

From: Josh Bolen josh.bolen@carpenterhazlewood.com 
Subject: Response to: Please forward to the Board of Directors of McClellan Meadows
Date: July 7, 2023 at 11:15 AM
To: robert@azdesign.com
Cc: Theresa Laubenthal theresa@carpenterhazlewood.com, Josh Bolen josh.bolen@carpenterhazlewood.com

JB

Dear Mr. Scott,

We are the attorneys that represent the interest of the McClellan Meadows Community Association ("Association"). The Association's Board of Directors requested that we respond to you regarding your demand below.

As you are aware, records requests for a Planned Community are governed by A.R.S. 33-1805. Specifically, A.R.S. 33-1805 provides:

33-1805. Association financial and other records

A. Except as provided in subsection B of this section, **all financial and other records of the association** shall be made reasonably available for examination by any member or any person designated by the member in writing as the member's representative. The association shall not charge a member or any person designated by the member in writing for making material available for review. The association shall have ten business days to fulfill a request for examination. On request for purchase of copies of records by any member or any person designated by the member in writing as the member's representative, the association shall have ten business days to provide copies of the requested records. An association may charge a fee for making copies of not more than fifteen cents per page.

The "Board Emails" that you have requested are not "financial or other records of the association". The Arizona Department of Real Estate via the Office of Administrative Hearings as repeatedly ruled that "financial or other records of the association" are only those records "kept per statute or in the ordinary course of business as a nonprofit company". As a result, personal notes, individual letters, memos, and emails by and/or between Directors, Officers, Management, Employees, Vendors for the Association, Members, and Residents, and other writings transient in nature of the individual Directors, Officers, Management, and Employees made by them, shall not be considered Association records, nor will they be kept, stored, or managed as corporate records by the Association.

The emails requested by you are not required to be kept per statute and are not a

part of the ordinary course of business of the Association. Therefore, the emails of the Board requested are not records of the Association.

Thank you for your cooperation. If you have any additional questions or concerns, please feel free to contact me at any time.

Sincerely,

Josh Bolen, Esq.
Co-Managing Partner
Direct: 480-427-2862
josh.bolen@carpenterhazlewood.com

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THIS FIRM IS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. YOU MAY OPT OUT OF RECEIVING FURTHER EMAIL COMMUNICATIONS FROM CARPENTER, HAZLEWOOD, DELGADO AND BOLEN AT THIS EMAIL ADDRESS BY REPLYING WITH AN EMAIL MESSAGE THAT HAS THE WORD 'STOP' IN THE SUBJECT LINE.

If your HOA account is in collection, you can make a payment by credit card or ACH. Click the following link: www.hoacollection.com. Please note that a \$15.00 convenience fee applies to all credit card and ACH payments.

From: Robert Scott <robert@azdesign.com>
Sent: Tuesday, June 20, 2023 11:07 PM
To: Jeanne Tonkinson <jtonkinson@associatedasset.com>
Cc: Vicki Sears <vsears@associatedasset.com>; Laura Ziff Lentin
<laura@associatedasset.com> <laura@associatedasset.com>
Subject: Please forward to the Board of Directors of McClellan Meadows

Dear Board of Directors of McClellan Meadows,

I am writing to respectfully request a reconsideration of the decision to withhold copies of the emails declining to provide contact information on June 16, 2023. While I understand the need to redact any personal information, I believe it is important for me to have these records for my own documentation. Moreover, providing this information and maintaining a high level of transparency aligns with the requirements set forth in Arizona Law, specifically Section 33-1805 regarding association financial and other records.

According to Section 33-1805(A) of Arizona Law, all financial and other records of the association should be made reasonably available for examination by any member or their designated representative in writing. Furthermore, the association is prohibited from charging a fee for making these materials available for review. The law also specifies that upon request for copies of records, the association has ten business days to provide them. A fee of up to

for copies or records, the association has ten business days to provide them. A fee of up to fifteen cents per page may be charged for copying the requested records.

Section 33-1805(B) allows for certain exceptions in disclosing books and records. These exceptions include privileged communication between an attorney and the association, records related to pending litigation, non-public session meeting minutes of the board, personal, health, or financial records of individuals associated with the association, and records concerning the job performance, compensation, health, or specific complaints against employees of the association or contractors working under the association's direction.

Based on my understanding of the law, I do not believe that subsection B restricts my right to access the requested information. In the past, the homeowners association has provided emails, with some redactions made to safeguard personal information, demonstrating a commitment to transparency.

If the board does not reconsider its decision and provide me with the requested records by July 3, 2023, I am prepared to explore all available legal remedies. I firmly believe that my request is in compliance with the applicable laws and regulations governing our association.

Thank you for your attention to this matter, and I look forward to a prompt resolution.

Sincerely,

Robert L Scott

| mobile: 623-628-5708

| email: robert@azdesign.com

| site: <https://www.azdesign.com>



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