

BETMAR ACRES CLUB, INC.

A 55+ Older Community

Operating Policy and Procedure

129

Complaint, Appeals & Enforcement

Effective Date: 03-16-2017

Last Revision: 3-16-2023

Version 129.1

SCOPE: Florida Statute 617, Betmar Acres Club, Inc. Articles of Incorporation, Bylaws, Rules, and Regulations shall guide the Complaint, Appeals and Enforcement policy.

This Policy and Procedure applies to the Trustees, Board of Directors, Betmar Acres Club, Inc., and all parties involved in the complaint process.

PURPOSE: The purpose of this policy and procedure is to:

1. Define measures to protect membership confidentiality rights.
2. Explain receiving, investigating, and processing of complaints.
3. Describe Trustee enforcement actions.
4. Outline appeal rights and processes.
5. Describe disciplinary action for policy violations.

CONFIDENTIALITY: Respecting privacy and safety of our members, staff, and volunteers of Betmar Acres Club, Inc. is a basic value of Betmar Acres Club, Inc. During the Trustee investigations, hearing, appeal and enforcement process, confidentiality of the case will be maintained by the following.

1. Personal and financial information will not be disclosed or discussed with anyone without express permission from the Board of Directors and Trustees.
2. Care shall be taken to prevent unauthorized individuals from overhearing discussions of confidential information.

3. Documents containing confidential information shall not be left in the open or shared with others who do not have a need to know.
4. For those involved in the entire process, information must be kept confidential. No exceptions! Sharing of confidential information during a Board member's or others tenure and beyond is prohibited.
5. All those involved in the entire process shall return all documentation to the Trustees for retention and secure storage.
6. Unauthorized disclosure of confidential or privileged information is a serious violation of this policy and will subject the person(s) who made the unauthorized disclosure to appropriate discipline, including dismissal and/or suspension.

PROCEDURE: Pursuant to Article VIII, Section 2, of the Betmar Acres Club, Inc. Bylaws, the Board of Trustees shall create a Rules of Enforcement Procedure. These rules may be changed from time to time by a Board of Trustees resolution. Changes shall be submitted to the Policy and Procedure Committee to determine possible amendments to the policy.

COMPLAINT PROCESSING AND ENFORCEMENT:

1. Resident complaints must be submitted on a Betmar Acres Club, Inc. Complaint form (**Attachment 1**) obtained at the Betmar Acres Club, Inc. office.
 - a. All forms must be filled out completely before a Trustee will investigate.
 - b. Pictures may be attached.
 - c. No anonymous complaints, phone calls, or personal contact with Betmar Acres Club office personnel / Trustee will be accepted.
 - d. All complaint information will be kept confidential and available to Betmar Trustees only.
2. Complaints will be investigated by one or more trustees in a timely manner. They will verify complaint validity under Betmar Acres Club, Inc. Rules and Regulations, Bylaws and Pasco County laws and ordinance codes.
3. After the investigation, the Trustee(s) will contact the resident either by telephone or in-person to resolve the complaint.

4. If contact cannot be made, the Trustee will:
 - a. Send a certified letter to the resident outlining the violation, giving 14 days from date of letter to comply.
 - b. Inform the resident of enforcement actions Trustees will take if non-compliant.
5. The enforcement actions may be one or more of the following:
 - a. Suspension of Betmar Acres, Club, Inc. membership and use of all common ground property and facilities.
 - b. Fine of not to exceed \$100 for every 30 days of non-compliance
 - c. Referral to the appropriate Pasco County Official
 - d. Legal Action by Betmar Acres, Club Inc. attorney(s)
6. Should the issue(s) not be resolved within the specified time frame, the Board of Trustees will meet to determine action(s) to be taken and the resident will be informed of enforcement action(s) via certified letter.
7. Complaint will remain open until compliance is attained.
8. The person who filed the complaint will be informed of the progress and / or the result of the investigation.

COMPLAINT APPEALS: All residents have the right to appeal Betmar Acres Club, Inc. Trustee decisions.

1. After the resident receives the Trustees' written decision, they may appeal the decision to the Betmar Acres Club, Inc. Board of Directors. (Board)
2. A written appeal must be delivered to the Betmar Office, ATTN: President of Betmar Acres Club, Inc.
 - a. The appeal should include evidence/justification supporting need for a Board review of the Trustee decision.
 - b. The appeal may include a request for a hearing before the Board.
 - c. At the hearing, the resident may represent him / herself.

- d. The resident may request the Trustees' decision be amended or vacated.
3. If the Board determines the appeal has merit, they shall serve a "Notice of Hearing" to all parties giving at least fourteen (14) day notice. The Notice shall include but is not limited to the following:

NOTICE OF HEARING

You are hereby notified that a hearing will be held before the Board of Directors of Betmar Acres Club, Inc. regarding an appeal of a Trustee's determination/decision.

Date:

Time:

Where:

You must be present at the hearing and be able to present relevant evidence. You will be given full opportunity to question witnesses. You may submit a written request to the Board asking the attendance of all witnesses and documentation relative to the complaint be available.

4. If any of the parties, within forty-eight (48) hours, show good cause as to why they cannot attend the hearing on the set date, they must submit dates and times indicating availability. The Board may reset the hearing time and date and promptly deliver notice of the new hearing date.
5. Once the appeal has been heard, the Board will have ten (10) days to make its determination and provide written notification via certified mail (return receipt providing signature proof of delivery) to all parties.
6. If the Board renders the appeal insufficient, the appealing party shall have seven (7) days to amend the appeal to make it sufficient.
7. The same procedure set forth above shall be followed with respect to an amended or supplemental appeal.
8. If the Board renders the amended appeal insufficient, the matter is dismissed.

HEARING RULES:

1. Each hearing, including all preliminary matters prior to the hearing, shall be before a minimum of five (5) officer/councilors. If the Board commenced to hear the matter and an officer/councilor is forced to withdraw prior to final determination, the remaining officer/councilors (no less than three (3) shall continue to hear the appeal.
2. The Board shall choose one officer/councilor to preside, and he/she will explain the rules/procedures at the beginning of the hearing.
 - a. Each side will present their evidence.
 - b. Each party is entitled to make a closing statement.
 - c. Either party may waive the rights to exercise any part of this process and the Board is entitled to exercise its discretion as to the specific way the hearing will be conducted, so long as the rights listed below are protected.
3. The respondent and Trustees shall have these rights:
 - a. To call and examine witnesses.
 - b. To introduce supporting evidence.
 - c. To question opposing witnesses and refute any evidence.
4. The trustees may question a respondent not testifying on his/her behalf.
5. Hearsay shall not be sufficient to support a finding.
6. All parties shall be truthful, straight forward, and respectful.

DISCIPLINARY ACTION FOR VIOLATIONS:

1. At the conclusion of the hearing, the Board shall deliberate the evidence. By vote of the officers/councilors, the Board shall determine if.
 - a. A violation has taken place and upholds the Trustees' decision.
 - b. A violation has taken place and amends the Trustees' decision.
 - c. A violation has not taken place and vacate the Trustees' decision.

2. Fines levied by the Trustees or Board, shall be considered an Individual Assessment against the member and is payable, within thirty (30) days to Betmar Acres Club, Inc. to remain a member in good standing.

VERSION	APPROVED BY	REVISION DATE	DESCRIPTION OF CHANGE	AUTHOR
129	Betmar Owners BOD	03-16-17		
129.1	Betmar Acres BOD	03-16-23	Replaces policy 129, Confidentiality Policy, Re-named Complaint, Appeals & Enforcement	P & P Committee

129.1 Approved by Betmar Acres Club, Inc. 03-16-23 Signed:

Policy and Procedure Chairperson: _____ Date _____

President Betmar Acres Club, Inc. _____ Date _____

Three (3) Year Policy and Procedure Committee Review Date: 2026

Signed: _____

Three (3) Year Policy and Procedure Committee Review Date: 2029

Signed: _____

**BETMAR ACRES CLUB, INC.
COMPLAINT FORM**

Date Complaint Received	CONFIDENTIAL
Complaint #	
Complaint Filed By:	
Address:	
Telephone #:	

COMPLAINT AGAINST	Address:
	Owner:
	Telephone #:

NATURE OF COMPLAINT
(Include all available details)

Homeowner Signature:	Date:
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BETMAR OFFICE USE ONLY	Describe Action Taken:	
	Response to Complainant (copy attached for file)	Date:

Attachment 1.