

ISSUE #1

MARKUP #1 ->

Section 1: [Redbook Rules & Regulations, Section A (Citation & Fine Procedure)] Immediate Issuance of Citations and Assessment of Fines by Security Staff - Citations for violations of the Lake Wildwood Rules and Regulations may be issued directly by the General Manager, Security Officers, or Environmental Control Inspector. Upon issuance of a citation, the corresponding fine set forth in the Fine Schedule shall be immediately charged to the Lot Owner's account. An Owner who wishes to contest a citation must file a written appeal with the Rules and Regulations Committee within ten (10) days after the citation date; failure to appeal within ten (10) days renders the fine final and non-appealable.



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Redbook Rules & Regulations, Section A (Citation & Fine Procedure) (p. 1): Charging fines prior to notice and opportunity to be heard violates CICA

Statutory / Legal Reference: 765 ILCS 160/1-30(g) (Illinois Common Interest Community Association Act - Fines & Notice)
Statutory Comparison: Under 765 ILCS 160/1-30(g), the board may levy reasonable fines for violation of the declaration, bylaws, and rules and regulations of the common interest community association *only after* notice and an opportunity to be heard. Immediately posting a fine to the owner's ledger upon a security officer's citation and shifting the burden to the owner to appeal within 10 days reverses the mandatory pre-deprivation notice and hearing required by 765 ILCS 160/1-30(g).

CURRENT WORDING IN DOCUMENT:
[Redbook Rules & Regulations, Section A (Citation & Fine Procedure)] Immediate Issuance of Citations and Assessment of Fines by Security Staff - Citations for violations of the Lake Wildwood Rules and Regulations may be issued directly by the General Manager, Security Officers, or Environmental Control Inspector.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section Redbook Rules & Regulations, Section A (Citation & Fine Procedure) ([Redbook Rules & Regulations, Section A (Citation & Fine Procedure)] Immediate Issuance of Citations and Assessment of Fines by Security Staff - Citations for violations of the Lake Wildwood Rules and Regulations may be issued directly by the General Manager, Security Officers, or Environmental Control Inspector. Upon issuance of a citation, the corresponding fine set forth in the Fine Schedule shall be immediately charged to the Lot Owner's account. An Owner who wishes to contest a citation must file a written appeal with the Rules and Regulations Committee within ten (10) days after the citation date; failure to appeal within ten (10) days renders the fine final and non-appealable.) to conform with 765 ILCS 160/1-30(g) (Illinois Common Interest Community Association Act - Fines & Notice) and the manual attorney audit recommendations for Lake Wildwood Association, Inc..