SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.

COMPLAINT AND HEARING PROTOCOL

PREAMBLE

The purpose of this Hearing Protocol (HP) is to establish a set of guidelines by which members and residents of the Association or the Association through the Executive Director or his/her designee can have their complaints against other members or residents of the Association heard fairly and in a consistent manner. Complaints against employees are not subject to this Hearing Protocol and are handled by the Executive Director and Administration.

All complaints regarding Architectural and Land Development Standards must be filed with the Community Standards Office at 9107 Del Webb Boulevard (Mountain Shadows) for submittal to the Architectural Review Committee (ARC). Community Standards department will conduct their proceedings under the Community Standards Non-Compliance Complaint and Hearing Procedures currently in place.

All other Complaints, Answers and supporting documentation must be filed with the office of the SCSCAI Executive Director at 9107 Del Webb Boulevard, Las Vegas, NV 89134 or delivered to the Administration Offices at Mountain Shadows Community Center. For directions or other information, call Administration at (702) 966-1400.

A copy of this Hearing Protocol shall be provided to the parties at the time the Complainant receives the Complaint Form and the Respondent is sent the Answer Form.

Hearing procedures shall be conducted according to this Hearing Protocol. In the case of any conflict with Nevada law, or with Association CC&Rs, Bylaws or Rules and Regulations, this Protocol shall be construed and interpreted in a manner that conforms to Nevada law and those documents, as Nevada law and those documents may be amended from time to time. The laws of evidence will not apply and all relevant evidence, including hearsay, will be admissible at the discretion of the hearing panel.

For purposes of this Hearing Protocol, all notification dates shall be the date of the mailing of such notification document.

All references in this Hearing Protocol to specific sections of the Bylaws, or of NRS 116, shall also include all amendments to those sections.

HEARING PROTOCOL

I. Filing of Complaint

1. The Complaint shall be filed with the office of the Executive Director at 9107 Del Webb Boulevard, Las
Vegas, NV 89134 (Mountain Shadows Community Center), on the approved complaint form (available at the above location). The complaint form shall include any supporting documents, including a list of witnesses and the name of the Complainant’s representative if one has been designated by the Complainant.

2. The Complaint will be referred to the Chairperson of the appropriate Committee within seven (7) calendar days of receipt by the office of the Executive Director.

3. The Committees which are authorized to hear and decide complaints are:

(a) The Clubs and Community Organizations Committee (CCOC) for complaints concerning alleged violations of the Chartered Club and Community Organization Guidelines by a chartered club or community organization or by an officer of such chartered club or community organization in the performance of the duties of such office.

(b) The Deed Restriction Hearing Committee (DRHC) for non-compliance complaints filed with the Community Standards Office.

(c) The Legal Services Committee (LSC) for other complaints.

(d) The Board of Directors. Notwithstanding the above, the Board of Directors, with full discretion, may hear any complaint or delegate any complaint to a special ad hoc Hearing Panel appointed by the Board. A minimum of a quorum is required when the Board of Directors is the Hearing Panel.

II. Preliminary Review of Complaint for Sufficiency

1. At its first regularly scheduled meeting that occurs at least fourteen (14) calendar days after receipt of the Complaint by the Chairperson of the Committee, the Committee shall review in executive session the Complaint and any supporting documents and determine sufficiency. Reasons for insufficiency include, but are not limited to, failure to fully complete the Complaint Form; failure to cite sections of the Governing Documents or NRS 116 allegedly violated; or the submitted facts do not support the alleged violation when interpreted most favorably for the Complainant.

2. If found insufficient, the matter shall be dismissed and notification of dismissal with the reasons for the insufficiency of the Complaint shall be sent to the Complainant by certified mail.

3. Complainant may submit one (1) amended Complaint as in HP.I.1 if dismissal of the original complaint was not appealed. HP.II.4

4. Complainant may appeal for review of the dismissed original Complaint or amended Complaint to Board of Directors within thirty (30) calendar days of the mailing date of notification of dismissal.

5. If the Board of Directors, on appeal, sustains the Hearing Committee’s dismissal, the decision to dismiss is final. If the Board of Directors overrules the Committee, the matter shall be sent back to the Hearing Panel for the process to move forward.

III. Notification to Respondent of the Complaint and Charges

\[^1\text{Bylaws Section 6.1 (h)}\]
1. Within fifteen (15) calendar days of the finding of sufficiency, the Respondent shall be notified by certified mail of the charges with a copy of the Complaint, all supporting documents including a list of Complainant’s witnesses and Complainant’s representative, if any, together with the Answer Form and a copy of this Hearing Protocol.

2. The Respondent must file an Answer with all supporting documents, including a list of witnesses and Respondent’s representative, if any, by the date indicated therein which will be not less than fifteen (15) calendar days before the next regular meeting date of the Hearing Committee. A copy of the Respondent's Answer and any supporting documents including a list of witnesses and Respondent’s representative, if any, shall be sent to the Complainant.

3. The Respondent has the right to have the hearing in open session and must file such request with the Answer.

4. Each party may submit additional documents including a list of additional witnesses and its representative if any not less than seven (7) calendar days before the aforementioned meeting date of the Hearing Committee. Such additional documents shall be provided to the other party before the meeting date of the Hearing Committee. At the discretion of the Hearing Committee such additional documents received less than seven (7) calendar days before the meeting date of the Hearing Committee may be admitted.

IV. Hearing Panel

1. When all the aforementioned documents have been received the Hearing Panel shall be appointed pursuant to HP IV 2, 3 at the next regular scheduled meeting of the Hearing Committee.

2. No member of the Board of Directors is eligible to serve as a member of the Hearing Panel except when the Board of Directors is the Hearing Panel. HP I. 1.3(d)

3. Any Committee listed in HP I.1.3 (a)(b)(c) may decide to comprise the Hearing Panel as a whole otherwise the Committee Chairperson shall appoint an odd-numbered Hearing Panel and its Presiding Officer from the members of the Hearing Committee in either instance pursuant to eligibility defined in HP IV 2. The Hearing Panel shall then set the date of the Hearing pursuant to HP IV 4.

4. The parties shall be notified by certified mail of the hearing date which will be not less than fifteen (15) calendar days from the notification date. The notification shall include a list of the members of the Hearing Panel. Either party may request a postponement in writing for good cause which may be granted at the sole discretion of the Hearing Panel.

V. Hearing Procedure

1. Executive Session: Unless an open hearing is specifically requested on the Answer Form by the Respondent, the hearing shall be held in executive session. All deliberations and voting of the

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2 NRS 116.31085(4) [meeting in executive session to hold hearing unless person to be sanctioned requests open hearing]

3 NRS 116.31085 4 (a) (b) right or person who may be sanctioned to attend portions of hearing regarding alleged violation[ (4)(a)]; right of person who may be sanctioned to counsel, to present witnesses & to present information regarding conflict of interest of hearing panel members [4(b)]
Committee shall be in executive session immediately following the hearing.

2. If the Respondent has requested an open hearing witnesses for either party shall not be permitted to attend such hearing until after such witness’s testimony has been completed. No person who is or may be called as a witness may attend that hearing until after he or she has testified in that hearing.

3. Representation: A Party may be represented and or assisted by any other person of its choosing including legal counsel.

4. Recusal: Members of the Hearing Panel may voluntarily recuse themselves at any time without explanation. No later than five (5) calendar days prior to the hearing date either party may request in writing that one or more Hearing Panel members be recused giving the reasons for the request. The challenged member may consent or refuse to do so. If the request for recusal is refused by the challenged member the remaining members of the Hearing Panel shall discuss and vote in executive session whether or not to remove the challenged member from the Hearing Panel. A tie vote shall approve service on the Hearing Panel.

5. Case Presentation: The parties shall each have thirty (30) minutes to present their respective cases, including the oral testimony of witnesses. Upon request by a party, the Committee, in its discretion, may for good cause, grant an extension of time for case presentation and/or rebuttal with such extension also being granted to the other party.

6. Rebuttal and Cross-examination: At the conclusion of the presentation of the respective cases by the parties, each party will have fifteen (15) minutes to rebut and/or question the other party and witnesses.

7. The Hearing Panel may question the parties and the witnesses during or at the end of each case presentation and rebuttal. Time for such Committee questioning will not be deducted from the party’s allotted time.

8. Deliberations and Decision of Hearing Panel: At the conclusion of the hearing, the Hearing Panel shall recess to executive session for deliberation and voting. A written report of the decision shall be made part of the case file including the rationale for the decision and the number of votes for and against the decision. Any dissenting report shall also be made part of the case file. These reports shall be presented to the Board of Directors for its information at the next regular Board meeting and sent by regular mail by the Executive Director to all parties.

VI. APPEAL TO THE BOARD OF DIRECTORS

1. After the Executive Director has notified the parties in writing of the decision of the Hearing Panel, any party shall have fifteen (15) calendar days from the date of notification to file an Appeal to the Board of Directors in writing with the office of the Executive Director specifying the grounds for Appeal.

2. After receiving the Appeal, the Executive Director shall deliver the Appeal to the Board of Directors before its next regularly scheduled meeting at which time the Board of Directors shall determine whether or not to hear the Appeal. If the Board of Directors determines there is failure to state sufficient grounds on which the Appeal is filed a Notice of Insufficiency specifying the nature of the insufficiency shall be

4 NRS 116.31085 (4) (c)[not entitled to attend deliberations of board]
5 NRS 116.31085(4)(b)[ right of person who may be sanctioned to counsel, to present witnesses & to present information regarding conflict of interest of hearing panel members]
6 NRS 116.31085 (4)( c)[not entitled to attend deliberations of board]
sent by regular mail to the appealing party. The appealing party shall have ten (10) calendar days to file
one (1) amended Appeal curing the insufficiencies. Failure to do so shall result in dismissal of the Appeal.
If the Board of Directors determines to hear the Appeal it shall set a time and date for its hearing of the
Appeal, which hearing may be held at the next regularly scheduled Board of Directors meeting or at any
other time at the Board's discretion, but not sooner than fifteen (15) calendar days after this determination
nor later than the next regularly scheduled Board of Directors meeting following the one after this
determination.

3. When the Board of Directors has set the time and date to hear the Appeal, the Executive Director
shall so notify all parties by certified mail and shall include with this notice the Appeal document
submitted by the appealing party. The non-appealing party shall then have fifteen (15) calendar days to
submit a reply in writing, if desired, to the Executive Director who shall deliver it to the Board of
Directors and shall promptly mail such reply to the appealing party.

4. Once an Appeal has been filed with the Executive Director, any sanctions imposed by the Hearing Panel
which do not involve health and safety shall be stayed pending the outcome of the appeal.

5. At the Appeal hearing the Board of Directors shall hear and consider only the submitted grounds for the
appeal based on the Hearing Panel's record both written or otherwise recorded. Oral argument by the
parties on appeal shall be limited to ten (10) minutes each.

6. The Board of Directors may uphold the decision of the Hearing Panel, reverse the decision or modify the
decision as it sees fit or grant a new hearing before the Board of Directors as the new Hearing Panel. The
Executive Director shall notify all parties of the Board of Directors' decision in writing by regular mail.

7. If the decision of the Hearing Committee imposes or recommends imposing suspension of all rights and/or
all privileges of a member or resident as a sanction there shall be an automatic Appeal and the Board of
Directors shall hold a new hearing.  

8. The decision of the Board of Directors is FINAL and represents the decision of the Association.

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7 **Bylaws Section 2.5**