

**CHARTER OF THE
HEARING BOARD OF THE
PALMETTO DUNES
PROPERTY OWNERS ASSOCIATION (“PDPOA”)**

Authority

The authority for the Palmetto Dunes Property Owners Association, Inc. (PDPOA) Hearing Board is derived from the 2004 Covenant Amendment, the 2018 Fourth Amendment and Restatement of the Resort Regulations, Design and Construction Guidelines, and the Short Term Rental Policies, Procedures & Guidelines (PPGs).

Purpose

The purpose of the Charter is to provide for the operation of the PDPOA Hearing Board and its responsibilities, as provided by the 2004 Amendment to the Covenants, additional restatements of the Resort Regulations, Design and Construction Guidelines, and the Short Term Rental Policies, Procedures & Guidelines (PPGs).

The mission of The Hearing Board is to ensure fairness and consistency in the application of all PDPOA policies, procedures, and regulations for all those who live, invest, work, and play here.

Operations of the Hearing Board

Responsibilities

PDPOA is vested with the authority to issue decisions and assess fines for violations of Covenants or the Resort Regulations. The Hearing Board is vested with the authority to: (1) uphold compliance, (2) conduct a hearing, (3) determine whether to ratify a decision or a citation and the fine imposed by PDPOA or uphold the appeal based on the circumstances presented and (4) render a decision that is binding on all parties.

The Chairperson of The Hearing Board will report to the Board quarterly during an Executive Session on topics that help the Board make informed policy decisions.

Membership

The Covenants provide for appointment of members on annual terms. The PDPOA Board has determined the desirability for Hearing Board members to serve at least three (3) consecutive years. Thus, provided a Hearing Board member is faithfully performing his or her duties in a manner acceptable to the PDPOA Board, it is the intention of the Board to reappoint the member for at least three (3) consecutive yearly terms. Notwithstanding the forgoing, the PDPOA Board may decline to reappoint any member at any time, and may remove any member at any time, in its sole discretion.

Each Hearing Board member is expected to serve as Chairperson of The Hearing Board at least once during their term for a period of six months.

The Chairperson of The Hearing Board will be elected by a majority of The Hearing Board. Hearing Board members must be in Good Standing with the PDPOA at the time of appointment and throughout their term or terms. The Hearing Board shall consist of five (5) members. Members of the Hearing Board shall be limited to serving no more than six (6) consecutive terms. If a member resigns from or is removed for any reason, the new member must be appointed by the PDPOA Board Chairperson. If replaced, the member is not limited to serving only the unexpired term(s) of his or her predecessor.

Confidentiality Clause

All matters brought before the Hearing Board, including but not limited to an appellant's name, an appellant's violation, the appellant's reason(s) for such appeal, and the Board's reason for any decision shall remain confidential between the Board's members, the Administrator, and any PDPOA employee attending the meeting. Should any Board member breach such confidentiality, whether intentional or otherwise, by discussing or divulging, at any time, any appeal matters with an individual not a Board member, the Board member shall promptly disclose to the Administrator such breach of confidentiality. The Administrator shall then refer such member to the PDPOA Board for such action as it deems appropriate for such breach.

Notwithstanding the above, a Hearing Board member who feels the Hearing Board is not living up to the spirit of its mission statement, the member may bring its concern(s) to the attention of the PDPOA Board of Directors.

Should any PDPOA employee breach such confidentiality, whether intentional or otherwise, by discussing or divulging, at any time, any appeal matters with an individual not a Board member, the CEO shall determine such action he/or she deems appropriate for such breach.

Conflict of Interest Clause

All Hearing Board members shall be free from actual or perceived conflicts of interest and shall discharge their duties without personal consideration or concern of relationships. No Hearing Board member shall:

1. Solicit or accept any gift or compensation, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence them in the performance of their duties.
2. Vote or attempt to influence the opinions of others for Hearing Board matters involving friends, family, or those where they have or had a business, professional or personal relationship.

Any Hearing Board member who may have a personal or private interest, direct or indirect, in any matter before the Hearing Board shall immediately disclose such interest in writing to the Hearing Board Administrator, and the Hearing Board member shall promptly recuse themselves prior to any discussion or vote involving the matter. Failure to disclose any conflict may be referred to the PDPOA Board for such action as it deems appropriate.

Hearing Board Administrator

The PDPOA staff member assigned to the Hearing Board shall serve as Administrator. The Administrator shall have such responsibilities, powers, and authority as are set forth in this Charter.

- Maintain accurate records of each citation and report issued by a department.
- Send correspondence to the appropriate parties with notice of the citation. The parties may include a visitor, renter, owner, rental company, regime or contractor.
- Inform violators of the rules, regulations, Covenants, and any recent offense.
- Schedule hearings for appeals.
 - Written notice shall be provided to a person requesting a hearing advising him/her of the availability of a hearing.
 - Within five (5) calendar days of receipt of the request for a hearing, the Administrator must acknowledge, by written communication, the receipt of the request for the hearing and notify the requesting party that the Hearing Board will meet on a date specified therein.
- Administrator will include appeal request on the agenda for the monthly hearing meeting if the request is received by end of business the Wednesday prior to the meeting.
- Proof of the notice and the invitation to be heard shall be kept on record by the Administrator.
- Draft Board packets for monthly hearings.
- Facilitate monthly hearings and provide support to the Hearing Board members.
- Maintain accurate minutes of monthly meetings.
 - The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction imposed, if any.
 - Recommendations from Hearing Board to members of management.
 - A running total of the year-to-date citations issued and the year-to-date appeals.
- Communicate Hearing Board recommendations to members of management.
- Provide written reports of the decision by the Hearing Board.
 - Within three (3) days of the Board decision, the Administrator notifies the parties by written communication of the decision. Notice should be given to the issuing department, offender, and accounting. Denied citation appeals must be paid within fifteen (15) days of the notification letter. Any unpaid fines shall be subject to the regular collection process.

Hearings & Meetings

The Hearing Board will meet monthly and is not open to the public. The Administrator may call a special meeting of the Hearing Board and may, from time to time, cancel a scheduled meeting.

Meetings of the Hearing Board may be held through the use of a conference telephone, conference video or similar communication equipment, so long as all members participating in such a meeting can communicate with one another at the time of such meeting. Participation in such a meeting constitutes presence in person at such meeting.

The appellant may appeal

- In person.
- Via video conferencing/conference telephone.
- Written notice.

Once an appeal is properly filed only the Hearing Board has the authority to determine the merits of such appeal provided, however, that the appellant(s) may withdraw such appeal at anytime prior to the Hearing Board hearing the appeal. If the appeal is withdrawn, the appeal shall be deemed denied.

Quorum

A quorum is represented by a majority of the members of the Hearing Board. The Administrator of the Hearing Board shall not be counted in determining the number for a quorum or in determining whether a quorum is present.

If a quorum is not present, all hearings are moved to the next meeting.

Attendance

All Members of The Hearing Board must attend at least two-thirds (2/3) of the annual meetings of The Hearing Board or vacate their membership upon an affirmative vote of the majority of the full Board. As appointments will occur annually, the measurement will be based upon the prior year of appointment.

The Hearing Board may require the attendance of any PDPOA employee at its meeting to provide an array of appropriate reports.

The Chairperson of The Hearing Board, at his/her sole discretion, may invite a guest to attend that portion of the meeting which relates to such guest.

Voting

Members by majority vote of those present determine whether to deny or uphold the appeal. A tie vote denies the appeal and upholds the citation. An appeal is denied for an appellant who requests a hearing but does not attend or does not provide a written statement. The option to vote by email is available to the members, except in the case of an ARB, Covenant Compliance and Short Term Rental appeal. The decision established by majority vote of a quorum of the Hearing Board is final, binding, and conclusive on all parties for all purposes.

Operations of Monthly Hearings

Citation Hearings

If the requesting party desires a hearing to appeal a fine, he/she must notify the Administrator within fifteen (15) calendar days of the issuance of the fine. The alleged offender is presumed to have waived his/her right to continue the appeal if a request for a Hearing is not received by the Chairperson within the required fifteen (15) days.

Once a citation has been contested, neither PDPOA, nor the Hearing Board shall impose a fine, or infringe upon or suspend any other rights of a Property Owner, or Guest, for said contested violations until the procedures herein are followed. The procedure to be administered will depend on the nature of the violation. The Hearing Board shall have such responsibilities, powers and authority as are set forth in the Covenants, Resort Regulations, this Charter, and any past or future Resolutions of the Board. The Hearing process shall:

- Afford the PDPOA representative a reasonable opportunity to be heard as well as the opportunity for the representative to present statements, evidence, or witnesses.
- Afford the appellant a reasonable opportunity to be heard as well as the opportunity for the individual to present statements, evidence, or witnesses on his/her behalf.
- Allow for questioning. The appellant shall be given the opportunity to question the PDPOA representative as the assessor of the decision or citation.
- Allow the Hearing Board the opportunity to decide whether to deny or uphold an appeal.
- Allow the Hearing Board the opportunity to recommend to members of management policies and procedures for violations of Covenants and Regulations.

ARB Hearings

The PDPOA Covenants has created a three to seven-member Architectural Review board for the purpose of establishing and enforcing architectural, siting, landscaping, vegetation and building controls in conformity with these Covenants and pertinent law. Property owners who oppose an ARB decision may request a Hearing.

If the requesting party desires a hearing to appeal an ARB decision, such written request must be received within fifteen (15) days, following written notification of the ARB's decision. The property owner is presumed to have waived his/her right to continue the appeal if a request for a Hearing is not received by the Administrator within the required fifteen (15) days.

The Hearing process shall:

- Afford the ARB representative a reasonable opportunity to present the grounds for the ARB decision, as well as the opportunity for the representative to present statements, evidence or witnesses.
- Afford the property owner a reasonable opportunity to be heard as well as the opportunity for the individual to present statements, evidence, or witnesses on his/her behalf.
- Allow for questioning of both parties.
- Allow the Hearing Board the opportunity to decide whether to deny or uphold an appeal.
- Allow the Hearing Board the opportunity to recommend to members of management policies and procedures for the ARB.

Covenant Compliance Hearings

The intent of Covenant Compliance is to enhance and sustain compliance with the Covenants. Baseline inspections and re-inspections are prepared to address violations proactively. This ensures that the community maintains and restores its aesthetic appeal. Property Owners who oppose an inspection report may request a hearing.

If the requesting party desires a hearing to appeal a Covenant Compliance decision, such written request must be received within fifteen (15) days, following written notification of the Covenant Compliance Report/Violation. The property owner is presumed to have waived his/her right to continue the appeal if a request for a Hearing is not received by the Administrator within the required fifteen (15) days.

The Hearing process shall:

- Afford the Covenant Compliance Representative a reasonable opportunity to present the grounds for the Covenant Compliance decision, as well as the opportunity for the representative to present statements, evidence, or witnesses.
- Afford the property owner a reasonable opportunity to be heard as well as the opportunity for the individual to present statements, evidence, or witnesses on his/her behalf.
- Allow for questioning of both parties.
- Allow the Hearing Board the opportunity to decide whether to deny or uphold an appeal.
- Allow the Hearing Board the opportunity to recommend to members of management policies and procedures for covenant compliance.

Short Term Rental Hearings

An Owner may appeal the Short Term Rental decision by providing written notice of appeal to the Hearing Board Administrator. The notice of appeal must contain a detailed narrative identifying with specificity and decision subject to the appeal and the grounds for the appeal.

If the requesting party desires a hearing to appeal a Short Term Rental decision, such written request must be received within fifteen (15) days, following written notification of the Short Term Rental Report/Violation. The property owner is presumed to have waived his/her right to continue the appeal if a request for a Hearing is not received by the Administrator within the required fifteen (15) days.

The Hearing process shall:

- Afford the PDPOA Representative a reasonable opportunity to present the grounds for the Short Term Rental decision, as well as the opportunity for the representative to present statements, evidence, or witnesses.
- Afford the property owner a reasonable opportunity to be heard as well as the opportunity for the individual to present statements, evidence, or witnesses on his/her behalf.
- Allow for questioning of both parties.
- Allow the Hearing Board the opportunity to decide whether to deny or uphold an appeal.
- Allow the Hearing Board the opportunity to recommend to members of management policies and procedures for covenant compliance.

Approved by the Board of Directors on ...