

**From:** Tom Gordon tgordon@AssociatedAsset.com  
**Subject:** RE: Request for OAH Case References Regarding Email as Business Records under A.R.S. § 33-1805  
**Date:** November 3, 2025 at 2:44 PM

TG

**To:** robert@azdesign.com

**Cc:** Mouse mycatmouse@gmail.com, Diana Ebertshauser debertshauser@AssociatedAsset.com, Elaine Anghel eanghel@AssociatedAsset.com, Michelle Dennis mdennis@AssociatedAsset.com, Matt Murphy mmurphy@AssociatedAsset.com, Amanda Shaw ashaw@AssociatedAsset.com, Keefe Swinson keefeswinson@yahoo.com, Thomas T.J. Shope TSHOPE@azleg.gov, CLOPEZ@azleg.gov, Teresa Martinez TMARTINEZ@azleg.gov, Joseph Chaplik JCHAPLIK@azleg.gov, Lupe Contreras LCONTRERAS@azleg.gov, Consuelo Hernandez CHERNANDEZ@azleg.gov, Alexander Kolodin AKOLODIN@azleg.gov, RKESHEL@azleg.gov, Shawna Bolick SBOLICK@azleg.gov, Frank Carroll FCARROLL@azleg.gov, Denise ÁúMitzi,À Epstein MEPSTEIN@azleg.gov, Brian Fernandez BFERNANDEZ@azleg.gov, VLEACH@azleg.gov, Analise Ortiz ANALISE.ORTIZ@azleg.gov, Kevin Payne KPAYNE@azleg.gov, mneat@azre.gov, jsandquist@veridus.com, Debbie Rudd debbie@aacm.com, Janice Martinez JMartinez@AssociatedAsset.com

Mr. Scott,

In an Arizona non-profit corporation, a Board President is responsible for ensuring the day-to-day operations of the Association, which would include ensuring the Association's compliance with Arizona law between Board Meetings. The Association tasks Management, under the guidance of the Board President, with handling routine business and legal issues, such as the one before us. This was not a decision that required new policy, legal action, or a change in the Association's legal position. It was merely ensuring compliance with your records request, given the short response deadline under Arizona law. This is equivalent to the Association directing its landscaper to repair a sprinkler or trim a tree blocking a street sign. Please rest assured that any decision that impacts the overall business operations of the Association is directed to the entire Board.

Thank you,



**Tom Gordon, CAAM**  
Vice President of Tempe Operations  
AAM, LLC  
602.674.4399 (direct line)  
602.870.8231 (direct fax)  
602.957.9191 (main line)  
602.647.3034 (after hours emergency line)

[Tgordon@AssociatedAsset.com](mailto:Tgordon@AssociatedAsset.com)  
AssociatedAsset.com

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**From:** robert@azdesign.com <robert@azdesign.com>  
**Sent:** Sunday, November 2, 2025 11:31 AM  
**To:** Tom Gordon <tgordon@associatedasset.com>  
**Cc:** Mouse <mycatmouse@gmail.com>; Diana Ebertshauser <debertshauser@AssociatedAsset.com>; Elaine Anghel <eanghel@AssociatedAsset.com>; Michelle Dennis <mdennis@AssociatedAsset.com>; Matt Murphy <mmurphy@AssociatedAsset.com>; Amanda Shaw <ashaw@AssociatedAsset.com>; Keefe Swinson <keefeswinson@yahoo.com>; Thomas T.J. Shope <TSHOPE@azleg.gov>; CLOPEZ@azleg.gov; Teresa Martinez <TMARTINEZ@azleg.gov>; Joseph Chaplik <JCHAPLIK@azleg.gov>; Lupe Contreras <LCONTRERAS@azleg.gov>; Consuelo Hernandez <CHERNANDEZ@azleg.gov>; Alexander Kolodin <AKOLODIN@azleg.gov>; RKESHEL@azleg.gov; Shawna Bolick <SBOLICK@azleg.gov>; Frank Carroll <FCARROLL@azleg.gov>; Denise ÁúMitzi,À Epstein <MEPSTEIN@azleg.gov>; Brian Fernandez <BFERNANDEZ@azleg.gov>; VLEACH@azleg.gov; Analise Ortiz <ANALISE.ORTIZ@azleg.gov>; Kevin Payne <KPAYNE@azleg.gov>; mneat@azre.gov; jsandquist@veridus.com; Debbie Rudd <debbie@aacm.com>; Janice Martinez <JMartinez@AssociatedAsset.com>

**Subject:** Request for OAH Case References Regarding Email as Business Records under A.R.S. § 33-1805

Dear Mr. Gordon,

I am following up regarding the letter from **Carpenter, Hazlewood, Delgado & Bolen, LLP** in which they claim that the Arizona Department of Real Estate (ADRE), via the Office of Administrative Hearings (OAH), “has repeatedly ruled” that emails are *not* considered “financial or other records of the association” under **A.R.S. § 33-1805**.

To properly evaluate the scope and accuracy of this assertion, I formally request that you provide:

1. The **specific OAH case numbers, decision dates, and titles** of any rulings upon which this claim is based.
2. Copies of, or links to, the full text of each of those rulings so the context and reasoning can be examined.
3. Any OAH or ADRE decisions that take the opposite position—that is, rulings in which electronic communications (including emails between board members, management, vendors, or residents) were held to be “other records of the association” subject to disclosure under A.R.S. § 33-1805.
4. Confirmation of whether the July 2023 letter from Carpenter, Hazlewood was formally authorized by a vote of the Board of Directors or through an executive session, and whether the Association was billed for that correspondence.

Please note: I undertook a thorough review of publicly available OAH and Arizona appellate databases, using Google Scholar and other sources, and **did not locate any published decisions** specifically holding that “emails are categorically not records of the association” in the context of a planned community under A.R.S. § 33-1805. The lack of any citation or detailed reference in the letter you rely upon is therefore concerning and raises the question of whether the representation made was ethically appropriate for counsel acting on the Association’s behalf.

I believe it is in the best interest of the Board, the management company, and all homeowners to provide complete documentation demonstrating that this interpretation is supported by verifiable precedent rather than internal assumption or policy alone.

Thank you for your prompt attention to this matter. I look forward to receiving the requested case citations and related materials.

Sincerely,

**Robert L. Scott**

Authorized Representative for **Wendy Scott**

On Oct 31, 2025, at 2:06 PM, Tom Gordon  
<[tgordon@associatedasset.com](mailto:tgordon@associatedasset.com)> wrote:

Mr. Scott,

Thank you for the response to my email. I would like to provide you with the email we received from your wife showing that she rescinded the designated representative authorization. I would also like to clarify your statement that it was never restored. I did not say it was never restored; I emailed you yesterday saying our records have been updated to reflect your reappointment as the designated representative. We did receive her email dated February 3.

I would also like to request some additional time in providing responses to the 4 emails I received from you yesterday. Please expect a response to your emails next week.

Thank you,

<image003.jpg>**Tom Gordon**, CAAM  
Vice President of Tempe Operations  
AAM, LLC  
602.674.4399 (direct line)  
602.870.8231 (direct fax)  
602.957.9191 (main line)  
602.647.3034 (after hours emergency line)  
[Tgordon@AssociatedAsset.com](mailto:Tgordon@AssociatedAsset.com)  
[AssociatedAsset.com](http://AssociatedAsset.com)

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**From:** [robert@azdesign.com](mailto:robert@azdesign.com) <[robert@azdesign.com](mailto:robert@azdesign.com)>  
**Sent:** Thursday, October 30, 2025 6:29 PM  
**To:** Tom Gordon <[tgordon@associatedasset.com](mailto:tgordon@associatedasset.com)>  
**Cc:** Mouse <[mycatmouse@gmail.com](mailto:mycatmouse@gmail.com)>; Diana Ebertshauser <[debertshauser@AssociatedAsset.com](mailto:debertshauser@AssociatedAsset.com)>; Elaine Anghel <[eanghel@AssociatedAsset.com](mailto:eanghel@AssociatedAsset.com)>; Michelle Dennis <[mdennis@AssociatedAsset.com](mailto:mdennis@AssociatedAsset.com)>; Matt Murphy <[mmurphy@AssociatedAsset.com](mailto:mmurphy@AssociatedAsset.com)>; Amanda Shaw

<[ashaw@AssociatedAsset.com](mailto:ashaw@AssociatedAsset.com)>; Keefe Swinson <[keefeswinson@yahoo.com](mailto:keefeswinson@yahoo.com)>; Thomas T.J. Shope <[TSHOPE@azleg.gov](mailto:TSHOPE@azleg.gov)>; [CLOPEZ@azleg.gov](mailto:CLOPEZ@azleg.gov); Teresa Martinez <[TMARTINEZ@azleg.gov](mailto:TMARTINEZ@azleg.gov)>; Joseph Chaplik <[JCHAPLIK@azleg.gov](mailto:JCHAPLIK@azleg.gov)>; Lupe Contreras <[LCONTRERAS@azleg.gov](mailto:LCONTRERAS@azleg.gov)>; Consuelo Hernandez <[CHERNANDEZ@azleg.gov](mailto:CHERNANDEZ@azleg.gov)>; Alexander Kolodin <[AKOLODIN@azleg.gov](mailto:AKOLODIN@azleg.gov)>; [RKESHEL@azleg.gov](mailto:RKESHEL@azleg.gov); Shawwna Bolick <[SBOLICK@azleg.gov](mailto:SBOLICK@azleg.gov)>; Frank Carroll <[FCARROLL@azleg.gov](mailto:FCARROLL@azleg.gov)>; Denise ,ÁúMitzi,Àù Epstein <[MEPSTEIN@azleg.gov](mailto:MEPSTEIN@azleg.gov)>; Brian Fernandez <[BFERNANDEZ@azleg.gov](mailto:BFERNANDEZ@azleg.gov)>; [VLEACH@azleg.gov](mailto:VLEACH@azleg.gov); Analise Ortiz <[ANALISE.ORTIZ@azleg.gov](mailto:ANALISE.ORTIZ@azleg.gov)>; Kevin Payne <[KPAYNE@azleg.gov](mailto:KPAYNE@azleg.gov)>; [mneat@azre.gov](mailto:mneat@azre.gov); [jsandquist@veridus.com](mailto:jsandquist@veridus.com); Debbie Rudd <[debbie@aacm.com](mailto:debbie@aacm.com)>

**Subject:** Re: Clarification and Follow-Up Regarding July 7, 2023 Legal Correspondence

Dear Mr. Gordon,

Thank you for your response. I must respectfully refute your statement that my authorization to act on behalf of my wife, **Wendy Scott**, was rescinded and never restored.

You referenced an email dated **October 4, 2024**, in which Ms. Scott allegedly wrote, “*Robert is no longer to be listed as my proxy.*” Even if that message was sent, the record clearly shows that this status was **explicitly reinstated** by Ms. Scott in a later communication.

On **February 3, 2025**, Ms. Scott sent an email directly to Community Manager **Diana Ebertshauser**, which stated:

“I am also turning over a proxy to Robert at this time.”

This is an **unambiguous re-authorization** that supersedes any prior statement. The language is clear and in full compliance with **A.R.S. § 33-1805(A)**, which requires only a *written designation* — not notarization or board approval — for a homeowner to appoint a representative.

Therefore, the Association’s refusal to recognize my representative status after February 3, 2025, cannot be justified by reference to the October 2024 email. The later correspondence restored my authorization, and both

2021 email. The later correspondence restored my authorization, and both AAM and the Board had notice of that fact.

Given this, I am requesting clarification on the following points:

1. **Why the February 3, 2025 email was disregarded or not transmitted to the Board**, despite being sent directly to AAM;
2. **Whether the Board was ever informed** of that authorization, and if not, why not; and
3. **What internal recordkeeping procedures** AAM follows to ensure that homeowner authorizations are properly logged, retained, and presented to the Board to avoid such misrepresentations in the future.

Please note that by failing to acknowledge or act on the February 3 authorization, AAM may have created an inaccurate record of representation and impeded my lawful rights as my wife's designated representative under Arizona law.

I ask that the Association's records be corrected immediately to reflect the **valid February 3, 2025 authorization**, and that all future communications and requests be processed accordingly.

Thank you for your attention to this matter. I look forward to a written clarification within **ten (10) business days**.

Sincerely,

**Robert L. Scott**

Authorized Representative for **Wendy Scott**

Lot 90 – McClellan Meadows Community Association

On Oct 30, 2025, at 5:20 PM, Tom Gordon  
<[tgordon@associatedasset.com](mailto:tgordon@associatedasset.com)> wrote:

Mr. Scott,

Please allow me to address your concerns. First, you would like “clarification regarding the circumstances surrounding the prior refusal to recognize my status.” On October 4, 2024, we received an email from Ms. Scott stating, “Robert is no longer to be listed as my proxy.” We understood the email to mean that she rescinded the authorization for you to act as the designated representative.

Regarding the concerns of our July 2023 records request, the Association retained CHDB Law (formerly Carpenter, Hazlewood, Delgado & Bolen) as its General Counsel in 2018. As part of CHDB Law’s retention, the Board of Directors and Management routinely contact CHDB Law to obtain advice on a specific issue that requires legal guidance. Requesting routine guidance or responses from legal counsel does not require a formal vote of the Board. In this case, the Association’s Board President and Management were uncertain as to whether the “Board Emails” that you requested were considered a “financial and other record of the association” under Arizona law. See ARS 33-1805(A). Therefore, the Association sought legal guidance and a response from the Association’s attorney to ensure compliance with Arizona law.

As Mr. Bolen informed you in his attached response email, the Association relied on the past rulings of the Office of Administrative Hearing (“OAH”) via the Arizona Department of Real Estate (“AZDRE”) to make a formal determination about the “Board Emails” you requested. See attached. This was not an arbitrary decision by the Association regarding these emails. In addition, the Association pays for this advice as a business expense, and this is not a charge borne by you or any single member. The cost of this advice and response email from CHDB Law to the Association was \$318.50.

Please understand that the Attorney-client privilege belongs to the Association acting through the Board and protects confidential legal communications and attorney work product. The Association cannot disclose privileged communications or work product. However, the Association and AAM remain committed to continuing to supply you with all non-privileged Association records as required by Arizona law and the governing documents. To address your concerns, I’ve attached a redacted copy of the specific CHDB Law invoice, as requested.

In addition, the Association will continue to supply you and the Membership with all Executive Session notices pursuant to A.R.S. 33-1804. There has not been an Executive Session Meeting held since October 28, 2025.

Finally, please do not treat this as legal advice. Because you are not an “Owner” within the Association, Arizona law does not allow non-Owners to bring an AZDRE complaint against an association. We want to inform you of this statutory requirement so that the

Association and you do not unnecessarily spend any funds here.

Please let us know if there are any other records, questions, or assistance that you may need.

Thank you,

<image002.jpg>**Tom Gordon**, CAAM  
Vice President of Tempe Operations  
AAM, LLC  
602.674.4399 (direct line)  
602.870.8231 (direct fax)  
602.957.9191 (main line)  
602.647.3034 (after hours emergency line)  
[Tgordon@AssociatedAsset.com](mailto:Tgordon@AssociatedAsset.com)  
[AssociatedAsset.com](http://AssociatedAsset.com)

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**From:** [robert@azdesign.com](mailto:robert@azdesign.com) <[robert@azdesign.com](mailto:robert@azdesign.com)>  
**Sent:** Thursday, October 30, 2025 1:40 PM  
**To:** Tom Gordon <[tgordon@associatedasset.com](mailto:tgordon@associatedasset.com)>  
**Cc:** Mouse <[mycatmouse@gmail.com](mailto:mycatmouse@gmail.com)>; Diana Ebertshauser <[debertshauser@AssociatedAsset.com](mailto:debertshauser@AssociatedAsset.com)>; Elaine Anghel <[eanghel@associatedasset.com](mailto:eanghel@associatedasset.com)>; Michelle Dennis <[mdennis@associatedasset.com](mailto:mdennis@associatedasset.com)>; Matt Murphy <[mmurphy@associatedasset.com](mailto:mmurphy@associatedasset.com)>; Amanda Shaw <[ashaw@associatedasset.com](mailto:ashaw@associatedasset.com)>; Ercell Sherman <[esherman@associatedasset.com](mailto:esherman@associatedasset.com)>; Keefe Swinson <[keefeswinson@yahoo.com](mailto:keefeswinson@yahoo.com)>; Thomas T.J. Shope <[TSHOPE@azleg.gov](mailto:TSHOPE@azleg.gov)>; [CLOPEZ@azleg.gov](mailto:CLOPEZ@azleg.gov); Teresa Martinez <[TMARTINEZ@azleg.gov](mailto:TMARTINEZ@azleg.gov)>; Joseph Chaplik <[JCHAPLIK@azleg.gov](mailto:JCHAPLIK@azleg.gov)>; Lupe Contreras <[LCONTRERAS@azleg.gov](mailto:LCONTRERAS@azleg.gov)>; Consuelo Hernandez <[CHERNANDEZ@azleg.gov](mailto:CHERNANDEZ@azleg.gov)>; Alexander Kolodin <[AKOLODIN@azleg.gov](mailto:AKOLODIN@azleg.gov)>; [RKESHEL@azleg.gov](mailto:RKESHEL@azleg.gov); Shawnna Bolick <[SBOLICK@azleg.gov](mailto:SBOLICK@azleg.gov)>; Frank Carroll <[FCARROLL@azleg.gov](mailto:FCARROLL@azleg.gov)>; Denise ,ÁMitzi,Á Epstein <[MEPSTEIN@azleg.gov](mailto:MEPSTEIN@azleg.gov)>; Brian Fernandez <[BFERNANDEZ@azleg.gov](mailto:BFERNANDEZ@azleg.gov)>; [VLEACH@azleg.gov](mailto:VLEACH@azleg.gov); Analise Ortiz <[ANALISE.ORTIZ@azleg.gov](mailto:ANALISE.ORTIZ@azleg.gov)>; Kevin Payne <[KPAYNE@azleg.gov](mailto:KPAYNE@azleg.gov)>; [mneat@azre.gov](mailto:mneat@azre.gov)  
**Subject:** Clarification and Follow-Up Regarding July 7, 2023 Legal Correspondence

Dear Mr. Gordon,

Thank you for confirming that my authorization as my wife's representative has now been properly recorded. However, I would like clarification regarding the circumstances surrounding the prior refusal to recognize my status.

Before I requested information related to the billing of the **July 7, 2023 letter** issued by **Carpenter, Hazlewood, Delgado & Bolen, LLP**, AAM and the Association had been fulfilling my previous record requests without issue. This abrupt reversal raises concern that the change in position may have been retaliatory or connected to my inquiry about the legal billing and authorization for that letter.

As I have stated before, the Board of Directors did not hold any **executive session** or take a recorded vote authorizing legal action or communication from the Association's attorney regarding this matter. Therefore, please confirm:

1. **Who specifically authorized** the law firm to send the July 7, 2023 letter on behalf of the Association; and
2. Whether the firm was engaged directly by AAM without a vote or directive from the Board.

In addition, I am formally **renewing my request** for copies of any **invoices, billing statements, or payments** made to **Carpenter, Hazlewood, Delgado & Bolen, LLP** in connection with that correspondence or any related matter.

Since this legal action appears to have been undertaken **without a formal vote or authorization of the Board**, it is our position that **no attorney–client privilege can attach** to such communications or billing records. Privilege applies only when an attorney is properly retained by a client with lawful authority to do so. If AAM or any individual acted unilaterally in retaining counsel, such communications would not qualify as privileged Association records and should be produced under **A.R.S. § 33-1805**.

This information is necessary to determine whether Association funds were used for unauthorized legal activity and whether AAM acted within the scope of its management authority. Transparency on this issue is essential to maintaining homeowner trust and ensuring compliance with Arizona law and the ethical standards expected of community association

and the ethical standards expected of community association managers.

Additionally, I am requesting **proof that my prior email requesting the removal of the community manager was forwarded to the Board of Directors**. It is my belief that this correspondence constitutes a **business record** of the Association under **A.R.S. § 33-1805**, as it directly relates to communications intended for the Board. In past instances, the Board has denied knowledge of communications that I had requested to be forwarded, creating uncertainty about whether management is properly transmitting member correspondence. Written confirmation that my most recent email was forwarded to the Board will serve as documented proof that the Board is aware of the request and that it is properly recorded in the Association's official records.

I also wish to inform you that I have opened an **inquiry with the Arizona Department of Real Estate (ADRE)** regarding the interpretation of **emails as Association business records**. This inquiry seeks clarification and any **prior rulings or case history** related to the July 7, 2023 letter asserting that emails are not business records. This will ensure the matter is reviewed in accordance with applicable administrative precedents and that future record requests align with the Department's official guidance.

Finally, please provide confirmation of **whether any executive sessions have been held by the Board since October 28, 2025**, and if so, the **dates and statutory purposes** for which those sessions were convened, pursuant to **A.R.S. § 33-1804(A)**.

Going forward, I am also requesting that I be **formally notified of any future executive sessions** held by the Board that **involve or relate to myself or my wife**, particularly those in which **legal counsel may be engaged or discuss matters connected to our communications or requests**. This notification will ensure transparency and allow us to verify that any legal counsel retained or actions taken were properly authorized by the Board of Directors in accordance with statute

and the Association's governing documents.

Please provide the requested information and clarification within **ten (10) business days** of this correspondence.

Sincerely,

**Robert L. Scott**

On Oct 30, 2025, at 12:09 PM, Tom Gordon  
<[tgordon@associatedasset.com](mailto:tgordon@associatedasset.com)> wrote:

Ms. Scott,

Your email regarding the appointment of Mr. Robert Scott was forwarded to me. We erred on requesting a notarized letter for the appointment. Our records are updated your email below that expresses your request for the appointment of the designated representative for your account.

Thank you,

<image003.jpg>**Tom Gordon**, CAAM  
Vice President of Tempe Operations  
AAM, LLC  
602.674.4399 (direct line)  
602.870.8231 (direct fax)  
602.957.9191 (main line)  
602.647.3034 (after hours emergency line)  
[Tgordon@AssociatedAsset.com](mailto:Tgordon@AssociatedAsset.com)  
[AssociatedAsset.com](http://AssociatedAsset.com)

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**From:** Mouse <[mycatmouse@gmail.com](mailto:mycatmouse@gmail.com)>  
**Sent:** Wednesday, October 29, 2025 3:48 PM  
**To:** Diana Ebertshauser  
<[debertshauser@associatedasset.com](mailto:debertshauser@associatedasset.com)>; Robert Scott  
<[Robert@azdesign.com](mailto:Robert@azdesign.com)>  
**Subject:** Re: Hello

Unfortunately I AM NOT a person who likes to repeat themselves AS YOU CAN SEE Per the above conversation ROBERT IS MY PROXY! If you REALLY insist I get a formal letter signed and notarized you can expect a bill for it as any other

time I have given him proxy you accepted the Email  
Or would you prefer I start talking with the local  
police about the lack of security and the constant  
use of Aerial fireworks? ILLEGAL IN AZ btw! I would  
love to get you playing wack a mole just to see how  
many fires you have to put out. If the information he  
is asking for at my request btw is uncomfortable  
your bully walls won't save you if you crossed the  
line. Now I'm going back to the better and more  
valuable properties where I am respected and  
valued. DEAL WITH ROBERT

On Mon, Feb 3, 2025 at 1:58 PM Mouse  
<[mycatmouse@gmail.com](mailto:mycatmouse@gmail.com)> wrote:

Hello Diana

You expect your payments ontime and as a  
member of this community I expect proper  
reflection of payment on the next bill received. I  
learned with the prior manager that AAM is not to  
be trusted so I have a habit of keeping a very long  
paper trail on AAM especially where money is  
concerned.

I am also turning over a proxy to Robert at this  
time. I have more important things to worry about  
than this. I'm sorry this was our first exchange but  
a credit card would not do this to you and you late  
fine worse than a credit card. You as in AAM I  
hope future exchanges will be more positive.

The 660.00 sent to you is to be used for Dues  
only as dues are not negotiable but fines are.

--

Wendy

The Only Thing Necessary for the Triumph of Evil  
is that Good Men Do Nothing

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Wendy

The Only Thing Necessary for the Triumph of Evil is  
that Good Men Do Nothing



PROFESSIONAL



**HOA MANAGEMENT**

*Dedicated to Delivering Total Peace of Mind*

*This message is confidential. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received by mistake, please let us know by email reply and delete it from your system; you may not copy this message or disclose its contents to anyone. The integrity and security of this message cannot be guaranteed on the Internet.*

<Mail Attachment.eml><20251030171424535.pdf>

<Mail Attachment.eml><Mail Attachment.eml><Mail Attachment.eml><Mail Attachment.eml>

