

PENALTIES AND ENFORCEMENT PROCEDURES

The only purpose for having penalties is to ensure compliance with the rules. The Board anticipates that enforcement procedures will result in a greater awareness of the reasonable standards of conduct that residents have the right to expect from each other.

We very much hope that the enforcement process never has to be used. However, in cases of infractions where every other avenue to solve a problem has failed, the Board will follow these procedures.

Each of certain rules has a class of penalties associated with it, and breaking that rule may subject the offender to a fine:

Offence Class	Penalty for first Violation After Written Warning	Penalty for Subsequent Violations
Class A	\$100.00	\$200.00
Class B	\$50.00	\$100.00

The Board retains the authority to adjust these penalties at its sole discretion. Please note, however, that a penalty can be assessed only after due-process procedures have been followed.

A. Violation Enforcement Procedure:

1. A signed letter of complaint to the Board of Directors or to management will initiate action, or the management agent may bring a violation to the Board's attention for consideration.
2. If a violation is alleged, the Board will direct management to investigate the validity of the complaint.
3. If the complaint is deemed valid, management will notify the unit owner of the alleged infraction, in writing, in an attempt to rectify the problem. This notification shall include:
 - a. the nature of the alleged violation;
 - b. the action required to correct the alleged violation; and
 - c. a period of at least ten (10) days, during which the alleged violation may be stopped without penalty.

4. Should any violation continue beyond the grace period or is repeated within twelve (12) months of the first notice, the Board of Directors will hold a hearing to determine if a penalty will be imposed. Management shall send the unit owner with the alleged violation a "Notice of Hearing" at least (10) days prior to the date of the hearing. This notification shall:
 - a. Note the nature of the alleged violation;
 - b. Specify the date, time and location of the hearing;
 - c. Specify that the unit owner and the complainant (if any) have the right to present evidence and to present and cross-examine witnesses.
5. The hearing shall be held in closed executive session of the Board, and shall afford all parties a reasonable opportunity to be heard.
6. The minutes of the meeting shall contain a written statement of the results of the hearing and the penalty imposed, if any. Decisions shall be by simple majority of the Board.
7. The decision of the Board in such matters may be appealed to the Montgomery County Commission on Common Ownership Communities (CCOC) or to the Courts of the State of Maryland.
8. If any unit owner fails to comply with the rules or Bylaws, or a decision rendered under the rules or Bylaws, the unit owner may be sued for damages or injunctive relief or both, by the Board. The prevailing party in any such proceeding may be entitled to an award for legal fees, as determined by the Court.
9. Fines will be assessed against the unit owner, regardless of whether the offender is a tenant, guest, or household member. Any assessed fine will appear on the Condominium fee bill in the first month immediately following its imposition. If not paid by the time the fee is normally due, the fine will be considered unpaid and may be collected in the same manner as an assessment.
10. Other remedies may also be considered including, but not limited to, the following:
 - Suing the unit owner for damages and/or recovery of costs.
 - Having the violation (i.e., architectural control violations or damage to common elements) corrected at the owner's expense.
 - Contacting proper authorities to impose civil penalties (for violations which are also infractions of County or State laws).
 - Ordering any person whose pet is a nuisance to remove such pet from the property.