

Appeals Panel Charter

PURPOSE:

To hear an appeal by a DVCA member Lot-Owner, of a DVCA Board decision that has resulted in penalties such as fines or other remedies such as voiding of a resident's rights with respect to use of a DVCA amenity, or other such punitive actions. This review should be impartial in nature. It should review the DVCA Board's decision and find first, did the actions of the resident violate any of the DVCA Governance Documents, secondly did the DVCA Board act in accordance with all DVCA Governance Documents (*By-Laws, Declaration of Covenants, all Rules and Regulations and other written policies*) in leveling the penalty(s) or other remedies, and finally were the penalty(s) or other remedies assessed within the purview of the DVCA Board.

GOALS:

To afford all DVCA member Lot-Owners the right to a fair and impartial review of a DVCA Board decision which has resulted in penalties or other types of remedies against them for a purported violation of the DVCA Governance Documents.

MEMBERSHIP:

- The Panel will consist of a minimum of three members selected by the DVCA Board, who are not officers of the Association or Board members. (NC Gen. Stat. 47F-3-107.1)
- The members will, if possible, be selected from the various sections of the DVCA Community, and be members of the DVCA.
- The Board will appoint one member to serve as Chair.

RESPONSIBILITIES:

- Insure that all member Lot-Owners submitting an appeal have a fair and impartial review of that appeal. The Panel will assure that the Appeal process adheres to the DVCA Judicial Process and associated timelines outlined in the Rules and Regulation Part 2 Judicial Process document.
- Hold an Appeal hearing during which the Lot Owner(s) will be given an opportunity to state their position as to why the alleged violations should be deemed invalid, or the fine for the violations was excessive and not within the purview of the DVCA Board and should be reduced, or any other special circumstances or hardship that the Lot Owner would like for the Panel to consider. If necessary the Panel may also meet with the DVCA Board to hear its position.
- After considering the argument of the Lot Owner(s), the Appeals Panel will have seven (7) days from the date of the Appeal Hearing in which to issue its ruling. Said ruling shall be in writing and include the decision of the Appeals Panel with respect to the violations of the Lot Owner(s). Should the Appeals Panel decide the violations is/are valid and enforceable, the notice shall include the amount and start date of the fine(s) and a time frame to cure the violation(s) without further penalty. All Appeals Panel decisions will be final unless the Lot Owner appeals to the full Board.
- Maintain a file that documents all requests submitted to the panel and subsequent Panel decisions relating to those requests.

MEETINGS:

The Panel shall meet at the request of the Chair or of the DVCA Board President or Vice-president. Three members must be present for a hearing.

ANNUAL BUDGET:

An annual budget request, if deemed necessary by the panel members, will be prepared and submitted to the Finance Committee as required.

This Charter was approved by DVCA Board on September 11, 2014