

FINE AND PENALTY APPEAL REGULATION

Adopted 3/3/98

1. **Title.** This Regulation shall be known as the "Fine and Penalty Appeal Regulation."
2. **Purpose.** The purpose of this Regulation is to establish a means and procedure by which persons subject to fines or other penalties pursuant to (i) the provisions of the Declaration, (ii) the Bylaws of Beaver Creek Resort Company ("Bylaws"), or (iii) any of the rules and regulations of the Resort Company, may appeal such fines or penalties.
3. **Definitions.** Unless otherwise stated herein, all capitalized terms have the meanings given to them in the Amended and Restated General Declarations for Beaver Creek, Eagle County, Colorado as recorded with the Clerk and Recorder of Eagle County, Colorado on December 27, 1979, in Book 296 at Page 446, as amended or supplemented from time to time (the "Declaration"), or, alternatively, if such terms are not defined in the Declaration, the meaning given to them in the Bylaws.
4. **Applicability.** This Regulation shall apply to the appeal of any and all fines or other penalties imposed pursuant to the Declaration, Bylaws and Resort Company rules and regulations, unless and to the extent that the Declaration, Bylaws and rules and regulations otherwise provide for the appeal of fines or penalties imposed thereunder, in which case, such other appeal provisions shall exclusively apply.
5. **Board of Appeals.** There is hereby established the Resort Company Board of Appeals ("Board of Appeals") which shall be comprised of the nine (9) Directors of the Resort Company Board of Directors ("Board of Directors") who are serving their term at the time any appeal is heard pursuant to this Regulation. The Board of Directors may, however, from time to time, designate some but less than all of the Resort Company Directors to serve as members of the Board of Appeals, which designations shall be, in the aggregate, an odd number. The Board of Appeals shall act only when a quorum is present and then only upon a majority vote of the members present and constituting a quorum. The Board of Appeals shall hear and decide upon all appeals presented to it pursuant to the terms of this Regulation.
6. **Right of Appeal - Procedure.** Subject to the limitations provided in Section 4 hereof, a person may appeal any fine or other penalty imposed against him to the Board of Appeals. Such person shall provide written notice to the Resort Company's Executive Director of any such appeal within fifteen (15) days of the date upon which such fine or other penalty is imposed. Said written notice shall include a brief statement of the rule or rules allegedly violated, the fine or penalty imposed and the factual and legal basis for the appeal. Failure to provide such written notice within fifteen days shall constitute a waiver of any right to appeal established herein. The Board of Appeals shall hear and decide upon all appeals presented to it not less than thirty (30) nor more than ninety (90) days after the date of the written notice of appeal. Unless there is a risk to the safety of persons or property, any fine or other penalty shall be stayed during the pendency of the appeal to the Board of Appeals. All hearings by the Board of Appeals shall be de novo hearings.
7. **Final Decision.** All decisions by the Board of Appeals shall be final decisions. Any legal action to challenge the decision of the Board of Appeals, or to challenge any fine or other penalty that may be upheld by the Board of Appeals, shall be brought within fifteen (15) days after the date of the decision by the Board of Appeals. Failure to initiate a legal action within fifteen (15) days shall constitute a waiver of the right to initiate such action.