

## STARWOOD POLICY FOR DRIVING INFRACTIONS<sup>1</sup>

Complaints regarding speeding, reckless driving or other complaints involving use of the Starwood roads and/or Trentaz Drive shall be promptly addressed as follows:

1. **Initial Complaint.** The initial complaint should be promptly submitted to the Starwood Gate. The guard then on duty shall add any additional information he or she may have, such as identity of the offending driver, license plate, description of vehicle and the like. The Starwood Gate guard shall promptly, preferably within twenty-four (24) hours, refer the complaint to the President of the Metro District and Starwood Attorney. If the occurrence in the complaint occurred during a guard duty shift other than the guard on duty, the guard on duty shall request the guard who was on duty to supplement the report
2. **Metro District President Action.** As soon as practicable, preferably within three (3) business days after the referral from the Starwood Gate guard the Metro District President shall make a preliminary finding whether or not the complaint merits further action. If there is a preliminary finding that the complaint merits further action, a letter signed by the president of the Metro District imposing appropriate punishment shall, as promptly as practicable, preferably within said three (3) day period be sent to the offending owner and complaining owner. The letter shall provide that if the offender timely disputes the alleged offense and/or penalty, the imposition of the penalty shall be stayed until such time as the offender may show cause as to why the punishment shall not be imposed at a hearing to be held before the Metro District President. The complaining party shall likewise have the right to dispute in the event no punishment was imposed or the punishment imposed should be reviewed as being insufficient to address the complaint. The offender or the complainant must provide written notice to the Metro District President within five (5) days after the date of the punishment or no punishment letter informing the Metro District President that either or both of them dispute the action or lack thereof taken or such right shall be waived. If the punishment or lack thereof is timely disputed a show cause hearing shall be held within seven (7) days following the date the Metro District President receives the dispute notice from the offender or complainant.
3. **Show Cause Hearing.** Based on the original complaint, information from the Starwood Gate, any additional information the complaining party or offender may wish to present and past history, if any, of the offender, the Metro District President shall at the conclusion of the hearing, preferably no later than twenty four (24) hours following the conclusion of the hearing take any of the following actions: (i) determine that no punishment shall be imposed (ii) levy a penalty (any fine maybe collected as an assessment) or (iii) with the advice of the Starwood Attorney take such other action against the offending owner as may be appropriate. In the case of (ii) or (iii) the offender shall also be required to pay all legal fees incurred by the HOA in regard to the complaint. Where the offending party is an employee, contractor, service provider, housekeeper or an agent of an owner, the action may include prohibiting such

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<sup>1</sup> Approved by the Board of Trustees of the Starwood Home Owners Association and the Board of Directors of the Starwood Metropolitan District on September 13, 2018. Amended at the joint Board meeting on July 27, 2019 to limit the time for comments by the complaining party or offender to ten (10) minutes.

third party from use of the Starwood roads for a period of time as shall be deemed reasonable under the circumstances.

4. **Schedule of Fines.** The fines that may be imposed as currently set forth in the Rules and Regulations of the Starwood Metropolitan District and the Starwood Home Owners Association, incorporated herein by the reference and as may be amended, are as follows:

“A fine of not less than Fifty (\$50.00) Dollars and not exceeding One Thousand (\$1,000.00) Dollars may be imposed whenever a violation is found of the Rules and Regulations and/or the Protective Covenants of the Starwood Subdivisions after a hearing and an opportunity to be heard is afforded to the violator. Each day of any violation of these Rules and Regulations shall constitute a separate offense. Any requirement to pay attorney’s fees and costs shall be in addition to any fines that may be imposed. Such fines and fees and costs shall also constitute a lien against the property of any owner deemed to be in violation. In addition, the driving privileges in Starwood of anyone found to be in violation may be suspended or revoked.”

5. **Review by Metro District Board.** Following any action by the Metro District President at the conclusion of the show cause hearing, either the offending or complaining party shall, upon request, to be made within three (3) days after the hearing was held, be entitled to an immediate review by the Metro District Board of the action taken or omitted to be taken by the Metro District President. Where a review is timely requested no action taken by the Metro District President shall be implemented pending review by the Starwood Board. The review shall occur at the next regular or special Metro District Board meeting. If no meeting is then scheduled to take place within thirty (30) days following the action of the Metro District President, then a special meeting of the Metro District Board shall be set at a date no later than thirty (30) days following the date the Metro District President acted on the complaint. If the actions of the Metro District President being reviewed are affirmed as to punishment or modified which modification still results in a finding of fault chargeable to the owner, the owner shall, in addition to the legal fees allowed in paragraph 3 above, also pay all legal fees incurred by the Metro District Board in regard to the review of the President’s actions. If the offending owner or complaining owner does not provide written notice to the Metro District President within five (5) days following the action of the Metro District President that the offending owner or complaining owner requests a review by the Metro District Board, then any right to a review by the Metro District Board shall be waived.

6. **Miscellaneous.**

- 6.1. For good cause shown by any interested party any of the time periods provided for herein may be extended for brief periods of time (not to exceed 7 days) said extension to be given in the reasonable discretion of the President of the Metro District.

- 6.2. Owners are primarily responsible for actions of their guests, as well as employees, contractors, service providers, housekeepers and agents. An example of an agent would be in the case of a Starwood home for sale, the real estate broker. An example of a service provider would be a personal trainer or yoga instructor. Where ownership of a Starwood property is an entity, the entity shall be disregarded and the ultimate personal owner or owners shall be considered the offending party.

- 6.3. Complaints can also be made against third parties not specifically chargeable to any owner. Examples would be trash pick-up, road work, utility companies or the purchaser or prospective purchaser of a Starwood home before the sale closes.
- 6.4. Where the Metro District President is not available to address the complaint within the times provided, such duties may be carried out by the Vice-President of the Metro District or if not available any other officer of the Metro District.
- 6.5. Where an offending owner fails to comply with any actions taken by the President of the Metro District or following a review by the Metro District Board, the offending owner shall pay all legal fees incurred by the Metro District in enforcement of such actions.
- 6.6. This Policy for Driving Infractions shall amend and supersede to the extent inconsistent herewith any Rules and Regulations or Governance Polices regarding the subject matter hereof.

<u>Timeline</u>			
<u>Starwood Gate</u>	<u>Metro District President Preliminary Findings</u>	<u>Show Cause Hearing</u>	<u>Metro District Board Review</u>
24 Hours	3 Days	7 Days	30 Days