

**CRYSTAL LAKES ROAD AND RECREATION ASSOCIATION  
COVENANTS AND RULES ENFORCEMENT POLICY  
August 15, 2020**

**1. SCOPE**

This policy applies to all members of the Crystal Lakes Road and Recreation Association (CLRRA) and the CLRRA Board of Directors.

**2. POLICY**

Enforcement of the governing documents, including, but not limited to the Articles of Incorporation, Bylaws, Unified Covenants, Conditions and Restrictions, Rules and Regulations, and other policies and procedures established by the CLRRA, is the responsibility of the CLRRA Board of Directors. From time to time, the Board, or its agents, including the CLRRA Management staff, may do property inspections to determine if violations of the governing documents have occurred. Additionally, any member of the CLRRA may file a written complaint identifying: the complainant; the alleged violator, if known; address of the property where the violation occurred, where appropriate; and detailing time, date and nature of the alleged violation. The complaint is to be submitted to the Board of Directors, which will then take the necessary steps to investigate the complaint and if warranted, issue a violation notice. Non-written complaints or written complaints failing to include any information required by this section may not be investigated or prosecuted.

**3. CLRRA VIOLATION PROCEDURES**

- 3.1. A Violation Observation Form must be completed with the elements as outlined above and should reference the section of the governing document or rule allegedly violated. The form is to be sent to the Board of Directors for investigation.
- 3.2. The Board of Directors will review violation forms and verify the alleged violation of any governing documents or rules of the CLRRA.
- 3.3. If a violation is found to exist, the Board of Directors will send out the notice of violation as follows:
  - 3.3.1. **1st Letter:** “Notice of Violation Warning” will be sent to the member/owner for compliance within fifteen (15) business days. On the fifteenth (15<sup>th</sup>) business day, if the Board has not received an appeal or response from the offending member/owner, the Board will follow up with the person who submitted the complaint to see if the violation persists and/or independently confirm if the violation persists. If the violation persists, a 2nd Notice will be sent.
  - 3.3.2. **2nd Letter (and subsequent if necessary):** “Notice of Potential Fine” letter will be sent to member/owner, providing notice of the violation and explaining if the violation is found to exist a fine may be imposed pursuant to the Policy. The Notice shall further state that the alleged violator is entitled to a hearing on the merits of the matter provided that such hearing is requested in writing within fifteen (15) calendar days of the date on the Notice of Potential Fine letter.

3.3.3. **Notice of Hearing:** If a hearing is requested by the alleged violator, the Board, committee or other person conducting such hearing as may be determined in the sole discretion of the Board, may serve a written notice of the hearing to all parties involved at least Ten (10) calendar days prior to the hearing date.

## 4. HEARINGS

### 4.1. Impartial Decision Maker

Pursuant to Colorado law, the alleged violator has the right to be heard before an “Impartial Decision Maker.” An Impartial Decision Maker is defined under Colorado law as a person or group of persons who have the authority to make a decision regarding the enforcement of the CLRRA's covenants, conditions, and restrictions, including architectural requirements, and other rules and regulations of the CLRRA and do not have any direct personal or financial interest in the outcome. A decision maker shall not be deemed to have a direct personal or financial interest in the outcome if the decision maker will not, as a result of the outcome, receive any greater benefit or detriment than will the general membership of the CLRRA. Unless otherwise disqualified pursuant to the definition of Impartial Decision Maker, the Board may appoint to act as the Impartial Decision Maker the entire Board, specified members of the Board, any other individual or group of individuals.

### 4.2. Hearing Procedures

At the beginning of each hearing, the presiding officer, shall introduce the case by describing the alleged violation and the procedure to be followed during the hearing. Each party or designated representative, may, but is not required to, make an opening statement, present evidence and testimony, present witnesses, and make a closing statement. The presiding officer may also impose such other rules of conduct as may be appropriate under the given circumstances. Neither the complainant nor the alleged violator is required to attend the hearing. The Impartial Decision Maker shall base its decision solely on the matters set forth in the Complaint, results of the investigation and such other credible evidence as may be presented at the hearing. Unless otherwise determined by the Board, all hearings shall be open to attendance by all members/owners. After all testimony and other evidence has been presented at a hearing, the Impartial Decision Maker shall, within a reasonable time, not to exceed ten (10) days, render its written findings and decision, and impose a fine, if applicable. Failure to follow the hearing procedures set forth above shall not constitute grounds for appeal of the hearing committee’s decision absent a showing of denial of due process.

### 4.3. Failure to Timely Request Hearing

If the alleged violator fails to request a hearing within fifteen (15) calendar days of any letter, or fails to appear at any hearing, the Impartial Decision Maker may make a decision with respect to the alleged violation based on the complaint, results of the investigation, and any other available information without the necessity of holding a formal hearing. If a violation is found to exist, the alleged violator may be assessed a fine pursuant to this Policy. The decision of the Impartial Decision Maker shall be in

writing and provided to the violator within thirty (30) calendar days of the hearing, or if no hearing is requested, within thirty (30) calendar days of the final decision.

## 5. FINE SCHEDULE

The following fine schedule has been adopted for all recurring covenant and rule violations:

- 5.1. First Violation: Warning Letter \*
- 5.2. Second Violation (of same covenant or rule): \$100 \*
- 5.3. Third Violation (of same covenant or rule): \$200 \*
- 5.4. Fourth Violation (of same covenant or rule): \$400 \*
- 5.5. Fifth Violation (of same covenant or rule): Turn over to attorney \*
- 5.6. \* In addition, violators will be responsible for damages as outlined in paragraph 4.3 of the Covenants, Conditions, and Restrictions (CC&Rs) or as otherwise permitted by applicable law.
- 5.7. The Board reserves the right to turn any violation over to the Association's attorney to take appropriate legal action.
- 5.8. This fine schedule and enforcement process is adopted in addition to all other enforcement means which are available to the Association through its Declaration, Bylaws, Articles of Incorporation and Colorado law. The use of this process does not preclude the Association from using any other enforcement means.

## 6. BOARD DECISION FINAL

The Board reserves the right to waive or reduce the penalty at their discretion. Any penalties levied by the Board will be due immediately. Failure to pay will be treated in accordance with the governing documents and rules.

## 7. REVISION HISTORY

- 7.1. New Document

## 8. CONFLICT

In the event of conflict between the provisions of the Declaration, Articles of Incorporation, the Bylaws, and this Policy, they shall prevail in that order.

## 9. CERTIFICATION

The undersigned, the **President** of the Association, hereby signs to confirm that the above policy was adopted by the Board of Directors on August 15, 2020.

//Signed//  
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Signature

Bryon Fessler  
Printed Name