

## **FEPOA Covenant Enforcement Procedures:**

**Whereas**, the FEPOA Board of Directors is aware that there needs to be a written, transparent and fair mechanism for dealing the complaints of alleged Covenant and FEPOA Rule<sup>1</sup> violations in the community; and

**Whereas**, the reasons for such a procedure are manifold, but most importantly, the FEPOA Community and its Board of Directors need a way of addressing allegations of covenant violations in a way that (1) effectively enforces the Covenants, while (2) simultaneously respecting and protecting the rights of all property owners, including the rights of an alleged violator; and

**Whereas**, while the need for legal opinions may make reaching a final resolution with respect to any particular allegation difficult and lengthy, the Board of Directors believes that a continuous communication flow between the Board of Directors and complaining FEPOA member is essential.

Accordingly, the Board of Directors adopts the following procedures for addressing complaints of FEPOA Covenant violations:

1. A complaint of an alleged FEPOA Covenant violation may be made by a member in good standing subject to the following requirements:
  - (a) A Covenant violation complaint must be made in writing on a FEPOA Complaint Form (available online at the FEPOA website) and submitted (1) via email to the address provided on the FEPOA website or (2) via first class mail to the FEPOA P.O. Box; and
  - (b) A submitted Complaint Form must explain the alleged Covenant violation with particularity, including but not limited to, an explanation of the specific Covenant believed to be violated and circumstances constituting the alleged violation; and
  - (c) A submitted Complaint Form must include evidence that may be investigated and verified by the FEPOA Board of Directors. Examples of such evidence includes, but is not limited to, dates, times, witnesses, photographs, other corroborating evidence or support for the complainant's allegation that the violation occurred as set forth in the Complaint Form.
  
2. Within seven (7) days of receipt of a Complaint Form, the FEPOA Board of Directors shall contact the complainant to confirm that the Complaint Form has been received by the Board of Directors and is under review/investigation.

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<sup>1</sup> Hereinafter, any reference to alleged Covenant violations is intended to include alleged violations of FEPOA Rules officially adopted by the FEPOA Board of Directors and posted on the FEPOA website.

3. Within thirty (30) days of receipt of a Complaint Form (and every 30 days thereafter), the Board of Directors shall contact complainant with status update on investigation progress and explain anticipated next steps in accordance with the following procedures:
  - (a) within the first thirty (30) days of receipt of a Complaint Form, the Board of Directors shall meet in person, by phone, or confer by email and shall determine (1) how the investigation should proceed, (2) who should be the lead or point Board member regarding such investigation, and (3) whether legal counsel should be consulted/engaged to provide a formal legal opinion (in writing or otherwise) with respect to the alleged Covenant violation or whether the Board of Directors will rule upon the merits of the alleged violation without legal guidance from FEPOA counsel; and
  - (b) if legal counsel is to be consulted, work by counsel and communications with the Board of Directors will remain confidential until such time as the Board of Directors makes its final determination regarding the merits of the alleged violation, at which time all non-personal legal advice shall be made public and available on the Association website; and
  - (c) during the pendency of the covenant violation complaint the Board of Directors shall seek and expect the continued cooperation of the complainant, including but not limited to, the complainant's delivery of additional incident reports and other evidence of the alleged violation.
4. In the event that the Board of Directors determines that it will rule upon the merits of the alleged Covenant violation without the need for a legal opinion from FEPOA counsel, within sixty (60) days of receipt of the Complaint Form, the Board of Directors shall:
  - (a) examine and deliberate the merits of the alleged complaint and associated evidence; and
  - (b) vote to sustain or reject the alleged Covenant violation as set forth on the Complaint Form; and
  - (c) if such alleged Covenant violation is sustained, determine sanctions to be imposed upon the party violating the FEPOA Covenant; and
  - (d) notify the complainant in writing of the Board of Directors' determination with respect to the covenant violation complaint and what, if any, sanctions are to be imposed by the Association's Board of Directors.
5. In the event that the Board of Directors determines that it will require legal advice and/or an opinion from the FEPOA counsel, the Board of Directors shall continue to contact the complainant in the intervals and pursuant to the terms set forth in paragraph 3 above throughout the period in which FEPOA's legal counsel is reviewing the issues presented by the Complaint Form and formulating its legal opinion. Within thirty (30) days of receipt of legal counsel's opinion, the Board of Directors shall:

- (a) examine and deliberate the merits of the alleged complaint, associated evidence, and legal opinion and/or advice provided by FEPOA's counsel; and
- (b) vote to sustain or reject the alleged Covenant violation as set forth on the Complaint Form; and
- (c) if such alleged Covenant violation is sustained, determine sanctions to be imposed upon the party violating the FEPOA Covenant; and
- (d) notify the complainant in writing of the Board of Directors' determination with respect to the covenant violation complaint and what, if any, sanctions are to be imposed by the Association's Board of Directors.

