.
- c. It can report to the Board of Directors that the Committee has found that the violation exists and recommend to the Board that the fine be imposed.

#### **12.04.07 POWERS OF THE COMPLIANCE COMMITTEE**

The Compliance Committee DOES NOT impose fines or other penalties . Fines and/or penalties may only be levied by the Board of Directors . The role of the Compliance Committee is to recommend (or decline to recommend) fines or other penalties to the Board of Directors.

***Committee Authorization Resolution Follows***

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