

From: Josh Bolen josh.bolen@chdblaw.com

Subject: RE: Notice of Intent to File Bar Complaint – Unauthorized and Misleading Communication by Carpenter Hazlewood Delgado & Bolen, PLC

JB

Date: November 7, 2025 at 1:55 PM

To: robert@azdesign.com, Tom Gordon tgordon@associatedasset.com

Cc: Elaine Anghel eanghel@associatedasset.com, Michelle Dennis mdennis@associatedasset.com, Matt Murphy mmurphy@associatedasset.com, Amanda Shaw ashaw@associatedasset.com, Ercell Sherman esherman@associatedasset.com, Theresa Laubenthal theresa.laubenthal@chdblaw.com

Dear Mr. Scott,

As the Managing Partner of CHDB Law, I reviewed your recent emails regarding my July 2023 response to you on behalf of the Association. After my review, on behalf of CHDB Law and myself, I must disagree with your positions below. Under Arizona law and the Arizona Rules of Ethics, there are no violations here, and we properly addressed your records request.

CHDB Law has been retained as the Association's General Counsel since 2018 and has acted accordingly under Arizona law. Under the Arizona Rules of Ethics, please understand that I cannot disclose my client's, the corporate entity that is the Association, privileged records or communications. Therefore, we must consider this matter resolved.

That said, if you believe you have a complaint about my conduct, I must let you know that you can file a complaint with the State Bar of Arizona at any time. My firm and I will not compromise our ethical integrity to avoid the threat of a bar complaint. We welcome addressing it with the Bar, if necessary.

I hope that you have a nice weekend.

Sincerely,

Josh Bolen, Esq.

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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 CHDB LAW AT THIS EMAIL ADDRESS BY REPLYING WITH AN EMAIL MESSAGE THAT HAS THE WORD 'STOP' IN THE SUBJECT LINE.

You can text CHDB Law LLP at 480.427.2800 for information regarding our services. By texting CHDB Law LLP at 480.427.2800, you agree to receive SMS text messages from CHDB Law LLP. Reply STOP to opt-out; Reply HELP for support; Message & data rates may apply; Messaging frequency may vary. Visit <https://www.chdblaw.com/privacy-policy/> to see our privacy policy and <https://www.chdblaw.com/privacy-policy/> for our Terms of Service.

From: robert@azdesign.com <robert@azdesign.com>

Sent: Sunday, November 2, 2025 4:20 PM

To: Tom Gordon <tgordon@associatedasset.com>; Josh Bolen <josh.bolen@chdblaw.com>

Cc: Elaine Anghel <eanghel@associatedasset.com>; Michelle Dennis <mdennis@associatedasset.com>; Matt Murphy <mmurphy@associatedasset.com>; Amanda Shaw <ashaw@associatedasset.com>; Ercell Sherman <esherman@associatedasset.com>

Subject: Notice of Intent to File Bar Complaint – Unauthorized and Misleading Communication by Carpenter Hazlewood Delgado & Bolen, PLC

Dear Mr. Gordon and Mr. Bolen,

This message serves as formal **Notice of Intent to File a Bar Complaint** with the **State Bar of Arizona** regarding the conduct of **Carpenter, Hazlewood, Delgado & Bolen, PLC (“CHDB”)** in connection with their email dated [insert date of CHDB email], sent by attorney **Josh Bolen** on behalf of the **McClellan Meadows Community Association (“Association”)**.

1.

Unauthorized Representation

No **executive session** or **board vote** was held to authorize CHDB’s engagement or the issuance of a legal opinion on behalf of the Association.

The communication in question was issued “**on behalf of the Board,**” not AAM or its President acting in an individual capacity.

Under both the **Association’s Bylaws** and **A.R.S. § 33-1804(A)(1)**, any legal action or expenditure on counsel requires prior authorization by the full board during a properly noticed meeting.

Absent that vote, CHDB’s actions constitute **unauthorized representation**, and its fees were incurred in violation of both **A.R.S. § 33-1812** (open meeting law) and the

...were included in violation of section 33-1805(A) (open meeting law), and the Association's governing documents.

2.

False and Misleading Statements of Law

In the cited correspondence, CHDB claimed that “*Board emails are not financial or other records of the Association*” and are “*not required to be kept per statute or in the ordinary course of business.*”

That statement **misrepresents Arizona law**.

Consistent with **A.R.S. § 33-1805(A)**, all “*financial and other records of the association*” must be made reasonably available to members.

Arizona appellate courts—including *McNally v. Sun Lakes HOA #1* (240 Ariz. 534), *Sundance Residential HOA v. Glawe* (1 CA-CV 17-0042), *Huffman v. Magic Ranch Estates HOA* (2 CA-CV 2018-0181), and *Hilton Casitas HOA v. Whitmer* (1 CA-CV 23-0670)—have relied on HOA emails as factual evidence of business activity, notice, and board decision-making.

Moreover, the **Goldman v. Sahl**, 248 Ariz. 512 (App. 2020) decision—where CHDB itself was counsel of record—affirmed that email and letter communications constitute evidence of core business conduct in HOA operations.

Accordingly, CHDB's assertion that such communications are categorically excluded from disclosure under §33-1805 is **contrary to established law** and appears designed to obstruct a lawful records request.

3.

Conflict of Interest and Misrepresentation

By issuing that opinion without board authorization, CHDB appears to have acted primarily to protect **AAM, LLC** (the management company) from accountability rather than the HOA membership.

Such conduct raises potential violations of

Such conduct raises potential violations of:

- **ER 1.2 & 1.13:** Acting outside the scope of client authorization;
- **ER 3.3 & 4.1:** False statement of law or omission of material fact;
- **ER 8.4(c):** Conduct involving dishonesty, deceit, or misrepresentation.

The Board President does not constitute the Board, and unilateral action on counsel engagement exceeds the authority of that office under the governing documents.

4.

Requested Action

To avoid a formal complaint filing, I respectfully request that CHDB and AAM provide within **ten (10) business days**:

1. Written evidence of a board meeting or vote authorizing CHDB's engagement for this matter;
2. Identification of which board member or officer directed CHDB to issue its opinion; and
3. Confirmation that CHDB will retract or clarify its misstatement of law regarding HOA emails as association business records.

If no response is received, I will proceed with filing a **formal bar complaint** and include the relevant correspondence, governing documents, and case citations for the Bar's review.

Thank you for your prompt attention to this matter.

I look forward to your clarification before this is referred to the State Bar of Arizona.

Sincerely,

Robert L. Scott

480-972-0500

robert@azdesign.com

