



CANDLEWOOD LAKE ECC DECISION APPEAL REQUEST & PROCEDURE

Members requesting an appeal of any Environmental Control Committee (ECC) decision must submit their appeal request in writing within thirty (30) calendar days from the date of decision to;

**CWL General Manager, Association Office
7326 St. Rt. 19, Unit 1507
Mt. Gilead, OH 43338
david@ Candlewoodlake.us**

MEMBER'S APPEAL REQUEST

Name:		Unit:	Lots:
Today's Date:	Date on ECC Decision:		ECC Decision:
Phone:	E-Mail:		
Phone 2:	Member's Signature:		

Note – Appeal requests will be acknowledged within five (5) days from receipt. If you do not receive an acknowledgement from CWL it is the members responsible for confirming that their appeal has been received. Non-confirmed appeals will not be considered a valid appeal request.

I hereby request an appeal of the above-referenced ECC decision.

State below in detail the reason(s) you feel this ECC decision should be reconsidered or dismissed and attach any documentation you believe supports your appeal.

You may attach a separate sheet to this page, if needed.



CANDLEWOOD LAKE APPEAL PROCEDURE

(Please detach and keep this sheet for your records)

- a) All appeals of an ECC decision will be first heard by the appropriate ECC Committee before an appeal to the Board of Trustees.
- b) Members requesting an appeal must appeal in writing to the attention of the General Manager at the Association Office within thirty (30) days of the date of the decision.
- c) If the written request for appeal is not received by the General Manager within thirty (30) days of the date of the decision, the right to appeal is forfeited.
- d) Once the member has notified the Association in writing that they wish to appeal, they will be notified in writing by the General Manager of date, time, and location of the appeal hearing.
- e) For appeals, the following procedure will be followed by CWL:
 - 1) The CWL employee or representative will state the date and time of the ECC Decision, a brief explanation of the circumstances and why the ECC Decision was issued, and if necessary, any additional documentation regarding the citation.
 - 2) In hearing an appeal, the CWL committee has the discretion as to from whom it shall hear testimony and evidence which it will receive.
 - 3) If the member is appearing before the CWL committee the member will be permitted to speak to the committee for up to five minutes to present their version of the circumstances surrounding the citation they are appealing. The information being presented should pertain to the citation/violation only. All information provided to the committee by the member or guest shall be provided to the General Manager for his or her dissemination to the appropriate staff supervisor at least two business days prior to the meeting at which the appeal will be heard so that an informational package may be assembled for the CWL committee to review.
 - 4) The CWL ECC chair shall facilitate the appeal hearing.
 - 5) In hearing an appeal, the person who received the ECC decision is the one to make the appeal.
 - 6) Committee members will be allowed to question the member and the CWL employee or representative to determine the facts and obtain a clear understanding of the circumstances.
 - 7) If the member is appealing in writing, the member's written appeal will be considered by the committee members present at the meeting.
 - 8) After information is presented to the CWL committee, the CWL committee will deliberate and decide the outcome of the appeal in executive session of the committee. A simple majority of the committee members present at the appeal hearing shall determine the outcome of the appeal.
 - 9) The chair of the appropriate CWL committee will inform the General Manager and Board of Trustees President of the outcome of the appeal within two business days following the conclusion of the appeal hearing.
 - 10) The member will be notified in writing delivered by email or surface mail by the General Manager within five business days of the committee's decision on the appeal.
 - 11) The CWL committee may opt to:
 - a. Uphold the ECC decision as issued
 - b. Change or modify the ECC decision if the information presented during the appeal warrant the change or modification, or
 - c. Dismiss the ECC decision if the information presented during the appeal warrants the dismissal.
 - 12) All decisions of the CWL committee can be appealed to the Board of Trustees by a written appeal request to the General Manager within thirty (30) days of the committee's decision regarding the appeal. If no appeal is filed within thirty (30) calendar days of the committee's decision, the CWL committee's decision is final and conclusive of the matter.
 - 13) The General Manager will notify the Board President of the request for an appeal to the Board within five business days of the General Manager's receipt of the request to appeal to the Board.

Appeal to the Candlewood Lake Board of Trustees

- 1) An appeal of a committee's decision shall be submitted in writing by the appellant by email and/or surface mail to the General Manager within thirty (30) calendar days of the date of the committee's decision.
- 2) If no appeal is submitted within thirty (30) calendar days of the committee's decision, the committee's decision is final and conclusive of the matter.
- 3) The General Manager will notify the Board President of the request for an appeal to the Board within five business days of the General Manager's receipt of the request to appeal to the Board.
- 4) The Board President or his representative will acknowledge to the appellant by email and/or surface mail within three (3) business days receipt of the request for an appeal to the Board of Trustees.
- 5) The Board President shall schedule the appeal for an executive session during the next meeting of the Board of Trustees.
- 6) The Board President, or the Board vice president in the absence or recusal of the president, shall preside over the appeal hearing before the Board. The Board's review of an appeal of a committee's decision is de novo, meaning that the Board will decide the matter without deference of the committee and as if the matter was being heard the first time by the Board.
- 7) The appellant must be present for the appeal to be heard by the Board of Trustees.
- 8) In hearing an appeal, the Board has the discretion as to from whom it shall hear testimony and evidence which it will receive.
- 9) An appeal shall be offered by, or continued by, the Board to the appellant no more than two consecutive Board meetings when dealing with the same matter on appeal. This is to accommodate any possible scheduling conflicts for the appellant.
- 10) A simple majority of the Trustees present at the appeal hearing shall determine the outcome of the appeal. A decision by the Board of Trustees is final and conclusive of the matter.
- 11) The decision of the Board regarding the appeal shall be decided within three (3) business days of the appeals hearing, or at the Board's discretion, at the time of the appeal hearing. If judged by a majority of the Board that it needs additional information, the Board's decision of the appeal may be tabled, but for no longer than ten (10) business days.
- 12) If the Board has not reached a decision and has tabled its ruling for the receipt of additional information, it shall schedule a second special meeting for eleven (11) business days following the first special meeting.
- 13) The appellant shall be informed in writing of the Board's ruling and the amount of any fine, penalty, charge or assessment within thirty (30) calendar days following the Board's imposition of any charge or assessment.
- 14) The decision of the Board shall include communication of any resulting fine, penalty, charge or assessment due and the associated time period in which to comply with the fine, penalty, charge or assessment.

Candlewood Lake Association

7326 State Route 19, Unit 1507

Mt. Gilead, Ohio 44833

receptionist@candlewoodlake.us

(419) 947-1138