
NEPENTHE ASSOCIATION
Complaint and Violation Report Policy

1. Purpose

This Policy (Rules) establishes a consistent procedure for submitting, receiving, and investigating reports of alleged violations of the Association's Governing Documents and Rules. Its purpose is to ensure fair and uniform enforcement consistent with Civil Code sections 5850 *et seq.* and its Governing Documents.

2. Reporting Violations

- (a) Any Owner, resident, or management representative may report an alleged violation.
- (b) Reports should generally be made in writing using the Association's Complaint/Violation Report Form, available from Management and attached as Attachment A. This includes reports involving conditions, conduct, or items that are not readily visible from common areas or by Management during routine inspections.
- (c) Anonymous complaints will not ordinarily be acted upon unless independently verified by Management or another Association representative.

3. Confidentiality

- (a) The Association will treat the identity of any person submitting a complaint as confidential to the extent reasonably possible and permitted by law.
- (b) The Association cannot guarantee absolute confidentiality. If disclosure of the complainant's identity becomes necessary for the fair resolution of the matter, to provide a fair process, or as required by court order or legal process, such disclosure may occur as determined by the Board.
- (c) The Board's enforcement decisions shall be based on the conduct at issue and the supporting documentation and information available, not on the identity or status of the complainant.

4. Investigation and Enforcement

- (a) Upon receipt of a written complaint, Management may investigate to determine whether a violation appears to have occurred.
- (b) If a potential violation is confirmed, Management may issue a courtesy notice or refer the matter to the Board for hearing in accordance with Civil Code section 5855 and the Governing Documents.

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(c) The Association may also initiate enforcement on its own observation or that of its agents, without a written complaint.

5. Notice and Hearing

Before any fine, suspension, or disciplinary action is imposed, the Association shall comply with the notice and hearing procedures of Civil Code section 5855, including: (a) Written notice of the alleged violation; (b) At least ten (10) days' notice of the hearing date; and (c) Written notice of the Board's decision within fourteen (14) days after the hearing.

6. Documentation

All complaints, investigation notes, hearing notices, and decisions shall be retained in the Association's confidential compliance file in accordance with record retention practices and Civil Code section 5210 and the Governing Documents.

7. No Waiver

The Association's decision whether or not to pursue enforcement in a particular case shall not constitute a waiver of its right to enforce other violations or to take future action regarding the same matter in other circumstances.

CERTIFICATE OF APPROVAL

The undersigned declares that they are the duly elected Secretary of the Association, and that the foregoing Rules were approved by the required vote of the Directors following member comments at the Board meeting held on _____, 2025. The Rules remain in full force and effect.

Dated: _____, 2025

By: _____

_____, Secretary

NEPENTHE ASSOCIATION
Complaint / Violation Report Form

Purpose:

This form allows Owners and residents to report potential violations of the Association's Governing Documents or Community Rules so that Management and the Board may review and address them in a fair and consistent manner.

1. Reporting Party Information

Name: _____

Address: _____

Phone: _____ Email: _____

(If you wish to request confidentiality, please indicate below. The Association will make reasonable efforts to keep your identity confidential; however, absolute confidentiality cannot be guaranteed if disclosure is required for fair resolution, fair process, or legal reasons.)

☐ I request that my name be treated as confidential to the extent reasonably possible.

2. Location of Alleged Violation

Address or area where violation occurred: _____

Date(s) observed: _____

Approximate time(s): _____

3. Description of Alleged Violation

(Please describe the activity, conduct, or condition believed to violate the Association's rules. Attach additional pages or photos if needed.)

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4. Supporting Documentation

☐ Photos attached ☐ Witness statements attached ☐ Other: _____

5. Signature

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge.

Signature: _____ Date: _____

This form may be submitted to the Association's Management Office at:

Nepenthe Association

1131 Commons Drive, Sacramento, CA 95825 or by email to abigail.helman@fsresidential.com

Management Use Only

Date received: _____

Received by: _____

Action taken: ☐ Courtesy Notice ☐ Referred for Hearing ☐ Closed / No Violation

Notes: _____