

**Mariners' Marina Condominium Association**  
**Complaint Procedure**

WHEREAS, the Illinois Condominium and Common Interest Community Ombudsperson Act (765 ILCS 615/1, *et. seq.* ("Ombudsperson Act")) requires that each condominium and common interest community association ("Association") which is not exempt from the Common Interest Community Association Act (765 ILCS 160/1, *et. seq.*) adopt a written policy for resolving complaints made by unit owners; and

WHEREAS, on or before January 1, 2019, each association described above must adopt a complaint resolution policy which meets the requirements of Section 35 of the Ombudsperson Act;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Association, acting through its Board of Managers, hereby adopts and establishes the following Ombudsperson Act-mandate Association policy for resolving complaints;

A. Definitions. The following terms shall have the following meanings:

1. "Association" means the unit owners of the Mariners' Marina Condominium Association (MMCA).
2. "Association complaint" means a written complaint filed by a unit owner of the association pursuant to the association complaint procedure. An association complaint (a dispute between a unit owner and the association) shall concern a matter which is not pending in any court of law or equity or administrative tribunal, regarding the alleged or perceived action, inaction, or decision by the Board of Managers, managing agent, or association inconsistent with applicable laws and regulation, including but not limited to the association governing documents and rules and regulations of the association.
3. "Association governing documents" means all documents and authorized amendments thereto recorded by a developer or condominium association, including, but not limited to, the declaration, bylaws, articles of organization, operating agreements, plot of survey, and rules and regulations.
4. "Board" means the duly elected board of managers of the association.
5. "Complainant" means a unit owner who makes a written complaint pursuant to this association complaint procedure.
6. "Final determination" means the final decision issued by the association pursuant to this association complaint procedure that shall; (1) be made in writing within 180 days after the association received the unit owner's original complaint, and; (2) be marked clearly and conspicuously as "final".
7. "Record of complaint" means all documents, correspondence, and other material related to a decision made pursuant to this association complaint procedure.
8. "Acceptable technological means" includes, without limitation, electronic transmission over the Internet or other network, whether by direct connection, intranet, telecopier, electronic mail, and any generally available technology that, by rule of the association,

is deemed to provide reasonable security, reliability, identification, and verifiability.

**B. General Provisions:**

1. The association complaint procedure shall be readily available to all unit owners of the association via the association's secure web page.
2. The association complaint procedure shall be distributed to all unit owners using the association's established reasonable, effective, and free method for communicating with the Board.

**C. Procedures:**

1. The association complaint must be in writing.
2. A sample of the form on which to submit an association complaint is available via the association's secure web page and is provided as the last page of this procedure.
3. The completed complaint form shall be hand-delivered, mailed by registered or certified mail, return receipt requested, to the association's post office box, or delivered via email, provided the sender retains sufficient proof of electronic delivery. Delivery shall be made to the President of the association.
4. The association shall provide written acknowledgement of the receipt of the complaint to the complainant within seven (7) days of receipt. Such acknowledgement shall be hand-delivered, mailed by registered or certified mail, return receipt requested, or delivered via email, provided the sender retains sufficient proof of electronic delivery.

**D. Contents of Association Complaint:**

1. The complaint shall provide, with the association complaint, copies of all documents that the complainant believes the Board of Managers should consider in connection with the association complaint. In addition, to the extent the complainant has knowledge of the law, rule, or regulation applicable to the association complaint, the complainant shall provide that reference, as well as the requested action or resolution.
2. If the association identifies additional information necessary for the association to continue processing the association complaint, then, no later than thirty (30) days after the association's receipt of the association complaint, the association shall request such information from the complainant. The request shall be hand-delivered, mailed by registered or certified mail, return receipt requested, or delivered via email, provided the sender retains sufficient proof of electronic delivery.
3. The request for additional information shall bear a reasonable relationship to the association complaint and shall not be used to overburden the complainant or frustrate a complainant's efforts to have an association complaint considered by the Board. If the additional information requested is not received within the time frame stated in the association's request (such date to be reasonably determined based on the nature of the information requested), and the time frame has not been extended by consent of the Board, but in no event shall be beyond thirty (30) days after the request was made or

the extended time has expired, whichever is later, the association complaint will be deemed withdrawn and the process will terminate.

E. Consideration of Association Complaint and Final Determination:

1. The association's Board of Managers shall hold a hearing on the association complaint no less than thirty (30) nor more than sixty (60) days after receiving the association complaint and any addition information it has requested. The Board or complainant, or both, may record the hearing by tape, film or other means.
2. Within a reasonable time prior to the consideration of the association complaint, the complainant shall be notified of the date, time, and location on and at which the hearing will be held. "Reasonable time" shall not be less than fourteen (14) days prior to the hearing date. Notice of the date, time, and location for the hearing shall be hand-delivered, mailed by registered or certified mail, return receipt requested, or delivered via email, provided the sender retains sufficient proof of electronic delivery.
3. A complainant may, but is not required to be, represented by an attorney. If the complainant chooses to be represented by an attorney, then complainant must notify the Board of Managers that they intend to be represented by an attorney no later than seven (7) days prior to the hearing date. Such notice shall be hand-delivered, mailed by registered or certified mail, return receipt requested, or delivered via email, provided the sender retains sufficient proof of electronic delivery.
4. A complainant may bring witnesses or documents to the hearing in support of their association complaint.
5. The final determination of the association shall be contained in a Resolution adopted by the Board at an open meeting in conformance with the association's governing documents. The final determination of the association must be made in writing within 180- days after the association received the complainant's association complaint and marked clearly and conspicuously as "final".
6. Written notice of the Board's final determination shall be hand-delivered, mailed by registered or certified mail, return receipt requested, or delivered via email, provided the sender retains sufficient proof of electronic delivery within seven (7) days of the Board's final determination.
7. The association shall maintain a record of each association complaint that it receives for at least seven (7) years following adoption of the Board's Resolution setting forth the final determination with respect to that association complaint.

CERTIFICATE OF ADOPTION OF PROCEDURE

I do hereby certify that the above stated Complaint Procedure for the Mariners' Marina Condominium Association was approved by the Board of Managers on November 10<sup>th</sup>, 2018, and constitutes a complete copy of the procedure.

Date: November 10, 2018



Steven J. Parrish, President

**Mariners' Marina Condominium Association**  
**Complaint Form**

A. Complainant Information:

- a. Name:
- b. Address:
- c. Phone:
- d. Email address:
- e. Slip(s) owned:

B. Specific complaint (be as concise as possible):

C. Supporting information (e.g. related rules and regulations, by-law sections, dates, pictures, witnesses, documents, etc.). List such information here and use attachments as required.:

D. Desired final determination, action, or resolution sought from the Board of Managers: