



# Appeals Committee

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Members of the Piney-Z Appeals Committee are appointed by the HOA Board of Directors in accordance with the HOA Bylaws.

The purpose of the Appeals Committee is to rule on whether or not a decision, fine or other sanction levied against a homeowner by the Piney-Z Architectural Control Committee (ACC), or the Standards Committee has been properly imposed in accordance with all relevant guidelines, procedures, articles, covenants, or bylaws. The Appeals Committee will not rule on whether a particular guideline, procedure, article, covenant, or bylaw is good, bad, right or wrong.

## **Authority**

Specific authority is granted to the Appeals Committee by, among others, the following documents:

- Section 720.305 of the Florida Statutes
- Declaration of Covenants, Conditions and Restrictions of Piney -Z
- Articles of Incorporation of the Piney-Z Plantation Homeowners Association, Inc.
- Bylaws of Piney-Z Plantation Homeowners Association, Inc.

## **Members**

The Appeals Committee will consist of five (5) members. All of these members will be homeowners and be appointed by the Board. The Board will select one of these members to be chairperson. The Appeals Committee will consist entirely of homeowners other than members of the Board, officers, members of the ACC, members of the Standards Committee, employees of the Association, or the spouse, parent, child, brother or sister of an officer, director, member of the ACC, member of the Standards Committee, or employee of the Association.

## **Terms of Service**

All committee members will serve for a period of two (2) years. Their service on the Appeals Committee can be extended at the end of this period for additional terms as directed by the Board.

## **Rotation of Members**

The Appeals Committee members will be numbered one (1) through five (5). Each month, three members will be voting members and two will be alternates. This determination of which members are voting members and which are alternates will be chosen in a rotating method. (Example: The first month members 1, 2, and 3 will be voting members and members 4 and 5

are alternates. The second month members 2, 3, and 4 are voting members and members 5 and 1 are alternates. This continues to rotate each month). The chairperson will handle the administration of the rotation of members. The alternates are to be used as substitute-voting members in the meetings, in the event any of the voting members are not able to attend.

### **Meetings**

The Appeals Committee will meet as necessary under the direction of the chairperson. Attendance of members at meetings will be in person.

### **Voting**

All voting members and substitute-voting members of the Appeals Committee who attend a meeting are required to vote either for or against the issue. Abstention from voting is not permitted, unless an action taken against a committee member was the matter being considered at the hearing.

### **Removal from Duties**

If the Board determines that a member of the Appeals Committee is not adequately fulfilling the duties of his or her position, the member may be removed from the committee and replaced by a majority vote of the Board.

### **Notification of Appeal**

If the violating homeowner does not agree with a decision made by the ACC or the Standards Committee, he or she may make a request for an appeal hearing to the chairperson of the Appeals Committee. The request must be in writing and must be filed within fourteen (14) days after receiving notice of the action taken by the ACC or the Standards Committee. The failure to seek timely appeal will be deemed a waiver of the right to an appeal, in which event the plan of action and/or penalty, including a proposed fine, shall stand and be enforceable.

The chairperson of the Appeals Committee will set a date for the appeal hearing and send written notice of this appeal hearing date to the violating party/owner at least fourteen (14) days prior to the date of the hearing by prepaid U. S. Mail, return receipt requested.

If written request is made before the date given by the ACC or the Standards Committee member to correct the violation, then the enforcement of the plan of action and/or penalty for the infraction will be suspended until after the appeal hearing.

### **Appeal Hearing Procedure**

The appeal hearing will be conducted before the Appeals Committee. First, the records of the decision of the ACC or the Standards Committee member will be presented to all parties in the meeting. Then, the violating party/owner will be able to state the owner's position, following which the ACC or Standards Committee representative(s) will make a presentation. Questions by the Appeals Committee members may be directed to the members of the ACC or the Standards Committee present, to the violating party/owner, or any other person present. The Appeals Committee may receive evidence and written or oral argument. All parties may be represented by counsel during these proceedings.

### **Decision of the Appeals Committee**

The Appeals Committee may act on the appeal by (i) sustaining the action taken by the ACC or Standards Committee, as appropriate, or (ii) modifying the plan of action and/or penalty, or (iii) rejecting in whole the plan or action or penalty; provided, however, the Appeals Committee may not increase the amount of any proposed fine.

The decision of the Appeals Committee will be made by a majority vote of the members present. If the decision of the Appeals Committee is to uphold the penalty for the violation, the Appeals Committee will advise the violating party of a new date to have the violation corrected and this date will allow at least three (3) days and not more than ten (10) days (unless extraordinary circumstances exist) after the decision for compliance. Verification that the violation has been corrected and/or that the penalty has been enforced will be the responsibility of the chairperson of the Appeals Committee.

### **Records of the Appeal Hearing**

It will be the responsibility of the chairperson of the Appeals Committee to keep accurate records of decisions. These records will be kept organized by lot and block number and by the owner's name. A copy of these records will be given to the chairperson of the ACC or the Standards Committee that handled the violation.

### **Noncompliance Notification**

Should the violating party/owner not comply with the decision of the Appeals Committee, it will be the responsibility of the chairperson of the Appeals Committee to notify the Board of such action. The chairperson of the Appeals Committee will also make a recommendation to the Board as to what action should be taken.

### **Enforcement**

It will be the responsibility of the Board to take whatever action necessary to see that the plan of action and/or penalty is enforced and the violation is corrected.