

AERC Work Process for Managing Complaints and Violations of CC&R'S or Guidelines 1/4/2012

- 1) Sources of Input & Confidentiality
 - a. Identify the Complainant: This is necessary for the Committee to be able to communicate with the Complainant and seek a full understanding of alleged violations plus for future follow-up.
 - b. Complainants may include: 1) Owners, 2) Board Members, and/or 3) AERC members.
 - c. The AERC will not act on anonymous tips/complaints due to inability to seek clarification of alleged violations.
 - d. Confidentiality: Offer the Complainant confidentiality. If chosen, the identity of the Complainant will only be known to the AERC and potentially to the Board of Directors.
- 2) Document Complaint/Violation
 - a. Name, address and phone number of Complainant.
 - b. Name, address and phone number of Owner/Board/Developer (hereinafter referred to as "Violator") alleged to be in violation.
 - c. Complainant to provide written description of complaint/violation and how it violates CC&R'S or AERC guidelines. Photographs may also serve as additional documentation.
- 3) Preliminary Investigation
 - a. AERC meets with Complainant to seek to understand the alleged complaint/violation.
 - b. AERC visually inspects from Complainant's property and/or common roadway and documents the alleged violation in writing and/or with photographs.
 - c. If a violation requires immediate action (e.g. cease & desist lot clearing) not possible to achieve via the AERC process prescribed by the CC&R it shall be immediately elevated to the Board for action.
- 4) Assessment of Violation & Notification
 - a. AERC makes a preliminary assessment as to whether the complaint merits further action.
 - b. If no further action is required, follow up with Complainant and close the case. Copy of documentation sent to the Board of Directors and filed in AERC files for future reference.
 - c. If further action is deemed appropriate the AERC will, if feasible, attempt to make informal contact with the alleged Violator to seek input, inspect on-site, and, if warranted, obtain agreement for prompt remediation including timing for completion. AERC will check back to assess compliance per the agreed timing.
 - d. If informal contact is not feasible, or if the Violator asks for written clarification, or if the Violator fails to agree or to execute the remediation to the AERC's satisfaction, then a formal written notice of violation will be sent to the Violator, including appropriate documentation as prescribed by CC&R Article 3 Section 8 and associated AERC Guidelines.
- 5) Types of Remediation
 - a. Failure to Seek Prior Approval (e.g. Violator builds a structure w/o seeking AERC approval): Violator will be requested to submit approval request document(s) by a deadline prescribed by the AERC.
 - i. If approved, documentation sent to Board of Directors and case closed. Follow up with Complainant.
 - ii. If disapproved, or approval request documents are not received, Violator must remediate violation per point's 4c and/or 4d, above.
 - b. Other Violations of CC&R's or AERC Guidelines: Violator must remediate violation per point's 4c and/or 4d, above.
- 6) Follow-up
 - a. AERC will inspect and ensure remediation has been fully completed per the stipulated timing.
 - i. If violation has been fully remedied the case is closed. Documentation sent to the Board and filed in AERC files. Follow up with Complainant & Violator regarding status.
 - ii. If violation has not been remedied, and there are reasonable mitigating circumstances (e.g. significant weather delays), then the AERC may consider allowing a time extension.
 - iii. If violation has not been remedied, and there is no reasonable mitigating circumstance that should have prevented completion, the case will be referred to the Board, in writing, for review and further action. The Violator will be sent a copy of the referral.