

## **APPEALS OF CITATIONS**

An owner or other person cited for violating an HIOA rule may appeal the citation pursuant to the following procedure. Owners are primarily and ultimately responsible for their own violations and for violations by their families, friends, guests, tenants, contractors, and others whom they invite to Harbor Island. If a cited person other than an owner does not successfully appeal a citation and does not pay any fine, the owner will be liable for paying the fine because HIOA lacks the resources to track down non-owners and collect from them. An owner in that situation may seek reimbursement from the cited non-owner. For the purpose of this policy, "person" includes individuals, businesses, corporations, or other groups or entities.

### **A. Appeals to the Arbitration Committee**

1. Any person wishing to challenge a citation must file an appeal for arbitration with the Island Manager within two weeks of receiving the citation. The appeal must be in writing, must state all reasons for challenging the citation, and must include any documents or other evidence supporting the challenge. If the cited person does not file an appeal for arbitration within that time, the citation and penalty will be final and binding.

2. On receiving such an appeal, the Island Manager shall promptly refer the matter to the Arbitration Committee and shall provide that Committee with copies of the citation, the applicable rules and stated penalties, the written appeal and supporting evidence, and all other relevant documents.

3. The Arbitration Committee shall schedule a hearing at the first mutually convenient date, not to exceed 30 days from the filing of the appeal. No Arbitration Committee member shall participate in any case in which he or she has a direct personal, financial, or familial interest.

4. The hearing will be informal and conducted in a professional manner. The cited person and any witnesses may participate by telephone or video conferencing if physical attendance would be inconvenient. At the hearing, the Island Manager, Chief of Security, or a designee will explain the citation and the reasons for it. The cited person may then explain the reasons for challenging the citation. Either side may call other witnesses. All evidence on the matter shall be presented at the hearing.

5. After receiving all the evidence, the Committee will decide the matter in executive session. The Committee will submit a brief written report of its decision to the Island Manager within three days. The Island Manager will promptly transmit the Committee's decision to the cited person.

### **B. Appeals to the Board**

1. The cited person may appeal the Arbitration Committee's decision to the Board. No

Board member shall participate in any case in which he or she has a direct personal, financial, or familial interest.

2. The appeal must be submitted in writing to the Island Manager within two weeks of receiving the Committee's decision and must explain all reasons for disagreeing with the Committee's decision. If the cited person does not file an appeal within that time, the decision of the Arbitration Committee will be final and binding. The Island Manager shall forward the appeal and the case file to the Board for consideration at its next convenient meeting.

3. The purpose of the appeal is solely to determine whether the Arbitration Committee's decision was reasonable in light of the evidence presented to the Committee. At the Board meeting on the appeal, the Island Manager, Chief of Security, or designee shall explain the background of the case and the appellant may present the reasons for objecting to the Arbitration Committee's decision. If the Board finds that the Arbitration Committee's decision was reasonable, it shall deny the appeal. If the Board finds that the Arbitration Committee's decision was unreasonable, it may revise that decision as it sees fit. The Board's decision is final and binding on all parties.

### **C. Payment of Fines**

1. All fines imposed in a citation and either not appealed or upheld on appeal must be paid within 30 days of the citation, the Arbitration Committee's decision, or the Board's decision, whichever comes later. Fines not paid by that date will accumulate interest at 18% per annum. Payments not received within 60 days will be referred to counsel for collection.

2. Failure of a non-owner to pay a fine may lead to banning that person or business from using Island facilities, including its roads.

3. Pursuant to Article IV, Section 3(b), failure to pay outstanding fines after 60 days may also lead to suspension of the member's privileges other than access to the owner's own unit.